

BILLS SUPPLEMENT

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Bill No. 22

*Uganda Peoples' Defence
Forces Bill*

2003

**THE UGANDA PEOPLES' DEFENCE FORCES BILL,
2003.**

MEMORANDUM.

The object of this Bill is to make provision for the regulation of the Uganda Peoples' Defence Forces pursuant to article 210 of the Constitution, and in particular, to make provision for the following—

- (a) the organs and structures of the Uganda Peoples' Defence Forces;
- (b) recruitment, appointment, promotion, discipline and removal of members of the Uganda Peoples' Defence Forces and ensuring that members of the Uganda Peoples' Defence Forces are recruited from every district of Uganda;
- (c) terms and conditions of service of members of the Uganda Peoples' Defence Forces; and
- (d) the deployment of troops outside Uganda.

The Bill also seeks to repeal the Uganda Peoples' Defence Forces Act (Cap 307) formerly National Resistance Army Statute, 1992 (Statute No 3 of 1992) and the Armed Forces Pensions Act (Cap 295) formerly the Armed Forces Pensions Act (Cap 298) and to make transitional provisions.

AMAMA MBABAZI,
Minister of Defence.

THE UGANDA PEOPLES' DEFENCE FORCES BILL, 2003.

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A BILL for An Act

ENTITLED

**THE UGANDA PEOPLES' DEFENCE FORCES ACT,
2003.**

An Act to provide for the regulation of the Uganda Peoples' Defence Forces in accordance with article 210 of the Constitution, to repeal and replace the Armed Forces Pensions Act and the Uganda Peoples' Defence Forces Act, and for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Uganda Peoples' Defence Forces Act, 2003. Short title.

2. In this Act, unless the context otherwise requires— Inter-pretation.

“active service” means service—

(a) in operation against an enemy or in a foreign country, in operations for the protection of life or property, or relating to the military occupation of a foreign country;

(b) in operations for the preservation of order;

- (c) for purposes of relief in case of emergency;
- (d) in aid to the civil power; and
- (e) for any other purpose that appears to the Defence Forces Council to be expedient;

“advocate” means an advocate admitted and enrolled under the Advocates Act;

Cap. 267.

“aircraft” includes any machine for flying whether propelled by mechanical means or not, and any description of balloons;

“aircraft material” includes—

- (a) parts or components of, or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armament, ammunition and bombs and other missiles of any description in or for use in aircraft;
- (c) any other gear, apparatus or instruments in or for use in aircraft;
- (d) any apparatus used in connection with the taking off, landing, or detecting the movements of, aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft material;

“appellate court” means the Court Martial Appeal Court or, as the case may be, the General Court Martial;

“auxiliary forces” means Homeguards, Local Defence Forces and Vigilantes;

- “Board” means, in the case of officers, the Commissions Board established by section 19, and in the case of militants, the Unit Promotions Board established by section 20;
- “civil custody” includes the holding under arrest or under confinement of a person by the Police or other competent civil authority and confinement in a civil prison;
- “civil court” means a court of ordinary criminal jurisdiction in Uganda;
- “civil power” means the Government and includes local government;
- “commanding officer” in respect of a person means the commanding officer or officer commanding of that person or such other officer as is, by this Act or regulations made under this Act, empowered to act as the commanding officer or officer commanding of that person;
- “co-operating forces” means the Defence Forces of any country other than Uganda, declared to be co-operating forces under section 44;
- “court martial” means a Field Court Martial, Unit Court Martial, the General Court Martial or Court Martial Appeal Court;
- “currency point” has the value assigned to it in the First Schedule;
- “defence establishment” means any establishment designated by the Defence Forces Council or any person authorised for that purpose by the Defence Forces Council to be a defence establishment, and includes any property in the defence establishment;

“Defence Forces” means the Uganda Peoples’ Defence Forces;

“Defence Forces Council” means the Uganda Peoples’ Defence Forces Council provided for in section 13;

“deploying authority” means the Chairperson of the High Command or any officer designated as deploying authority; and without prejudice to the foregoing, means, in respect of section 195, the Division Commander;

“emergency” includes war emergency and public emergency;

“enemy” means all persons engaged in operations against the Defence Forces; and includes armed mutineers, rebels, armed rioters and pirates;

“enrol” means to cause any person to become a member of the Defence Forces, and includes re-engagement;

“formation” means a brigade, division or higher organisational structure of units of the Defence Forces;

“lawful order” includes any order or instruction given by a competent authority to a member of the Defence Forces;

Cap. 93.

“liquor” has the meaning assigned to it in the Liquor Act;

“material” means all movable public property, other than money, provided for the Defence Forces or for any other purpose under this Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;

“military court” means a summary trial authority or a court martial;

“military law” in the expression “subject to military law” means Parts V to XIV of this Act;

“militant” means any person other than an officer who is enrolled in or who is attached or seconded otherwise than as an officer to the Defence Forces;

“Minister” means the Minister responsible for defence;

“Ministry” means the Ministry responsible for defence;

“officer” means—

(a) a person commissioned by the President to the Defence Forces; and

(b) any person who is attached or seconded as an officer to the Defence Forces;

“original member of High Command” means a member of the former National Resistance Army who was a member of the High Command on the 26th January, 1986;

“pensions authority” has the meaning assigned to it in the Pensions Act;

Cap. 286.

“pensionable emoluments” means salary;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“possession” by any person means—

(a) having in his or her own personal possession;

(b) knowingly having in the actual possession or custody of any other person; or

(c) knowingly having in any place, whether belonging to or occupied by himself or herself or not, for the use or benefit of himself or herself or any other person;

“prescribed force” means a force prescribed by the Defence Forces Council under paragraph (c) of subsection (1) of section 4;

“public officer” and “Public Service” have the same meaning as in the Constitution;

“release” means, except for the purposes of section 87, the termination of the service of an officer or a militant in any manner;

“reckonable service” means continuous full pay service in the Uganda Peoples' Defence Forces; and includes, any prior full pay service in any other Defence Forces of Uganda by whatever name called or in any other forces recognised by the Defence Forces Council in respect of which a pension is not in issue or for which a gratuity has not been granted, subject to such exclusions as may be prescribed;

“reservist” means a member of the Reserve Forces;

“senior army officer” means an officer of the then National Resistance Army who held the substantive rank of senior officer on 26th January, 1986;

“service” means service in the Defence Forces;

“Service” means a component part of the Defence Forces specified in subsection (1) of section 3;

“Service Chief of Staff” means a Service Chief of Staff specified in paragraph (f) or (g) of subsection (2) of section 7;

“Service Commander” means a Service Commander specified in paragraph (c), (d) or (h) of subsection (2) of section 7;

“service custody” means the holding under arrest or in confinement of a person by the Defence Forces, and includes confinement in a service prison or detention barracks;

“service detainee” means a person who is under a sentence that includes a punishment of detention imposed upon him or her under this Act;

“service offence” means an offence under this Act or any other Act for the time being in force, committed by a person while subject to military law;

“service prisoner” means a person who is under a sentence that includes a punishment of imprisonment imposed upon him or her under this Act;

“stoppages” means the recovery, by deductions from the pay of an offender, of a specified sum of money by way of compensation for any expense, loss or damage occasioned by the offence;

“summary trial” means an informal trial of a minor offence conducted by a summary trial authority under section 200 by which the accused has duly opted to be tried;

“summary trial authority” means a commanding officer or an officer commanding in exercise of his or her powers of summary trial under section 189 or a superior authority;

“superior authority” means, except for the purpose of section 248, the Chief of Defence Forces, Service Commanders, the Chief of Staff, or Service Chiefs of Staff in exercise of the powers of summary trial under section 190;

“superior officer” means any officer or militant who, in relation to any other officer or militant is, by this Act or by regulations made under this Act or by custom of the Defence Forces, authorised to give a lawful order to that other officer or militant;

“unit” means a unit of battalion strength or any other unit as declared by the Defence Forces Council;

“war materials” includes arms, ammunition, parts of arms, explosives and other materials ordinarily reserved for the Defence Forces and shall include such other materials that are so declared by the Defence Forces Council.

PART II—COMPOSITION, ORGANS AND STRUCTURES OF THE DEFENCE FORCES.

Composition.

Composition
of the
Defence
Forces.

3. (1) The Uganda Peoples' Defence Forces established by clause (1) of article 208 of the Constitution, shall consist of the following Services—

(a) the Land Forces;

(b) the Air Forces; and

(c) any other Service prescribed by the Defence Forces Council.

(2) The strength of the Defence Forces shall be determined by the President in consultation with the Defence Forces Council.

4. (1) Each of the Services of the Defence Forces shall consist of—

Establishment and Composition of Services.

(a) a Regular Force;

(b) Reserve Forces; and

(c) such other force as may be prescribed by the Defence Forces Council.

(2) Each Regular Force, Reserve Force or any prescribed force under paragraph (c) of subsection (1), shall consist of such units and shall be under the immediate supervision and control of such officers as may be prescribed by the Defence Forces Council.

5. Each Regular Force shall consist of—

Composition of Regular Forces.

(a) officers commissioned by the President;

(b) militants enrolled in accordance with regulations under this Act for the purpose of rendering continuous service during the period of their engagement; and

(c) such other officers and militants as are attached to the Regular Force under arrangements made by the Government.

6. (1) The sources of the Reserve Forces shall include—

Sources and organisation of Reserve Forces.

(a) personnel seconded from the Regular Forces;

- (b) retired officers and discharged militants;
- (c) auxiliary forces and such other citizens of Uganda as have undergone military training under arrangements made by Government;
- (d) Intelligence Organisations;
- (e) Police;
- (f) Prisons;
- (g) private security companies; and
- (h) any other security organisations.

(2) Membership of the Reserve Forces shall be restricted on the basis of the following criteria—

- (a) manpower requirement determined by threat analysis and other security considerations;
- (b) age;
- (c) health, especially physical as well as mental fitness; and
- (d) any other factors as may from time to time be determined by the High Command and the Defence Forces Council.

(3) Notwithstanding sub-section (2), whenever the need arises, any retired officer or discharged militant or any member of the auxiliary forces who has not been absorbed into the Reserve Forces may be called upon for service in the Reserve Forces.

(4) Notwithstanding sub-section (2) of section 4,—

- (a) the command structure of the Reserve Forces under the Deputy Chief of Defence Forces in charge of Reserves referred to in paragraphs (e) and (g) of sub-section (2) of section 7 shall, as necessary, be as follows—

- (i) Regional Reserve Forces Commanders;
- (ii) District Reserve Forces Commanders;
- (iii) County Reserve Forces Commanders;
- (iv) Sub-county Reserve Forces Commanders;
- and
- (v) Parish Reserve Forces Commanders.

(b) departments at the Reserve Forces Headquarters, headed by Directors, shall be the following—

- (i) Personnel and Administration;
- (ii) Training and Operations;
- (iii) Logistics;
- (iv) Political Education;
- (v) Intelligence and Security;
- (vi) Production; and
- (vii) Legal Services.

(5) Regulations made under this Act shall clearly define the command authority and command relationship within the Reserve Forces and between the Reserve Forces and the Regular Forces.

Command, Appointments, etc.

7. (1) As provided in clause (1) of article 98 of the Constitution, the President shall be the Commander-in-Chief of the Defence Forces.

Commander
-in-Chief of
the Defence
Forces, etc.

(2) The Commander-in-Chief may appoint—

- (a) an officer of the Defence Forces to be known as the Chief of Defence Forces to be head of the Defence Forces, who shall be responsible for the command, control and administration of the Defence Forces;

- ~~(b)~~ an officer of the Defence Forces to be known as the Deputy Chief of Defence Forces in charge of the Reserve Forces who shall be responsible for the command, control and administration of the Reserve Forces;
- (c) an officer of the Defence Forces to be known as the Commander Land Forces who shall be responsible for the command, control and administration of the Land Forces;
- (d) an officer of the Defence Forces to be known as the Commander Air Forces who shall be responsible for the command, control and administration of the Air Forces;
- (e) an officer of the Defence Forces to be known as the Chief of Staff who shall be responsible for the control and administration of the Defence Forces;
- (f) an officer of the Defence Forces to be known as Land Forces Chief of Staff who shall be responsible for the control and administration of the Land Forces;
- (g) an officer of the Defence Forces to be known as Air Forces Chief of Staff, who shall be responsible for the control and administration of the Air Forces;
- (h) such other officer of the Defence Forces under such title as the Commander-in-Chief may deem fit to be the Commander of any Service of the Defence Forces prescribed under paragraph (c) of subsection (1) of section 3, who shall be responsible for the command, control and administration of that Service and shall be responsible to the Chief of Defence Forces;

- (i) officers of the Defence Forces to command units and formations of the Services, who shall be responsible for the command, control and administration of the units;
- (j) officers of the Defence Forces to head departments of the Services, who shall be responsible to the relevant Service Chief of Staff for the management of the departments; and
- (k) such advisors and assistants or any other officer in the office of the Commander-in-Chief of the Defence Forces as he or she deems necessary to assist him or her in the exercise of the duties of that office.

8. The authority and powers of command of the officers and militants of the Defence Forces shall be as prescribed in regulations under this Act.

Powers of
Command.

9. (1) Where—

- (a) under section 44, the President declares that any force is a force acting in co-operation with the Defence Forces or any part of it; or
- (b) under section 45, any member of a force to which that section applies is attached or seconded to the Defence Forces,

Powers of
command of
officers of
co-operating
and other
forces.

a member of such co-operating force or, as the case may be, the person so attached or seconded, shall be treated, and shall have the like powers of command and, in the case provided for in paragraph (b) of this subsection, of discipline over members of the Defence Forces as if he or she were a member of the Defence Forces of equivalent rank.

(2) Regulations may provide that a member of the military, naval or marine or air forces of any other country who is acting in association with the Defence Forces shall be accorded courtesy precedence consonant with his or her rank and, in any case where it is considered necessary or expedient for furthering such association, such authority and powers of command as may be specified in the regulations.

Appoint-
ments.

10. (1) Command appointments of formations, units and other elements of the Defence Forces which, by the establishment of the Defence Forces, are commanded or headed by officers of the established rank for the appointment of Battalion Commander or above shall be made by the Commander-in-Chief in consultation with the Chief of Defence Forces.

(2) Command appointments of units and other elements of the Defence Forces which, by the establishment of the Defence Forces, are commanded or headed by officers below the established rank for the appointment of Battalion Commander shall be made by the Chief of Defence Forces.

(3) The appointment of militants to hold appointments in the Defence Forces shall be by the Unit commander or head of department, as the case may be, in consultation with the Chief of Personnel and Administration of the Defence Forces.

(4) The considerations set out in subsection (1) of section 53 shall, as far as possible, apply when considering an officer or a militant for an appointment.

Location of
units and
formations.

11. (1) The permanent locations of units and formations of the Defence Forces within Uganda shall be determined by the Commander-in-Chief in consultation with the High Command.

(2) The Chief of Defence Forces may, when he or she considers it necessary so to do by reason of training requirements or operational necessity, exercise the powers conferred upon the Commander-in-Chief by subsection (1) and shall notify the Minister of any action taken in that regard; except that the Chief of Defence Forces shall not authorise the permanent re-allocation of any unit or detachment.

12. (1) The various ranks for officers and militants of the Defence Forces and seniority within those ranks shall be in accordance with regulations made under this Act.

Authorised
ranks,
trades.

(2) The Defence Forces Council may determine the maximum numbers of persons in each rank and trade group in the Defence Forces.

Organs And Structures Of The Defence Forces.

13. (1) There shall be established for the purposes of this Act a Uganda Peoples Defence Forces Council consisting of—

The
Defence
Forces
Council.

- (a) members of the High Command;
- (b) persons who were senior army officers on the 26th day of January, 1986;
- (c) all Directors of Services established under this Act; and
- (d) Commanding Officers of Brigades and Battalions and officers commanding equivalent units of the Defence Forces.

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(2) The Chairperson of the Uganda Peoples' Defence Forces Council shall be the President, and in the absence of the President, the Minister and in the absence of the Minister, such other person as the President may appoint.

Why not the Vice President

(3) The Defence Forces Council shall—

- (a) advise the President on all matters connected with the control and administration of the Defence Forces; and
- (b) be responsible for giving professional advice on military defence policy generally.

High
Command.

*** 14.** (1) There is established under this Act the High Command of the Defence Forces consisting of—

- (a) the President, who shall be the Chairperson;
- ~~✓~~ (b) the Minister;
- ~~✓~~ (c) members of the High Command on 26th January, 1986;
- (d) the Chief of Defence Forces;
- (e) the Deputy Chief of Defence Forces in charge of the Reserve Forces;
- (f) all Service Commanders;
- (g) the Chief of Staff;
- (h) all Service Chiefs of Staff;
- (i) all Chiefs of the Services of the Defence Forces;
- (j) all commanders of any formations higher than a Division that the President may, in consultation with the High Command establish;
- (k) all Division Commanders, officers commanding equivalent units of the Defence Forces and the Commandant of the General Headquarters; and
- (l) such commanders of the military wing of the liberation organisations specified in subsection (3) of clause 80 and such other

commanders and experts as are from time to time co-opted by the President to advise the High Command.

(2) The High Command shall—

- (a) advise the President in emergency situations and on matters relating to national security or deployment of the Defence Forces;
- (b) advise the President when Uganda is at war;
- (c) perform such duties as may be conferred upon it by law; and
- (d) perform such other functions as the President may direct.

15. Meetings of the Defence Forces Council and the High Command shall be regular in each year, but shall not be less than three in every calendar year.

Meetings of the Defence Forces Council and the High Command.

16. A senior army officer or an original member of the High Command, shall not be entitled to sit or take part in the proceedings of the Defence Forces Council or the High Command if—

Attendance of meetings.

- (a) he or she has been convicted of any offence; or
- (b) there is a criminal case pending against him or her in a court of law ,

other than a traffic offence.

17. (1) There is established under this Act the Command and Staff Meeting of the Defence Forces.

Command and Staff Meeting.

(2) The Command and Staff Meeting shall consist of—

- (a) the Chief of Defence Forces who shall be the Chairperson;
- (b) the Deputy Chief of Defence Forces in charge of the Reserve Forces;
- (c) all Service Commanders;
- (d) the Chief of Staff;
- (e) all Service Chiefs of Staff;
- (f) all Chiefs of Departments of the Services of the Defence Forces;
- (g) all commanders of any formations higher than a Division that the President may, in consultation with the High Command, establish;
- (h) all Division Commanders and the Commandant of the General Headquarters of the Defence Forces;
- (i) Commanding Officers of independent units;
- (j) all Brigade Commanders; and
- (k) all Directors in departments of the Services.

(3) The Chief of Defence Forces may co-opt persons in possession of technical or professional knowledge to advise the Meeting whenever necessary.

(4) The Command and Staff Meeting shall—

- (a) formulate policy for consideration and approval by the High Command and the Defence Forces Council; and
- (b) perform such other functions as the Chief of Defence Forces may direct.

(5) Meetings of the Command and Staff Meeting shall be regular in each year, but shall not be less than four in each calendar year.

18. (1) There shall be an Implementation Committee of the Defence Forces responsible for supervising and ensuring implementation of the decisions of the Staff and Command Meeting, the High Command and the Defence Forces Council.

Implement-
ation
Committee.

(2) The Implementation Committee shall consist of—

- (a) the Chief of Staff who shall be the Chairperson;
- (b) all Service Chiefs of Staff;
- (c) all Chiefs of Departments of the Services of the Defence Forces;
- (d) all commanders of any formations higher than a Division that the President may, in consultation with the High Command, establish;
- (e) all Division Commanders and the Commandant of the General Headquarters of the Defence Forces;
- (f) all Directors in Departments of the Services; and
- (g) Commanding Officers of independent units.

(3) The Implementation Committee shall meet at least once in each month.

19. (1) There is established a board to be known as the Commissions Board which shall consist of—

Commiss-
ions Board.

- (a) the Chief of Defence Forces who shall be the Chairperson;

- (b) all Service Commanders;
- (c) the Chief of Staff;
- (d) the Chief of Operations and Training of each Service;
- (e) the Chief of Personnel and Administration of each Service one of whom shall be the Secretary;
- (f) the Chief of Military Intelligence and Security of each Service;
- (g) the Chief Political Commissar of each Service;
- (h) the Chief of Legal Services of each Service;
- (i) the Commandant of the General Headquarters of the Defence Forces; and
- (j) the Chief of Career Planning of each Service.

(2) The Chairperson of the Commissions Board may from time to time co-opt commanders and technical persons or experts to advise the Board.

(3) The functions of the Commissions Board shall be—

- (a) to give advice to the President in respect of appointment of persons to commissions in the Defence Forces;
- (b) to select officers to undergo courses;
- (c) to recommend officers to undertake promotions examinations after successful completion of the requisite courses and after such periods thereafter as shall be prescribed;

- (d) to give advice to the President on the promotion of officers to different ranks in the Defence Forces;
- (e) to receive officers' grievances relating to promotions and to find solutions to those grievances; and
- (f) to monitor the retirement of officers due for retirement and to determine any termination of service.

(4) In the absence of the Chief of Defence Forces, the Chief of Staff shall preside at a meeting of the Commissions Board.

20. (1) There is established a Unit Promotions Board for each Unit of the Defence Forces which shall consist of—

Unit
Promotions
Board.

- (a) the Commanding Officer who shall be the Chairperson;
- (b) the Officer in Charge of Operations and Training;
- (c) the Adjutant, who shall be the Secretary;
- (d) the Intelligence Officer;
- (e) the Political Commissar;
- (f) all officers in charge of companies; and
- (g) the Regimental Sergeant Major.

(2) The Unit Promotions Board in the case of medical personnel shall be constituted, as follows—

- (a) the Commanding Officer who shall be the Chairperson;

- (b) the Second in Command of the Unit;
 - (c) the Adjutant, who shall be the Secretary;
 - (d) the Intelligence Officer;
 - (e) the Political Commissar;
 - (f) all Heads of Department; and
 - (g) the Regimental Sergeant Major.
- (3) The functions of the Unit Promotions Board shall be—
- (a) to select militants to undergo courses;
 - (b) to recommend militants to undertake promotions examinations after successful completion of the requisite courses and after such periods thereafter as shall be prescribed;
 - (c) to give advice to Chief of Defence Forces on the promotion of militants up to the rank of Warrant Officer;
 - (d) to receive militants' grievances relating to promotions and find solutions to those grievances; and
 - (e) to monitor the discharge of militants due for discharge and to determine any termination of service.
- (4) In the absence of the Commanding Officer, the Officer in charge of Operations and Training or in the case of medical, the second-in-command of the Unit shall preside at a meeting of a Unit Promotions Board.

Meetings of
the Board.

21. (1) The Board shall meet for the discharge of its functions as often as business requires and in any case at least once in every three months at a time and place that the Chairperson may appoint.

(2) The quorum at a meeting of the Commissions Board shall be five members.

(3) Questions proposed at a meeting of the Board shall be determined by consensus.

Policy and
Administration
on
Committees.

22. (1) There shall be a Unit Policy and Administration Committee for each Unit of the Defence Forces which shall consist of—

(a) the Commanding Officer of the Unit who shall be the Chairperson;

(b) all heads of department;

(c) all officers of the Unit; and

(d) the Regimental Sergeant Major.

(2) The Unit Policy and Administration Committee shall be responsible for—

(a) implementation of policies of the Defence Forces in the Unit; and

(b) formulation and supervision of administrative policies of the Unit.

(3) The Unit Policy and Administration Committee shall sit at least once in every three months.

Pensions
authority
and the
Ministry
responsible
for defence.

23. (1) The pensions authority shall be responsible for the assessment, grant and payment of pensions and gratuities under sections 69 to 80 and other similar matters prescribed by or under this Act.

(2) The Ministry responsible for defence shall facilitate the assessment, grant and payment of pensions and gratuities under this Act by the pensions authority.

Committees. **24.** The President may, in consultation with the Defence Forces Council, create and appoint committees for the proper administration of the Defence Forces.

Board of Inquiry. **25.** (1) The President or any person authorised for the purpose by the President, or any prescribed person may, where the President or such person thinks it expedient that information on any matter connected with the government, discipline, administration, material or functions of the Defence Forces or affecting any officer or militant is necessary, appoint a Board of Inquiry for investigating and reporting on that matter.

(2) The Board of Inquiry shall be constituted and its procedure shall be in accordance with regulations under this Act.

Defence Forces Fund. **26.** (1) There is established a fund to be known as the Defence Forces Fund.

(2) All fines imposed for any offence under this Act, gifts, donations, proceeds of sale of farm produce and funds generated by any other projects managed by or on behalf of the Defence Forces shall be paid into the Defence Forces Fund.

(3) The funds paid into the Defence Forces Fund shall be utilised in accordance with regulations made under this Act.

PART III—EMPLOYMENT OF THE DEFENCE FORCES.

*Continuing Full Time Military Service, Active Service,
Attachment, Secondment. Etc.*

Service of members of Regular Forces. **27.** Every member of a Regular Force shall be on continuing full time members military service and shall at all times be liable to be employed on active Service.

28. During peacetime, the functions of the Reserve Forces shall be the following—

Reserve
Forces in
peacetime.

- (a) production;
- (b) training;
- (c) mobilisation and sensitisation of the civilian population;
- (d) supporting the maintenance of security in Uganda;
- (e) supporting the civil authorities in the case of disasters; and
- (f) reinforcing civil authorities with professional skills as the need arises.

29. (1) The Commander-in-Chief may order the whole or any part of of any Reserve Force or any prescribed force to be on continuing full time military service for such period as he or she may determine.

Mobilisation
of Reserve
Forces and
prescribed
forces.

(2) Upon an order being made under subsection (1), the Reserve Force or prescribed force, to which the order relates, shall be liable to be employed on active service.

(3) When mobilised for continuing full time military service, the functions of the officers and militants of the Reserve Forces mobilised shall be—

- (a) in the case of war, during the pre-hostilities phase—
 - (i) to gather intelligence and disorganise the enemy's war preparations;

(ii) to mobilise logistics such as commandeering transport in support of the war effort;

(b) during the combat phase,

(i) to operate covertly behind enemy lines;

(ii) to reinforce, when necessary, the Regular Forces in combat;

(iii) to assist in the evacuation of casualties;

(iv) to participate in the logistic support chain;

(v) to mobilise and sensitise the population in the theatre of operations against the enemy and in support of the war effort;

(vi) to carry out any other duties in the rear assigned by command in support of the war effort.

(c) after hostilities, to participate in operations to pacify the country.

(4) Where the Reserve Forces or any prescribed forces have been mobilised under an order made under subsection (1), the officers and militants of the Reserve Forces or any prescribed force or part of it to which the order applies shall, during the continuance of the order, be deemed for all purposes, except for such purposes as may be prescribed in the order, be part of the corresponding Regular Forces.

(5) During peacetime, the respective civil authorities in whose employment they are, shall remunerate members of the Reserve Forces and, at the same time, the Reserve Forces command shall identify and organise income-generating projects for the benefit of reservists as well as to support the national economy.

30. Whenever the Reserve Forces or any prescribed forces are required, the following two methods of mobilisation may be used—

Mode of
mobilisation.

- (a) the silent method whereby only those reservists or members of a prescribed force required will be notified and mobilised;
- (b) the loud method by which the whole of a Reserve Force or a prescribed force is mobilised through the use of radio and other electronic media to respond quickly to surprise attack or similar emergency.

31. (1) Every reservist or member of a prescribed force shall be liable to be called out for training at such place and for such periods not exceeding thirty days in any one year as may be specified in regulations made under this Act.

Annual
training.

(2) Every reservist or member of a prescribed force may, during any training for which he or she may be called, be attached to and trained with any unit of the Regular Forces.

32. (1) Any reservist or member of a prescribed force who, without leave, lawfully granted or other reasonable excuse, fails to appear at the time and place appointed for annual training, or when called out in aid of the civil power under sections 40 and 42 or on continuing full time military service—

Punishment
for non-
attendance.

- (a) if called out on continuing full time military service, commits an offence of desertion under section 144 or of absenting himself or herself without leave under section 146 ; or
- (b) if called out in aid of the civil power or for annual training, commits an offence of absenting himself or herself without leave under section 146.

(2) Any reservist or member of a prescribed force who commits any offence under this section is liable to be tried by military court and to be punished in accordance with the punishment provided for the offence under this Act.

(3) Section 183 shall apply to reservists and members of a prescribed force who commit an offence against this section as it applies to persons otherwise subject to this Act.

Discharge
on
completion
of
engagement.

33. (1) Every reservist who has completed his or her period or periods of reserve service or engagement according to this Act or regulations made under this Act, shall be discharged from the Reserve Forces, unless at the expiration of any period he or she is undergoing punishment for, or stands charged as a person subject to this Act with the commission of, any offence under this Act.

(2) Where reservist is undergoing such punishment or is charged with any such offence, his or her service shall be prolonged, and his or her discharge deferred until the punishment is terminated or until he or she has undergone his or her trial and any punishment imposed in respect of the offence with which he or she is charged.

Discharge
during
service.

34. A reservist may be discharged by the competent military authority at any time during the currency of any term of reserve service or engagement—

(a) when pronounced by a medical officer to be mentally or physically unfit for further service;
or

(b) if for any reason his or her services are no longer required.

Restrictions
during full
time
service.

35. (1) Subject to subsection (2), no officer or militant on continuing full time military service shall engage in any civil employment or undertaking which—

- (a) is or is likely to be detrimental to the interests of the Defence Forces;
- (b) reflects or is likely to reflect discredit upon the Defence Forces; or
- (c) in the case of officers and militants of a Regular Force, is continuous.

(2) Subsection (1) does not apply to an officer or a militant who is—

- (a) on leave immediately preceding release; or
- (b) on leave without pay;

except that, any such officer or militant shall not engage in a civil employment or undertaking that reflects or is likely to reflect discredit upon the Defence Forces.

(3) Without prejudice to the general effect of subsection (1), the Minister may, by regulations made under this Act, specify the types of business that officers and militants shall not engage in.

36. (1) An officer or a militant may be attached or seconded to—

Attachment
and
secondment.

- (a) any unit of any military, naval or marine or air force established in East Africa; or
- (b) any unit of any military, naval or marine or air force of a country which the President, by notice in the *Gazette*, declares to be a country to which this subsection applies.

(2) Officers and militants of the Defence Forces may be attached or seconded to any department or agency of the Government, any public or private institution, private industry or any other body.

(3) An officer or a militant may be loaned under an agreement between the Minister and the appropriate authority of another country or government, an agency or a civilian body.

(4) No officer or militant of the Reserve Forces or of any prescribed force who is not mobilised shall, without his or her consent, be attached, seconded or loaned under this section.

(5) Regulations may make provision for the manner in which and the conditions on which an officer or a militant may be attached, seconded or loaned under this section.

(6) An officer or a militant attached, seconded or loaned under this section shall, for all purposes, continue to be a member of the Defence Forces.

Deployment Of Troops Outside Uganda.

Deployment
of troops
outside.

37. (1) The President may deploy troops outside Uganda for the purposes of peace keeping or peace enforcement or both.

(2) Where the President deploys troops under subsection (1), he or she shall notify Parliament immediately, but in any case not later than fourteen days after the deployment.

(3) Where the President deploys troops under this section when Parliament is on recess, the Speaker shall immediately summon Parliament to an emergency session to sit within twenty one days after the deployment, for purposes of ratifying that deployment.

Agreement
relating to
deployment
of troops
outside
Uganda.

38. Where troops are to be deployed outside Uganda under a multilateral or bilateral arrangement with other countries, the Minister shall enter into an agreement, in this section referred to as a Status of Forces Agreement with the host country or organisation.

39. (1) The deployed troops shall not be subject to the law of the host country or the jurisdiction of any court or tribunal deriving power under that law.

Law
applicable.

(2) Deployed soldiers who commit any offence may be repatriated for trial in Uganda.

(3) Where the circumstances surrounding the commission of an offence by a person deployed outside Uganda require that the person be tried and punished at the scene of the crime, that person may, with the approval of the appropriate authority, be so tried and punished under the laws of Uganda.

Aid to the Civil Power.

40. The Defence Forces, any part of the Defence Forces, and any officer or militant, are liable to be called out for service in aid of the civil power in any case in which a riot or disturbance of the peace occurs or is, in the opinion of the appropriate civil authority likely to occur, if in the opinion of the appropriate civil authority the riot or disturbance of the peace is likely to be beyond the powers of the civil authorities to suppress or prevent.

Aid to the
civil power.

41. Officers and militants called out for service in aid of the civil power under section 40 shall, without further authority or appointment, and without taking any oath of office, have and may exercise, in addition to their powers and duties as officers and militants, all the powers and duties of a police officer, but they shall act only as a military force, and are individually liable to obey the orders of their superior officers.

Officers and
militants
have powers
of police
officer.

42. (1) Subject to subsection (3), the Defence Forces or any part of the Defence Forces may be employed in rendering assistance to the civil authorities required to prevent loss of life or serious loss of or damage to property, or for other purposes when the public interest so requires.

Other
assistance to
the civil
authorities.

(2) Service by officers and militants in rendering assistance authorised under subsection (1) shall constitute military duty.

(3) Unless he or she has been mobilised under section 29, no member of the Reserve Forces or a prescribed force shall be required to perform any service in rendering assistance authorised by regulations under this section without his or her consent.

General.

43. Nothing in sections 40 to 42 shall be construed as restricting or qualifying the powers and prerogatives relating to the employment of the Defence Forces which are vested in the President and Commander-in-Chief by the Constitution or otherwise.

Co-Operation With, and Attachment, etc of Other Forces.

Co-
operating
forces.

44. The President may, where he or she considers it appropriate so to do, declare, by notice published in the *Gazette*, the military, naval or marine or air forces of any other country to be forces acting in co-operation with the Defence Forces or any part of the Defence Forces, and may, if the officer commanding the co-operating forces is senior in rank to all the officers of the part of the Defence Forces concerned, place any part of the Defence Forces under the command of that officer commanding.

Attachment,
etc. to the
Defence
Forces.

45. (1) Where the service authorities having jurisdiction over any force to which this section applies, place any member of that force at the disposal of the Defence Forces, that member may be attached or seconded to the Defence Forces; and where any such member of another force is so seconded or attached, he or she shall, during the attachment or secondment, be deemed to be a member of the Defence Forces of equivalent rank.

(2) The forces to which this section applies are the naval or marine, military and air forces of the East African countries and of any other country which the President, by notice published in the *Gazette*, declares to be a country to which this section applies.

(3) Regulations may provide that any member of a force to which this section applies who is attached to the Defence Forces and who remains subject to the service law of the first mentioned force, shall not, except in respect of any matter specified in the regulations, be subject to this Act.

Miscellaneous.

46. (1) Procurement for all Services shall be conducted by the Chief of Staff of the Defence Forces in liaison with the Ministry.

Procurement.

(2) Procurements under subsection (1) shall comply with the Public Procurement and Disposal of Public Assets Act, 2003 and the Public Finance and Accountability Act, 2003.

Act No. 1 of 2003.
Act No. 6 of 2003.

47. The materiel supplied to or used by the Defence Forces shall be of such type, quality, pattern and design and shall be issued on such scales and in such manner as the Defence Forces Council or such authorities of the Defence Forces as are designated by the Defence Forces Council for that purpose may approve.

Supply and issue of materiel.

48. (1) In time of war or at any other time where there exists actual or threatened emergency, the Minister may appoint and authorise officers of the Defence Forces or Public Service by requisition, to obtain and take possession of buildings and other premises, supplies of foodstuffs, vehicles, aircraft, boats and any other article or thing whether similar to the foregoing or not, necessary for the maintenance in the field, of the Defence Forces and further, to provide for the billeting of the Defence Forces under such terms and conditions as may be prescribed.

Commandeering and billeting.

(2) A requisition referred to in subsection (1), may be made on any person in the manner prescribed.

(3) Every person whose property is requisitioned under this section shall be entitled to fair and adequate compensation.

(4) Except where there is a state of war or where a state of emergency has been declared under article 110 or 124 of the Constitution, compensation under this Act shall be prompt and paid prior to the requisition under this section.

(5) Where there is no state of war and no state of emergency has been declared under the Constitution, any person whose interest in property has been requisitioned and who is aggrieved about the compensation, shall have a right to apply to a court of competent jurisdiction for redressing the grievance.

(6) Where there is a state of war or a declared state of emergency, the compensation shall be payable as soon as practicable subject to any enactment relating to the war or state of emergency.

PART IV—TERMS AND CONDITIONS OF SERVICE.

Recruitment and Appointment to Commissions.

Recruit-
ment.

49. (1) Authority to recruit persons into the Defence Forces is vested in the Defence Forces Council.

(2) Members of the Defence Forces shall be recruited from every district of Uganda.

(3) Every person who wishes to be recruited into the Defence Forces shall first get the recommendation of his or her Village Local Council.

(4) Notwithstanding subsection (1), the President may authorise such special recruitment as the interests of the Defence Forces require.

50. (1) Persons shall be enrolled into the Defence Forces as officers on appointment to a commission or as militants, in accordance with regulations made under this Act.

Enrolment
and
appointment
to
commission.

(2) No person shall be enrolled into the Defence Forces unless he or she—

(a) is a citizen of Uganda;

(b) is of good character;

(c) is of such age and has attained such level of education as may be prescribed;

(d) is medically fit; and

(e) meets such other conditions as the Defence Forces Council may prescribe.

(3) A person shall be qualified to be appointed to a commission in the Defence Forces if he or she—

(a) does not exceed such age and has attained such level of education as may be prescribed;

(b) has successfully completed a normal course of instruction at an officer cadet training establishment;

(c) has courage and initiative beyond the ordinary;

(d) is of exemplary character; and

(e) satisfies such other conditions as the Defence Forces Council may prescribe.

(4) A serving militant who does not have the qualifications referred to in paragraphs (a) and (b) of subsection (3) but has an outstanding record of service and is recommended by his or her commanding officer may be appointed to a commission.

(5) No person shall be appointed to a commission unless he or she has been recommended by the Board.

(6) The limitation on age referred to in paragraph (a) of subsection (3) shall not apply to a person having professional qualifications.

(7) Every commission granted under this section shall be signed by the President.

(8) The President shall effect appointments to a commission in accordance with the Statement of Commission set out in the Second Schedule to this Act.

Oaths on
enrolment.

51. Every person on enrolment into the Defence Forces shall take the Oath Of Allegiance and the Oath Of Secrecy set out respectively in the Third Schedule and Fourth Schedule to this Act.

Re-
engagement.

52. (1) The re-engagement of an officer or a militant upon or prior to completion of his or her term of service shall be governed by regulations made under this Act.

(2) An officer or a militant may, with the approval of the Commander-in-Chief, in the case of an officer or the Chief of Defence Forces in the case of a militant, re-engage in a Regular Force after having been released and shall, if the Commander-in-Chief or the Chief of Defence Forces, as the case may be, approves of his or her re-engagement, be entitled to the rank which he or she held at the date of his or her release, if there is a vacancy in the establishment of that rank.

(3) The service of an officer or a militant who re-engages under this section shall be deemed to be continuous service for the purposes of his or her gratuity or pension or both if he or she has not already been paid the gratuity or pension or both in respect of his or her previous service.

(4) The pension or gratuity of an officer or a militant who re-engages after he or she has received his or her pension or gratuity in respect of his or her previous service shall be in accordance with section 74.

*Promotion, Acting Rank, Temporary Rank And
Honorary Rank.*

53. (1) For the promotion of an officer or a militant, the Board shall consider the following—

Considerations for promotion.

- (a) the establishment of the Defence Forces;
- (b) his or her length of service, and where applicable, age;
- (c) training or courses or both, attended;
- (d) appointment;
- (e) results of such standard promotions examinations, practical and written, to be attended after such periods after successful completion of the requisite courses, as shall be prescribed by the Defence Forces Council;
- (f) confidential reports by his or her commanding officer or head of department regarding—
 - (i) character;
 - (ii) discipline; and
 - (iii) performance;

- (g) for professionals and quasi-professionals, qualifications and experience; and
- (h) such other conditions as the Defence Forces Council may prescribe.

(2) The promotion of an officer shall be signed by the President or any other person or body authorised by him or her.

(3) The promotion of a militant shall be signed by the Chief of Defence Forces or by any other person or body authorised by him or her.

(4) The preparation and submission of the confidential reports referred to in paragraph (f) of subsection (1) shall be in accordance with such procedure as shall be prescribed in regulations made under this Act.

Board to
consult.

54. In the performance of its functions, the Board may consult any person it deems necessary but shall not take into consideration any representation made contrary to this Act or regulations under it.

Board to
summon
persons.

55. (1) The Board may require any person to attend and give evidence before it on any matter before it and may require the production of any document relating to the subject which is in the custody of the person.

(2) A person, other than a person summoned in connection with his or her recommendation for appointment to a commission who—

(a) without reasonable cause fails to appear before the Board when requested to do so; or

(b) wilfully fails to produce a document under his or her custody which is required by the Board,

commits an offence and is, on conviction, liable to a fine not exceeding one month's pay.

56. A person attending a Board meeting on request by the Board, other than a person attending in connection with his or her recommendation for appointment to a commission, shall be paid such allowance as may be prescribed.

Allowance
for
attending
Board.

57. A person who knowingly and wilfully gives to the Board any false information commits an offence and is on conviction liable to a fine not exceeding one month's pay or a term of detention not exceeding one month, or both.

False
information
to the
Board.

58. (1) No person shall, in any proceedings or communication not being any lawful communication within the Defence Forces, produce or disclose—

Unauthorised
disclosure.

(a) any report, statement or other commission—

(i) written by the Board in the performance of its functions; or

(ii) written by himself or herself in the performance of his or her functions; or

(b) any document addressed to the Board,

unless the Chief of Defence Forces certifies that the production or disclosure is not against the public interest or will not jeopardise the defence of Uganda.

(2) No person shall publish or disclose to another person, other than in the performance of his or her lawful functions, the contents of any document or other communication which has come to his or her knowledge in the course of his or her official duties.

(3) A person who contravenes this section commits an offence and is, on conviction, liable to a fine not exceeding two months' pay or a term of detention not exceeding four months, or both.

*Uganda Peoples' Defence
Forces Bill*

Bill No. 22

2003

Demotion.

59. No officer or militant shall be demoted below his or her substantive rank except by sentence of a military court of competent jurisdiction or, in the case of a militant, by reason of reversion or re-mustering.

Reward for distinguished service.

60. The President may reward any member of the Defence Forces for distinguished or gallant conduct on active service in such manner as may be prescribed.

Acting rank and temporary rank.

61. (1) The Chief of Defence Forces may, after consulting the Commander-in-Chief, grant an acting rank or a temporary rank to a senior officer of the Defence Forces.

(2) The Chief of Defence Forces may grant an acting rank or a temporary rank to a junior officer of the Defence Forces and shall notify the Commander-in-Chief of the grant of that rank.

(3) An acting rank may be granted at the discretion of a commanding officer to a militant who has acted for not less than such number of days as may be prescribed, in a vacancy in the establishment which carries a higher rank than his or her substantive rank.

(4) The grant of an acting rank or a temporary rank will entitle the holder to the pay of that rank with effect from the day when the rank was granted or the militant started acting in the vacancy.

(5) An acting rank granted to a militant will be relinquished on the date the holder ceases to act in the appointment for which the rank was granted.

(6) On the lapse of the purpose or the period for which the acting rank or temporary rank was granted, an officer shall revert to his or her substantive rank unless he or she has been confirmed in the acting rank or temporary rank by the President.

62. (1) The President may, on the recommendation of the Chief of Defence Forces, grant an honorary rank to a person—

Honorary
rank.

(a) who has rendered distinguished service to the Defence Forces; or

(b) to enable him or her to hold or to facilitate him or her to effectively hold and exercise an appointment in the Defence Forces.

(2) The grant of an honorary rank under subsection (1) shall not, of itself—

(a) cause a person to become a member of the Defence Forces;

(b) confer any right of command; or

(c) unless the President on the recommendation of the Chief of Defence Forces otherwise directs, involve any expense to the public.

Release And Suspension.

63. (1) No officer or militant shall be dismissed from the Defence Forces except by sentence of a military court or by reason of the provisions of paragraph (b) of subsection (4) of section 216.

Dismissal.

(2) Notwithstanding subsection (1), the Chief of Defence Forces may dismiss from the Defence Forces, with or without disgrace, an officer or militant who—

(a) is found guilty of any offence by a civil court; other than a traffic offence; or

(b) has been sentenced by a court martial to a term of imprisonment to which paragraph (b) of subsection (4) of section 216 does not apply and he or she has been advised by the Board

that in the interest of the discipline of the Defence Forces, the officer or militant should accordingly be dismissed.

Resignation
of
commission.

64. (1) An officer may in writing tender the resignation of his or her commission to the Board but shall not, unless otherwise ordered by the Chief of Defence Forces, be relieved of the duties of his or her appointment until he or she has received notification, in writing, of the approval of his or her resignation by the Board.

(2) The Board shall notify an officer of its decision on his or her application to resign his or her commission within ninety days after receipt of his or her application, and the approval of an application to resign the commission shall not be unreasonably withheld.

(3) An officer who resigns his or her commission under subsection (1) and resigns from his or her employment in the Defence Forces under any regulations, shall not be exempt from any service in the reserve to which he or she may be liable under this Act.

Discharge.

65. The Defence Forces Council may discharge an officer or a militant from the Defence Forces at any time during the currency of any term of engagement—

(a) if, within two years from the date of enrolment, his or her commanding officer considers that he or she is unlikely to be an efficient soldier;

(b) for activities or behaviour likely to be prejudicial to the maintenance of public safety or public order or the discipline of the Defence Forces;

(c) when convicted by a civil court of any offence;

- (d) when pronounced by a medical officer to be physically or mentally unfit for further service;
- (e) on reduction of establishment;
- (f) for any faults within or outside the control of the officer or militant;
- (g) if, being a female cadet or recruit trainee, she becomes pregnant;
- (h) if, being a female officer or militant, she becomes pregnant within a period of less than four years from the date of her enrolment into the Defence Forces or she becomes pregnant again within a period of less than three years since the last date of her delivery of a child;
- (i) if, being an officer or a militant of a training wing, and without prejudice to liability to prosecution, he impregnates a female trainee at the wing;
- (j) if for any reason his or her services are no longer required; or
- (k) in the interest of the Defence Forces.

66. (1) Subject to this section, and except during an emergency or when he or she is on active service, or as otherwise provided under this Act, an officer or a militant shall be entitled to be released at the expiration of the term of service for which he or she is enrolled.

Entitlement
to release
and
exceptions.

(2) Except as may be provided in regulations, all periods during which an officer or a militant has been absent from his or her duty by reason of—

- (a) imprisonment;
- (b) desertion; or

(c) absence without leave,

shall not be reckoned towards the completion of the term of service for which that officer or militant is enrolled.

(3) Where the term of service for which an officer or a militant is enrolled expires during an emergency or when he or she is on active service, he or she is liable to serve until the expiration of six months after the emergency has ceased to exist or after he or she has ceased to be on active service, as the case may be.

(4) An officer or a militant shall not be entitled to be released at a time when, as a result of having committed or being suspected of having committed an offence under this Act, proceedings against him or her under this Act are or are likely to be taken.

(5) An officer or a militant undergoing a sentence of imprisonment or detention shall not be entitled to be released while serving the sentence.

Suspension.

67. The Chief of Defence Forces or any other person authorised by him or her may suspend an officer or a militant pending the result of any inquiry into or any trial by a military court or civil court for any offence alleged to have been committed by him or her, or if the interests of the Defence Forces so require.

Financial Provisions

Pay and allowances.

68. (1) Subject to the provisions of subsection (3), the allowances of officers and militants shall be such and shall be issued under such conditions as are prescribed in regulations made under this Act.

(2) The salaries and allowances of officers and militants are subject to such forfeitures and deductions as may be prescribed in regulations made under this Act.

(3) The rates of salaries of officers and militants, and of allowances for them which exist in the Public Service, shall, unless circumstances unique to the Defence Forces require otherwise, be the same as those of their equivalents in the Public Service.

69. (1) An officer or a militant who is released from the Defence Forces, shall be entitled to pension or gratuity, in accordance with regulations made under this Act.

Service
pensions
and
gratuities.

(2) The constant to be applied in the computation of pensions under this Act shall not be less than that applied in the computation of pensions for public officers.

(3) The formula to be used in the computation of pensions and gratuities under this Act shall be that applied in the computation of pensions and gratuities for public officers.

(4) Where a person who is in receipt of a pension under this Act dies before the expiry of fifteen years or of such other period as may be provided in the case of Public Officers, after the date of his or her release, the pension shall continue as in the case of a Public Officer in receipt of a pension who dies before the expiry of that period.

(5) For the purpose of computing the amount of pension or gratuity to be granted to an officer or a militant under this Act, the full annual pensionable emoluments enjoyed by him or her immediately prior to the date of his or her release shall be taken.

(6) There shall be paid on every pension payable in respect of service in any Defence Forces of Uganda an appropriate increase computed in accordance with the formula governing such increase on every pension payable in respect of service in the Public Service.

*Uganda Peoples' Defence
Forces Bill*

Bill No. 22

2003

Maximum
pension.

70. (1) A pension granted to an officer or a militant under this Act shall not exceed such percentage of the highest pensionable emoluments drawn by him or her in his or her service as is provided in the case of a pension granted to a public officer who does not have other public service.

(2) For the purposes of this section, an additional pension granted in respect of injury, a wound or disease shall not be taken into account.

Gratuity and
reduced
pension.

71. Any officer or militant to whom a pension is granted under this Act shall be paid a pension at the rate of such fraction of such pension together with a gratuity equal to such number of times the amount of the reduction so made in the pension as is provided in the case of a public officer to whom a pension is granted.

Reduction
of establish-
ment.

72. (1) If an officer or a militant is retired or discharged from the service in reduction of the establishment after having completed such number of years' reckonable service as may be prescribed, he or she may be granted a pension in lieu of any gratuity to which he or she maybe entitled under this Act in respect of his or her reckonable service.

(2) An officer or a militant to whom a pension is granted under this section shall receive, in addition to the pension, such percentage of the pension granted as may be prescribed, as additional benefit.

Grant of
pension. etc.
on
dismissal.

73. Where an officer or a militant is dismissed from the Defence Forces without disgrace, the pensions authority may, if it thinks fit, grant to him or her such pension or gratuity as it thinks just and proper, not exceeding in amount that for which the officer or militant would be eligible if he or she had not been dismissed.

74. (1) If an officer or a militant receiving a pension under this Act re-engages, his or her pension shall cease and any period of additional service shall count as reckonable service for the purpose of assessing his or her final pension on his or her final retirement or discharge; except that the rate of pension payable on the final retirement or discharge of the officer or militant shall not be less than any pension payable prior to his or her re-engagement.

Additional
service.

(2) Where an officer or a militant who on release was not qualified for pension re-engages after receipt of his or her gratuity, the pensions authority may, on his or her subsequent release, if the aggregate of his or her service would qualify him or her for pension, grant him or her a pension if the officer or militant refunds the gratuity he or she received in such manner as may be agreed between him or her and the Chief of Defence Forces.

(3) Where the officer or militant referred to in subsection (2) does not refund the gratuity and the period of his or her re-engagement alone does not qualify him or her for pension, the pensions authority shall grant him or her a further gratuity in accordance with section 69.

75. (1) Where an officer or a militant is recalled for service on full pay during a period of general recall on account of an emergency or in anticipation of a general recall, that officer or militant shall, during such further service, continue to receive his or her service pension at half the rate payable on the day before that on which the further service begins.

Emergency
or recall.

(2) On retirement or discharge, an officer or a militant who has been re-called under subsection (1) and who was not qualified for pension, on satisfactory completion of his or her period of engagement, shall be entitled to a lump sum payment of twenty five percent of his or her total emoluments for the period of the further service.

Death and
disability
pensions
and
gratuities.

Cap. 286.

76. (1) Where an officer or a militant dies in service, the pensions authority may grant to his or her legal personal representative such gratuities or such gratuity and reduced pension, as the case may be, as is paid to the legal personal representative of a public officer who dies while holding a pensionable office, as if references in section 16 of the Pensions Act to periods of service were references to the qualifying period for pension for an officer or a militant prescribed in regulations made under this Act.

(2) Where an officer or a militant suffers disablement as a result of a wound, injury or disease due to or hastened or aggravated by his or her service, the pensions authority shall grant to him or her such pension or gratuity as may be provided in regulations under this Act.

(3) Where, as a result of a wound, injury or disease which was due to, or hastened by or aggravated by his or her service an officer or a militant, retired officer or discharged militant dies within seven years after the date of the wound, injury or the contracting of the disease, the pensions authority may grant to his or her dependants, in addition to the grant, if any, made to his or her legal personal representative under subsection (1), a pension in accordance with the formula applied for the grant of pensions to dependants of public officers dying from injuries received or disease contracted on duty.

(4) For the avoidance of doubt, this section applies in the case of an officer or a militant who re-engages under section 52 or who is recalled under section 75.

Entitlement
on
disablement
or death.

77. (1) The disablement or death of an officer or a militant, retired officer or discharged militant shall be accepted as due to service for the purposes of subsections (2) and (3) of section 76—

(a) if the disablement is due to a wound, injury or disease which—

(i) is attributable to service; or

(ii) existed before or arose during service and has been and remains aggravated by such service; or

(b) if the death was due to or hastened by—

(i) a wound, injury or disease which was attributable to service; or

(ii) the aggravation by service of a wound, injury or disease which existed before or arose during service.

(2) In no case shall the burden of proof under subsection (1) lie upon the officer or militant, retired officer or discharged militant or other person claiming under this Act, and, in every case, the benefit of the doubt shall be given to such an officer or militant, retired officer or discharged militant or other person.

(3) Where a wound, injury or disease which has led to an officer's retirement or a militant's discharge or death during service was not recorded in any medical report made on the officer or militant on the commencement of his or her service, the wound, injury or disease shall be accepted as being due to service unless the evidence shows that the conditions set out in subsection (1) are not fulfilled.

(4) Where, after expiration of the period of seven years beginning with the termination of a retired officer's or discharged militant's service a claim is made in respect of his or her disablement or death (being a death occurring after the expiration of that period) the disablement or death shall be accepted as due to service—

(a) if, in the case of disablement, the pensions authority is satisfied that the conditions set out in subsection (1) are applicable and fulfilled; and

(b) if, in the case of death, the retired officer or discharged militant was at the time of his or her death, or at any time before his or her death, had been in receipt of a pension granted by the pensions authority in respect of the wound, injury or disease which was the cause of, or substantially hastened, his or her death, and the pensions authority is satisfied that the conditions set out in subsection (1) are applicable and fulfilled.

(5) Where, upon reliable evidence, a reasonable doubt exists whether in respect of a claim under subsection (4) the conditions set out in subsection (1) are fulfilled, the benefit of that reasonable doubt shall be given to the claimant, and where there is no record in contemporary official records of a material fact on which the claim is based, other reliable corroborative evidence of that fact may be accepted.

Payment of pension.

78. Every pension payable under this Act shall be paid monthly in arrears to the officer or militant to whom it is granted.

Pensions and gratuities charged on Consolidated Fund.

79. All pensions and gratuities payable under sections 69 to 80 shall be charged on the Consolidated Fund.

Payment of pensions, etc in respect of veterans.

80. (1) Subject to this Act, pension and gratuity shall be paid in respect of the death of a veteran.

(2) The pension and gratuity in respect of a veteran shall—

- (a) be paid in the manner and shall be at the rates that from time apply to the like payments under this Act;
- (b) be computed on the basis of the current rate of pay applicable to the rank of the deceased; and
- (c) be paid to such dependants of the deceased as would qualify for payment in respect of an officer or militant who dies in service.

(3) In this section, unless the context otherwise requires—

“liberation organisation” means any of the following organisations—

- (a) National Resistance Movement (NRM);
- (b) Uganda National Rescue Front (UNRF);
- (c) Uganda Freedom Movement (UFM);
- (d) Former Uganda National Army (FUNA);
- (e) Save Uganda Movement (SUM);
- (f) Federal Democratic Movement (FEDEMO);
- (g) Front for National Salvation (FRONASA);
- (h) Uganda National Liberation Front/Anti Dictatorship (UNLF/ANTI DICTATORSHIP) (RWENZORI FRONT);

“liberation struggle” means the struggle against the regimes of dictatorship in power during the period between 1971 and the 26th day of January, 1986;

“veteran” means a person—

- (a) was a member of the armed wing of a liberation organisation;

(b) as a member of that wing actively participated in the liberation struggle; and

(c) died as a result of such participation in the liberation struggle.

(4) Anything done or made in good faith before the commencement of this Act in relation to pension or gratuities in respect of veterans, which could have been done or made under this Act, shall be deemed to have been done or made under this Act.

Income tax. **81.** Notwithstanding any provision in any written law to the contrary, no income tax shall be charged upon any pension or gratuity granted under this Act.

Bankruptcy. **82.** Where an officer or a militant to whom a pension or gratuity has been granted under this Act is adjudicated a bankrupt or declared insolvent by judgement of any competent court, that officer or militant shall continue to receive the pension or gratuity but the pension or gratuity shall not be subject to attachment under the Bankruptcy Act.

Cap. 67.

Imprisonment. **83.** The payment of a pension granted under this Act shall not be affected by a sentence of imprisonment imposed by a civil court upon the officer or militant to whom it was granted for any offence.

Assignability of pension.

84. No pension or gratuity payable under or by virtue of this Act shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim except for the purpose of satisfying—

(a) a debt due to the Government; or

(b) an order of any court for the payment of periodical sums of money towards the maintenance of the spouse or former spouse, or minor child, of the person to whom the pension or gratuity has been granted.

85. An officer or a militant who is seconded outside the Defence Forces shall not, during the period of the secondment, be entitled to any pay or allowances from the Defence Forces other than facilitation for assigned military duties.

Seconded
personnel.

86. (1) An officer or a militant who is a representative of the Defence Forces in Parliament shall elect whether to receive his or her pay and allowances from the Defence Forces or from Parliament.

Parliament-
ary
represent-
atives.

(2) An officer or a militant who elects to receive his or her pay and allowances from Parliament shall, with effect from the date of such election, cease to receive any pay or allowances from the Defence Forces other than facilitation for assigned military duties.

87. An officer or a militant who—

(a) has been remanded by a civil or military court;

(b) is in detention otherwise than by reason of a sentence of a court; or

(c) is on bail,

shall be entitled to one-half of his or her basic pay until the disposal of his or her case and shall, on acquittal, discharge by court or release, recover the balance of his or her basic pay.

Soldiers on
remand,
detention,
bail, etc.

88. All serving officers and militants shall be exempted from paying graduated tax or any other similar tax.

Graduated
Tax.

89. Section 19 of the Pensions Act shall, with the necessary modifications, apply to appeals from decisions of the pensions authority under this Act as it applies to the decisions of the pensions authority in respect of public officers under that Act.

Appeals
from
decisions of
pensions
authority
Cap 286.

General.

Service of
pro-
fessionals.

90. Where an officer or a militant who has professional or quasi-professional qualifications and who has been serving in the Defence Forces in a professional or quasi-professional capacity in the field of his or her qualifications, subsequently seeks employment in any other ministry or department of the Government, his or her service in the Defence Forces shall count towards his or her seniority in the profession and qualification for an appointment or promotion in that ministry or department.

Bonds.

91. (1) An officer or a militant who receives military training or formal education at the expense of the Government of Uganda shall be required to serve in the Defence Forces for such period for each year of training or education as shall be prescribed by the Defence Forces Council.

(2) Notwithstanding subsection (1), an officer or a militant may retire from the Defence Forces in accordance with this Act or regulations made under it prior to the expiry of the period of the bond if he or she refunds to the Government the cost of his or her training or education.

Leave.

92. (1) An officer or a militant shall be entitled to annual leave at such rates as shall be prescribed.

(2) Annual leave may be withheld only by reason of the exigencies of the service.

(3) An officer or a militant proceeding on annual leave shall be entitled to such class of transport for himself or herself and his or her spouse and children as shall be prescribed.

(4) An officer or a militant shall be paid cash in lieu of annual leave not taken by him or her.

(5) A female officer or militant shall, in addition to annual leave, be entitled to maternity leave of sixty days with pay, which leave shall count towards her reckonable service.

(6) On returning to duty after the maternity leave, a female officer or militant shall be entitled to work only half day for a period of not less than six months.

(7) An officer or a militant may be granted—

(a) sick leave;

(b) compassionate leave;

(c) special leave;

(d) additional leave for travelling time;

(e) leave without pay and allowances; or

(f) pass of such length, by such authority and on such conditions,

as shall be prescribed.

(8) An officer or a militant on leave may be recalled to duty at any time.

93. (1) An officer or a militant and his or her spouse and children shall be entitled to medical care and dental services at public expense in accordance with regulations made under this Act.

Medical,
and other
services

(2) Regulations made under this Act may limit the number of spouses and children the Defence Forces will be obliged to cater for in terms of medical care and dental services or any other service.

94. Accommodation for officers and militants shall be as prescribed by the Defence Forces Council.

Accommod-
ation.

95. Transport for official duties shall be availed to entitled officers or militants in accordance with regulations made under this Act.

Transport.

*Uganda Peoples' Defence
Forces Bill*

Bill No. 22

2003

Marriage.

96. (1) An officer or a militant who is not a professional shall be entitled to the facilities and benefits of a married officer or militant only after serving in the Defence Forces for not less than four years.

(2) The facilities and benefits referred to in subsection (1) shall only be provided to an officer or a militant whose marriage was contracted in accordance with the forms of marriage recognised by the laws of Uganda and who produces legally acceptable evidence in proof of the marriage.

Political
office.



97. (1) An officer or a militant who desires to seek political office shall obtain leave from the Chief of Defence Forces who may withhold the leave if the interest of the Defence Forces so requires.

(2) During his or her bid for political office an officer or a militant shall not use any property of the Government or be entitled to any assistance or facilitation from the Defence Forces for that purpose.



(3) If the officer or militant attains the office sought, he or she shall resign from the Defence Forces forthwith.

(4) If the officer or militant fails to attain the office or his or her appeal against the failure does not succeed, he or she shall, within thirty days from the date of the failure or failure of his or her appeal, report back to the Chief of Defence Forces in the case of an officer or the Chief of Personnel and Administration in the case of a militant, for deployment.

(5) An officer or militant who wishes to stand for election as President shall resign from the Defence Forces before the nomination date for the election.

Admini-
stration of
oaths.

98. An officer of the Defence Forces who is an advocate qualified for appointment as a Commissioner for Oaths may, in respect of a person subject to military law, administer any

oath or take any affidavit or statutory declaration which could be administered or taken by a Notary Public and a Commissioner for Oaths in Uganda, and every oath, affidavit or statutory declaration sworn or done by or before any such officer shall be as effectual as if duly administered, sworn or done by or before any person lawfully entitled to practise as a Notary Public or Commissioner for Oaths in Uganda.

99. Every officer and militant shall have the right to seek redress for any wrong in accordance with regulations made under this Act. Redress of wrongs.

100. The following shall be as prescribed in regulations under this Act— Other provisions

- (a) the procedure of enrolment;
- (b) the terms of enrolment in respect of colour service and service in the reserve;
- (c) types of commissions and the ranks on appointment to a commission;
- (d) the procedure for application for a commission;
- (e) the procedure regarding appointment to a commission;
- (f) the trades for militants, their groups and classification, and the ranks and appointments for militants graded in accordance with the trades;
- (g) the service brackets for the promotion of officers and the applicable conditions to them;
- (h) the ranking and promotion criteria for members of the Defence Forces holding professional or quasi-professional qualifications;

- (i) the maximum ages of retirement for officers in the service ranks;
- (j) the certificate of service to be issued on the release of an officer or a militant;
- (k) the dates of commencement and cessation of pay;
- (l) transfer to the reserve;
- (m) increment of pay;
- (n) reversion and re-mustering; and
- (o) the procedure for redress of wrongs.

Appointment Of Civilians.

Appoint-
ment of
civilian
employees.

101. A civilian employee may be appointed to work in the Defence Forces where—

- (a) the Defence Forces do not have appropriately qualified or adequately experienced military personnel to fill a vacancy in the establishment; or
- (b) due to under establishment or any other reason, the Defence Forces do not have the manpower to provide certain services required by the Defence Forces.

Number of
civilian
employees.

102. (1) The number of civilian employees to be appointed to work in the Defence Forces shall be determined by the Chief of Defence Forces on the following considerations—

- (a) availability of a vacancy in the establishment of the Defence Forces and the need to fill the vacancy;
- (b) availability of funds for the remuneration and other entitlements of the civilian to be appointed; and

(c) such other considerations as the Defence Forces Council may prescribe.

(2) The Chief of Defence Forces shall, before exercising his or her powers under subsection (1), consult the Permanent Secretary.

103. (1) The responsible head of a department of the Defence Forces who desires a vacancy in the establishment of his or her department to be filled by the appointment of a civilian employee, shall make a request in writing in that regard to the Chief of Personnel and Administration of the Defence Forces indicating—

Preliminaries
to
appointment.

(a) the details of the vacancy;

(b) the qualifications and duties attached to the vacancy;

(c) the reasons why it is necessary to fill the vacancy by the appointment of a civilian employee; and

(d) such other details as the Defence Forces Council may prescribe.

(2) The Chief of Personnel and Administration shall, if satisfied of the need to fill the vacancy by the appointment of a civilian employee, forward the request of the head of department to the Chief of Defence Forces and he or she shall—

(a) forward a draft advertisement for the vacancy with the request; and

(b) indicate the availability and source of funds to cater for the remuneration and other benefits of the civilian to be appointed.

(3) The Chief of Defence Forces shall, if satisfied about the considerations in section 101 and subsection (1) of section 102 and after consulting the Permanent Secretary, forward the draft advertisement accompanying the request to the Secretariat of the Military Tender Board of the Ministry, for publication.

(4) Candidates for the vacancy shall be interviewed by a committee composed of the following officers of the relevant Service—

(a) the Chief of Personnel and Administration who shall be the Chairperson, or his or her representative;

(b) the Chief Political Commissar or his or her representative;

(c) the Chief of Legal Services or his or her representative; and

(d) the head of department who made the request for filling a vacancy by the appointment of a civilian employee.

(5) In the absence of the Chief of Personnel and Administration, the most senior member of the interviewing committee present shall be the Chairperson.

(6) The interviewing committee shall regulate its own procedure and the Chairperson of the committee may co-opt any person to render technical advice to the committee.

Manner of
appointment

104. (1) Civilian employees to work in the Defence Forces may be appointed by contract or by letter of appointment.

(2) Where a civilian employee is appointed by contract, the terms of the contract of appointment shall be approved by the Permanent Secretary who shall be the signatory to such contracts on behalf of the Government of Uganda.

(3) Notwithstanding subsections (1) and (2), where any regulations under this Act provide that an employee for the purposes of those regulations shall be appointed by some other authority and in some other manner, the employee shall be appointed in accordance with the provisions of those regulations.

105. (1) Civilian employees to work in the Defence Forces shall be appointed for a period of not more than two years subject to renewal.

Length of
appointment.

(2) The appointment of a civilian employee shall not be renewed if—

(a) during the period of the appointment, the Defence Forces have obtained a soldier who can fill the vacancy;

(b) shortly after the expected date of expiry of the appointment, the Defence Forces expect to obtain a soldier to fill the vacancy;

(c) the employee elects to join the Defence Forces; or

(d) the services of the employee are no longer required.

(3) At any time, not being less than three months before the date on which his or her period of appointment terminates, the employee shall, through his or her head of department or the Chief of Personnel and Administration or both who shall make their recommendations in that regard, give notice in writing to the Chief of Defence Forces whether he or she desires, to renew his or her appointment.

(4) The employee so desires, the Chief of Defence Forces shall thereupon decide whether he or she will be re-appointed; in which case the Chief of Defence Forces shall accordingly advise the Permanent Secretary.

106. A civilian employee shall serve in any place in Uganda where the services of his or her appointment may be required.

Place of
service.

107. A civilian employee shall—

Standard of
work.

- (a) perform the duties of his or her appointment with all reasonable skill, care and diligence and in accordance with any recognised standards applicable to his or her profession and appointment and the duties of that profession and appointment;
- (b) devote all his or her energies to his or her duties;
- (c) at all times safeguard the interests of the Defence Forces;
- (d) exercise due care when handling property entrusted to him or her by the Defence Force;
- (e) as required by the nature of his or her employment, be available to perform his or her duties;
- (f) not engage in any business or activity likely to interfere or conflict with the performance of his or her duties.

Secrecy.

108. A civilian employee shall not, at any time during his or her appointment or after the termination of his or her appointment, divulge to any person, except with the express permission of the competent authority of the Defence Forces, any information relating to or which came into his or her possession in the course of his or her duties.

Delivery of documents.

109. A civilian employee shall, upon the termination of his or her appointment, deliver to the competent authority of the Defence Forces, all correspondence, documents and any property belonging to the Government which may be in his or her possession or under his or her control.

Conditions of service of civilian professionals and quasiprofessionals.

110. A civilian employee appointed to work in the Defence Forces in a professional or quasi-professional capacity shall—

- (a) draw such allowances as he or she may be entitled to by reason of his or her appointment or the nature of his or her work in the Defence Forces;

(b) be equated, where applicable, to an officer or a militant of the Defence Forces of the same qualifications for the purposes of the following benefits—

- (i) salary;
- (ii) leave;
- (iii) travel allowance;
- (iv) accommodation;
- (v) transport on official duties;
- (vi) medical care.

(c) at the successful conclusion of each period of appointment, be entitled to a gratuity of such a percentage of the aggregate basic salary paid to him or her during the period as shall be prescribed.

111. Subject to this Act, the conditions of service for support staff who are not appointed to work in the Defence Forces in a professional or quasi-professional capacity shall, as far as circumstances permit, be the same as those for support staff in the Public Service.

Conditions of service of other civilian employees.

112. The appointment of support staff to work in the Defence Forces shall not be pensionable.

Appointment not pensionable.

113. Notwithstanding subsection (1) of section 105 and sections 110 and 111, a civilian employee may, due to the nature of the appointment or any other valid reason, be appointed to work in the Defence Forces on conditions of service other than the ones specified in this Act.

Other conditions of service.

114. The appointment of a civilian employee appointed to work in the Defence Forces shall cease—

End of appointment.

- (a) where the employee was appointed by contract, on termination of the appointment in accordance with the terms of the contract;
- (b) on the period of appointment specified in the contract or letter of appointment coming to an end without re-appointment; or
- (c) in any other case, on the Ministry or the employee giving notice of thirty days.

Bonding of
civilians.

115. Section 91 and any regulations made under this Act shall apply to a civilian appointed to work in the Defence Forces who receives education at the expense of the Government.

PART V—PERSONS SUBJECT TO MILITARY LAW.

Code of
Conduct for
the Defence
Forces.

116. (1) There shall be a Code of Conduct for the purpose of guiding and disciplining members of the Defence Forces, as set out in the Fifth Schedule to this Act.

(2) The Minister may, after consultation with the Defence Forces Council, by statutory instrument, amend the Fifth Schedule to this Act.

Persons
subject to
military
law.

117. (1) The following persons shall be subject to military law—

- (a) every officer and militant of a Regular Force;
- (b) every officer and militant of the Reserve Forces and any prescribed force when he or she is—
 - (i) undergoing drill or training whether in uniform or not;
 - (ii) in uniform;
 - (iii) on duty;

- (iv) on continuing full time military service;
 - (v) on active service;
 - (vi) in or on any vessel, vehicle or aircraft of the Defence Forces or any defence establishment or work for defence;
 - (vii) serving with any unit of a Regular Force;
or
 - (viii) present, whether in uniform or not, at any drill or training of a unit of the Defence Forces;
- (c) subject to such exceptions, adaptations, and modifications as the Defence Forces Council may by regulations, prescribe, a person who under any arrangement is attached or seconded as an officer or a militant to any Service or force of the Defence Forces;
- (d) every person, not otherwise subject to military law, who is serving in the position of an officer or a militant of any force raised and maintained outside Uganda and commanded by an officer of the Defence Forces;
- (e) every person, not otherwise subject to military law, who voluntarily accompanies any unit or other element of the Defence Forces which is on service in any place;
- (f) every person, not otherwise subject to military law, while serving with the Defence Forces under an engagement by which he or she has agreed to be subject to military law;

(g) every person, not otherwise subject to military law, who aids or abets a person subject to military law in the commission of a service offence; and

(h) every person found in unlawful possession of—

(i) arms, ammunition or equipment ordinarily being the monopoly of the Defence Forces; or

(ii) other classified stores as prescribed.

(2) A person mentioned in paragraph (e) of subsection (1) who, while accompanying a unit or other element of the Defence Forces, is alleged to have committed a service offence shall, for the purposes of this Act be treated as if he or she were a militant of the rank of private unless he or she holds from the commanding officer of the unit or other element of the Defence Forces that he or she so accompanies, or from any other officer prescribed by regulations, a certificate revocable at the pleasure of the officer who issued it or of any other officer of equal or higher rank, entitling that person to be treated as an officer of a particular rank.

(3) A person who holds such a certificate shall be treated as an officer of that rank in respect of any offence alleged to have been committed by him or her while holding that certificate.

(4) Every person subject to military law by virtue of paragraphs (d), (e) and (f) of subsection (1), shall, for the purposes of preparation, practice or execution of any plan, arrangement or manoeuvre for the defence or evacuation of any area in case of an attack, be under the command of the commanding officer of the unit or other element of the Defence Forces which he or she is accompanying, or with which he or she is serving.

(5) That commanding officer shall, for the purposes referred to in subsection (4) be deemed to be a superior officer of that person; but nothing in this section shall be construed as requiring any such person to bear arms or to participate in any active operations against the enemy.

(6) Every person mentioned in paragraph (f) of subsection (1) who, while serving with a unit or other element of the Defence Forces under an engagement, is alleged to have committed a service offence shall, for the purposes of this Act be treated as a militant of the rank of private unless by the terms of his or her engagement he or she is entitled to be treated as if he or she were an officer or a militant of higher rank, in which case he or she shall be treated in accordance with the rank prescribed in his or her engagement.

(7) For the purposes of this Act, the "commanding officer" in relation to any person mentioned in subsection (2), (3), (4) or (5) means the commanding officer of the unit or other element of the Defence Forces that that person accompanies, or in whose custody he or she is, or in which that person is serving, as the case may be.

(8) Every person who commits a service offence while subject to military law may be liable to be charged, dealt with and tried for that offence notwithstanding that he or she has ceased to be subject to military law since the commission of the offence.

(9) Every person who, since he or she committed a service offence has ceased to be subject to military law shall, for the purposes of trial, be considered to have the status and rank which he or she held immediately before he or she ceased to be subject to military law.

(10) Subject to subsections (11) and (12), a person who commits a service offence, may only be tried within the Service in which he or she was commissioned or enrolled.

(11) A person who is attached or seconded to a Service other than the Service in which he or she was commissioned or enrolled, or embarked on a vessel or aircraft of a Service other than the Service in which he or she was commissioned or enrolled, may be tried either within that

other Service or within the Service in which he or she was commissioned or enrolled depending on the circumstances and nature of the offence.

(12) A person serving in the circumstances specified in paragraph (d) of subsection (1) who, while so serving commits a service offence, may be tried within the Service or Force in which his or her commanding officer is serving.

(13) For the purposes of this section, but subject to such limitations as may be prescribed, a person accompanies a unit of the Defence Forces which is on service if he or she—

(a) participates with that unit in the carrying out of any of its movements, manoeuvres, duties in a disaster or warlike operations;

(b) is accommodated or provided with rations at his or her own expense or otherwise by a unit of the Defence Forces in any place designated by the President;

(c) is embarked on a vessel or aircraft of a unit of the Defence Forces; or

(d) is a dependant staying with an officer or a militant serving beyond Uganda with that unit.

PART VI—OFFENCES.

Operational Offences And Offences Relating To Security.

Cowardice
in action.

118. (1) A person subject to military law who displays cowardice in action commits an offence and is on conviction, where it results in failure of operation or loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

(2) For the purposes of this section, cowardice in action means—

- (a) running away or inciting others to run away from the enemy;
- (b) going over to the enemy;
- (c) improperly delaying or discouraging any action against the enemy;
- (d) failing to use utmost exertion to carry out an operation when ordered to do so;
- (e) failing to capture or destroy war materials from a routed enemy;
- (f) improperly abandoning or delivering up a defence establishment, garrison, place, material, post or guard;
- (g) talking or behaving in a manner that is likely to instil fear in other soldiers;
- (h) premature unauthorised firing;
- (i) assisting the enemy with material;
- (j) improper casting away or abandoning of any material in the presence of the enemy;
- (k) improperly doing or omitting to do anything which results in the capture or destruction of material by the enemy;
- (l) leaving posts before being regularly relieved when on watch in the presence or vicinity of the enemy; or
- (m) doing or omitting to do anything with intent to imperil the success of the Defence Forces.

119. (1) A person subject to military law who breaches concealment in operation, commits an offence and is on conviction, where it results in loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

Breaching
concealment

(2) For the purposes of this section, breach of concealment in operation means—

- (a) unauthorised making of any noise;
- (b) unauthorised talking;
- (c) unauthorised walking;
- (d) unauthorised smoking, lighting or any other form of exposure;
- (e) unauthorised contact with other people;
- (f) premature or unauthorised shooting;
- (g) premature or unauthorised withdrawal;
- (h) negligently choosing bad ground for concealment;
- (i) giving premature orders that can endanger concealment; or
- (j) any other act or omission that may result in breach of concealment.

Failure to
protect war
materials,
etc.

120. (1) A person subject to military law who fails to protect war materials, misuses or sells them, commits an offence and is on conviction, liable to suffer death.

(2) For the purposes of this section, failure to protect war materials or misuse of them means—

- (a) failing to guard arms or ammunition;
- (b) malicious damage to arms or ammunition;
- (c) tampering with or mishandling of arms or ammunition resulting in damage;
- (d) giving or allowing arms or ammunition to be handled by unauthorised persons;

- (e) losing arms or ammunition or parts of them;
- (f) failing to clean arms;
- (g) improper disposal of arms or ammunition;
- (h) illegal possession of arms or ammunition; or
- (i) failing to do any other act necessary for the protection of any war material or otherwise misusing it.

(3) A person in command of any vessel, aircraft, defence establishment or unit of the Defence Forces who does not supervise the war materials under his or her command commits an offence and is liable, on conviction, to imprisonment not exceeding fourteen years.

121. (1) A person subject to military law who—

- (a) is charged with the responsibility of briefing for an operation and fails to do so;
- (b) fails to obey instructions as explained or laid down regarding briefing for an operation; or
- (c) fails to prepare for an operation,

Failure to
brief, etc.

commits an offence and is, on conviction, where there is failure of operation or loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

(2) For the purposes of this section, failure to brief or to prepare for an operation means—

- (a) failing to ensure that soldiers are thoroughly briefed before an operation;
- (b) failing to carry out de-briefing after an operation;
- (c) failing to ensure personal preparation for an operation;

- (d) failing to ensure group preparation for an operation;
- (e) failing to ensure combat readiness of all soldiers;
- (f) failing to ensure thorough reconnaissance;
- (g) giving false or unreliable information about recce;
or
- (h) neglecting training of soldiers.

Personal
interests
endangering
operational
efficiency.

122. A person subject to military law who does any of the following acts commits an offence and is, on conviction, liable to life imprisonment—

- (a) exposing operational plans to unauthorised persons;
- (b) misusing operational funds, food or other supplies for personal interest;
- (c) capturing from the enemy goods for personal use instead of capturing materials for the Defence Forces;
- (d) failing to report and hand in goods captured from the enemy;
- (e) failing to ensure that goods captured from the enemy are brought to base and are accounted for; or
- (f) being drunk during an operation.

Careless
shooting in
operation.

123. A person subject to military law who carelessly shoots any person or handles arms or ammunition in such a manner as to endanger lives of other persons in operation, commits an offence and is, on conviction, liable to life imprisonment.

124. A person subject to military law who—

- (a) commits an act of violence to any person bringing material to the Defence Forces or to any forces co-operating with the Defence Forces;
- (b) irregularly detains or diverts any material being convoyed to any unit of the Defence Forces or of any forces co-operating with the Defence Forces;
- (c) without orders from his or her superior officer, improperly destroys or damages any property;
- (d) breaks into any house or other place with intention to plunder;
- (e) commits any offence against the property or person of any inhabitant or resident of a country in which he or she is serving;
- (f) steals from or with intent to steal, searches the body of any person killed or wounded in the course of war-like operations;
- (g) steals any money or property which has been left exposed or unprotected in consequence of war-like operations;
- (h) takes, otherwise than for the service of the Republic of Uganda, any money or property abandoned by the enemy; or
- (i) being a person in command of a unit or detachment of the Defence Forces, uses soldiers of his or her unit or permits or suffers soldiers of his or her unit to be used for carriage of merchandise for sale to soldiers of the unit or detachment for his or her own or another person's personal gain,

commits an offence and is, on conviction, liable to life imprisonment.

Offences relating to prisoners of war.

125. A person subject to military law who—

- (a) by want of due precaution through disobedience of orders or willful neglect of duty, is made a prisoner of war;
- (b) having been made a prisoner of war, fails to rejoin the Defence Forces when able to do so; or
- (c) having been made a prisoner of war, serves with or aids the enemy;

commits an offence and is, on conviction, liable to suffer death.

Offences by persons in command when in action.

126. A person in command of a vessel, aircraft, defence establishment or unit of the Defence Forces who—

- (a) when under orders to carry out an operation of war or on coming into contact with an enemy which it is his or her duty to engage, does not use his or her utmost exertion to bring the officers and militants under his or her command or his or her ship, vessel, aircraft or his or her other material into action;
- (c) being in action, does not, during the action in his or her own person and according to his or her rank, encourage the officers and militants under his or her command to fight courageously;
- (c) when capable of making a successful defence, surrenders his or her ship, material or unit to the enemy; or

- (d) gives premature orders to attack resulting in failure of operation,

commits an offence and, on conviction, where it results in failure of operation or loss of life, shall be sentenced to death or, in any other case, is liable to life imprisonment.

127. A person subject to military law who, for any purpose prejudicial to the security or interests of Uganda— Treachery.

- (a) infiltrates the Defence Forces or is an agent of a foreign power or of any force engaging in war or war-like activities against the Government;
- (b) consciously gives classified information to a foreign power or any force engaging in war or war-like activities against the Government or solicits information with a view to giving it to such a power or force;
- (c) consciously gives confidential information to anyone without the knowledge and approval of the proper authority; or
- (d) consciously withholds vital information from the proper authorities,

commits the offence of treachery and is, on conviction, liable to suffer death.

128. (1) A person subject to military law who—

Offences
relating to
security.

- (a) discloses by word of mouth or by document, confidential information to the enemy or to unauthorised members of the Defence Forces or the public;

- (b) talks about or discusses any confidential information in unauthorised places or with authorised persons within hearing distance of unauthorised persons;
- (c) gives a parole, watchword, password, countersign or identification signal different from that which he or she received or without authority, alters or interferes with any identification or other signal;
- (d) improperly occasions false alarm;
- (e) forces a safeguard or forces or strikes a sentinel;
or
- (f) does or omits to do anything with intent to prejudice the security of the Defence Forces or forces co-operating with the Defence Forces.

commits an offence and is, on conviction, liable to suffer death.

(2) For the purposes of this section—

“confidential information” means—

- (a) intelligence information;
- (b) information relating to the members' positions, materials, movements, preparations for operations of the Defence Forces or of any forces co-operating with the Defence Forces;
- (c) information relating to radio cryptographic system, aid, process, procedure, publication or document of the Defence Forces or of any forces co-operating with the Defence Forces;
- (d) parole, watchword, password, countersign or identification signal; or

(e) any other informational material as may be prescribed.

“parole” means a special pass word used only by persons authorised to do so;

“safeguard” means anything that protects against loss or injury.

129. (1) A person subject to military law who—

(a) assaults a person on guard duty;

(b) by act, word or gesture wrongfully compels a person on guard duty to let him or her or any other person pass;

(c) wrongfully evades a guard;

(d) in any manner whatsoever prevents a person from doing his or her guard duty;

(e) occasions false alarm to a person on guard duty;
or

(f) assaults, ill treats or uses unnecessary violence against a person in custody,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

(2) For the purposes of this section, any reference to a person on guard shall be construed as a reference to a person who is posted or ordered to patrol or is a member of a guard or other party mounted or ordered to patrol for the purposes of—

(a) protecting any person;

(b) preventing or controlling access to or egress from any premises or place; or

Offences
relating to
guard
duties.

(c) regulating traffic by road or rail, river or lake.

Mutiny.

Mutiny.

130. (1) A person subject to military law who—

- (a) plots, incites, conspires to cause, takes part in or endeavours to persuade any person to join in a mutiny;
- (b) being present, does not use his or her utmost endeavours to suppress a mutiny; or
- (c) being aware of an actual or intended mutiny, does not, without delay inform his or her superior officer of the mutiny,

commits the offence of mutiny and is on conviction, where it results in failure of operation, loss of life or destruction of military operational materials, liable to suffer death or, in any other case, liable to life imprisonment.

(2) In this section, the offence of mutiny shall be deemed to be committed when a combination of two or more persons subject to military law or persons two at least of whom are subject to military law, use any means under subsection (1)—

- (a) to overthrow or resist lawful authority in the Defence Forces or any forces co-operating with the Defence Forces or any part of the Defence Forces;
- (b) to disobey such authority in such circumstances as to make disobedience subversive of discipline or with the object of avoiding any duty or service against or in connection with operations against the enemy; or
- (c) to impede the performance of any duty or service in the Defence Forces or any forces co-operating with the Defence Forces or any part of the Defence Forces.

131. (1) A person subject to military law who either wilfully or through neglect, disobeys a lawful order commits an offence and is, on conviction, where it results in failure of operation or loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

Disobeying
lawful
orders.

(2) For the purposes of this section, disobeying lawful orders means—

- (a) failing to carry out lawful orders;
- (b) failing to communicate lawful orders;
- (c) breaking lines of formation;
- (d) taking an unauthorised route while on operation;
- (e) breaking off from the main operational group; or
- (f) talking to unauthorised persons outside terms of reference while on operation.

132. (1) A person subject to military law who fails to execute his or her duties, commits an offence and is, on conviction, where it results in failure of operation or loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

Failure to
execute
one's duties.

(2) For the purposes of this section, failing to execute one's duties means—

- (a) failing to man road-blocks;
- (b) failing to man observation posts or, when acting as sentry or lookout, leaving posts before being regularly relieved or sleeping or being drunk;

- (c) failing to man quarter guard or other guard duties;
- (d) failing to deliver messages or information on time;
- (e) mishandling, misplacing or losing information;
- (f) raising undue complaints over operations; or
- (g) otherwise failing to execute assigned duties or missions without reasonable excuse.

Violence to
a superior
officer.

133. A person subject to military law who unlawfully strikes or draws or lifts up a weapon against a superior officer, or uses or offers violence against a superior officer, commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Insubordin-
ate
behaviour.

134. A person subject to military law who uses threatening or insulting language to or behaves with contempt toward a superior officer commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Disgraceful Conduct.

Spreading
harmful
propaganda.

135. (1) A person subject to military law who spreads harmful propaganda, commits an offence and is, on conviction, where there is failure of operation or loss of life, liable to suffer death or, in any other case, liable to life imprisonment.

(2) For the purposes of this section, "spreading harmful propaganda" means—

- (a) discouraging other soldiers from carrying out an operation;
- (b) speculation about an operation;

- (c) making oral or written statements ill of the Defence Forces or of the Government not being constructive criticism; or
- (d) spreading false stories intended to undermine support for or morale of members of the Defence Forces or to incite support for or boost morale of the enemy.

136. A person subject to military law who—

Malingering
or maiming.

- (a) malingers, feigns disease or induces disease or infirmity;
- (b) intentionally aggravates or delays the cure of any disease or infirmity by misconduct or wilful disobedience of orders; or
- (c) wilfully maims or injures himself or herself or any other person who is in the Defence Forces or of any forces co-operating with the Defence Forces, whether at the instance of that person or not, with intent by doing so, to render himself or herself or that other person unfit for service, or causes himself or herself to be maimed or injured by any person with intent to render himself or herself unfit for service,

commits an offence and is, on conviction, if he or she committed the offence on active service or when under orders for active service, or in respect of a person on active service or under orders for active service, liable to life imprisonment or, in any other case, liable to imprisonment not exceeding two years.

137. (1) A person in the Defence Forces who is drunk, whether or not on duty, commits an offence and is on conviction, liable to imprisonment not exceeding seven years.

Drunken-
ness.

(2) For the purposes of this section, a person is drunk if owing to the influence of alcohol, whether alone or in combination with any other circumstances, he or she is unfit to be entrusted with his or her duty or with any duty which he or she might be called upon to perform, or behaves in a disorderly manner or in a manner likely to bring discredit to the Defence Forces.

Taking or
possessing
drugs.

138. A person subject to military law who takes or is in unlawful possession of bhangis, cannabis, marijuana, cocaine or any other intoxicating drug as may be prescribed by the Defence Forces Council, commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

Abuse of
and
violence to
inferiors.

139. A person subject to military law who unlawfully strikes, draws, lifts up a weapon against or in any way ill-treats any person in the Defence Forces who by reason of rank or appointment is subordinate to him or her, commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

False
accusation,
etc.

140. A person subject to military law who—

- (a) makes a false accusation against any officer or militant, knowing the accusation to be false; or
- (b) when seeking redress in a matter in which he or she considers that he or she has suffered any personal oppression, injustice or other ill-treatment or that he or she has any other cause for grievance, knowingly makes a false statement affecting the character of an officer or a militant which he or she knows to be false or knowingly, in respect of the redress so sought, suppresses any material facts,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

141. A person subject to military law, who quarrels or fights with any other person or who uses provoking words or gestures towards any person tending to cause a quarrel or disturbance, commits an offence and is, on conviction, liable to imprisonment not exceeding two years.

Quarrels
and
disturbances.

142. A person subject to military law, who—

Disorders.

(a) being concerned in a quarrel, fray or disorder refuses to obey an officer or militant, though of inferior rank, who orders him or her into arrest, or strikes or uses or offers violence to any such officer or militant;

(b) strikes or uses or offers violence to any other person in whose custody he or she is placed;

(c) resists an escort whose duty is to apprehend him or her or to have him or her in-charge; or

(d) breaks out of barracks, station, camp, quarters or ship, commits an offence and is, on conviction, liable to imprisonment not exceeding two years.

143. (1) An officer who behaves in a scandalous manner unbecoming of an officer, commits an offence and is, on conviction, liable to suffer dismissal from the Defence Forces with or without disgrace.

Scandalous
conduct by
officers, etc.

(2) For the purposes of this section, "scandalous conduct" means the personal conduct of an officer which is generally against public order, expectations and morality, whether or not the conduct directly or indirectly affects others.

Desertion And Absence Without Leave.

144. (1) A person subject to military law, who deserts the Defence Forces, commits an offence and is, on conviction—

Desertion.

(a) if the desertion endangers life or leads to loss of life;

(b) if he or she deserts with arms or ammunition or other war materials; or

(c) if he or she deserts and joins the enemy,

liable to suffer death or, in any other case, liable to life imprisonment.

(2) For the purposes of this section, a person deserts who—

(a) being on or having been warned for active service, is absent without authority with the intention of avoiding that service;

(b) deserts from the Defence Forces and joins, reports to or otherwise assists the enemy;

(c) having been warned that his or her vessel or aircraft is under sailing or flight orders, is absent without authority, with the intention of missing that vessel or aircraft;

(d) absents himself or herself without authority from his or her unit or formation or from the place where his or her duty requires him or her to be, with the intention of not returning to that unit, formation or place;

(e) while absent with authority from his or her unit or formation or from the place where his or her duty requires him or her to be, at anytime during that absence, forms the intention of not returning to that unit, formation or place; or

- (f) while absent with authority from his or her unit or formation or the place where his or her duty requires him or her to be, with the intention of not returning to that unit, formation or place, does any act or omits to do anything, the natural or probable consequence of which act or omission is to preclude his or her return to that unit, formation or place at the time required.

(3) A person who has been absent without authority for a continuous period of twenty-one days or more, shall, for the purposes of this Act, unless the contrary is proved, be presumed to have deserted.

145. A person subject to military law, who—

Connivance
at desertion.

- (a) being aware of the desertion or intended desertion of a person from the Defence Forces, does not, without reasonable excuse, inform the Defence Forces authorities; or
- (b) fails to take any steps in his or her power to cause the arrest of a person known by him or her to be a deserter,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

146. (1) A person subject to military law, who absents himself or herself without leave commits an offence and is, on conviction, liable to imprisonment not exceeding four years.

Absence
without
leave.

(2) For the purposes of this section, a person absents himself or herself without leave who—

- (a) without authority, leaves his or her unit, formation or the place where his or her duty requires him or her to be; or

(b) with authority, is absent from his or her unit, formation or the place where his or her duty requires him or her to be, but fails to return to that unit, formation or place at the expiration of the period for which his or her absence was authorised.

False statement in respect of leave.

147. A person subject to military law who knowingly makes a false statement for the purposes of obtaining or prolonging leave of absence from his or her unit, formation or the place where his or her duty requires him or her to be, commits an offence and is, on conviction, liable to imprisonment not exceeding two years.

Offences Relating To Vessels, Aircraft And Vehicles.

Offences relating to convoys.

148. A person subject to military law who, while serving in any ship or vessel belonging to, or being used by the Defence Forces and involved in the conveying and protection of another ship or vessel—

(a) fails to defend any ship, vessel or goods under convoy;

(b) refuses to fight in the defence of a ship or vessel in his or her convoy when it is attacked; or

(c) cowardly abandons or exposes a ship or vessel in his or her convoy to hazards,

commits an offence and is, on conviction, liable to suffer death.

Losing, stranding or hazarding vessels or aircraft.

149. A person who wilfully hijacks or through default, loses, strands or hazards or suffers to be lost, stranded or hazarded any ship, vessel, or aircraft belonging to or used by the Defence Forces or forces co-operating with the Defence Forces, commits an offence and is on conviction, liable to suffer death.

150. A person who—

- (a) in the use of, or in relation to, any aircraft or aircraft material, wilfully or negligently or contrary to regulations, orders or instructions, does any act or omits to do anything which act or omission results or is likely to result in damage to or destruction or loss of any aircraft or aircraft material of the Defence Forces or forces co-operating with the Defence Forces;
- (b) wilfully or negligently or contrary to regulations, orders or instructions, does any act or omits to do anything which act or omission results in the loss of any aircraft or aircraft material of the Defence Forces or forces co-operating with the Defence Forces; or
- (c) during a state of war, wilfully or negligently causes the confiscation by or under the authority of a neutral State of any of the aircraft of the Defence Forces or of any forces co-operating with the Defence Forces;

Wrongful acts in relation to aircraft, etc.

commits an offence and is, on conviction, liable to suffer death.

151. A person who attempts to hijack an aircraft, vessel or ship belonging to or used by, the Defence Forces or forces co-operating with the Defence Forces, commits an offence and is, on conviction, liable to suffer death.

Attempt to hijack aircraft, vessel, etc.

152. A person subject to military law who, intentionally or negligently, does or omits to do an act in the use of or in relation to an aircraft, or aircraft material, which act or omission causes or is likely to cause loss of life or bodily injury to any person, commits an offence and is on conviction, liable to life imprisonment.

Dangerous acts in relation to aircraft.

Disobed-
ience of
Captain's
orders.

153. (1) A person subject to military law who, when in an aircraft, disobeys any lawful command given by the Commander of the aircraft in relation to the flying or handling of the aircraft, or relating to the safety of the aircraft, whether or not the Commander is a person subject to military law, commits an offence and is, on conviction, liable to life imprisonment.

(2) For the purposes of this section—

(a) a person whatever his or her rank, shall, when he or she is in an aircraft, be under the command of the Commander of the aircraft as respects all matters relating to the flying, handling or safety of the aircraft whether or not the Commander is a person subject to military law; and

(b) if the aircraft is a glider and is being towed by another aircraft, the Commander of the glider shall, so long as his or her glider is being towed, be under the command of the Commander of the aircraft as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, whether or not the Commander is a person subject to military law.

Inaccurate
certificate.

154. Except where the person proves that he or she took reasonable steps to ensure that the certificate was accurate; a person who signs an inaccurate certificate in relation to an aircraft or aircraft material, commits an offence and is liable on conviction, to imprisonment not exceeding seven years.

Low flying.

155. A person subject to military law who flies an aircraft at a height lower than the height prescribed by regulations or in any other manner so as to cause or to be likely to cause annoyance to any person except—

(a) while taking off or landing; or

(b) in such other circumstances as may be prescribed,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

156. A person who—

(a) uses a vehicle of the Defence Forces for unauthorised purposes; or

(b) uses a vehicle of the Defence Forces contrary to any regulations made under this Act, orders or instructions,

commits an offence and is, on conviction, liable to imprisonment not exceeding four years.

Unauthorised
use of
vehicles.

157. Every person subject to military law who—

(a) drives a vehicle of the Defence Forces recklessly or in a manner that is dangerous to any person or property having regard to all the circumstances of the case, or, having charge of and being in or on such a vehicle, causes or by wilful neglect permits it to be so driven;

(b) while his or her ability to drive is impaired by alcohol or a drug, drives or attempts to drive a vehicle of the Defence Forces; or

(c) having charge of a vehicle of the Defence Forces, knowingly permits it to be driven by a person whose ability to drive is impaired by alcohol or a drug,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Improper
driving of
vehicles.

Offences Relating To Other Property.

Protection
of Defence
stores.

158. (1) The Minister shall, by notice published in the *Gazette*, declare and make known what mark or marks when applied to any arms, clothing, equipment, vehicle, aircraft or boat shall denote them as property of the State.

(2) Any person who—

(a) with fraudulent intent applies to any arms, clothing, equipment, vehicle, aircraft or boat any mark referred to in subsection (1);

(b) fraudulently defaces or conceals any mark referred to in sub-section (1) on any arms, clothing, equipment, vehicle, aircraft or boat; or

(c) unlawfully receives, possesses, sells or delivers any arms, clothing, equipment, vehicle, aircraft or boat bearing any mark referred to in subsection (1) or forbidden by or under this Act to be sold, pledged or otherwise disposed of,

commits an offence and is, on conviction, liable to imprisonment for life.

(3) In any prosecution for a contravention of subsection (2), the burden of proving that he or she had no fraudulent intent in applying, defacing or concealing any mark referred to in subsection (1) or, as the case may be, that the receipt, sale or delivery of any arms, clothing, equipment, vehicle, aircraft or boat was lawful, shall lie upon the accused.

Unlawful
purchase,
etc. of
military
stores.

159. (1) Any person who acquires military stores or solicits or procures any person to dispose of any military stores, commits an offence, unless he or she proves either—

- (a) that he or she did not know and could reasonably not be expected to know, that the chattels in question were military stores;
- (b) that those chattels had, by earlier transaction, been disposed of by order or with the consent of some person or authority who had, or whom he or she had reasonable cause to believe had, power to give the order or consent; or
- (c) that those chattels had become the property of an officer or a militant who had ceased to be a member of the Defence Forces, or of the personal representative of a person who had died,

and is, on conviction, liable to a fine not exceeding three hundred and forty currency points or imprisonment not exceeding fourteen years or both.

(2) Any member of the Defence Forces or Police may arrest without warrant any person whom he or she has reasonable grounds for suspecting to have committed an offence against this section, and may seize any property which he or she has reasonable grounds for suspecting to have been the subject of the offence.

(3) A member of a court martial may, if satisfied by evidence on oath that a person within the jurisdiction of the court martial, has, or is reasonably suspected to have in his or her possession, any property which has been the subject of an offence against this section, grant a warrant to search for the property as in the case of stolen goods.

(4) Any property suspected to have been the subject of the offence under this section which is found on the search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a court martial.

(5) In this section—

- (a) “acquire” means buy, take in exchange, take in pawn or otherwise receive, whether apart from this section the receiving is lawful or not;
- (b) “dispose” means sell, give in exchange, pledge or otherwise hand over, whether apart from this section the handing over is lawful or not; and
- (c) “military stores” means any chattel of any description belonging to the Government which has been issued when required, and includes, any chattel which had belonged and had been issued or held as described in this subsection at some past time.

Destruction,
loss or
improper
disposal of
property.

160. A person subject to military law, who—

- (a) wilfully destroys or damages or loses by neglect or improperly sells or wastefully expends any property—
 - (i) of the Defence Forces or forces co-operating with the Defence Forces; or
 - (ii) contributed by members of the Defence Forces for their use; or
- (b) wilfully destroys or damages public or private property,

commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

Selling or
pawing
decorations.

161. A person subject to military law who sells, pawns or otherwise disposes of any cross, medal, insignia or other decoration, commits an offence and is on conviction, liable to imprisonment not exceeding two years.

162. (1) Any person who, without authority—

(a) sells, offers or exposes for sale or wears or uses any uniform supplied, to or authorised for use by, any member of the Defence Forces;

(b) manufactures, sells, offers or exposes for sale, wears or uses any uniform so nearly resembling the uniform referred to in paragraph (a) of this subsection, as to be likely to deceive; or

(c) wears or uses any decoration supplied to or authorised for use by any member of the Defence Forces or any decoration so nearly resembling that decoration as to be likely to deceive,

commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

(2) Subsection (1) does not apply in relation to any uniform or decoration for the purposes of any bona fide stage, film or television production or military representation.

(3) Any person who by act, words, conduct or otherwise, falsely represents himself or herself to be a person who is or has been entitled to wear or use any uniform or decoration referred to in subsection (1), commits an offence and is, on conviction, liable to imprisonment not exceeding three years.

(4) In any prosecution for an offence under this section relating to any act done without due or lawful authority, it shall be presumed, until the contrary is proved, that the accused had no such authority.

(5) In this section, "uniform" means any article of wearing apparel and includes a badge, button, braid or insignia, worn in association with any particular item or items of clothing, and a tie.

Unauthorised
sale or
wearing of
uniforms,
etc.

Causing
fire.

163. A person who wilfully or negligently or contrary to regulations made under this Act, orders or instructs or does any act or omits to do anything which causes or is likely to cause fire to occur in any establishment, works, or material for defence, commits an offence and is, on conviction, liable to life imprisonment.

*Offences Relating To The Process Of Law, Arrests, Service
Custody And Military Courts.*

Interfering
with the
process of
law.

164. (1) A person subject to military law, who unlawfully interferes with the process of law as set out in this Act, commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

(2) For the purposes of this section, interfering with the process of law means—

- (a) knowingly withholding material evidence or information;
- (b) fabricating or destroying evidence;
- (c) interfering with a witness in the course of an investigation or proceedings of a case;
- (d) unlawful release of a suspect in lawful custody or arrest or otherwise breaking the rules of security of prisoners as may be prescribed by the Defence Forces Council; or
- (e) premature leaking of information about an investigation or any other interference that may jeopardise the investigation.

Negligent or
wilful
interference
with
custody.

165. A person subject to military law, who—

- (a) without authority, sets free or authorises or otherwise facilitates the setting free of any person in custody;

(b) negligently or wilfully allows to escape any person who is committed to his or her charge or who it is his or her duty to guard or keep in custody; or

(c) assists any person in escaping or in attempting to escape from his or her custody,

commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

166. A person subject to military law who, being under arrest or confinement or in prison or otherwise in lawful custody, escapes, commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Escape from custody.

167. A person subject to military law, who—

(a) resists or wilfully obstructs an officer or a militant in the performance of any duty pertaining to the arrest, custody or confinement of any other person subject to military law; or

(b) when called upon, refuses or neglects to assist an arresting officer or militant in the performance of that duty,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Obstruction of arresting officers.

168. A person subject to military law, who—

(a) unlawfully detains any other person in arrest or in confinement; or

(b) unnecessarily detains any other person without bringing him or her to trial, or fails to bring that other person's case before the proper authority for investigation,

Unlawful detention of person.

commits an offence and is, on conviction, liable to imprisonment not exceeding two years.

Offences in
respect of
military
courts.

169. (1) A person who—

- (a) being duly summoned or ordered to attend as a witness before a military court, makes default in attending;
- (b) refuses to take an oath or make a solemn affirmation lawfully required by a military court to be taken or made;
- (c) refuses to produce any document in his or her power or control lawfully required by a military court to be produced by him or her;
- (d) refuses to answer, when a witness, any question to which a military court lawfully requires an answer;
- (e) uses insulting or threatening language before or causes any interruption or disturbance in the proceedings of a military court;
- (f) commits or omits to perform any act before a military court which if done or made before a civil court would constitute a contempt of that court; or
- (g) being an advocate, conducts himself or herself in the manner described in subsection (9) of section 209,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

(2) Where an offence under this section is committed at or in relation to a court martial that court martial may, by an order signed by a member of that court, order that the offender shall undergo a term of imprisonment or detention for a period not exceeding thirty days.

(3) Where any order is issued under subsection (2), the offender shall not be liable to any other proceedings under military law in respect of the contempt in consequence of which the order is issued.

(4) For the purposes of this section, "military court" includes a Board of Inquiry or any other Board established by law.

Miscellaneous Offences.

170. A person subject to military law who—

Disturbance
in billets,
etc.

(a) misbehaves, by violence, extortion or making disturbances or otherwise in billets in which he or she or any other person is billeted or in any premises in which accommodation for material of the Defence Forces has been provided; or

(b) fails to comply with regulations made under this Act in respect of the payment of the just demands of the person on whom he or she or any officer or militant under his or her command is, or has been billeted or the occupant of premises on which such material is or has been accommodated,

commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

171. A person who—

Offences in
relation to
documents.

(a) wilfully or negligently makes a false statement or entry in a document made or signed by him or her that is required for the purposes of this Act or any regulations made under it, or who being aware of the falsity of a statement or entry in such a document, orders the making or signing of it;

- (b) when signing a document required for such purposes leaves blank any material part for which his or her signature is a voucher; or
- (c) with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any such purpose,

commits an offence and is, on conviction, liable to imprisonment not exceeding two years.

Obstructing
Defence
Forces.

172. Any person who wilfully obstructs or interferes with any part of the Defence Forces or any member of the Defence Forces in the proper performance of any military service or duty under this Act, commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Harbouring,
aiding or
inducing
members of
the Defence
Forces to
dereliction
of duty.

173. (1) Any person who—

- (a) assists or harbours any officer or militant who to his or her knowledge has committed an offence under this Act;
- (b) induces or attempts to induce any officer or militant to neglect or to act in conflict with his or her military duty;
- (c) is a party to, aids or abets or incites to the commission of any act by which—
 - (i) any lawful order given to any officer or militant; or
 - (ii) any law relating to the Defence Forces with which it is the duty of any officer or militant to comply,

may be evaded or infringed;

(d) whether in propagating religious beliefs or otherwise, uses any language or does any act or thing with intent to recommend to, encourage, aid, incite, instigate, suggest to or otherwise cause any officer or militant of a Regular Force to refuse or fail to carry out any duties to which that officer or militant is or may become liable under this Act; or

(e) supplies or is a party to supplying any officer or militant with intoxicating liquor when that officer or militant is on military duty and prohibited by or under this Act from receiving or taking intoxicating liquor,

commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

(2) Notwithstanding subsection (1), liquor may at any mess or canteen which is conducted under the authority of a commander, be sold or supplied to any officer or militant whether of the Force commanded by the commander or not.

174. A person subject to military law, who—

Other
fraudulent
offences.

(a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Defence Forces;

(b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the Defence Forces;

(c) receives directly or indirectly, whether personally or by or through any member of his or her family or a person under his or her control, or

for his or her benefit, any gift, loan, promise, compensation or consideration either in money or otherwise, from any person, for assisting or favouring any person, in the transaction of any business relating to the Defence Forces or to any forces co-operating with the Defence Forces or to any mess, institute or canteen operated for the use and benefit of members of those forces;

(d) demands or accepts compensation, consideration or personal advantage for conveying a vessel entrusted to his or her care;

(e) being in command of a vessel or aircraft, takes or receives on board a person, goods or merchandise that he or she is not authorised to take or receive on board;

(f) unlawfully erects or places barriers in or across any road or street or on a path or in any public place within Uganda; or

(g) commits any act of a fraudulent nature not expressly specified in this Act,

commits an offence and is, on conviction, liable to imprisonment not exceeding seven years.

Offences in
relation to
redress of
wrongs.

175. A person subject to military law, who, when a complaint by a member of the Defence Forces has been made to him or her under section 99, or regulations made under this Act—

(a) unduly delays—

(i) in redressing the wrong complained of; or

(ii) in sending the complaint to higher authority in the prescribed manner; or

(b) complains to higher authority when it is his or her duty to direct his or her complaint to his or her commanding officer or other authority,

commits an offence and is, on conviction, liable to imprisonment not exceeding one year.

176. (1) Any act, conduct, disorder or neglect to the prejudice of the good order and discipline of the Defence Forces shall be an offence.

Conduct
prejudicial
to good
order and
discipline.

(2) A person convicted of an offence under subsection (1) is liable to dismissal with disgrace from the Defence Forces.

(3) No person may be charged under this section with any offence for which special provision is made in any other provision of this Act.

(4) The conviction of a person charged under this section shall not be invalid by reason only of the charge being in contravention of subsection (3) unless it appears that an injustice has been done to the person charged by reason of the contravention; but the responsibility of any officer or militant for that contravention shall not be affected by the validity of the conviction.

(5) For the purposes of this section, an act or omission constituting a contravention by any person of—

(a) any regulations, orders or instructions published for the general information and guidance of the Defence Forces to which that person belongs, or to which he or she is attached or seconded;
or

(b) any general, garrison, unit, station, standing, local or other orders,

shall be an act, conduct, disorder or neglect to the prejudice of the good order and discipline of the Defence Forces.

(6) Nothing in subsection (5) shall affect the general effect of subsections (1) and (2).

General.

Service trial
of civil
offences.

177. (1) A person subject to military law, who does or omits to do an act—

Cap 120.

(a) in Uganda, which constitutes an offence under the Penal Code Act or any other enactment;

Cap 120.

(b) outside Uganda, which would constitute an offence under the Penal Code Act or any other enactment if it had taken place in Uganda,

commits a service offence and is, on conviction, liable to a punishment as prescribed in subsection (2).

(2) Where a military court convicts a person under subsection (1), the military court shall impose a penalty in accordance with the relevant enactment and may, in addition to that penalty, impose the penalty of dismissal with disgrace from the Defence Forces or any less punishment prescribed by this Act.

Conspiracy.

178. A person subject to military law, who conspires with any other person, whether or not the other person is subject to military law, to commit a service offence, commits an offence and is, on conviction, liable to imprisonment not exceeding five years.

Conviction
for related
or less
serious
offences

179. (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged with attempting to desert may be found guilty of being absent without leave.

(3) A person charged with any of the offences specified in section 133 may be found guilty of any other offence specified in that section.

(4) A person charged with any of the offences specified in section 134 may be found guilty of any other offence specified in that section.

(5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.

(6) Where a person is charged with an offence under section 177 and the charge is one upon which, if he or she had been tried by a civil court in Uganda for that offence, he or she might have been found guilty of any other offence, he or she may be found guilty of that other offence.

180. The fact that a person is ignorant of—

Ignorance
no excuse.

(a) any provision of this Act; or

(b) any regulation made under this Act; or

(c) any order or instruction duly notified under this Act is no excuse for any offence.

181. All rules and principles from time to time followed in civil courts in criminal proceedings that would render any circumstances a justification or excuse for any act or omission or a defence to any charge, shall be applicable to any defence to a charge under this Act except where those rules and principles are altered by or are inconsistent with this Act.

Rules of
civil courts
applicable.

Aiding or
abetting
commission
of offence,
etc.

182. (1) A person subject to military law who—

(a) does or omits to do an act for the purpose of aiding any person to commit an offence;

(b) abets any person in the commission of an offence;
or

(c) counsels or procures any person to commit an offence,

commits an offence and is, on conviction, liable to the same punishment as the person who commits the actual offence.

(2) Every person who, having an intent to commit an offence, does or omits to do an act for the purpose of accomplishing his or her object, commits an attempt to commit the offence intended whether under the circumstances it was possible to commit such an offence or not and is, on conviction,—

(a) if the attempt was to commit an offence where a person convicted of it is liable to the punishment of death or imprisonment for fourteen years or upwards, liable, if no other punishment is provided, to imprisonment for seven years; and

(b) in any other case, liable to imprisonment not exceeding two years.

(3) When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of that purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of the purpose, each of them is deemed to have committed the offence.

PART VII—ARRESTS, SEARCHES AND HANDLING
OF PERSONS ARRESTED.

183. (1) A person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest. Arrests generally.

(2) For the avoidance of doubt, the ordinary arresting officer shall be the commanding officer of the unit to which the suspect belongs but in cases where it is impracticable for him or her to do so, any member of the Defence Forces may, without warrant, in the circumstances mentioned in subsection (1) conduct the arrest of a suspect of equal or lower rank.

(3) A member of the Defence Forces or the public may, without warrant conduct the arrest of any member of the Defence Forces found committing or suspected of being about to commit a service offence.

(4) A soldier may, without warrant, conduct the arrest of a member of the Defence Forces of any rank who is wanted to answer charges in respect of any of the following offences—

- (a) murder;
- (b) treason;
- (c) mutiny;
- (d) rape;
- (e) desertion;
- (f) breaking concealment;
- (g) careless shooting of a fellow soldier or civilian; or
- (h) any other offence carrying maximum death sentence.

(5) A person authorised to effect an arrest under this Act may use such force as is reasonably necessary for that purpose.

Search of
members or
premises.

184. (1) Subject to this section, if it appears to a member of a court martial from information on oath that there are reasonable grounds for suspecting that there is with any officer or militant or upon or at any premises which are occupied by military personnel—

(a) stolen property or anything with respect to which any offence under this Act has been or is on reasonable grounds suspected to have been committed; or

(b) anything as to which there are reasonable grounds for believing—

(i) that it will afford evidence as to the commission of; or

(ii) that it is intended to be used for the purpose of committing,

any offence under this Act,

he or she may, in writing authorise the search by any officer or militant of such person or premises and the seizure of any such property or thing.

(2) Any officer or militant authorised under subsection (1) to carry out any search or to seize any property or thing shall—

(a) be superior in rank to the officer or militant whose person is to be searched or in whose charge or control the premises are; and

(b) deliver safely to the commanding officer of the officer or militant referred to in paragraph (a) of this subsection any property or thing seized.

(3) If an officer of the rank of Major or above believes on reasonable grounds that the delay in obtaining written authority under subsection (1) would defeat or prejudice the object of a search, he or she may, subject to subsection (2), authorise the search without the written authority.

(4) Any search carried out under this section shall be conducted in the presence of the officer or militant in whose charge or under whose control the premises which are being searched are, except that if—

(a) the delay in securing the presence of the officer or militant is likely to prejudice the object of the search; or

(b) having regard to the exigencies of military operations, his or her presence cannot be readily secured,

the search may be made in the officer's or militant's absence but in the presence of at least two other members of the Defence Forces.

(5) The searching officer's or militant's authority is limited to seizing those articles which he or she is lawfully authorised to seize.

(6) If the searching officer or militant seizes any other items which are not specified under subsection (5), he or she may be protected only if he or she reasonably believed them to be included.

(7) In this section, "premises" includes any place, vehicle, vessel, aircraft or receptacle whether similar to the foregoing or not.

(8) This section is in addition to, and not in derogation of, the provisions of subsection (3) of section 159.

(9) This section does not apply to a member of the Reserve Forces or a prescribed force unless he or she has been mobilised under section 30.

Appointment
and powers
of specially
appointed
personnel.

185. An officer or a militant appointed under regulations made for the purpose may—

(a) detain or arrest without a warrant any person who is subject to military law regardless of the rank or status of that person, who has committed, is found committing, is suspected of or charged under this Act with having committed a service offence; and

(b) exercise such other powers as may be prescribed for the enforcement of military law.

Handling of
persons
arrested.

186. (1) A person effecting an arrest under this Act shall immediately commit the person arrested to civil custody or service custody or take him or her to the unit or formation with which he or she is serving or to any other unit or formation of the Defence Forces and shall, at the time of the committal, or as soon as is practicable after that, but in any case not later than twenty four hours, deliver to the officer or militant in whose custody that person is committed, a statement in writing, signed by himself or herself stating the nature of the offence the arrested person is alleged to have committed and the particulars of the offence.

(2) An officer or a militant commanding a guard, guardroom or safeguard or an officer or a militant appointed under section 185, shall receive a person committed to his or her custody and shall as soon as is practicable, and in any case within twenty-four hours, give in writing to the officer or militant to whom it is his or her duty to report, a statement stating—

- (a) the name of the person committed to his or her custody;
- (b) the particulars of the offence alleged to have been committed by that person so far as is known;
- (c) the name and rank of the officer, militant or other person by whom the person so committed was placed in custody; and
- (d) the statement received under subsection (1).

(3) Copies of the report made under subsection (2) shall be submitted to—

- (a) the commanding officer of the unit of the detained person;
- (b) the Chief of Military Intelligence and Security or his or her representative; and
- (c) the Chief of Legal Services or his or her representative.

(4) If there is no statement received under subsection (1), the reporting officer or militant shall inform the officer or militant to whom it is his or her duty to report, of the following—

- (a) the name of the committed person;
- (b) the name of the committing officer or militant; and
- (c) the date and time of committal,

and seek for advice as to whether or not he or she should continue to detain the person.

187. (1) A person subject to military law who, when another person subject to military law is under arrest, fails to release or effect the release of that other person when it is his or her duty to do so, commits an offence.

Irregular
detention

(2) A person subject to military law who, having committed a person to the custody of any officer or militant, fails without reasonable cause to deliver—

(a) at the time of committing; or

(b) if it is not practicable so to do, at the time of the committal, then within twenty four hours thereafter,

to the person to whose custody the person was committed, a statement in writing signed by himself or herself of the nature of the offence which the arrested person is alleged to have committed and the particulars of the offence, commits an offence.

(3) Where the arrested person is committed to the custody of a person subject to military law who is in command of a guard, guard room or safeguard, then if without reasonable cause that person does not as soon as is practicable and in any case not later than twenty four hours after the committal, give to the person to whom it is his or her duty to report—

(a) a written statement containing so far as known to him or her, the arrested person's name and particulars of the alleged offence and the name and rank or other description of the person by whom the arrested person is alleged to have committed the offence; and

(b) if he or she has received it, the statement required by subsection (1) of section 186,

commits an offence.

(4) Any person who commits an offence against this section is, on conviction, liable to imprisonment not exceeding two years.

188. (1) Where a person triable under military law has been placed under arrest for a service offence and remains in custody for forty-eight hours without his or her trial by a military court having commenced, his or her commanding officer shall make a report to the Chief of Personnel and Administration and the Chief Political Commissar of the Defence Forces stating the reasons for delaying the trial and shall release the prisoner on a conditional bond after seventy two hours.

(2) A person held in custody in the circumstances mentioned in sub-section (1) who has been continuously so held for twenty eight days without commencement of his or her trial by a military court, may, at the expiration of that period, petition the President or such other authority as the President may appoint in writing for that purpose, to be released from custody or for the disposal of the case.

(3) A person held in custody in the circumstances mentioned in sub-section (1) shall be freed by his or her commanding officer when a period of ninety days continuous custody from the time of arrest has expired unless his or her trial by a military court has commenced.

(4) A person who has been freed from custody under subsections (2) and (3), shall not be subject to re-arrest for the offence for which he or she was originally arrested, except on the written order of the Chief of Defence Forces.

(5) Where the President orders a person's release, then the release shall be treated as a pardon and that person shall not be subject to re-arrest for the offence for which he or she was originally arrested.

(6) The conditional bond under subsection (1) and subsection (3) shall not apply in the case of a person held in custody for the purpose of trial for an offence punishable with death or a term of imprisonment exceeding five years.

PART VIII—MILITARY COURTS.

Summary Trial Authority.

Trial by a
commanding
officer or
officer com-
manding.

189. (1) Subject to this section, a commanding officer or an officer commanding may try an accused person by summary trial.

(2) An accused person may be tried by a commanding officer or an officer commanding only if the following conditions are satisfied—

(a) the accused is either a junior officer or a militant;

(b) the offence is one that the commanding officer or officer commanding is, by this Act or regulations made under this Act, authorised to try;

(c) having regard to the gravity of the offence, the commanding officer or officer commanding considers that his or her powers of punishment are adequate; and

(d) the commanding officer or officer commanding is not precluded from trying the accused person by reason of his or her election to be tried by court martial.

(3) Subject as otherwise expressly provided under this Act, a commanding officer or an officer commanding at a summary trial may pass a sentence in which any one or more of the following punishments may be included, namely—

(a) detention for a period not exceeding six months;

(b) forfeiture of seniority;

(c) severe reprimand;

(d) reprimand;

(e) a fine not exceeding basic pay for one month; and

(f) minor punishments as may be prescribed.

(4) Each punishment specified in subsection (3) shall be deemed to be a punishment less than any other punishment preceding it.

(5) Officers senior in command to the commanding officer or officer commanding shall not, except in exercise of their appellate powers, interfere with the powers of the commanding officer or officer commanding under this section.

190. (1) Subject to this section, a superior authority may try a senior army officer by summary trial.

Trial by
superior
authority.

(2) An accused person who is a senior army officer may be tried by a superior authority only if the following conditions are satisfied; that is to say—

- (a) the superior authority is equal to or higher in rank than the accused;
- (b) the offence is one that the superior authority is by this Act or regulations thereunder authorised to try;
- (c) having regard to the gravity of the offence, the superior authority considers that his or her powers of punishment are adequate; and
- (d) the superior authority is not precluded from trying the accused person by reason of his or her election to be tried by court martial.

(3) Subject as otherwise expressly provided under this Act, a superior authority at a summary trial may pass a sentence in which any one or more of the following punishments is included, namely—

- (a) forfeiture of seniority;
- (b) severe reprimand;

(c) reprimand; and

(d) fine.

Offences
triable by a
summary
trial
authority
and limit-
ation on
sentencing.

191. (1) The offences which may be tried by a summary trial authority shall be as specified in the Sixth Schedule to this Act.

(2) Such punishments as are, in regulations specified as requiring approval before they are imposed by a summary trial authority, shall not be imposed until approval has been obtained in the manner prescribed in such regulations.

Courts Martial.

Unit Court
Martial.

192. (1) There shall be in each Brigade or equivalent unit of the Defence Forces, a Unit Court Martial which shall have jurisdiction to try any person for any non-capital offence under this Act.

(2) A Unit Court Martial shall consist of a member of the Defence Forces who shall be an advocate appointed by the High Command.

General
Court
Martial.

193. (1) There shall be a General Court Martial for the Defence Forces which shall have unlimited original and, subject to sections 202, 203 and 222, appellate jurisdiction over all offences and persons under this Act.

(2) The General Court Martial shall consist of a Chairperson who shall be an advocate qualified for appointment as a judge of the High Court and not less than four advocates as other members all of whom shall be appointed by the High Command.

(3) Three members of the General Court Martial shall be sufficient to try any offence or hear any appeal under this Act.

(4) Where the Chairperson is not present at a sitting of the General Court Martial, the most senior member of the Court as constituted shall preside.

(5) Where the General Court Martial is hearing an appeal, the Chairperson shall preside.

(6) The General Court Martial shall have revisory powers in respect of any finding, sentence, or order made or imposed by any summary trial authority or Unit Court Martial, to be exercised in accordance with the provisions of Part XIII of this Act.

(7) The General Court Martial may sit at any place.

194. (1) There shall be a Court Martial Appeal Court for the Defence Forces which shall hear appeals from decisions of the General Court Martial in exercise of its original or appellate jurisdiction.

Court
Martial
Appeal
Court.

(2) The Court Martial Appeal Court shall consist of a Chairperson and such number of members as the High Command shall determine.

(3) The Court Martial Appeal Court shall be duly constituted at any sitting if it consists of an uneven number not being less than three members of the court, including the Chairperson.

(4) The Court Martial Appeal Court may sit at any place.

(5) The Chairperson of the Court Martial Appeal Court shall be a person qualified for appointment as a Justice of Appeal and the other members of the Court shall be advocates all of whom shall be appointed by the High Command.

195. (1) There shall be Field Courts Martial which shall consist of the Field Commander of the operation as the Chairperson and eight members appointed in writing by the deploying authority before departure.

Field Court
Martial.

(2) A Field Court Martial shall only operate in circumstances where it is impracticable for the offender to be tried by any of the other courts established by this Act.

Decisions of
Field Courts
Martial,
Court
Martial
Appeal
Court and
General
Court
Martial.

196. (1) The verdict of a Field Court Martial, the Court Martial Appeal Court and the General Court Martial shall be by majority opinion and when a decision is reached in that manner it shall be binding on all members of the court concerned.

(2) It shall be an offence for any member who takes part in the proceedings of a Field Court Martial, the Court Martial Appeal Court or General Court Martial to later disassociate himself or herself from some decision of that Court and anybody found guilty of that offence shall be dismissed from the Court by the High Command in the case of the Court Martial Appeal Court and the General Court Martial or the deploying authority in the case of a Field Court Martial.

Staff of
court.

197. (1) Each court martial shall be assigned the following categories of staff appointed, except in the case of a Field Court Martial, by the Chief of Defence Forces—

(a) a registrar and if necessary, assistant registrars, to receive, process and keep custody of documents or files of the Court; and

(b) prosecutors to represent the State.

(2) Staff of a Field Court Martial including a secretary to record its proceedings shall be appointed by the deploying authority which shall also appoint a legal officer to advise the Court on the law, procedure and evidence.

Removal of
members of
court
martial.

198. A member of a court martial may during the continuance of his or her appointment be removed from office by the High Command and upon notice and hearing, for—

- (a) neglect of duty;
- (b) misconduct; or
- (c) mental or physical disability.

199. Nothing in this Act shall affect the jurisdiction of any civil court to try a person for an offence triable by that court.

Jurisdiction
of civil
court.

PART IX—TRIALS.

200. (1) An accused officer or militant to be tried by summary trial shall be afforded a proper opportunity to prepare himself or herself for the trial and in particular, he or she shall as soon as possible, and in any case not less than twenty four hours before the trial, be informed of—

The
summary
trial.

- (a) the charges brought against him or her;
- (b) the fact that he or she is to be subjected to summary trial; and
- (c) his or her right to elect to be tried by court martial and he or she shall be informed about the implications of either choice and in particular that where he or she opts for summary trial it means he or she is opting for trial without having counsel of his or her own choice.

(2) The accused officer or militant at a summary trial shall not be represented by counsel and there shall be no legal officer at such trial but both the accused and the summary trial authority may seek legal advice out of court.

(3) Before his or her arraignment the accused officer or militant shall again be informed by the summary trial authority of his or her right to elect to be tried by court martial and he or she shall be informed of the implications of a choice to be tried by court martial or summary trial as described in

subsection (1) (c) and his or her response shall be recorded in the record of the proceedings of the summary trial authority in his or her own words.

(4) There shall be no prosecution side at a summary trial.

(5) The accused officer or militant shall be arraigned by the summary trial authority who shall also examine witnesses for the State and question witnesses for the defence.

(6) Evidence at a summary trial shall be given on oath or, as the case may be, affirmation.

(7) If at the conclusion of the case for the State the summary trial authority determines that he or she has a case to answer, the accused officer or militant shall have the right to give evidence on oath, to make an unsworn statement or to remain silent without, in the latter two instances, being subjected to questioning by the summary trial authority.

(8) The summary trial authority shall have power, at any stage of the trial, to dismiss the charge.

(9) The summary trial authority shall consider all the evidence and may dismiss the charge or remand the accused officer or militant for further investigation or for trial by court martial.

(10) The summary trial authority may find the accused officer or militant guilty of—

(a) the offence charged and on the particulars given in the charge sheet; or

(b) the offence charged on a special finding of guilty;
or

(c) a related less serious offence.

(11) If the summary trial authority concludes during the trial that his or her powers of punishment would, if the accused officer or militant were found guilty, prove inadequate having regard to the gravity of the offence, he or she shall not pronounce a finding but shall adjourn the case and remand the accused for trial by a court martial.

(12) Subject to subsection (11), if the summary trial authority is satisfied that the accused is guilty, he or she shall call for the conduct sheet of the accused and determine sentence on considerations of—

- (a) the gravity of the offence;
- (b) the character and previous conduct of the accused;
and
- (c) any consequence of the finding or sentence.

201. A summary trial authority shall have the following additional powers—

Additional powers of summary trial authority.

- (a) to set aside a sentence imposed at a summary trial;
- (b) clemency;
- (c) to mitigate punishment; and
- (d) to suspend all or part of a punishment.

202. (1) An appeal from a decision of a summary trial authority shall lie only to the commanding officer or the immediate superior in command of the summary trial authority and, in particular, an appeal from a decision of a superior authority in exercise of original jurisdiction shall lie to the Commander-in -Chief.

Appeals from decisions of a summary trial authority.

(2) The appeal shall be in writing and shall be submitted through the summary trial authority that presided at the trial at which the decision appealed against was made.

(3) The summary trial authority shall endorse the appeal to his or her commanding officer or immediate superior in command and shall include—

(a) a statement of facts including what was included in the investigations, what was raised at the summary trial and any other relevant information;

(b) copies of documents and witness statements which were shown or discussed at the summary trial or otherwise relevant; and

(c) a copy of the appellant's conduct sheet.

Action on appeal.

203. On receipt of an appeal under section 202, the commanding officer or the immediate superior in command of the summary trial authority shall refer the appeal to an advocate for advice and he or she or the Commander-in-Chief, as the case may be may, if necessary, take corrective action or order a retrial.

Principles of civil court to be observed generally.

204. Except as otherwise expressly provided in this Act and any regulations made under it, the rules of evidence and procedure to be observed in proceedings before a court martial shall, as far as is practicable, be the same as those observed in proceedings before a civil court.

No limitation on jurisdiction.

205. A person alleged to have committed a service offence may be charged, dealt with and tried under military law whether the alleged offence was committed in Uganda or out of Uganda.

Place of trial.

206. Every person alleged to have committed a service offence may be charged, dealt with and tried under this Act either in Uganda or out of Uganda.

207. (1) Subject to subsections (2) and (3), military courts shall be public and, to the extent that accommodation permits, the public shall be admitted to the trial.

Trials
public.

(2) Where a military court considers that it is expedient in the interest of public safety, defence or public morals that the public should be excluded during the whole or any part of a trial, the court may make an order to that effect, and any such order shall be recorded in the record of the proceedings of the military court.

(3) A witness shall not be admitted to a trial until he or she is called upon to give evidence or by specific leave of the military court and the court may at any time require the witness to withdraw after having given his or her evidence.

208. A military court may, where it considers it necessary, view any place, thing or person.

View by
military
court.

209. (1) The commanding officer or officer commanding of the accused person and a military court shall take all necessary action to procure the attendance of the witnesses whom the prosecutor or the accused person or both request to be called and whose attendance can, having regard to the exigencies of the service, reasonably be procured.

Witnesses
and
advocates at
courts
martial

(2) Nothing in subsection (1) shall require the procurement of the attendance of any witnesses, the request for whose attendance is deemed by the commanding officer, officer commanding or the military court, to be frivolous or vexatious.

(3) Where a request by the accused person for the attendance of a witness is deemed to be frivolous or vexatious, the attendance of that witness, if his or her attendance, having regard to the exigencies of the service, can reasonably be procured, shall be procured if the accused person pays in advance the fees and expenses of the witness at the rates prescribed in regulations.

(4) If at the trial the evidence of the witness proves to be relevant and material, the military court shall order the accused person to be reimbursed in the amount of the fees and expenses of the witness paid under subsection (3).

(5) Nothing in this section limits the right of the accused person to procure and produce at the trial at his or her own expense such witnesses as he or she may desire.

(6) Every person required to give evidence before a military court may be summoned by a summons signed by a member of the court martial or the summary trial authority, as the case may be.

(7) A person summoned under subsection (6) may be required to bring with him or her and produce at a military court any documents or thing in his or her possession or under his or her control relating to the matters in issue before the military court.

(8) A witness summoned or attending to give evidence before a military court shall be paid such witness fees and allowances for expenses of attendance as are prescribed by regulations.

(9) Any conduct of an advocate before a court martial that would be liable to censure or be contempt of court if it took place before a civil court is likewise liable to censure or is contempt of court in the case of a court martial; and the provisions governing the procedure of courts martial are binding upon an advocate appearing before a court martial; and wilful disobedience of the provisions shall, if persevered in, be deemed to be contempt of court punishable in accordance with section 169.

(10) Upon receipt of a certificate signed by a member of a court martial or a summary trial authority, as the case may be, that a witness has not appeared before a military court in obedience to a summons issued under this section, a civil court

shall, on proof of the proper service of the summons at a reasonable time before, issue a warrant to bring the witness before the civil court at a time and place specified in the warrant.

(11) When a witness is arrested under a warrant issued under subsection (10), the civil court may, on his or her furnishing security by recognisance to the satisfaction of the civil court for his or her appearing before the military court at the hearing of the case, order him or her to be released from custody, or shall, on his or her failure to furnish the security, order him or her to be detained for production at the hearing.

(12) Without prejudice to any of the foregoing provisions of this section, any person in contempt of a military court, may be removed from the court by order signed by a member of the court martial or the summary trial authority, as the case may be.

210. (1) Where, on the trial of a person by a military court it appears to the court that the accused is by reason of insanity unfit to stand his or her trial, the court shall so find, and if the finding is confirmed in accordance with the following provisions, the accused shall be kept in custody in such manner as may be provided by or under rules made under this section until the directions of the Minister are known or until any earlier time at which the accused is fit to stand his or her trial.

Provisions
where
accused
found
insane.

(2) Where on the trial of a person by a military court, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but that at the time of the acts or omissions constituting that offence the accused was insane so as not to be responsible for his or her actions in accordance with the Penal Code Act, the court shall find that the accused

was guilty of that offence but was insane at the that time and the accused shall then be kept in custody in such a manner as may be provided by or under rules or orders made or given under this section until the directions of the Minister are known.

(3) In the case of a finding under subsection (2) the Minister may make rules and give orders for the safe custody of the accused during his or her pleasure in such place and in such manner as the Minister thinks fit.

(4) In the discharge of his or her functions under this section, the Minister shall consult with the Minister responsible for Justice.

Autrefois
acquitt and
autrefois
convict.

211. (1) A person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a military court or civil court on a charge of having committed any such offence, shall not be tried again by any court in respect of that offence or any other offence of which he or she might have been found guilty on that charge.

(2) Nothing in subsection (1) shall affect the validity of a new trial ordered under section 231 or 235.

Proceedings
judicial.

212. Any proceedings under this Act either before a military court, or before a board of inquiry where evidence is required to be given on oath or on making a solemn affirmation, shall be deemed to be judicial proceedings for the purposes of Chapter XI of the Penal Code Act providing for offences relating to the administration of justice.

Orders of
court.

213. (1) After the conviction or acquittal of a person, a military court may make any order that may be made by a civil court in exercise of its criminal jurisdiction.

(2) A court martial may enforce an order made under subsection (1) in the same way and manner as civil courts enforce an order made by a civil court in exercise of its criminal jurisdiction.

214. Subject to sections 226 and 243, a military court may grant bail to a person charged with a service offence on the same considerations that govern the grant of bail in civil courts. Bail.

215. In any case not provided for by this Act or regulations made under this Act regarding its proceedings, a summary trial authority shall adopt such course as appears most likely to do justice. Cases not covered by Act.

PART X—PUNISHMENTS.

216. (1) The following punishments may be imposed in respect of service offences— Scale of punishments.

- (a) death;
- (b) imprisonment for two years or more;
- (c) dismissal with disgrace from the Defence Forces;
- (d) imprisonment for a term not exceeding two years;
- (e) dismissal from the Defence Forces;
- (f) detention;
- (g) reduction in rank;
- (h) communal labour;
- (i) forfeiture of seniority;
- (j) suspension;
- (k) severe reprimand;
- (l) reprimand;

(m) caution;

(n) fine;

(o) stoppages; and

(p) such other minor punishments as may be prescribed.

(2) Each punishment specified in subsection (1) shall be deemed to be a punishment less than any other punishment preceding it in that subsection.

(3) Except where a mandatory sentence is prescribed under this Act, a military court may impose a less penalty in accordance with the scale of punishments in this section.

(4) The punishment of imprisonment shall be subject to the following conditions—

(a) every person who on conviction for a service offence is liable to life imprisonment or imprisonment for a term of years may be sentenced to imprisonment for a shorter term;

(b) a sentence of imprisonment for two years or more imposed upon any person subject to military law, shall be deemed to include dismissal with disgrace from the Defence Forces, whether or not the last mentioned punishment is passed by the court martial.

(5) Where a court martial imposes a punishment of dismissal with disgrace from the Defence Forces upon an officer or a militant, the court may, in addition, notwithstanding any other provision of this Part, impose a punishment of imprisonment not exceeding two years.

(6) A person upon whom a punishment of dismissal with disgrace from the Defence Forces has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve the Republic of Uganda again in any military capacity.

(7) The punishment of detention shall be subject to the following conditions—

(a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction; and

(b) in the case of a warrant officer or non-commissioned officer in the Defence Forces, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to a rank which under regulations he or she can be reduced to.

(8) The punishment of reduction in rank shall apply to officers, warrant officers and non-commissioned officers.

(9) The punishment of reduction in rank shall—

(a) not involve reduction to a rank lower than that to which under regulations the offender can be reduced;

(b) in the case of an officer—

(i) not involve reduction to a rank lower than Second Lieutenant; and

(ii) be subject to confirmation by the High Command.

(10) Where an officer or a militant has been sentenced to forfeiture of seniority, the military court imposing the punishment shall, in passing sentence, specify the period for which seniority is to be forfeited.

(11) A fine shall be imposed in a stated amount and shall not exceed four months' pay, and the terms of payment of a fine may be determined by the court imposing the fine.

(12) Stoppages shall be effected in the manner prescribed in regulations made under this Act.

(13) Where a person is under a sentence imposed by a court martial which includes a punishment involving imprisonment and he or she is subsequently convicted and sentenced to another term of imprisonment, both terms of imprisonment shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first.

(14) A court martial shall, in sentencing a civilian convicted of an offence under this Act, pass such sentence in the scale of punishments with such modifications as the court may deem appropriate in the circumstances.

PART XI—POST TRIAL MATTERS.

Committal.

217. (1) Where a punishment of imprisonment is to be put into execution, the service prisoner shall as soon as practicable, be committed to a civil prison, to undergo there his or her punishment according to law.

(2) Where a punishment of detention is to be put into execution, the service detainee shall, as soon as practicable be committed to a military detention barracks or such other place as the court may direct, to undergo his or her punishment there.

218. A service prisoner or a service detainee may, by an order made by a military court, be removed temporarily from the place to which he or she has been committed for such period as may be specified in that order but, until his or her return to that place, he or she shall be retained in service custody or civil custody, as occasion may require; and no further committal order is necessary upon his or her return to that place.

Temporary removal from incarceration.

219. While a service prisoner is undergoing punishment in a civil prison, he or she shall be dealt with in the same manner as other prisoners in the place where he or she is undergoing punishment and all the rules applicable in respect of a person sentenced by a civil court to imprisonment including the rules for remission for good conduct shall, insofar as circumstances permit, apply accordingly.

Rules of civil prisons to apply

220. (1) The custody of a service prisoner or service detainee is not illegal by reason only of informality or error in or in respect of a document containing a warrant, order or direction issued under this Act, or by reason only that that document deviates from the prescribed form.

Validity and correction of committal documents.

(2) Any document referred to in subsection (1) may be amended appropriately at any time by the authority who issued it in the first instance or by any other authority empowered to issue documents of that nature; and no action shall lie in respect of anything done by any person in pursuance of a service sentence of imprisonment or detention under that document.

221. Every superintendent or other person in charge of a civil prison shall take cognisance of any warrant of committal purporting to be signed by a member of a court martial and shall receive and detain, and in the case of a sentence of death, carry out the sentence, according to the terms of that warrant and this Act, and shall confine the offender until discharged or delivered in due course of law.

Execution of warrants.

PART XII—APPEALS.

Jurisdiction
of appellate
courts.

222. (1) A party to the proceedings of a court martial other than a Field Court Martial who is not satisfied with its decision shall have the right to appeal to an appellate court on any or all of the following matters—

- (a) the legality or propriety of any or all the findings;
- (b) the legality of the whole or part of the sentence;
- (c) the severity or leniency of the sentence.

(2) Subsection (1) shall not affect the operation of any sentence of a court martial, other than a sentence of death imposed by a court martial, not being a Field Court Martial.

(3) In the case of a sentence of death imposed by a court martial other than a Field Court Martial, the sentence shall not be executed until after the expiration of the time within which notice of intention to appeal against conviction may be given and, if notice of intention to appeal is duly given, the sentence shall not be executed until the appeal has been determined or abandoned.

Advice as to
rights of
appeal.

223. (1) The court martial shall, at the conclusion of the trial, inform the parties to its proceedings as to their rights of appeal.

(2) Where a party mentioned in subsection (1) has presented the notice of appeal provided for in section 224, a copy of the record of the proceedings of the court martial in respect of whose decision the appeal is to be made, shall be delivered to that party as soon as practicable after the presentation of the notice of appeal.

Form of
appeal.

224. (1) Every appeal shall be in the form of a notice of appeal followed by a memorandum of appeal.

(2) A notice of appeal shall be lodged with the Registrar within such period after the delivery by court martial of the decision in respect of which the appeal is lodged as shall be prescribed.

(3) A memorandum of appeal shall be lodged with the Registrar within such period after the appellant has been availed a copy of the record of the proceedings of the court martial against whose decision the appeal is lodged as shall be prescribed.

(4) A memorandum of appeal shall specify the grounds of appeal.

(5) The appellate court may, for good cause shown, on an application made for the purpose, extend the period referred to in subsection (2).

225. Where an appellant is in prison, he or she may present his or her notice or memorandum of appeal to the officer-in-charge of the prison and the officer-in-charge shall immediately forward it to the Registrar of the appellate court.

Appellant in
prison.

226. In exceptional circumstances, and on such conditions as it may impose, the appellate court may grant bail pending appeal except in cases where the appellant has been sentenced to death or to a term of imprisonment exceeding five years.

Bail
pending
appeal.

227. (1) The Registrar shall cause a notice to be given to the appellant and to the respondent of the time and place at which an appeal will be heard, and shall furnish the respondent with a copy of the notice and memorandum of appeal, and of the record of the proceedings of the court martial in respect of which the appeal has been lodged.

Notice of
hearing.

(2) At the hearing of an appeal, the appellate court shall hear the appellant and the respondent or their advocates.

Supplement-
ary powers
of the
appellate
court.

228. (1) For the purposes of this section, the appellate court may, if it deems it necessary or expedient in the interests of justice, order the production of any documents, exhibits or other thing connected with the proceedings, the production of which appears to it necessary for the determination of the appeal, and may issue any warrants necessary for enforcing the orders or sentences of the court.

(2) Where the appellate court considers that additional evidence is necessary, it may record its reasons for doing so and may take such evidence itself.

(3) The appellant shall be present when additional evidence is taken under this section.

(4) Evidence taken under this section shall be taken as if it were evidence at the trial before the court martial from whose decision the appeal arose.

(5) Where the appellate court deems it necessary so to do in dealing with an appeal, it may call for and receive from the court martial a report on any matter connected, with the appeal.

Non-
compliance.

229. (1) Non-compliance with this Act or regulations made under it by an appellant shall not prevent further prosecution of his or her appeal, unless the appellate court otherwise directs.

(2) The Registrar shall immediately notify the appellant of any directions given by the appellate court under this section if the appellant was not present at the time when the directions were given.

Disallowing
appeal.

230. Notwithstanding anything in this Part of this Act, the appellate court may disallow an appeal if, in the opinion of the court expressed in writing, there has been no substantial miscarriage of justice.

231. (1) Upon the hearing of an appeal respecting the legality or propriety of a finding on any charge, the appellate court may—

Setting
aside
finding, etc.

- (a) set aside a finding of guilty and direct a finding of not guilty to be recorded in respect of that charge;
- (b) set aside a finding of not guilty and direct a finding of guilty to be recorded in respect of that charge; or
- (c) direct a new trial on that charge, in which case the appellant or the respondent, as the case may be, shall be tried again as if no trial on that charge had been held.

(2) Where the appellate court has set aside a finding of guilty and no other finding of guilty remains, the whole sentence shall cease to have force and effect.

(3) Where the appellate court has set aside a finding of not guilty and recorded a finding of guilty and there is no other existing finding of guilty, it may—

- (a) impose such punishment as it considers appropriate; or
- (b) refer the case back to the court martial which tried the case for sentencing.

(4) Where the appellate court has set aside a finding of guilty and another finding of guilty remains, it shall—

- (a) affirm the punishment imposed by the court martial if the court martial could legally have imposed that punishment upon the finding of guilty that remains; or

(b) subject to such conditions as may be prescribed, substitute for the punishment imposed by the court martial, such new punishment as it considers appropriate.

(5) Where the appellate court has set aside a finding of not guilty and recorded a finding of guilty and there is existing another finding of guilty, it shall—

(a) affirm the punishment imposed by the court martial if it is satisfied of the legality and degree of the sentence; or

(b) subject to such conditions as may be prescribed, substitute for the punishment imposed by the court martial such new punishment as it considers appropriate.

(6) Where, on an appeal, the appellate court is satisfied that the court martial—

(a) could, on the charge, have found the accused guilty under section 179 of some other offence; or

(b) could have found him or her guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the appellate court that the facts proved him or her guilty of that other offence,

the appellate court may, instead of allowing or dismissing the appeal, as the case may be, substitute for the finding of the court martial, a finding of guilty of that other offence.

(7) Where, under subsection (3), (4) or (5) a new punishment is substituted, the punishment imposed by the court martial shall then cease to have effect, and section 238 shall apply to the new punishment.

232. Where—

Punishments
subject to
mitigation.

(a) a punishment has been imposed by the appellate court under subsection (3) of section 231; or

(b) a punishment included in a sentence has been dealt with under subsection (4) or (5) of section 231;

the punishment imposed or the new punishment, as the case may be, shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court martial from whose decision the appeal arose.

233. (1) The appellate court may quash any finding made by a court martial.

Quashing
findings of
a court
martial.

(2) Where, after a finding of guilty has been quashed, no other finding of guilty remains, the whole of the sentence passed by the court martial shall cease to have force and effect.

(3) Where after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the punishment passed by the court martial is in excess of the punishment authorised by this Act in respect of the finding of guilty which remains, or is, in the opinion of the appellate court unduly severe, the court shall, subject to such conditions as may be prescribed, substitute such new punishment as it considers appropriate.

(4) Where a finding of not guilty has been quashed under this section and a finding of guilty recorded, the court shall proceed as in subsection (3) or (5) of section 231.

234. (1) The appellate court may—

Substituting
of findings
for original
findings of
court
martial.

- (a) substitute a new finding for any finding of guilty made by a court martial, that is illegal or cannot be supported by the evidence if the new finding could validly have been made by the court martial on the charge and if it appears that the court martial was satisfied on the facts establishing the offence specified or involved in the new finding.
- (b) substitute for the finding of guilty made by a court martial a new finding of guilty of some other offence if the court martial could, on the charge, have found the offender guilty—
- (i) under section 179 of that other offence; or
 - (ii) of that other offence on any alternative charge that was laid, and it appears that the facts proved him or her guilty of that other offence.

(2) Where a new finding has been substituted for a finding made by a court martial and any punishment included in the sentence passed by the court martial is in excess of the punishment authorised by this Act in respect of the new finding or is, in the opinion of the appellate court unduly severe, the appellate court shall, subject to such conditions as may be prescribed, substitute such new punishment as it considers appropriate.

New trial.

235. (1) Where, on an appeal, the appellate court considers that a new trial is advisable by reason of an irregularity in law in the proceedings before the court martial, it may set aside a finding whether of guilty or not guilty, and direct a new trial; and the accused shall be tried again for that offence as if no previous trial had been held.

(2) Where at a new trial held under to this section a person is found guilty—

(a) if any new punishment includes a term of imprisonment, there shall be deducted from that term any time during which the offender had been imprisoned following the pronouncement of the previous sentence; and

(b) if any new punishment is in the same paragraph in the scale of punishments specified in subsection(1) of section 216 the punishment imposed by the court martial in the first instance, the new punishment shall not be in excess of the previous punishment.

(3) The appellate court may dispense with any new trial directed under this section or under section 231.

236. Where a court martial has passed a sentence in which is included an illegal punishment, the appellate court may, subject to such conditions as may be prescribed, substitute for the illegal punishment such new punishment as it considers appropriate.

Substitution
of
punishments.

237. The appellate court may, subject to such conditions as may be prescribed, mitigate, commute, remit or enhance any or all of the punishments included in a sentence passed by a court martial.

Mitigation
of
punishments,
etc.

238. (1) Where under the authority of this Act, a new punishment, by reason of substitution, commutation or enhancement replaces a punishment imposed by a court martial, the new punishment shall have force and effect as if it had been imposed by the court martial in the first instance, and accordingly, this Act shall apply.

Effect of
new
punishment.

(2) Where a new punishment involves imprisonment, the term of the new punishment shall be reckoned from the date of substitution, commutation or enhancement, as the case may be.

Saving
provision.

239. Nothing in the preceding provisions of this Part of this Act shall be in derogation of the powers conferred under this Act to quash findings or alter findings and sentences.

Saving of
powers of
President.

240. Nothing in this Act shall be construed as restricting or regulating the exercise of the prerogative of mercy conferred on the President by article 121 of the Constitution.

Rules of
appeal
procedure.

241. (1) The Court Martial Appeal Court may, with the approval of the Minister, make rules not inconsistent with this Act in respect of the following with regard to proceedings of an appellate court—

- (a) the practice and procedure to be observed at hearings;
- (b) the conduct of appeals;
- (c) the production of the record of the proceedings of any court martial in respect of which an appeal is made;
- (d) the production of all other documents and records relating to an appeal;
- (e) the extent to which new evidence may be introduced;
- (f) the circumstances in which the appellant may attend or appear before the appellate court on the hearing of his or her appeal, but no such rules shall deprive an appellant of the right to be present on the hearing of his or her appeal from a sentence of death;

(g) provision for and payment of fees of counsel for an appellant other than the State; and

(h) the circumstances in which an appeal may be considered to be abandoned for want of prosecution, and the summary disposition by the appellate court of such appeals, and of appeals showing no substantial grounds.

(2) Rules made under this section shall be published in the *Gazette*.

PART XIII—REVISION.

242. (1) The General Court Martial may call for and examine the record of any proceedings before a summary trial authority or a Unit Court Martial for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such summary trial authority or Unit Court Martial.

Power of
court to call
for record
and
petitions.

(2) The General Court Martial may exercise its powers under subsection (1) on its own motion or on a petition by any person aggrieved by any finding, sentence or order made or imposed by a summary trial authority or Unit Court Martial.

(3) No petition under this section shall be entertained if in case of the proceedings of—

(a) a summary trial authority, the petitioner appealed under section 202; or

(b) a Unit Court Martial, the petitioner could have appealed and has not appealed against any finding, sentence or order referred to in subsection (2).

Powers of
court on
revision.

243. In or during the exercise of its powers under subsection (1) of section 242, the General Court Martial—

(a) may exercise any of the powers conferred on it as an appellate court by this Act;

(b) may, pending the final determination of the case, release any convicted person on bail; except that—

(i) bail shall not be granted to a person sentenced to death or to imprisonment exceeding five years; and

(iii) if the convicted person is ultimately sentenced to imprisonment or detention, the time he or she has spent on bail shall be excluded in computing the period for which he or she is sentenced.

(c) may, if it thinks fit, call for and receive from the summary trial authority or Unit Court Martial before which the case was heard, a report on any matter connected with the case;

(d) shall not make any order to the prejudice of an accused person unless he or she has had an opportunity to be heard in his or her own defence.

Discretion
of court as
to hearing
of parties.

244. (1) Except as provided in paragraph (d) of section 243, no party has any right to be heard before the General Court Martial when exercising its powers of revision.

(2) The General Court Martial may, if it thinks fit, when exercising its powers of revision, hear any party; and nothing in this section shall be deemed to affect paragraph (d) of section 243.

245. When a case is revised by the General Court Martial it shall certify its decision or order to the summary trial authority or Unit Court Martial by which the finding, sentence or order so revised was recorded or passed; and the summary trial authority or Unit Court Martial to which the decision or order is so certified shall then make such orders as are conformable to the decision or order so certified; and if necessary the record shall be amended in accordance with such order.

Court order to be certified to lower court.

PART XIV—GENERAL.

246. The administrative expenses of military courts, including salaries, allowances, gratuities and pensions payable to or in respect of members of courts martial other than a Field Courts Martial, shall be charged on the Consolidated Fund.

Expenses of military courts.

247. (1) The Minister may, after consultation with the Defence Forces Council by statutory instrument, make such regulations as may be necessary or convenient for ensuring the discipline and good administration of the Defence Forces and generally for the better carrying out of the provisions of this Act.

Regulations.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations under that subsection in respect of—

- (a) such matters as are required under this Act to be prescribed or are authorised or required under this Act to be made by regulations;
- (b) the disposal of any property for the Defence Forces and the application of the proceeds, if any, of the disposal;
- (c) conditions of service in addition to those contained in this Act;

- (d) the liability of officers and militants;
- (e) the collection, administration and distribution of the service estates of officers and militants and the disposal of the personal effects of absented officers and militants;
- (f) the prohibition or control of dangerous flying;
- (g) the vaccination and inoculation of officers and militants and the provision of other immunisation procedures for the officers and militants;
- (h) the control of the handling of dangerous substances by officers and militants;
- (i) the conditions subject to which certain punishments may be imposed;
- (j) the custody of officers and militants arrested or detained and the duties of the persons in whose charge those officers and militants have been placed;
- (k) the date of the commencement of terms of detention under this Act and the periods to be left out or taken into account in the computation of those terms;
- (l) the fees to be charged for any service performed by any person for the purposes of this Act;
- (m) the arrest and custody of deserters and persons absent without leave and any matter connected with or incidental to such arrest and custody;
- (n) the procedure to be observed in proceedings before military courts and the payment of remuneration to witnesses; and

- (o) the execution of officers and militants sentenced to death by Field Courts Martial.

248. (1) The Chief of Defence Forces may issue orders and instructions not inconsistent with this Act or regulations under it—

Orders and
instructions.

(a) in the discharge of his or her duties under this Act;
or

(b) in explanation or implementation of regulations.

(2) A commanding officer shall issue standing orders which shall include orders that are peculiar to his or her station or unit.

(3) An officer in temporary command of a station or unit shall not issue standing orders, nor alter those already in force, without reference to the officer in permanent command or to superior authority.

(4) A commanding officer when he or she is away from his or her station or unit, shall not issue standing orders.

(5) A commanding officer shall issue unit orders as required for the promulgation of information to and direction to all officers and militants under his or her command.

(6) The form of unit orders shall be as the Chief of Defence Forces may prescribe.

(7) An officer or a militant shall normally be warned of all duties other than ordinary routine duties in unit orders.

(8) Unit orders shall be—

(a) posted in suitable places in the station or unit so that they may be available to officers and militants; and

(b) distributed as the Chief of Defence Forces may direct.

Power of
Minister to
amend
Schedules.

249. The Minister may with the approval of the Cabinet amend the Schedules to this Act.

Continuance
of existing
forces.

250. (1) The Uganda Peoples' Defence Forces in existence immediately before the date of commencement of this Act shall, on and after that date, become and continue to be the Uganda Peoples' Defence Forces established by clause (1) of article 208 of the Constitution.

(2) All units and other elements of the Defence Forces which are maintained immediately before the date of commencement of this Act shall, on that date, become units and other elements of the Uganda Peoples' Defence Forces and shall be embodied in the Regular Forces and be subject to the provisions of this Act.

Repeal of
Cap 307
and saving.

251. (1) The Uganda Peoples' Defence Forces Act is repealed.

(2) Notwithstanding the repeal specified in subsection (1)—

(a) all things lawfully done under the repealed enactment which are of force and effect immediately before the commencement of this Act, including any regulations, rules or orders made, decisions made by any body created or directions given under the repealed enactment, all regulations made under the repealed Armed Forces Act, 1964 saved by the repealed enactment which are of force and effect immediately before the commencement, and anything done under a military court warrant or under any such regulations, rules, orders or

directions, shall, so far as consistent with this Act and anything done under it, continue of force and effect after the commencement, and such continuance shall have effect notwithstanding any change in the authorities empowered to do or effect any such thing; and any such regulations, rules, orders or directions shall continue in force until they expire according to their terms or are revoked by regulations or orders, directions and instructions made or given by a competent authority under this Act;

(b) so much of any written law or public document as refers, whether expressly or by implication, to, or to things done or deemed to be done or to be done under or for the purposes of, any provision of the repealed enactment shall, so far as the nature of the subject matter of that written law or public document permits, be construed as including, in relation to matters and times governed by a corresponding provision in or under this Act, a reference to, or, as the case may be, to things done or deemed to be done or to be done for the purposes of, the corresponding provision of this Act;

(c) every officer commissioned, and every militant enrolled or re-engaged under the repealed enactment, who is in the Army immediately before the commencement of this Act shall continue on and after such commencement to serve in the Defence Forces as if he or she had been re-engaged, as the case may be, under this Act;

- (d) every officer and militant whose service is continued under paragraph (c) of this subsection shall have his or her service continued in the rank and appointment which he or she held immediately before the date of commencement of this Act and, in the case of an officer, any commission issued under the repealed enactment or any enactment repealed by it shall be deemed to be a commission issued under this Act, and shall serve in the Defence Forces in accordance with this Act; but no such officer or militant shall be required to serve for a longer specified period than the residue of any specified period of service which he or she was liable to serve immediately before that date.
- (e) all released officers or militants who are subject to reserve liability under the repealed enactment immediately before the date of commencement of this Act shall, on that date, become members of the Reserve Forces.
- (f) any member of the Defence Forces who, immediately before the date of commencement of this Act, is liable, in accordance with the terms of his or her enrolment under the repealed enactment, to serve any term of reserve liability on the termination of his or her service with the Defence Forces shall be liable, on the termination of his or her service with a Regular Force, to serve a like term in the Reserve Forces.
- (g) the service of every officer and militant whose service is continued under paragraph (c) of this subsection shall be deemed to be continuous

with his or her former service under the repealed enactment and with any other former service with which, in accordance with the repealed enactment, any such latter service is to be aggregated or to be treated as continuous, and all such former continuous service shall be taken into account in computing the total service of any officer or militant for the purposes of any pension or gratuity payable to him or her.

(3) A military court shall have jurisdiction to try and punish an offence committed before the date of commencement of this Act, against any section of the repealed enactment as if the offence were an offence against this Act; and this Act shall apply in relation to any such first mentioned offence and to the finding and sentence of a military court, as if that offence were an offence against this Act.

(4) Where any person is tried by a military court for an offence against any section of the repealed enactment the person charged shall have the like defences as were available to him or her under the repealed enactment, and references to a service offence and a military court in section 211 shall include references to an offence against the repealed enactment and a military court under that repealed enactment respectively.

(5) Where any proceedings in respect of an offence against the repealed enactment have been commenced before the date of commencement of this Act, any step in the proceedings taken in accordance with the repealed enactment shall be deemed to have been validly taken for the purposes of the corresponding provision of this Act; and, if the trial of any person for such an offence has been commenced by a military court under the repealed enactment but not concluded before that date, the trial may be continued and concluded and findings and sentences made on the trial, as if that military court were a military court under this Act.

(6) Where after the date of commencement of this Act a person is alleged—

(a) to have committed an offence continuing over a period beginning before that date and ending on or after that date; or

(b) to have committed an offence between two dates falling within that period,

and the offence would be an offence against this Act if it had been in operation at all material times, he or she may be proceeded against as if this Act had so been in operation.

(7) References in any written law or public document to the former National Resistance Army (or the Uganda Peoples' Defence Forces) or to the repealed enactment including any other references which, in accordance with the repealed enactment are to be read as references to the former National Resistance Army (or Uganda Peoples' Defence Forces) and the repealed enactment shall be read and construed in relation to any time, or to any period commencing, on or after the commencement of this Act as references to the Uganda Peoples' Defence Forces and this Act respectively.

Cap. 307.

(8) In this section, "repealed enactment" means the Uganda Peoples' Defence Forces Act formerly known as the National Resistance Army Statute, 1992.

Repeal of
Cap. 298
and saving.

252. (1) The Armed Forces Pensions Act is repealed.

(2) Subsections (2) and (7) of section 251 shall, as far as is applicable, apply to this section.

(3) For the avoidance of doubt, any benefit granted to or in respect of or earned by any person under the repealed Act shall be deemed to have been duly granted or earned under this Act.

FIRST SCHEDULE

SECTION 2.

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE.

Section 50 (8).

THE REPUBLIC OF UGANDA

STATEMENT OF COMMISSION

I President of the Republic of
Uganda and Commander - in - Chief of the Uganda Peoples'
Defence Forces, by virtue of the authority entrusted to me by the
Constitution of the Republic of Uganda and the law governing the
defence of Uganda, do hereby commission you to be (an) officer(s)
of the Uganda Peoples' Defence Forces of the rank(s) of
..... from thisday of

Signed this.....day of

.....
President.

THIRD SCHEDULE

SECTION 51.

THE REPUBLIC OF UGANDA

OATH OF ALLEGIANCE

I,, Swear by the almighty God/do solemnly and sincerely declare and affirm that I will be faithful to and bear true allegiance to the President and the Republic of Uganda and that I will, as in duty bound, honestly and faithfully defend him/her and the Constitution of the Republic of Uganda against all enemies, and I will observe and obey all lawful orders of the officers set over me. I promise to teach and uphold in all officers and militants that may from time to time be placed under my command good discipline, bravery and trust in the Country, so help me God.

SIGNED this.....day of

.....
OFFICER/MILITANT

FOURTH SCHEDULE

Section 51.

THE REPUBLIC OF UGANDA

OATH OF SECRECY

I Swear by almighty God/do solemnly and sincerely declare and affirm that I will at all times respect and uphold the secrecy of any information or material that comes into my possession by virtue of my being a member of or in association with the Uganda Peoples' Defence Forces and I will in no way whatsoever divulge the same to any unauthorised person, so help me God.

Signed thisday of

.....
OFFICER/MILITANT.

FIFTH SCHEDULE

SECTION 116(1).

CODE OF CONDUCT FOR THE DEFENCE FORCES.

1. A member of the Defence Forces shall—
- Helping
members of
the public.
- (a) offer help to members of the public when he or she finds them engaged in productive work, if he or she has time;
- (b) where possible, offer emergency medical treatment to members of the public who are in the territory of his or her unit;
- (c) where possible, offer any other form of assistance to members of the public.
2. A member of the Defence Forces shall not—
- Relationship
with the
public.
- (a) abuse, insult, beat or in any way provoke any member of the public;
- (b) steal any property or obtain goods by false pretences;
- (c) take anything from a person without paying for it;
- (d) retain anything he or she borrows from any member of the public;
- (e) develop any illegitimate or irresponsible relationship that is contrary to public morality with any person;
- (f) consume alcohol in a public drinking place while he or she is on duty or in uniform or in possession of a weapon;
- (g) take drugs or be found in possession of drugs;
- (h) kill any person;
- (i) trespass on any person's property;
- (j) make public statements to journalists without proper authorisation;

- (k) attend diplomatic parties or deal with a foreign mission without proper authorisation; or
- (l) give public speeches or broadcast public statements without permission from the appropriate authorities.

Higher and lower ranks of the Defence Forces.

3. The lower ranks of the Defence Forces shall obey the higher ranks and lower ranks the higher ranks shall respect the lower ranks.

Admini-
stration of
units.

4. In the administration of any unit of the Defence Forces democratic centralism, participation and central control shall be followed and without limiting the generality of the foregoing methods, the following methods shall be used—

- (a) holding regular meetings by which officers and militants can air their views and grievances;
- (b) allowing open criticism of mistakes so as to avoid subterranean grumbling;
- (c) different mistakes or errors should be treated differently depending on their cause.

Tendencies injurious to the cohesion of the Defence Forces.

5. The following tendencies are injurious to the cohesion of the Defence Forces and are prohibited—

- (a) quest for cheap popularity on the part of officers or militants by tolerating wrongs in order to be popular with soldiers;
- (b) liberalism by which the person in authority knows what is right and what is wrong, but due to weak leadership, he or she does not stand firmly on the side of right;
- (c) intrigue and double talk;
- (d) tribalism, nepotism or any other form of sectarianism;

(e) formation of cliques in the Defence Forces;

(f) any form of corruption.

6. (1) Political education shall be mandatory so that officers and militants can understand the reasons for the struggle as well as the dynamics of the world, taking into consideration the fact that conscious discipline is better than mechanical discipline.

Education
in the
Defence
Forces.

(2) Every officer and militant shall strive to master military science in order to gain capability so that the Defence Forces are in a position to defend the people more effectively.

(3) All commanders shall ensure that all soldiers depending on particular circumstances, shall, at any one time, if not fighting, be studying military science, improving their academic work, taking part in recreational activities, engaged in productive work or resting so that there is no idleness which breeds mischief.

SIXTH SCHEDULE

SECTION 191 (1).

OFFENCES TRIABLE BY A SUMMARY TRIAL AUTHORITY.

Sections of this Act

- (a) S.55 — Failure to appear before Board or produce document.
- (b) S.57 — False information to Board.
- (c) S.58 — Unauthorised disclosure.
- (d) S.129 — Offences relating to guard duties.
- (e) S.131 — Disobeying lawful orders, in circumstances not involving a sentence of death.
- (f) S.132 — Failure to execute one's duties in circumstances not involving a sentence of death.
- (g) S.133 — Violence to a superior officer.
- (h) S.134 — Insubordinate behaviour.
- (i) S.136 — Malingering or maiming.
- (j) S.137 — Drunkenness.
- (k) S.139 — Abuse of and violence to inferiors.
- (l) S.140 — False accusation
- (m) S.141 — Quarrels and disturbances.
- (n) S.142 — Disorders.
- (o) S.143 — Scandalous conduct by officers, etc.
- (p) S. 145 — Connivance at desertion.
- (q) S. 146 — Absence without leave.
- (r) S.147 — False statement in respect of leave.
- (s) S.156 — Unauthorised use of vehicles.
- (t) S.157 — Improper driving of vehicles.
- (u) S.160 — Destruction, loss or improper disposal of property.
- (v) S.161 — Selling or pawning of decorations.
- (w) S.163 — Causing fire.
- (x) S.165 — Negligent or wilful interference with custody.
- (y) S.166 — Escape from custody.

- (z) S.167 — Obstruction of arresting officers.
- (aa) S.168 — Unlawful detention of person.
- (ab) S.170 — Disturbance in billets, *etc.*
- (ac) S.171 — Offences in relation to documents.
- (ad) S.178 — Conspiracy.
- (ae) S.187 — Irregular detention.





