

THE CONSTITUTION (AMENDMENT)ACT, 2005

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THE CONSTITUTION (AMENDMENT) ACT, 2005.

An Act to amend the Constitution in accordance with article 261 of the Constitution: to distinguish Kampala as the capital city of Uganda and to provide for its administration and for the delineation of its boundaries; to provide for Swahili as the second official language of Uganda; to provide for the leader of the opposition in Parliament under the multiparty political system; to remove the limits on the tenure of office of the President; to create the offices of Prime Minister and Deputy Attorney General; to provide for the independence of the Auditor General and to provide for the procedure for his or her removal; to provide for the creation and functions of special courts to handle offences relating to corruption; to establish and prescribe the functions of a Leadership Code Tribunal; to provide for the control of minerals and petroleum; to provide for the holding of referenda generally; to make miscellaneous repeals to the spent provisions of the Constitution and to provide transitional provisions having regard to the amendments made in the Constitution; and for related matters.

DATE OF ASSENT: 26th September, 2005.

Date of Commencement: 30th September, 2005.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Constitution (Amendment) Act, 2005.

PART II—AMENDMENT OF CHAPTER TWO OF THE
CONSTITUTION —THE REPUBLIC

2. Amendment of article 5 of the Constitution

Article 5 of the Constitution is amended by substituting for clause (4) the following—

“(4) Kampala, located in Buganda shall be the capital city for Uganda and shall be administered by the Central Government.

(5) The territorial boundary of Kampala shall be delineated by Act of Parliament.

(6) Parliament shall, by law, make provision for the administration and development of Kampala as the capital city.”

3. Replacement of article 6 of the Constitution

For article 6 of the Constitution, there is substituted the following—

“6. Official language

(1) The official language of Uganda is English.

(2) Swahili shall be the second official language in Uganda to be used in such circumstances as Parliament may by law prescribe.

(3) Subject to this article, any other language may be used as a medium of instruction in schools or other educational institutions or for legislative, administrative or judicial purposes as Parliament may by law prescribe.”

4. Insertion of new article 8A

Chapter Two of the Constitution is amended by inserting immediately after article 8, the following—

“8A. National Interest

(1) Uganda shall be governed based on principles of national interest and common good enshrined in the national objectives and directive principles of state policy.

(2) Parliament shall make relevant laws for purposes of giving full effect to clause (1) of this article.”

PART III—AMENDMENT OF CHAPTER THREE OF THE
CONSTITUTION—CITIZENSHIP

5. Amendment of article 14 of the Constitution

Article 14 of the Constitution is amended by the repeal of paragraph (a).

6. Amendment of article 15 of the Constitution

Article 15 of the Constitution is amended—

(a) by substituting for clauses (1) and (2) the following—

“(1) A citizen of Uganda of eighteen years and above, who voluntarily acquires the citizenship of a country other than Uganda may, retain the citizenship of Uganda subject to this Constitution and any law enacted by Parliament.

(2) A person who is not a citizen of Uganda may, on acquiring the citizenship of Uganda, subject to this Constitution and any law enacted by Parliament, retain the citizenship of another country.”

(b) by repealing clauses (3) and (4);

(c) by inserting immediately after clause (5) of that article the following—

“(6) Parliament shall by law prescribe the circumstances under which—

(a) a citizen of Uganda who acquires the citizenship of another country may retain the citizenship of Uganda;

(b) a citizen of Uganda whose citizenship of origin is of another country and who holds the citizenship of another country may cease to be a citizen of Uganda;

(c) a person who is not a citizen of Uganda may, on acquiring Uganda citizenship retain the citizenship of another country;

(7) Parliament shall, by law, prescribe the offices of State which a person who holds the citizenship of another country in addition to the citizenship of Uganda is not qualified to hold”.

7. Amendment of article 16 of the Constitution

Article 16 of the Constitution is amended by substituting for clauses (2) and (3) the following—

“(2) The Board shall consist of a Chairperson, a Deputy Chairperson and such other members as Parliament shall by law prescribe.

(3) The members of the Board shall—

- (a) be persons of high moral character and proven integrity and appointed by the President with the approval of Parliament;
- (b) hold office for such period and on such terms and conditions as Parliament shall by law prescribe.

(4) The functions of the Board shall be prescribed by Parliament by law”.

8. Amendment of article 17 of the Constitution

Article 17 of the Constitution is amended—

(a) in clause (1), by inserting immediately after paragraph (j) the following—

“(k) to perform such other national duties and obligations as Parliament may by law prescribe”; and

(b) by inserting immediately after clause (2) the following—

“(3) Parliament may, in the case of any duty or obligation under clause (1), prescribe a penalty for contravention of that duty or obligation”.

PART IV—AMENDMENT OF CHAPTER FOUR OF THE CONSTITUTION—PROTECTION AND PROMOTION OF FUNDAMENTAL AND OTHER HUMAN RIGHTS AND FREEDOMS

9. Amendment of article 23 of the Constitution

Article 23 of the Constitution is amended in clause (6) by substituting for paragraphs (b) and (c) the following—

“(b) in the case of an offence which is triable by the High Court as well as by a subordinate court, if that person has been remanded in custody in respect of the offence for sixty days before trial, that person shall be released on bail on such conditions as the court considers reasonable;

(c) in the case of an offence triable only by the High Court, if that person has been remanded in custody for one hundred and eighty days before the case is committed to the High Court, that person shall be released on bail on such conditions as the court considers reasonable.”

10. Amendment of article 31 of the Constitution

Article 31 of the Constitution is amended—

(a) by substituting for clause (1) the following—

“(1) A man and a woman are entitled to marry only if they are each of the age of eighteen years and above and are entitled at that age—

(a) to found a family; and

(b) to equal rights at and in marriage, during marriage, and at its dissolution.”

(b) by inserting immediately after clause (2) the following—

“(2a) Marriage between persons of the same sex is prohibited.”

11. Amendment of article 32 of the Constitution

Article 32 of the Constitution is amended by substituting for clause (2) the following—

“(2) Laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalised group to which clause (1) relates or which undermine their status, are prohibited by this Constitution.

(3) There shall be a Commission called the Equal Opportunities Commission whose composition and functions shall be determined by an Act of Parliament.

(4) The Equal Opportunities Commission shall be established within one year after the coming into force of the Constitution (Amendment) Act, 2005.

(5) Parliament shall make laws for the purpose of giving full effect to this article.”

12. Amendment of article 33 of the Constitution

Article 33 of the Constitution is amended by repealing clause (6).

PART V—AMENDMENT OF CHAPTER FIVE OF THE CONSTITUTION - REPRESENTATION OF THE PEOPLE

13. Amendment of article 61 of the Constitution

Article 61 of the Constitution is amended—

(a) by renumbering existing article 61 as clause (1) of article 61;

(b) by substituting for paragraph (g) of clause (1) of article 61 as renumbered the following—

“(g) to formulate and implement voter educational programmes relating to elections; and”;

(c) by inserting at the end of the article the following—

“(2) The Electoral Commission shall hold presidential, and general parliamentary and local government council elections within the first

thirty days of the last ninety days before the expiration of the term of the President.

(3) Except where it is impracticable to do so, the Electoral Commission shall hold presidential, and general parliamentary and local government council elections on the same day.

(4) Subject to this Constitution, the Electoral Commission shall, in accordance with the law, determine the dates for holding the elections referred to in clause (2).”

14. Amendment of article 68 of the Constitution

Article 68 of the Constitution is amended by inserting immediately after clause (5) the following—

“(6) Parliament may by law exempt any public election, other than a Presidential or Parliamentary election, from the requirements of clause (1) that it shall be held by secret ballot.”

15. Amendment of article 71 of the Constitution

Article 71 of the Constitution is amended—

(a) by renumbering article 71 as clause (1); and

(b) by inserting immediately after clause (1) the following—

“(2) Parliament shall by law prescribe a code of conduct for political organisations and political parties and provide for the establishment of a national consultative forum for political parties and organisations with such functions as Parliament may prescribe.”

16. Amendment of article 72 of the Constitution

Article 72 of the Constitution is amended by inserting after clause (3) the following—

“(4) Any person is free to stand for an election as a candidate, independent of a political organisation or political party.

(5) Parliament, shall by law, regulate the manner of participation in and financing of elections by individuals seeking political office as independent candidates.”

PART VI—AMENDMENT OF CHAPTER SIX OF THE
CONSTITUTION—THE LEGISLATURE

17. Amendment of article 77 of the Constitution

Article 77 of the Constitution is amended by substituting for clause (3) the following—

“(3) Subject to this Constitution, the term of Parliament shall be five years from the date of its first sitting after a general election.”

18. Amendment of article 80 of the Constitution

Article 80 of the Constitution is amended—

(a) by substituting for paragraph (c) of clause (1) the following—

“(c) has completed a minimum formal education of Advanced Level standard or its equivalent which shall be established in a manner and at a time prescribed by Parliament by law.”

(b) by inserting at the end of clause (2) the following—

“(f) has, within the seven years immediately preceding the election, been convicted by a competent court of a crime involving dishonesty or moral turpitude;

(g) has, within the seven years immediately preceding the election, been convicted by a competent court of an offence under any law relating to elections conducted by the Electoral Commission.”

(c) by substituting for clause (3) the following—

“(3) Under the movement political system, a person elected to Parliament while he or she is a member of a local government council or holds a public office shall resign the office before assuming the office of a member of Parliament.”

(d) by inserting immediately after clause (3) the following—

“(4) Under the multiparty political system, a public officer or a person employed in any government department or agency of the government or an employee of a local government or any body in which the government has controlling interest, who wishes to stand in a general election as a member of Parliament shall resign his or her office at least ninety days before nomination day.”

19. Amendment of article 81 of the Constitution

Article 81 of the Constitution is amended by repealing clause (1).

20. Insertion of new article 82A

Chapter Six of the Constitution is amended by inserting immediately after article 82 the following—

“82A. Leader of the opposition

(1) Under the multi organisations or multiparty form of democracy, there shall be, in Parliament, a leader of the opposition.

(2) Parliament shall, by law, prescribe the following in respect of the Leader of the Opposition—

(a) how he or she is chosen and how he or she ceases to hold that office;

(b) his or her status;

(c) his or her role and functions; and

(d) the benefits and privileges attached to his or her office.”

21. Amendment of article 84 of the Constitution

Article 84 of the Constitution is amended by inserting immediately after clause (6) the following—

“(7) The right to recall a member of Parliament shall only exist while the movement political system is in operation.”

22. Amendment of article 85 of the Constitution

Article 85 of the Constitution is amended by substituting for clause (1) the following—

“(1) A member of Parliament shall be paid such emoluments, such gratuity and pension, and shall be provided with such facilities, as may be determined by Parliament.”

23. Replacement of article 87 of the Constitution

For article 87 of the Constitution, there is substituted the following—

“87. Clerk to Parliament and other staff of Parliament

(1) There shall be a public officer designated Clerk to Parliament appointed by the President acting in accordance with the advice of the Public Service Commission.

(2) There shall also be such other members of staff as may be necessary for the efficient discharge of the functions of Parliament.

(3) The other staff referred to in clause (2) shall be public officers who shall, notwithstanding articles 166 and 172, be appointed, disciplined and removed by the Parliamentary Commission subject to any law made by Parliament.

(4) The salary, emoluments and gratuity of the staff of Parliament shall be determined by Parliament subject to article 93 of this Constitution”.

24. Insertion of new article 87A

Chapter Six of the Constitution is amended by inserting immediately after article 87 the following—

“87A. Parliamentary Commission

There shall be a Commission called the Parliamentary Commission whose composition and functions shall be prescribed by Parliament by law.”

25. Replacement of article 88 of the Constitution

For article 88 of the Constitution there is substituted the following—

“88. Quorum of Parliament

(1) The quorum of Parliament shall be prescribed by the rules of procedure of Parliament made under article 94 of this Constitution.

(2) For the avoidance of doubt, the rules of procedure of Parliament may prescribe different quorums for different purposes.”

26. Replacement of article 90 of Constitution

For article 90 of the Constitution there is substituted the following—

“90. Committees of Parliament

(1) Parliament shall appoint committees necessary for the efficient discharge of its functions.

(2) Parliament shall, by its rules of procedure, prescribe the powers, composition and functions of its committees.

(3) In the exercise of their functions under this article, committees of Parliament—

- (a) may call any Minister or any person holding public office and private individuals to submit memoranda or appear before them to give evidence;
- (b) may co-opt any member of Parliament or employ qualified persons to assist them in the discharge of their functions;
- (c) shall have the powers of the High Court for—
 - (i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
 - (ii) compelling the production of documents; and
 - (ii) issuing a commission or request to examine witnesses abroad.”

CONSTITUTION - THE EXECUTIVE

27. Amendment of article 103 of the Constitution

Article 103 of the Constitution is amended—

(a) by substituting for clause (3) the following—

“(3) Apart from the election required to be held by clause (2) of article 61 of this Constitution, election of the President shall also be held in the following circumstances—

- (a) an election held under clause (6) of article 104 of this Constitution;
- (b) an election held under clause (3) of article 105 of this Constitution;
- (c) an election held under clause (2) of article 109 of this Constitution; and
- (d) an election necessitated by the fact that a normal presidential election could not be held as a result of the existence of a state of war or a state of emergency in which case, the election shall be held within such period as Parliament may, by law, prescribe.”

(b) by inserting immediately after clause (6) the following—

“(6a) Notwithstanding the provisions of clauses (4) and (6) of this article, where, in a presidential election only one candidate is nominated, after the close of nominations, the Electoral Commission shall declare that candidate elected unopposed”.

28. Amendment of article 105 of the Constitution

Article 105 is amended by repealing clause (2) and substituting for it the following—

“(2) A person may be elected under this Constitution to hold office as President for one or more terms as prescribed by this article.”

29. Amendment of article 108 of the Constitution

Article 108 of the Constitution is amended by substituting for clause (6) the following—

“(6) Article 106 shall, subject to this Constitution, apply to the Vice President”.

30. Insertion of new article 108A

Chapter Seven of the Constitution is amended by inserting immediately after article 108, the following—

“108A. Prime Minister

(1) There shall be a Prime Minister who shall be appointed by the President with the approval of Parliament by simple majority from among members of Parliament or persons qualified to be elected members of Parliament.

(2) The Prime Minister shall—

(a) be the Leader of Government Business in Parliament and be responsible for the coordination and implementation of Government policies across ministries, departments and other public institutions; and

(b) perform such other functions as may be assigned to him or her by the President, or as may be, conferred on him or her by this Constitution or by law.

(3) The Prime Minister shall, in the performance of his or her functions, be individually accountable to the President and collectively responsible for any decision made by the Cabinet.

(4) The office of the Prime Minister shall become vacant if—

(a) the appointment is revoked by the President;

(b) the incumbent resigns or dies; or

(c) the incumbent becomes disqualified to be a member of Parliament.

(5) The Prime Minister shall, before commencing to perform the functions of his or her office, take and subscribe the oath of allegiance and the oath of Prime Minister, specified in the Fourth Schedule to this Constitution.

(6) Clause (6) of article 108 applies to the Prime Minister with necessary modifications as it applies to the Vice President.”

31. Amendment of article 111 of the Constitution

Article 111 is amended by substituting for clause (1) the following—

“(1) There shall be a Cabinet which shall consist of the President, the Vice President, the Prime Minister and such number of Ministers as may appear to the President to be reasonably necessary for the efficient running of the State.”

32. Insertion of new article 119A

Chapter Seven of the Constitution is amended by inserting immediately after article 119, the following—

“119A. Deputy Attorney General

(1) There shall be a Deputy Attorney General who shall be a Minister appointed by the President under article 114 with the approval of Parliament.

(2) A person shall not be qualified to be appointed Deputy Attorney General unless he or she is qualified to practise as an advocate of the High Court and has so practiced or gained the necessary experience for not less than seven years.

(3) The Deputy Attorney General shall deputise for the Attorney General”.

PART VIII—AMENDMENT OF CHAPTER NINE OF THE
CONSTITUTION—FINANCE

33. Amendment of article 163 of the Constitution

Article 163 of the Constitution is amended—

(a) in clause (1), by repealing the phrase “and whose office shall be a public office”;

(b) in clause (3), by inserting immediately after paragraph (b) the following—

“(c) in consultation with the Public Service Commission, employ and discipline his or her own staff;

(d) have power to engage private auditors to assist him or her in the performance of his or her functions.”; and

(c) by inserting immediately after clause (10) the following—

“(11) The Auditor General may retire at any time after attaining the age of 60 years, and shall vacate office on attaining the age of 70 years.

(12) The Auditor General shall vacate office if he or she is under a sentence of death or a sentence of imprisonment exceeding nine months without the option of a fine, imposed by a competent court.

(13) Any question for the removal of the Auditor General shall be referred to a tribunal appointed by the President, which shall submit its findings to the President; and the President may remove the Auditor General if the tribunal recommends that he or she should be removed on any of the grounds specified in clause (10).

(14) Where the question for removal of the Auditor General involves an allegation that the Auditor General is incapable of performing the

functions of his or her office arising from infirmity of body or mind, the President shall, on the advice of the head of the Health Services of Uganda, appoint a medical board which shall investigate the matter and report its findings to the President with a copy to the tribunal.

(15) Where a tribunal is appointed by the President under clause (13) in respect of the Auditor General, the President shall suspend that Auditor General from performing the functions of his or her office.

(16) A suspension under clause (15) shall cease to have effect if the tribunal advises the President that the Auditor General suspended should not be removed.

(17) Parliament shall make laws to regulate and facilitate the performance of the functions of the Auditor General.”

PART IX—AMENDMENT OF CHAPTER TEN OF THE
CONSTITUTION— THE PUBLIC SERVICE

34. Insertion of new article 173A

Chapter Ten of the Constitution is amended by inserting immediately after article 173 of the Constitution, the following—

“173A. Head of the Public Service

(1) There shall be a Head of the Public Service who shall be appointed by the President acting on the advice of the Public Service Commission.

(2) The functions of the Head of the Public Service are as follows—

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

PART X—AMENDMENT OF CHAPTER ELEVEN OF THE

CONSTITUTION—LOCAL GOVERNMENT

35. Amendment of article 181 of the Constitution

Article 181 of the Constitution is amended by substituting for clauses (4) and (5), the following—

“(4) All local government councils shall be elected every five years.

(5) Subject to article 61 of this Constitution, elections of all local government councils shall take place on such date as the Electoral Commission shall determine in accordance with the law.”

36. Replacement of article 188 of the Constitution

For article 188 of the Constitution, there is substituted the following—

“188. Chief and Deputy Chief Administrative Officer

(1) There shall be a Chief Administrative Officer and Deputy Chief Administrative Officer for every district.

(2) Notwithstanding articles 176(2) and (3) and 200 of this Constitution, the Public Service Commission shall appoint persons to hold or act in the office of Chief Administrative Officer and Deputy Chief Administrative Officer, including the confirmation of their appointments and the exercise of disciplinary control over such persons and their removal from office.

(3) Parliament shall by law establish the qualifications and functions of a Chief Administrative Officer and Deputy Chief Administrative Officer.”

37. Amendment of article 191 of the Constitution

Article 191 of the Constitution is amended in clause (2) by repealing the phrase “personal graduated tax”.

38. Amendment of article 200 of the Constitution

Article 200 of the Constitution is amended by inserting immediately after clause (3) the following—

“(4) Notwithstanding anything in this article or in articles 172 and 176(2) and (3) of this Constitution, the power to appoint persons to hold or act in the office of Town Clerk in the service of a city or a municipality, including the power to confirm appointments, to exercise disciplinary control over persons holding or acting in any such office and to remove those persons from office is vested in the Public Service Commission.”

39. Replacement of article 203 of the Constitution

For article 203 of the Constitution there is substituted the following—

“203. Resident District Commissioner

(1) There shall be for each district a Resident District Commissioner who shall be appointed by the President.

(2) For a person to be appointed a Resident District Commissioner he or she shall be a citizen of Uganda and qualified to be a member of Parliament.

(3) The functions of a Resident District Commissioner are—

(a) to monitor the implementation of central and local government services in the district;

(b) to act as chairperson of the district security committee of the district; and

(c) to carry out such other functions as may be assigned by the President or prescribed by Parliament by law.”

PART XI—AMENDMENT OF CHAPTER THIRTEEN OF THE CONSTITUTION—
INSPECTORATE OF GOVERNMENT

40. Amendment of article 231 of the Constitution

Article 231 of the Constitution is amended by inserting immediately after clause (3) the following—

“(4) The President or any local authority referred to in clause (2) shall at least once every year cause a report to be submitted to Parliament on actions taken by the President or the local authority on reports submitted to the President or the local authority by the Inspectorate of Government, for the information of Parliament.

(5) Parliament shall discuss expeditiously any reports submitted to it under clause (1).”

41. Amendment of article 232 of the Constitution

Article 232 of the Constitution is amended in clause (2)—

(a) by repealing the word “and” at the end of paragraph (c);

(b) by inserting at the end of paragraph (d) the word “and”; and

(c) by inserting immediately after paragraph (d) the following—

“(e) establishing a special court within the judiciary for combating corruption and prescribing the composition and jurisdiction and procedures of the court and appeal from the court.”

PART XII—AMENDMENT OF CHAPTER FOURTEEN OF THE CONSTITUTION—
LEADERSHIP CODE OF CONDUCT

42. Insertion of new article 235A

Chapter Fourteen of the Constitution is amended by inserting immediately after article 235 the following—

“235A. Leadership Code Tribunal

There shall be a Leadership Code Tribunal, whose composition, jurisdiction and functions shall be prescribed by Parliament by law”.

PART XIII—AMENDMENT OF CHAPTER FIFTEEN OF THE CONSTITUTION—LAND AND
ENVIRONMENT

43. Replacement of article 244 of the Constitution

For article 244 of the Constitution there is substituted the following—

“244. Minerals and petroleum

(1) Subject to article 26 of this Constitution, the entire property in, and the control of, all minerals and petroleum in, on or under, any land or waters in Uganda are vested in the Government on behalf of the Republic of Uganda.

(2) Subject to this article, Parliament shall make laws regulating—

- (a) the exploitation of minerals and petroleum;
- (b) the sharing of royalties arising from mineral and petroleum exploitation;
- (c) the conditions for payment of indemnities arising out of exploitation of minerals and petroleum; and
- (d) the conditions regarding the restoration of derelict lands.

(3) Minerals, mineral ores and petroleum shall be exploited taking into account the interest of the individual landowners, local governments and the Government.

(4) In this article—

“mineral” means any substance, other than petroleum, whether in solid, liquid or gaseous form occurring naturally in or on the earth, formed by or subject to a geological process;

“petroleum” means—

- (a) any naturally occurring hydrocarbons, whether in gaseous, liquid or solid state;
 - (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
 - (c) any naturally occurring mixture of one or more hydrocarbons (whether in a gaseous, liquid or solid state) and any other substances; and includes any petroleum as defined by paragraph (a), (b) or (c) that has been returned to a natural reservoir, but does not include coal, shale, or any substance that may be extracted from coal or shale.
- (5) For the purposes of this article, “mineral” does not include clay, murram, sand or any stone commonly used for building or similar purposes.
- (6) Parliament may regulate the exploitation of any substance excluded from the definition of mineral under this article when exploited for commercial purposes.”

PART XIV—AMENDMENT OF CHAPTER SEVENTEEN OF THE
CONSTITUTION—GENERAL AND MISCELLANEOUS

44. Replacement of article 255 of the Constitution

For article 255 of the Constitution there is substituted the following—

“255. Referenda generally

(1) Parliament shall by law make provision for the right of citizens to demand the holding by the Electoral Commission of a referendum, whether national or in any particular part of Uganda, on any issue.

(2) Parliament shall also make laws to provide for the holding of a referendum by the Electoral Commission upon a reference by the Government of any contentious matter to a referendum.

(3) Where a referendum is held under this article, the result of the referendum shall be binding on all organs and agencies of the state and on all persons and organizations in Uganda.

(4) A referendum to which clause (3) applies, shall not affect—

(a) the fundamental and other human rights and freedoms guaranteed under Chapter Four of this Constitution;

(b) the power of the courts to question the validity of the referendum”.

PART XV—AMENDMENT OF CHAPTER NINETEEN OF THE CONSTITUTION—
TRANSITIONAL PROVISIONS

45. Miscellaneous repeals

The following provisions of the Constitution are repealed—

- (a) article 263—Transitional Government;
- (b) article 264—Particular functions of Transitional Government;
- (c) article 265—Existing Courts of Judicature;
- (d) article 266—Existing offices of Judges;
- (e) article 267—Interim membership of Court of Appeal;
- (f) article 269—Regulation of political organisations;
- (g) article 270—Existing political parties or organisations;
- (h) article 271—First elections;
- (i) article 272—Appointment to certain offices;
- (j) article 274—Modification of existing law by first President;
- (k) article 276—Provisions regarding urban authorities;
- (l) article 277—Existing commissions and committees of inquiry except for commissions and committees of inquiry whose work would still be going on at the time the repeal takes effect;
- (m) article 278—Oaths deemed to have been taken;
- (n) article 285—Revocation of statutory leases to urban authorities;
- (o) article 287—Repeal of 1967 Constitution and Legal Notice No. 1 1986.

46. Insertion of articles on transition

Chapter Nineteen of the Constitution is amended by inserting immediately after article 287 the following—

“288. Term of current Parliament to end with term of the President

(1) Notwithstanding anything in this Constitution, the term of the Parliament in existence at the time this article comes into force, shall expire on the same date as the five year term of the President in office at the time this article comes into force as prescribed by clause (1) of article 105 of this Constitution.

(2) Where the service of a member of Parliament is terminated as a result of the application of clause (1), that member of Parliament is entitled to the payment by the State of compensation for loss of employment for the period by which his or her service as a member of Parliament is shortened.

(3) The amount of compensation to be paid to a member of Parliament under clause (2) shall be equal to the salary and allowances that the member of Parliament would have earned as a member if he or she had continued to be a member until the date on which the term of the Parliament in question would normally have ended.

(4) Where a member of Parliament entitled to compensation under clause (2) dies before the payment to him or her of the compensation, the compensation shall be paid to his or her estate.

289. Transitional provision relating to Kampala

Until Parliament passes a law in accordance with article 5 of this Constitution to provide for the administration and development of Kampala as the capital city for Uganda, Kampala the boundary of which is required to be delineated by article 5 of this Constitution shall be administered as a district in the manner in which Kampala was administered before the commencement of the Constitution (Amendment) Act, 2005.

290. Five year term of local government councils not to apply to existing councils

(1) For the avoidance of doubt, the term of five years prescribed for local government councils by clause (4) of article 181 of this Constitution shall only apply after the expiration of the term of the local government councils which were in existence at the time that that clause came into force.

(2) The term of local government councils in being at the time of the commencement of the Constitution (Amendment) Act, 2005 shall be deemed to be extended to expire at the same time as the term of the President in office at the commencement of that Act.

291. Modification of laws

(1) Subject to any express provision of this Constitution any laws in existence before the commencement of the Constitution (Amendment) Act, 2005 shall continue in force subject to such modifications, adaptations and qualifications as may be necessary to give effect to this Constitution.

(2) The President may by statutory instrument, within two years after the commencement of the Constitution (Amendment) Act, 2005, make such modifications in any law referred to in clause (1), for the purpose of bringing it into conformity with this Constitution.

(3) Where any law referred to in clause (1) is not yet in force, that law may be brought into force in accordance with its terms or shall come into force on such subsequent day as the case may be.

292. Preservation of rights in respect of existing offices

Subject to article 268, any person holding any office under this Constitution before the coming into force of the Constitution (Amendment) Act, 2005 shall, so far as consistent with this Constitution, continue in office in an equivalent office.

293. Existing constituencies

Until Parliament prescribes the constituencies under article 63, the constituencies shall be those into which Uganda was divided before the coming into force of the Constitution (Amendment) Act, 2005.

294. Movement organs continued

Until the first Parliamentary elections for the purpose of the multi party political system are held, the organs under the movement political system as referred to in clause (2) of article 70 of the Constitution shall remain in force and thereafter shall be subject to clause (3) of article 70 and article 73.”

PART XVI—AMENDMENT OF SCHEDULES TO
THE CONSTITUTION

47. Amendment of Second Schedule to the Constitution

The Second Schedule to the Constitution is amended by substituting for the word “Zaire” the words “Democratic Republic of Congo”.

48. Amendment of Third Schedule to the Constitution

The Third Schedule to the Constitution is amended by the insertion in the appropriate places alphabetically of the following—

“Aliba;
Aringa;
Banyabutumbi;
Banyaruguru;
Barundi;
Gimara;
Ngikutio;
Reli; and
Shana.”

49. Amendment of Fourth Schedule to the Constitution

The Constitution is amended, in the Fourth Schedule by inserting immediately before the ‘Oath of Minister’ the following—

“OATH OF PRIME MINISTER

“I being appointed Prime Minister of Uganda swear in the name of the Almighty God/solemnly affirm that I will at all times well and truly serve the Republic of Uganda in the office of Prime Minister, and I will support and uphold the Constitution of the Republic of Uganda as by law established; and that I will to the best of my judgment at all times when required, freely give my counsel and advice to the President of Uganda and his/her successors in office as by law established for the good management of the public affairs of the Republic of Uganda; and that I will not directly or indirectly reveal any matter as shall come to my knowledge in the discharge of my duties and committed to my secrecy. [So help me God].”