

CHAPTER 303

THE POLICE ACT.

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CHAPTER 303
THE POLICE ACT.

Commencement: 14 October, 1994.

An Act to provide for the structure, organisation and functions of the police force, a police disciplinary code of conduct, a Police Welfare Fund, a police tender board and for other matters connected with or incidental to the foregoing.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “arrestable offence” means an offence which on conviction may be punished by a term of imprisonment of one year or more, or a fine of not less than one hundred thousand shillings or both;
- (b) “assistant commissioner” means an officer of the rank of assistant commissioner of police in accordance with this Act;
- (c) “assistant superintendent” includes a cadet assistant superintendent;
- (d) “attested member” means a police officer regardless of rank who has completed the training course, taken the requisite oath and has been listed in the force as a member;
- (e) “code” means the disciplinary code of conduct established under section 44;
- (f) “constable” means a police officer of or below the rank of head constable major;
- (g) “Constitution” means the Constitution of Uganda;
- (h) “deputy inspector general” means the Deputy Inspector General of Police;
- (i) “force” means the Uganda Police Force provided for under article 211(1) of the Constitution;
- (j) “inspector general” means the Inspector General of Police;
- (k) “inspector of police” means an officer of the rank of inspector and includes an assistant inspector of police;
- (l) “legal officer” means a police officer designated as a legal officer under this Act;
- (m) “magistrate” means a magistrate appointed under the Magistrates Courts Act;

- (n) “Minister” means the Minister responsible for internal affairs;
- (o) “officer in charge of police” means a police officer not being below the rank of inspector appointed by the inspector general to be in charge of a police station or a police unit in an area;
- (p) “police authority” means—
 - (i) in relation to the force, the police authority established under section 8;
 - (ii) in relation to any local administration police force, the administration of the area in which that force is established;
- (q) “police council” means the police council established under section 10;
- (r) “police council appeals court” means the highest disciplinary court established under section 51;
- (s) “police officer” means any attested member of the police force;
- (t) “police unit” means a police establishment or formation with an officer in charge or with an officer-in-command;
- (u) “political commissar” means a police officer responsible for political education in the police force;
- (v) “President” means the President of Uganda;
- (w) “private security organisation” means a private security organisation registered under the Companies Act;
- (x) “region” means any area of Uganda declared by the inspector general to constitute a regional police command;
- (y) “regional commander” means a police officer appointed by the inspector general to be in command of the police in any region;
- (z) “regional police court” means a disciplinary court established at the regional police headquarters;
- (aa) “responsible officer” means—
 - (i) in the case of senior police officers, the regional police commander;
 - (ii) in the case of subordinate police officers, the district police commander;
 - (iii) in any other case, the officer in charge of a police unit;
- (bb) “senior police officer” means an officer of or above the rank of assistant superintendent;
- (cc) “subordinate police disciplinary court” means a police disciplinary court lower than a regional police disciplinary court;
- (dd) “subordinate police officer” means a police officer of or below the rank of inspector;
- (ee) “superintendent” includes senior superintendent, senior assistant superintendent and assistant superintendent;

- (ff) “unit commanders” means the district and regional commanders of the force.

PART II—ESTABLISHMENT AND FUNCTIONS.

2. Establishment of the force.

There is established a force to be known as the “Uganda Police Force”.

3. Composition of the force.

The force shall be composed of—

- (a) the regular Uganda Police Force;
- (b) the Uganda Police Reserve established under section 66;
- (c) special constables appointed under section 64; and
- (d) any other person appointed as a member of the force under this Act.

4. Functions of the force.

(1) Subject to the Constitution and this Act, the functions of the force are—

- (a) to protect the life, property and other rights of the individual;
- (b) to maintain security within Uganda;
- (c) to enforce the laws of Uganda;
- (d) to ensure public safety and order;
- (e) to prevent and detect crime in the society;
- (f) subject to section 9, to perform the services of a military force; and
- (g) to perform any other functions assigned to it under this Act.

(2) Subject to section 6(1)(c), a member of the force is authorised to carry arms in the performance of his or her duties.

(3) No person shall arrest, detain or institute criminal proceedings except as is provided for under a written law or the Constitution.

PART III—FORCE COMMAND.

5. Inspector general and deputy inspector general.

(1) The Uganda Police Force shall be under the command of the Inspector General of Police, whose office shall be a public office.

(2) In the performance of his or her functions under subsection (1), the inspector general shall be subject to and act in accordance with the laws of Uganda except that on matters of policy the Minister may give directions to the inspector general, and the inspector general shall comply with those directions.

(3) There shall also be a deputy inspector general who shall assist the inspector general in carrying out his or her functions.

(4) The inspector general and the deputy inspector general shall, subject to the Constitution and to this Act, be appointed by the President.

6. General powers of the inspector general to make standing orders.

(1) The inspector general may, on the advice of the police council and in consultation with the Minister, make standing orders in respect of the force regarding—

- (a) the constitution, organisation, structure, ranks, responsibilities and command in the force;
- (b) the enlistment, training, promotions, transfers and discharge of police officers;
- (c) arms, accoutrements, dress, ceremonies and operations;
- (d) health, housing, equipment, welfare and recreation facilities;
- (e) the force accounts and office practice;
- (f) specialised units, their responsibilities and command;
- (g) any other matters which may promote efficiency and discipline on the part of a police officer in the discharge of his or her duties.

(2) The inspector general may, in consultation with the police authority, make standing orders relating to pay, leave and conditions of service of members of the force and any other matters he or she deems fit.

(3) The inspector general may delegate any of his or her functions under this Act—

- (a) to the deputy inspector general; or
- (b) to a senior police officer.

7. Regional and district force command.

(1) Subject to the direction of the inspector general, the command of the force in a region or a district shall be vested in the regional commander or the district commander, as the case may be.

(2) In this section, “district” includes any area declared by the inspector general as a police division, and “district commander” includes a divisional commander.

8. Establishment, composition and meetings of the police authority.

- (1) There is established a police authority.
- (2) The police authority shall consist of—
 - (a) the Minister responsible for internal affairs as its chairperson;
 - (b) the following members—
 - (i) the Attorney General;
 - (ii) the Inspector General of Police;
 - (iii) the Deputy Inspector General of Police;
 - (iv) a senior officer in charge of administration at the headquarters of the force;
 - (v) three other persons appointed by the President.

(3) The Permanent Secretary of the Ministry responsible for internal affairs shall be the secretary to the police authority.

(4) The quorum of the police authority is five.

(5) The police authority may regulate its own procedure.

9. Functions of the police authority.

(1) Subject to the Constitution, the functions of the police authority are—

- (a) to advise the Government on policy matters relating to the management, development and administration of the force;
- (b) to advise the President on the appointment of the Inspector

- (c) General of Police and the Deputy Inspector General of Police; to recommend to the President appointments and promotions of police officers above the rank of assistant superintendent of police;
- (d) to determine the terms and conditions of service in the force;
- (e) to hear and determine appeals from decisions of the police council;
- (f) to determine, by statutory order, the ranks, precedence, command and seniority of the force;
- (g) to empower the force to perform the services of a military force.

(2) The police authority may appoint a committee from among its members to assist it in the performance of any of its functions and may assign to it such functions, subject to such conditions and restrictions, as the authority may think fit.

10. Police council.

- (1) There is established a police council.
- (2) The police council shall consist of—
 - (a) the Inspector General of Police as its chairperson;
 - (b) the following members—
 - (i) the Deputy Inspector General of Police;
 - (ii) the director of the criminal investigation department;
 - (iii) the director of special branch;
 - (iv) the commandant of the mobile police patrol unit;
 - (v) regional police commanders;
 - (vi) the officers at the headquarters of the force responsible for the following—
 - (A) operations;
 - (B) training;
 - (C) finance;
 - (D) personnel;
 - (E) legal affairs;
 - (F) community affairs;
 - (G) research, planning and inspectorate;
 - (H) local administration police;
 - (c) the following members appointed by the inspector general, in consultation with the police unit commanders—
 - (i) an officer of the rank of assistant superintendent of police;

- (ii) an officer of the rank of inspector of police;
 - (iii) three noncommissioned officers; and
 - (d) the officer responsible for the administration of the force who shall be the secretary.
- (3) The quorum of the police council is ten.

11. Functions of the police council.

(1) Subject to the Constitution, the functions of the police council are—

- (a) to recruit, appoint and promote police officers up to the rank of inspector of police;
- (b) to exercise disciplinary control over all police officers through the police courts;
- (c) to advise the police authority on the ranks structure in the force;
- (d) to formulate terms and conditions of service of members of the force subject to approval by the police authority;
- (e) to formulate and establish standards of recruitment and training within the force;
- (f) to determine the types and quality of equipment and supplies to be procured by the force;
- (g) to formulate and advise the police authority on the policies of the force and ensure the implementation of that policy;
- (h) to ensure efficient organisation and administration of the force; and
- (i) to ensure that the force is of a national character and composition.

(2) The police council may appoint a committee from among its members to assist it in the performance of its functions under this section and may assign to it such functions subject to such conditions and restrictions as the Minister may think fit.

12. District police committees, their functions and composition.

(1) There shall be established a district police committee in each district.

- (2) The functions of a district police committee are—
- (a) to advise the police council on appointments, promotions and other personnel matters;

- (b) any other duties assigned to it by the police council.
- (3) A district police committee shall be composed of—
 - (a) the district police commander as its chairperson; and
 - (b) the following members—
 - (i) the district special branch officer;
 - (ii) the district criminal investigation department officer;
 - (iii) the officer in charge of prosecutions in the district;
 - (iv) the district police commander in charge of the local administration police;
 - (v) three noncommissioned officers appointed by the regional police commander; and
 - (c) a staff officer of the district who shall act as secretary to the district police committee.

PART IV—APPOINTMENTS, PROMOTIONS, RECRUITMENT, SERVICE AND
DISCHARGE OR TERMINATION OF APPOINTMENTS.

13. Delegation by the President of power of appointment under the Constitution.

(1) For the purposes of article 172 of the Constitution, the President may, under clause (3) of that article, delegate to authorities specified in subsection (2) of this section the powers of the President necessary to enable those authorities to exercise the powers of appointment conferred on them by this Act.

- (2) The authorities referred to in subsection (1) are the following—
 - (a) the police authority;
 - (b) the police council; and
 - (c) the inspector general.

(3) Where the President has delegated any of his or her powers as described in subsection (1), the Public Service Commission shall have no functions in respect of the exercise by the relevant authority of the powers so delegated.

14. Procedure and form of application.

(1) The police council shall establish the procedure and form of application to be adopted in the appointment of police officers of or below

the rank of inspector of police.

(2) The police authority shall establish the procedure and form of application to be adopted in the appointment of senior police officers to the force.

15. Retirement.

(1) Unless otherwise expressly provided in this Act, a member of the force—

- (a) shall retire from his or her office on attaining fifty-five years of age; or
- (b) may retire after twenty years continuous service in the force before the age of fifty-five years.

(2) An appointing authority responsible for the appointment of any police officer may require the officer to retire in the public interest on grounds of proven—

- (a) inefficiency;
- (b) misconduct.

(3) An appointing authority responsible for the appointment of a police officer shall require the officer to retire on medical grounds if the officer is declared by a police medical officer or a police medical board unfit for further service in the force due to medical, mental or physical incapacity.

(4) An officer affected by subsections (2) and (3) shall have a right to be heard.

16. Service in the force on contract.

(1) A police officer who has retired under section 15(1)(a) or (b) may apply to serve in the force on contract for a continuous period not exceeding two years at a time.

(2) An application under subsection (1) shall be made—

- (a) in the case of a police officer of or above the rank of assistant superintendent of police, to the secretary of the police authority;
- (b) in the case of a police officer of or below the rank of inspector of police, to the inspector general.

(3) The Minister may, by regulations made under section 73, prescribe the terms and conditions of employment under subsection (1).

17. Resignation by police officers.

Subject to section 15, no police officer may terminate his or her service with the force except with written permission of the appointing authority.

18. Oath on appointment.

(1) A police officer appointed under this Act shall take and subscribe to an oath or make a declaration in writing, as the case may be, in such form as may be prescribed by law.

(2) An oath or a declaration referred to in subsection (1) shall be taken or made before the inspector general or such other police officer as the inspector general may designate.

19. Conditions on termination of service.

(1) A police officer shall, on the termination of his or her service with the force—

- (a) cease to exercise all powers and authorities vested in him or her by virtue of his or her office; and
- (b) before he or she is issued with a certificate of termination of service, have delivered up to the person appointed by the inspector general for that purpose, or to the officer in charge of police at the place at which he or she was last stationed, all arms, ammunitions, accoutrements, uniforms and other equipments which had been issued to him or her by virtue of his or her employment with the force.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding eighteen months.

20. Employment of civilians.

(1) The inspector general, in consultation with the police authority, may—

- (a) employ civilians to perform such administrative functions as are

- normally outside the line of duties of a police officer;
 - (b) regulate the method of their employment;
 - (c) establish the terms and conditions of such employment;
 - (d) provide for any other matter in relation to the employment of civilians as appears to him or her to be reasonably necessary for the efficient administration of the force.
- (2) Without prejudice to the generality of subsection (1)—
- (a) a civilian may be employed on any of the following terms—
 - (i) temporary;
 - (ii) permanent;
 - (iii) on contract; or
 - (iv) on secondment;
 - (b) the inspector general may, in consultation with the police authority, by statutory instrument, make rules and regulations governing the terms and conditions of service of civilians employed in the force.

PART V—POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS.

21. General powers and duties of a police officer.

- (1) A police officer shall, in the performance of the functions of his or her office—
- (a) exercise the powers and perform the duties conferred upon him or her by law;
 - (b) obey all lawful directions in respect of the execution of his or her office issued by a competent authority;
 - (c) be taken to be on duty at all times;
 - (d) be willing to serve in any station to which he or she may be assigned;
 - (e) promptly obey and execute an order or a warrant lawfully issued by a competent authority;
 - (f) collect and communicate intelligence affecting the public peace;
 - (g) prevent the commission of offences and public nuisances;
 - (h) detect and bring offenders to justice;
 - (i) apprehend all persons whom he or she is legally authorised to apprehend and for whose apprehension sufficient grounds exist.
- (2) Subject to section 27, a police officer in the performance of his or her functions under subsection (1) may, without warrant, and at any hour

of the day or night, enter into—

- (a) any premises where he or she reasonably suspects that an unlawful activity is taking place or is about to take place; or
- (b) any premises to which dissolute or disorderly characters are resorting.

22. Power to regulate traffic.

(1) A police officer in uniform may, for the purpose of preserving public order and safety, stop, divert or otherwise direct and regulate the course of traffic.

(2) A person who does not comply with the direction or regulation issued under subsection (1) commits an offence and is liable on conviction to imprisonment not exceeding three months or a fine not exceeding fifty thousand shillings.

23. Arrest without a warrant.

(1) A police officer may, without a court order and without a warrant, arrest a person if he or she has reasonable cause to suspect that the person has committed or is about to commit an arrestable offence.

(2) A female person shall only be searched by an authorised woman.

24. Arrest as preventive action.

(1) A police officer who has reasonable cause to believe that the arrest and detention of a person is necessary to prevent that person—

- (a) from causing physical injury to himself or herself or to any other person;
- (b) from suffering physical injury;
- (c) from causing loss or damage to property;
- (d) from committing an offence against public decency in a public place;
- (e) from causing unlawful obstruction on a highway;
- (f) from inflicting harm or undue suffering to a child or other vulnerable person,

may arrest and detain that person.

(2) A person detained under subsection (1) shall be released—

- (a) once the peril, risk of loss, damage or injury or obstruction has been sufficiently removed;
- (b) on the execution of a bond with or without surety where provision is made for him or her to appear at regular intervals before a senior police officer, if so required; or
- (c) upon any other reasonable terms and conditions specified by the inspector general in writing.

(3) If the person detained under this section is not resident in Uganda, the bond referred to in subsection (2) may be secured by a surety resident in Uganda.

(4) Any person so arrested or any other person on his or her behalf who has reason to believe that any person is being unlawfully detained under this section may apply to a magistrate to have such person released with or without security.

25. Disposal of a person arrested by a police officer.

(1) A police officer on arresting a suspect without a warrant shall produce the suspect so arrested before a magistrate's court within forty-eight hours unless earlier released on bond.

(2) Subsection (1) shall not apply to a person who is arrested in one police area and is not to be questioned within the area in which he or she was arrested until he or she is transferred to the area where the offence was committed within seven days.

(3) If subsections (1) and (2) are not being complied with, any person may apply to the magistrate within twenty-four hours who shall order his or her release unless charged.

(4) Where a complaint of torture of a suspect in custody is made to a magistrate, the magistrate shall order an investigation into the allegation; and if the allegation is proved to be true, the magistrate shall order for the examination and treatment of the person affected at the expense of the State, and any person responsible for the torture shall be charged.

26. Power of detention and search by a police officer.

Without prejudice to section 315 of the Penal Code Act and section 7 of the

Criminal Procedure Code Act, a police officer may search or detain—

- (a) a person in whose possession; or
- (b) a vessel, a boat, an aircraft or a vehicle in which,

he or she has reasonable grounds to suspect that property stolen or unlawfully obtained may be found and may seize that property.

27. Search by police officers.

(1) Whenever a police officer, not being lower in rank than a sergeant, has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he or she is authorised to investigate may be found in any place and that that thing cannot in his or her opinion be otherwise obtained without undue delay, the officer may, after recording in writing the grounds of his or her belief and specifying in the writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for that thing.

(2) A police officer proceeding under subsection (1) shall, if practicable, conduct the search in person.

(3) If he or she is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he or she may, after recording in writing his or her reasons for so doing, require any officer subordinate to him or her not below the rank of corporal to make the search; and he or she shall deliver to that officer an order in writing specifying the place to be searched and, so far as possible, the thing for which search is to be made, and that officer may thereupon search for that thing in that place.

(4) The provisions of the Magistrates Courts Act as to search warrants shall, so far as may be, apply to a search made under this section.

(5) Copies of any record made under subsection (1) or (3) shall immediately be sent to the nearest magistrate empowered to take cognisance of the offence and to the owner or occupier of the place searched.

(6) The occupant of the place searched, or some other person in his or her behalf, shall, in every instance, be permitted to attend during the search; and where possible a local leader should be present during the search.

(7) Notwithstanding the provisions of this section or the provisions

of the Magistrates Courts Act relating to the search of premises, no police officer shall search any premises unless he or she is in possession of a search warrant issued under the provisions of the Magistrates Courts Act or is carrying a warrant card in such form as shall be prescribed by the inspector general.

(8) On the request of the owner or occupier of any premises being searched by a police officer, the police officer shall show that owner or occupier the search warrant authorising the search of the premises or his or her warrant card, as the case may be.

(9) A search conducted under this section shall be carried out in a humane manner and unnecessary damage or destruction to property shall be avoided.

28. Use of arms by police officers in special cases.

- (1) A police officer may use a firearm against—
- (a) a person charged with or convicted of a felony who escapes from lawful custody;
 - (b) a person who, through force, rescues another person from lawful custody;
 - (c) a person who, through force, prevents the lawful arrest of himself or herself or of any other person.

(2) A person who attempts to do an act referred to in subsection (1) shall be taken to have committed that act.

(3) Resort shall not be had to the use of arms under this section unless—

- (a) the police officer has reasonable grounds to believe that he or she cannot otherwise prevent any act referred to in subsection (1)(a) or (b) or otherwise effect the arrest;
- (b) the police officer has issued a warning to the offender that he or she is going to resort to the use of arms and the offender did not heed that warning; or
- (c) the police officer has reasonable grounds to believe that he or she or any other person is in danger of grievous bodily harm if he or she does not resort to the use of arms, but only such force as is reasonable in the circumstances may be used.

29. Seizure and retention of property by police.

(1) A police officer who is lawfully on any premises or any other place may seize anything there if he or she has reasonable grounds to believe—

- (a) that the thing might be used as an exhibit in relation to an offence which he or she is investigating; and
- (b) that it is necessary to seize that thing in order to prevent it from being concealed, lost, tampered with or destroyed.

(2) Where property is seized under subsection (1), the police officer responsible for the seizure shall record the fact and description of the property in duplicate and cause the record to be signed by himself or herself and the occupant, and a copy shall be retained by the occupant.

30. Power to take photographs of accused or convicted persons.

(1) Any police officer not below the rank of inspector may cause photographs to be taken of any person in lawful custody for any offence punishable by imprisonment without the option of a fine, whether accused or convicted.

(2) If any such person, when required to do so, refuses to allow those photographs to be taken to the satisfaction of that officer, he or she commits an offence and is liable on conviction to a fine not exceeding two hundred shillings or to imprisonment for one month; and, after conviction, reasonable force may be used to enable those photographs to be taken.

(3) On the acquittal of any person who has not previously been convicted of an offence as described in subsection (1) and whose photographs have been taken under the provisions of this section, those photographs, both negatives and copies, shall be destroyed.

31. Power to institute criminal proceedings.

A police officer may institute criminal proceedings before a magistrate, apply for summons, warrants, search warrants or undertake any other legal process as may be necessary against a person charged with an offence.

32. Power to regulate assemblies and processions.

(1) Any officer in charge of police may issue orders for the purpose of—

- (a) regulating the extent to which music, drumming or a public address system may be used on public roads or streets or at occasion of festivals or ceremonies;
- (b) directing the conduct of assemblies and processions on public roads or streets or at places of public resort and the route by which and the times at which any procession may pass.

(2) If it comes to the knowledge of the inspector general that it is intended to convene any assembly or form any procession on any public road or street or at any place of public resort, and the inspector general has reasonable grounds for believing that the assembly or procession is likely to cause a breach of the peace, the inspector general may, by notice in writing to the person responsible for convening the assembly or forming the procession, prohibit the convening of the assembly or forming of the procession.

(3) The inspector general may delegate in writing to an officer in charge of police all or any of the powers conferred upon him or her by subsection (2) subject to such limitations, exceptions or qualifications as the inspector general may specify.

33. Power to stop and to order to disperse assemblies and processions unlawfully convened.

Where an assembly is convened or procession formed in contravention of a prohibition under section 32, the inspector general or officer in charge of police may require the assembly to cease to be held or the procession to be stopped and may order the immediate dispersal of that assembly or procession.

34. Unlawful assemblies.

Any assembly or procession of three or more persons which neglects or refuses to obey any order for immediate dispersal given under section 33 shall be deemed to be an unlawful assembly within the meaning of section 65 of the Penal Code Act.

35. Gazetted areas.

(1) If the Minister is of the opinion that it is desirable in the interests of public tranquillity, he or she may, by statutory instrument, declare that in any particular area in Uganda (hereafter referred to in this section as a “gazetted area”) it shall be unlawful for any person or persons to convene an assembly at which it is reasonable to suppose that more than twenty-five persons will be present unless a permit has been obtained under subsection (2) by that person or those persons to convene the assembly, except that no instrument published under this subsection shall remain in force for more than one year unless it has been renewed by a further instrument; and where the instrument is renewed for a period exceeding one year, it shall be laid before Parliament for its approval by resolution.

(2) In every instrument published under subsection (1), the Minister shall name a person empowered to issue permits authorising the holding of an assembly of more than twenty-five persons within the discretion of that person either to withhold a permit altogether or to issue a permit subject to conditions as to—

- (a) a place where the assembly may be held;
- (b) the number of persons who shall be permitted to attend the assembly; and
- (c) the time or duration of the assembly.

(3) If a senior police officer satisfies a chief magistrate or a magistrate grade I that it is the intention of a person or persons to convene an assembly at which more than twenty-five persons are likely to be present, the magistrate may summon that person or those persons before him or her and after hearing that person or those persons may, if he or she thinks fit, make an order that the person or persons shall not convene or attend at any assembly in a gazetted area for a period to be named that shall not exceed one month unless a permit has been obtained under subsection (2) for convening such an assembly.

- (4) If a senior police officer is of the opinion that—
 - (a) in the case of an assembly in a gazetted area for which no permit has been obtained there are more than twenty-five persons present; or
 - (b) in the case of an assembly in a gazetted area for which a permit has been obtained there are more persons than are permitted by the permit or any other conditions of the permit are not being

complied with,
he or she may order the assembly to disperse.

(5) Any person who addresses an assembly after a superior police officer has ordered it to disperse other than to inform the persons present that the assembly is at an end commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(6) In any proceedings under subsection (5), the evidence of the senior police officer who ordered the assembly which is the subject of the proceedings to disperse shall be conclusive as to the number of persons present at the assembly.

(7) Nothing in this section shall apply to assemblies held wholly inside a building or convened bona fide—

- (a) for religious observance;
- (b) by the Uganda Government or the administration of a district;
- (c) for witnessing sports or games;
- (d) primarily for social purposes.

36. Dispersal of assembly after it has been ordered to be terminated.

If upon the expiration of a reasonable time after a senior police officer has ordered an assembly to disperse under section 35(4) the assembly has continued in being, any police officer, or any other person acting in aid of the police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming that resistance, and shall not be liable in any criminal or civil proceedings for having by the use of that force caused harm or death to any person.

37. Penalty for taking part in an unauthorised procession or assembly.

Any person who—

- (a) neglects or refuses to obey any order issued under section 35(1);
- (b) knowingly convenes, directs or takes part in any assembly or procession for which a permit is required under section 35(2) and for which no permit has been issued; or
- (c) violates any condition of a permit issued under section 35(2),

commits an offence and may be arrested without warrant and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding three months or to both.

38. No fee on bail bonds taken by police.

(1) Notwithstanding any other law to the contrary, no fee or duty shall be charged on the following, issued or taken by a police officer—

- (a) a bail bond in a criminal case;
- (b) a recognisance to prosecute or give evidence; or
- (c) a recognisance for personal appearance or otherwise issued or taken by a police officer.

(2) A bond and a recognisance referred to in subsection (1) shall not be required to be sealed.

39. Power to inspect licences.

(1) A police officer may, on the production of his or her warrant card for inspection by the person affected, stop that person if—

- (a) he or she sees him or her doing any act; or
- (b) he or she sees him or her in possession of anything,

for which a licence is required, under any law.

(2) In the exercise of his or her powers under subsection (1), the police officer may require the person referred to in that subsection to produce his or her licence, and if he or she fails to do so he or she may be required to produce a licence within seven days.

(3) A person who fails to produce his or her licence under subsection (2) may be arrested without a warrant.

(4) The police officer may waive an arrest under subsection (3) if the person to be arrested—

- (a) gives his or her correct name and address;
- (b) undertakes to the satisfaction of the police officer that he or she will duly answer any summons or other proceedings that may be taken against him or her.

40. Use of public address system.

(1) Except with the written permission of an officer in charge of police, no person shall, in a public place or so as to be a public nuisance, use any megaphone, loudspeaker, loud hailer, public address apparatus or any other means, whether artificial or not, for amplifying, broadcasting or reproducing any music or speech or any other sound.

(2) For the purposes of this section, a “public place” includes any highway, public park or garden, public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not and any open space to which, for the time being, the public have or are permitted to have access by payment or otherwise.

41. Disposal of property in possession of a police officer.

(1) Where any property has come into the possession of a police officer in connection with criminal proceedings, or in consequence of any person being detained in connection with criminal proceedings, and no order of disposal has been made by any court in accordance with any enactment, a magistrate may, on application either by a police officer or by a claimant of the property, make an order for the delivery of the property to the person appearing to the magistrate to be the owner of the property, or, if the owner cannot be ascertained, order the property to be disposed of under section 42 as unclaimed property.

(2) Where a magistrate makes an order under subsection (1) for the delivery of any property to the owner of the property—

- (a) if the owner of the property is present in court when the order is made, the magistrate shall inform him or her of the date on or before which he or she is required to remove the property from the possession of the police officer; or
- (b) if the owner of the property is not present in court when the order is made, the magistrate shall require him or her to remove the property from the possession of the police officer within twenty-one days from the date of service of the notice on him or her.

(3) If the owner of property in respect of which an order has been made under subsection (1) fails to remove the property from the possession of the police officer on or before the date specified in subsection (2)(a) or within the time prescribed in paragraph (b) of that subsection or if the owner

cannot be found, the magistrate on the application of a police officer, may order the property to be sold, and on completion of the sale, the right to take legal proceedings for the recovery of the property shall cease.

(4) The proceeds of any sale under subsection (3) shall remain in such custody as the magistrate shall direct, and the magistrate shall cause a notice of the sale to be posted in a conspicuous place at his or her court and at the police stations within his or her jurisdiction.

(5) A notice under subsection (4) shall specify the property to be sold and call upon the owner to appear and establish his or her identity within six months from the date of the notice.

42. Disposal of unclaimed property.

(1) Every police officer shall take charge of all unclaimed movable property and shall furnish an inventory or description of it to a magistrate.

(2) If any property to which subsection (1) applies is neither money nor property subject to speedy and natural decay nor property the immediate sale of which would, in the opinion of the magistrate, be for the benefit of the owner, the magistrate shall detain or give orders for the detention of the property and shall cause a notice to be posted in a conspicuous place at his or her court and at the police stations within his or her jurisdiction specifying the property and calling upon any person who may have any claim to it to appear and establish his or her claim within six months from the date of the notice.

(3) If within six months from the date of the notice no person establishes his or her claim to the property, the property may be sold or destroyed by order of the magistrate.

(4) If the property is a firearm or ammunition, a magistrate instead of ordering the sale or destruction of it may order it to be disposed of in such manner as the inspector general may direct; and the right to take legal proceedings for the recovery of the property or the proceeds of the sale or destruction of it, if sold or destroyed, shall cease upon the order being made.

(5) The proceeds of the sale of the property shall be apportioned in the following manner—

(a) one-half shall be paid to the credit of the Police Welfare Fund;

- (b) such proportion of the remaining one-half as the magistrate may direct shall be paid to the finder of the property; and
- (c) the balance shall be paid into the Consolidated Fund.

(6) If the magistrate is of the opinion that the property is subject to speedy or natural decay or that its immediate sale would be for the benefit of the owner, the magistrate shall retain the property or give orders for its detention, and may at any time direct it to be sold without having caused the notice prescribed in subsection (2) to be given prior to the sale.

(7) The proceeds of any sale under subsection (6) shall remain in such custody as the magistrate shall direct, and the magistrate shall immediately after the sale cause a notice of the sale to be posted in the manner prescribed in subsection (2).

(8) A notice under subsection (7) shall specify the property sold and call upon any person who may have any claim to the proceeds of the sale to appear and establish his or her claim within six months from the date of the notice.

(9) Where the unclaimed movable property consists of money, it shall be dealt with in all respects as if it were the proceeds of a sale ordered under subsection (6).

43. No liability for action done under authority of a warrant.

(1) A police officer shall not be liable for an act done in obedience to a warrant issued by a court of competent jurisdiction.

(2) In a suit instituted against a police officer for an act referred to in subsection (1), the court shall enter judgment in favour of that police officer—

- (a) on the production of a warrant containing the seal of a court of competent jurisdiction together with the signature of a judge, magistrate or registrar of a court; and
- (b) on proof that the act complained of was done in obedience to that warrant.

(3) Unless the court has reasonable grounds to doubt the genuineness of a court seal or signature of a judge, magistrate or registrar of a court, no proof of the seal of a court or signature shall be required under this section.

(4) Where it is proved to the satisfaction of a court that a seal of the court or a signature referred to under subsections (2) and (3) is not genuine, judgment may be entered in favour of a police officer acting in obedience to a warrant if it is proved that at the material time that police officer had reasonable grounds to believe that the court seal or signature in question was genuine.

PART VI—DISCIPLINE.

44. Establishment of the police disciplinary code of conduct.

(1) There shall be a disciplinary code of conduct which shall be the basis for disciplinary control of all police officers and other persons employed in the force under this code of conduct.

(2) The code established under subsection (1) shall be in the form set out in the Schedule to this Act.

(3) The Minister may, in consultation with the inspector general, by statutory instrument, amend the code.

45. Persons subject to the code.

The following persons are subject to the police disciplinary code of conduct—

- (a) an attested member of the force;
- (b) a person enlisted as a police officer or who is under training as a police officer;
- (c) a member of the local administration police force provided for under section 67;
- (d) a special constable referred to in section 64;
- (e) a police officer employed on contract under section 16;
- (f) a member of a security organisation placed under the command of the inspector general for the performance of police duties; and
- (g) any other person who accepts to perform duties in the force.

46. Disciplinary control of police officers.

The power of disciplinary control of a police officer—

- (a) of or above the rank of assistant commissioner shall vest in the

- police authority; and
- (b) below the rank of assistant commissioner shall vest in the police council acting through a police disciplinary court.

47. Dismissal of police officers.

(1) Subject to this Act, the police authority shall have the power to dismiss a police officer of or above the rank of assistant superintendent of police.

(2) The dismissal of a police officer of or above the rank of assistant commissioner of police under subsection (1) shall be subject to the written approval of the President.

48. Recommendation for dismissal of police officers.

(1) A police disciplinary court established under section 49 may, subject to the provisions of the code, impose any penalty other than dismissal.

(2) Where, after a trial, a police disciplinary court is of the view that dismissal should be an appropriate penalty to be imposed, it shall make recommendations to that effect—

- (a) in the case of senior police officers, to the police authority; and
- (b) in the case of subordinate police officers, to the police council.

49. Establishment of a police disciplinary court and protection of members from legal proceedings.

(1) There shall be established a police disciplinary court at every police unit.

(2) For purposes of subsection (1), there shall be established police disciplinary courts, whenever a breach of the code occurs at any place and time within the jurisdiction of the following police units—

- (a) force headquarters;
- (b) regional or extraregional police headquarters;
- (c) district or division headquarters;
- (d) police stations; and
- (e) police post or police detachment.

(3) A police disciplinary court established under subsection (1) shall—

- (a) hear and determine any disciplinary matter involving a person subject to the code;
- (b) have powers to award any punishment authorised by or under this Act.

(4) A senior police officer or an officer in charge of a police unit or establishment shall have power to institute disciplinary proceedings against any officer under his or her command who commits a disciplinary offence.

(5) A presiding officer senior in rank to the officer in charge shall be appointed in accordance with this Act to hear and determine the disciplinary case in accordance with the rules of procedure governing the disciplinary trials as the inspector general may prescribe in the police standing orders.

(6) In the performance of his or her duties under subsection (3), a member of a police disciplinary court shall enjoy the same immunity and privileges as enjoyed by a magistrate.

(7) Nothing in this Act shall affect the jurisdiction of any ordinary civil court to try a person for an offence triable by a police disciplinary court.

50. Categories of police disciplinary courts.

The following categories of disciplinary courts may have power to arrest, try and punish anybody under their jurisdiction—

- (a) the police council appeals court;
- (b) regional police courts;
- (c) subordinate police courts.

51. Establishment and composition of a police council appeals court.

(1) There shall be established a police council appeals court which shall consist of—

- (a) a presiding chairperson not below the rank of assistant commissioner of police;
- (b) two senior police officers;
- (c) a force political officer;
- (d) a police legal officer;
- (e) two other members appointed by the chairperson of the police

council.

(2) The quorum of the police council appeals court shall be five members, including the chairperson.

(3) The police council appeals court shall be the highest appellate police court in the force.

(4) An appeal shall be properly lodged to the police council appeals court if it is based on one or more of the following grounds—

- (a) erroneous findings;
- (b) illegality of sentence;
- (c) any miscarriage of justice;
- (d) a point of law;
- (e) severity of punishment.

(5) In conducting its business, the police council appeals court may sit at any place within Uganda.

52. Establishment and composition of regional police courts.

(1) There shall be a regional police court at each regional headquarters which shall have both original and appellate jurisdiction to try and determine all disciplinary cases.

(2) The regional police court shall consist of—

- (a) a presiding chairperson who shall not be below the rank of assistant superintendent;
- (b) two or four other police officers not below the rank of corporal; and
- (c) an independent prosecutor who may be an officer of the criminal investigation department.

(3) The quorum of the regional police court shall be three members, including the chairperson.

(4) The regional police court shall be competent to award punishments in accordance with the Schedule to this Act.

(5) Where the regional police court has no jurisdiction to award a punishment, it shall convict the defaulter and submit a record of the

proceedings to the inspector general, who may present the proceedings to the police council appeals court with recommendations, for awarding punishment.

(6) If the punishment awarded under subsection (5) involves dismissal of a senior police officer, the record shall be submitted to the police authority.

53. Establishment and composition of subordinate police courts.

(1) There shall be established a subordinate police court at each police unit which shall be constituted whenever a disciplinary offence is committed and shall consist of—

- (a) a presiding chairperson who shall not be below the rank of assistant inspector;
- (b) two other officers above the rank of the defaulter; and
- (c) an independent prosecutor who may be an officer of the criminal investigation department.

(2) The quorum of the subordinate police court shall be three members, including the chairperson.

(3) The subordinate police court shall have powers to award any of the punishments specified in the Schedule to this Act.

54. Decisions of the police appellate courts.

(1) Upon the hearing of an appeal from a police disciplinary court, the appellate court, if it allows the appeal shall either—

- (a) quash the conviction and set aside the sentence;
- (b) affirm the finding of guilty but vary the sentence as it deems fit; except that no punishment shall be increased or any punishment added on appeal unless the defaulter is first given a further opportunity of being heard;
- (c) direct a retrial on the charge in which case the appellant shall be tried again as if no trial on the charge has been held.

(2) The appellate court may disallow an appeal if, in the opinion of the court to be expressed in writing, there has been no substantial miscarriage of justice; and the court shall go ahead to affirm the decision of the lower police court.

55. Appeals.

(1) A police officer who has been punished under the code may, within fourteen days after he or she is informed of the decision of the police disciplinary court, appeal to a higher police disciplinary court.

(2) An appeal under subsection (1) shall lie against conviction or sentence.

(3) An appeal under subsection (1) shall be—

- (a) in the case of the decision of a subordinate police disciplinary court, to a regional police disciplinary court;
- (b) in the case of the decision of a regional police disciplinary court, to the police council appeals court.

(4) An appellant shall submit his or her appeal to a unit commander in whose jurisdiction he or she was tried.

(5) A unit commander on receiving an appeal submitted under subsection (4) shall transmit it to the next higher authority within fourteen days after receiving the appeal.

(6) The trial disciplinary court shall submit a copy of the proceedings to the appellate disciplinary court.

56. Arrest for disciplinary offences.

Where a person subject to the code commits or attempts to commit an offence against the code, he or she may be arrested with or without a warrant by a police officer higher in rank.

57. Place of confinement of offenders.

A police officer arrested in respect of an offence under section 56 shall be informed as soon as is practicable of the nature of the offence and be confined in a guardroom or a cell provided for that purpose.

58. Criminal proceedings take precedence over disciplinary proceedings.

If criminal proceedings of a nature likely to warrant disciplinary proceedings are instituted against a person subject to the code, no such disciplinary proceedings shall be taken until the conclusion of the criminal proceedings and the determination of any appeal from those proceedings.

59. Penalty and definition of desertion.

(1) A person who deserts the service in the force commits an offence and is liable on conviction by a criminal court to imprisonment for one year.

(2) A police officer deserts if—

- (a) he or she 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;
- (b) while absent with authority from his or her unit or from the place where his or her duty requires him or her to be, during that absence forms the intention of not returning to that unit or place;
- (c) 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 or formation or place does an act or omits to do an act the natural and probable consequence of which act or omission is to preclude his or her return to that unit or 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 unless the contrary is proved be presumed to have deserted for purposes of subsections (1) and (2).

(4) Any person who assists, procures, persuades or attempts to assist, procure or persuade another to desert the force commits an offence and is liable on conviction to the same punishment as the deserter.

PART VII—POLICE WELFARE.

60. Police Welfare Fund.

(1) There shall be established a Police Welfare Fund.

(2) There shall be paid into the fund all fines and other authorised payments made to the force—

- (a) under sections 41 and 42;
- (b) on orders made by a police disciplinary court;
- (c) under any other provision of this Act.

(3) The fund shall be subject to the Public Finance Act.

(4) Regulations made under section 73 may provide for payments out of the fund for the benefit of police officers or the members of the family of a deceased police officer.

61. Disposal of deceased's estate.

(1) The inspector general shall cause to be kept a personal record of each police officer.

(2) Where a police officer dies without making a valid will, his or her personal record and financial emoluments or benefits which had accrued to him or her at the time of his or her death shall be compiled and submitted to the Administrator General.

(3) A government officer who has under his or her charge or control the pay, gratuity, allowance or any other money or personal property belonging to a police officer who dies on duty not having made a valid will shall, on the death of the police officer, surrender it to be dealt with under subsection (2).

62. Police pension scheme, etc.

(1) The police authority shall make provisions for the establishment of schemes for the grant of pensions, gratuities and other benefits in respect of officers appointed under this Act on permanent or temporary terms.

(2) Where any schemes are established under subsection (1), the Minister may, by regulations made under section 73, make provision relating to the grant of benefits under the scheme to officers to whom similar schemes under any enactment existing before the commencement of this Act applied.

(3) Where any schemes are established under subsection (1), the

rights of any officers under any similar schemes in existence under any enactment in force before the commencement of this Act shall be deemed to have been transferred to the corresponding scheme established under this section.

63. Police tender board.

- (1) There shall be established a police tender board consisting of—
 - (a) six members appointed by the police authority;
 - (b) a representative from the Ministry responsible for finance.

- (2) The Minister may make regulations under section 73 to regulate the functions and operation of the police tender board.

- (3) The police tender board shall be responsible for the procurement and award of tenders to supply materials, equipment and any other thing required for the welfare and the operation of the force.

PART VIII—SPECIAL CONSTABLES, POLICE RESERVES AND LOCAL
ADMINISTRATION POLICE.

64. Power to appoint special constables.

- (1) The officer in charge of an area in which an unlawful activity has occurred or is likely to occur may, in a prescribed form, appoint such number of residents in the neighbourhood as he or she thinks necessary to be special constables to reinforce the members of the force in that area.

- (2) An appointment made under subsection (1) shall be—
 - (a) in writing;
 - (b) made only when there is need to reinforce the members of the force ordinarily employed for the maintenance of law and order in the area in respect of which they are appointed;
 - (c) subject to the approval of the inspector general;
 - (d) on such terms and in such form as the inspector general may determine.

- (3) An unlawful activity includes a riot, an unlawful assembly or a disturbance of the peace.

65. Responsibilities of special constables.

A constable appointed under section 64 shall—

- (a) have the same protection and shall perform the same duties as those performed by a police officer of an equivalent rank;
- (b) be under the command of the officer in charge of police in the area.

66. Police reserve.

(1) The inspector general may establish a reserve to be known as the Uganda Police Reserve.

(2) The Uganda Police Reserve shall consist of police officers of good character—

- (a) who have reached retirement age;
- (b) whose contract with the force has expired; or
- (c) who, on having terminated their service with the force, have offered to serve on the reserve.

67. Local administration police force.

The local administration police force shall be under the local government system, but matters of standardisation and training shall be the responsibility of the inspector general.

PART IX—GENERAL.

68. Giving false information to the police.

- (1) A person who knowingly gives false information—
 - (a) to the police;
 - (b) on which the police take action; or
 - (c) to a police inquiry,

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

(2) A prosecution under subsection (1) shall not be commenced without the consent of the Director of Public Prosecutions.

69. Harboursing police officers on duty.

A person who knowingly—

- (a) harbours a police officer on duty;
- (b) entertains or supplies intoxicating liquor to a police officer on duty or a police officer in uniform;
- (c) permits a police officer on duty or in uniform to be upon his or her premises otherwise than in the course of his or her duty,

commits an offence and is liable on conviction to imprisonment not exceeding six months or to a fine not exceeding fifty thousand shillings or to both.

70. Complaints by the public against police officers.

(1) A person is entitled, without prejudice to any other legal means of redress available to him or her, to make a written complaint as to—

- (a) any instance of bribery, corruption, oppression or intimidation by a police officer;
- (b) any neglect or nonperformance of his or her duties by a police officer;
- (c) any other misconduct by a police officer.

(2) A complaint made under subsection (1)(a) shall be addressed to the most senior police officer in charge of the district or unit to which the police officer against whom the complaint is made is stationed or to the inspector general.

(3) A complaint made under subsection (1)(b) or (c) shall be made to a senior police officer.

(4) The police officer to whom a complaint is made under subsection (2) or (3) shall, on receiving the written complaint, cause a full and impartial investigation to be made and—

- (a) send a report of his or her opinion and conclusion to the person making the complaint; and
- (b) take such other action on the complaint as the circumstances may require.

(5) A person who knowingly makes a false or malicious complaint under this section commits an offence and is liable on conviction to imprisonment not exceeding six months or to a fine not exceeding fifty

thousand shillings or to both.

71. Employment of police officers on special duty at the expense of private persons.

(1) Any person may apply to the inspector general for a member of the force to be assigned to him or her on special duty.

(2) The inspector general, on being satisfied of the need for the assignment applied for under subsection (1), may detail such number of police officers as he or she thinks fit on such terms and conditions as he or she or considers necessary.

(3) A police officer assigned on duty under subsection (2) shall be under the command of the officer in charge of police in the area to which he or she has been assigned on duty.

(4) The person to whom a police officer is assigned under subsection (2) shall meet the cost of the assignment.

(5) One-third of any money collected under subsection (4) shall be paid into the Police Welfare Fund and the remainder into the Consolidated Fund.

72. Control of private security organisations.

(1) Regulations may be made under section 73—

- (a) for the control of the establishment and operations of private security organisations;
- (b) requiring the registration of all private security organisations;
- (c) regulating the conditions under which a private security organisation may employ any person;
- (d) regulating the use of uniforms and other equipment by a private security organisation;
- (e) prescribing fees and forms for any of the foregoing purposes.

(2) In this section, “private security organisation” includes an organisation which undertakes private investigations as to facts or as to the character of a person, or one which performs services of watching, guarding, or patrolling for the purpose of providing protection against crime, but does not include the force, the prisons services or the armed forces of Uganda.

(3) The Minister may, without prejudice to the general effect of subsection (2), determine in writing whether or not an organisation is a “private security organisation”.

73. Regulations.

(1) The Minister may, subject to subsection (2), in consultation with the police authority, make regulations—

- (a) designating posts created under any other enactment as posts in the force;
- (b) dividing the force into branches and divisions and specifying the composition, organisation and functions of any such branch or division and the functions of the members;
- (c) creating posts and ranks in the force and specifying the number of persons constituting each rank or the grade of post;
- (d) providing, in relation to a post or rank created by or under this Act, the conditions of service attached to it;
- (e) providing for the enlistment in the force of persons to serve as special constables or members of the Uganda Police Reserve;
- (f) for the determination of the salary or salary scale payable to a police officer;
- (g) regulating the award of increments of salary and the payment of allowances and other additional remuneration;
- (h) regulating hours of work and the granting of leave with or without pay or allowances;
- (i) for making available to police officers accommodation, medical treatment or other facilities on such terms and conditions, with regard to payment, as he or she may deem fit;
- (j) regulating the presentation of petitions by a police officer;
- (k) for other matters relating to the conditions of service of police officers;
- (l) prescribing retirement ages, conditions for resignation and the procedure to be followed in determining whether a police officer shall be removed or shall retire for medical reasons;
- (m) providing for the issue to police officers of a certificate of termination of service;
- (n) providing for the transfer of a police officer, with his or her consent, to employment in another Ministry or department or other approved employment;
- (o) providing for the making of payments from the Police Welfare

- Fund;
- (p) for the control of private security organisations;
 - (q) providing for any other matter which under this Act is to be prescribed or which otherwise relates to the proper administration and functioning of the force.

(2) Where any regulations to be made by the Minister under this section relate to any functions conferred by this Act on the police authority, the police council or the inspector general, the Minister shall in making the regulations consult the police authority, the police council or the inspector general, as the case may be.

Schedule.

s. 44.

Disciplinary code of conduct.

1. Persons subject to the code.

The following persons are subject to the police disciplinary code of conduct—

- (a) an attested member of the force;
- (b) a person enlisted as a police officer or who is under training as a police officer;
- (c) a special constable referred to in section 64;
- (d) a police officer employed on contract under section 16;
- (e) any other person who accepts to perform duties in the force.

2. Obligations of police officers.

A member of the force shall—

- (a) not use the authority of his or her office for undue gain;
- (b) not take away the liberty or rights of any person without reasonable cause;
- (c) not convert property of any person or any property which comes into his or her custody by virtue of his or her office;
- (d) treat humanely all persons at his or her disposal without discrimination;
- (e) not receive any undue gratification for services he or she is expected to render by virtue of his or her employment;

- (f) conduct himself or herself in a most decent and dignified manner at all times as an example for orderliness and law abiding;
- (g) not compromise law enforcement on account of relationship, patronage or any other influence;
- (h) treat all diplomats and foreign nationals with courtesy;
- (i) not consume alcohol in a public drinking place, while on duty, or in uniform or in possession of a weapon.

3. Relationship within the force.

The lower ranks of the force shall obey the higher ranks, and the higher ranks shall respect the lower ranks.

4. Offences by police officers.

A police officer who—

- (a) being cognisant of any mutiny or sedition among the force does not use his or her utmost endeavour to suppress the mutiny or sedition;
- (b) being cognisant of any intended mutiny or sedition in the force does not without delay give information of that intended mutiny or sedition to his or her superior officer; or
- (c) being present at any assemblage tending to riot does not use his or her utmost endeavour to suppress the assemblage,

commits an offence and is liable on conviction to imprisonment for one year.

5. Entering into marriage with a foreign national.

A police officer who enters into a marriage with a foreign national without the written approval of the inspector general commits an offence.

6. Releasing or causing prisoner to be released.

A police officer who without authority or reasonable excuse releases or causes to be released a prisoner or helps a prisoner to escape from lawful custody on account of corrupt dealings with that prisoner or his or her agent commits an offence.

7. Causing loss to the Government.

A police officer who does an act or omission in relation to his or her duties,

the reasonable and natural consequence of which is to cause financial or any other loss to the Government or any other person, commits an offence.

8. Spreading harmful propaganda.

(1) A person subject to this code who spreads harmful propaganda commits an offence.

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

- (a) making oral or written statements intended to damage the image of the force or the Government excepting constructive criticism;
- (b) spreading false news or stories intended to create division or confusion within the administration of the force; or
- (c) spreading false stories intended to undermine the loyalty of any member of the force or to incite discontent among any section of the force.

9. Violence to a superior officer.

A person subject to this code who unlawfully strikes or draws or lifts a weapon against or uses or offers violence against a superior officer commits an offence.

10. Abuse of subordinate officer.

A superior police officer who, without reasonable cause, strikes or otherwise ill-treats any police officer who by reason or rank or appointment is subordinate to him or her commits an offence.

11. Insubordinate or oppressive conduct.

(1) A police officer who uses any threatening or insulting language, or behaves oppressively with contempt towards a superior officer or wilfully or negligently makes false complaints or statements against his or her superior, commits an offence.

(2) A police officer who displays aggressive or tyrannical conduct towards or uses obscene, abusive or insulting language to a police officer inferior in rank commits an offence.

12. Discreditable or irregular conduct.

A police officer commits an offence against discipline if he or she is guilty of discreditable conduct, that is to say, if he or she acts in a disorderly manner or any manner prejudicial to discipline or likely to bring discredit on the reputation of the force or to cause any injury to the public service in any way.

13. Drunkardness.

(1) A police officer who while on or off duty is unfit for duty through drink or drugs commits an offence.

(2) For purposes of this paragraph, a police officer is drunk if owing to the influence of any alcohol or drugs, whether alone or in combination with any other circumstances, he or she is unfit to be called upon to perform duties at anytime or behaves in a disorderly manner likely to bring discredit to the force.

14. Scandalous manner.

(1) A police officer who behaves in a scandalous manner unbecoming of a police officer commits an offence.

(2) A police officer who behaves in a cruel, disgraceful, indecent or unnatural manner commits an offence and is liable on conviction to reduction in rank or dismissal.

15. Falsehood or prevarication.

A police officer is guilty of falsehood or prevarication if he or she—

- (a) makes or signs in any official document any statement which he or she knows or has reasonable grounds to believe to be false;
- (b) wilfully or negligently makes a false, misleading or inaccurate statement;
- (c) without good and sufficient cause, destroys or mutilates any official document or record, or alters or erases any entry in it; or
- (d) is guilty of any prevarication before any court or at any inquiry.

16. Offences in relation to official document.

A person who is subject to this code being a custodian of official documents or having access to official documents tampers with or destroys any document in order to give a false account of the records or suppresses any information commits an offence.

17. Inaccurate certificate by inspector or analyst.

(1) A person subject to the Act who, being an inspector or analyst in the employment of the force, signs an inaccurate certificate in relation to an official report commits an offence.

(2) It shall be a defence under subsection (1) for the inspector or analyst to prove that he or she took reasonable steps to ensure that the official report was correct.

18. Disobedience of lawful orders.

(1) A police officer who either wilfully or through deliberate neglect disobeys a lawful order commits an offence.

(2) For the purposes of subparagraph (1), a police officer is in disobedience of lawful orders if he or she—

- (a) disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
- (b) fails to communicate lawful orders;
- (c) removes or conceals his or her duty badge when on duty or endeavours at any time to conceal or disguise his or her force number;
- (d) refuses to give his or her particulars when ordered to do so;
- (e) smokes in public while in uniform;
- (f) brews or makes preparations for brewing of intoxicating liquor in the barracks;
- (g) brings visitors into the barracks without permission; or
- (h) when called upon by the inspector general to furnish a full and true statement of his or her financial position fails to do so.

19. Neglect of duty.

A police officer is guilty of neglect of duty if he or she—

- (a) neglects, or without good and sufficient cause omits promptly and diligently, to attend to or carry out his or her duty as a police officer;
- (b) is not alert or is idle or misbehaves while on duty;
- (c) fails to work his or her beat or to perform any other duty in accordance with orders, or leaves his or her beat, point or other place of duty to which he or she has been ordered without due permission or sufficient cause;
- (d) by carelessness or neglect permits a prisoner to escape;
- (e) fails, when knowing where any offender is to be found, to report that or to make due exertions for making him or her amenable to justice;
- (f) fails to report any matter which it is his or her duty to report;
- (g) fails to report anything within his or her knowledge concerning a criminal or disciplinary charge, or fails to disclose any evidence which he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant or accused person on a criminal or a disciplinary charge;
- (h) omits to make any necessary entry in any official book or document, or omits to make or send any report or return which is within his or her line of duty to make or send;
- (i) sleeps on duty;
- (j) conceals any venereal or contagious disease or fails to report that he or she is suffering from a venereal or contagious disease; or
- (k) neglects to carry out any instructions of a Government medical officer, or while absent from duty on account of sickness is guilty of any act or conduct calculated to retard his or her return to duty.

20. Withdrawal from duty or absence without leave.

A police officer is guilty of withdrawal from duty, if he or she—

- (a) withdraws himself or herself from his or her duties unless expressly permitted to do so by the inspector general or by some other officer authorised to grant that permission; or
- (b) without reasonable excuse, is absent without leave from or is late for parade, court or any other duty.

21. Malingering.

A police officer is guilty of malingering if he or she feigns or exaggerates any sickness or injury with a view to evading duty.

22. Breach of confidence.

A police officer is guilty of breach of confidence if he or she—

- (a) divulges any matter which it is his or her duty to keep secret;
- (b) without due authority discloses or conveys any information concerning any investigation or other police departmental matter to the press or to any unauthorised person;
- (c) without proper authority shows or conveys to any person outside the force any book or document, the property of the Government;
- (d) makes any anonymous, frivolous or vexatious communication or complaint, or makes a communication or complaint in an irregular manner;
- (e) signs or circulates any petition or statement with regard to any matter concerning the force, unless he or she does it through the proper channel of correspondence to the inspector general; or
- (f) calls or attends any unauthorised meeting to discuss any matter concerning the force.

23. Corrupt practice.

A police officer is guilty of corrupt practice if he or she—

- (a) solicits or receives any bribe;
- (b) fails to account for or to make prompt and true return of any money or property received by him or her in an official capacity, or fails to account satisfactorily, if so called upon by the inspector general to do, for any money or property in his or her possession or received by him or her otherwise than in his or her official capacity;
- (c) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without the consent of the inspector general;
- (d) places himself or herself under a pecuniary obligation to the holder of any licence concerning the granting or renewal of which any police officer may have to report or give evidence;
- (e) improperly uses his or her character and position as a member of the force to his or her private advantage;
- (f) in his or her capacity as a police officer, writes, signs or gives without the sanction of the inspector general any testimonial or character or other recommendation with the object of obtaining employment for any person or of supporting an application for

- the grant of a licence of any kind; or
- (g) without the sanction of the inspector general supports an application for the grant of a licence of any kind.

24. Unlawful or unnecessary exercise of authority.

A police officer is guilty of unlawful or unnecessary exercise of authority if he or she—

- (a) without good and sufficient cause makes any unlawful or unnecessary arrest;
- (b) uses any unnecessary violence to any prisoner or any person with whom he or she may be brought into contact in the execution of his or her duty;
- (c) is uncivil or uses improper language to any member of the public; or
- (d) interferes unnecessarily in any matter or with any person which or who is outside the scope of his or her authority.

25. Uncleanliness.

A police officer is guilty of uncleanliness if while in uniform he or she is improperly dressed, or is dirty or untidy in his or her person, clothing or accoutrement.

26. Damage to clothing or other articles supplied for duty.

A police officer is guilty of damage to clothing and other articles supplied for duty if he or she—

- (a) pawns, sells, loses by neglect, makes away with or wilfully or negligently causes damage to, or the loss or waste of, any Government property, including arms, ammunition, clothing or equipment or any lost, stolen or unclaimed property or any exhibit or prisoner's property;
- (b) fails to report any loss or damage as above, howsoever caused; or
- (c) commits any petty offence of stealing or misappropriating any money or goods being the property of the Government or of any police officer, or of receiving any such property knowing the property to have been stolen or misappropriated from the Government or from any police officer.

27. Cowardice.

A police officer is guilty of cowardice if while on duty he or she—

- (a) runs away from or incites others to run away from a riotous situation or civil disorder;
- (b) fails to use utmost exertion to carry out orders during a riotous situation or civil disorder; or
- (c) fails to use utmost exertion to avert any danger to himself or herself or others whom he or she is charged to protect.

28. Penalty for disciplinary offences.

(1) Where no penalty for any offence is provided in this code, a police court may impose one or more of the following punishments in accordance with this Act—

- (a) dismissal;
- (b) discharge since the police officer has ceased to be or is unlikely to become efficient;
- (c) demotion or reduction in rank;
- (d) stoppage, withholding or deferment of increment in salary scale;
- (e) fine not exceeding one-third of the defaulter's salary;
- (f) recovery of the cost or part of the cost of any loss or damage caused by default or negligence;
- (g) imprisonment in police custody;
- (h) confinement to residence or barracks;
- (i) severe reprimand;
- (j) reprimand;
- (k) communal labour.

(2) Where a police court does not have jurisdiction to award a punishment, it shall recommend the award of that punishment to a police court or authority with appropriate jurisdiction to award the punishment.

29. No pay during absence without leave, etc.

(1) No pay shall accrue to any police officer in respect of any day during which he or she is absent from duty without leave or is undergoing any sentence of imprisonment.

(2) Any money recovered in execution of the provisions of subparagraph (1) of this paragraph shall be paid into the fund established

under this Act.

(3) Such unearned pay shall be recoverable at the earliest opportunity after the discovery of the fact of absence without leave.

30. Fines to be recovered by stoppage of payment.

(1) All fines imposed on a police officer in respect of offences against discipline under the provisions of the Act may be recovered by stoppage of the officer's pay due at the time of committing the offence or thereafter accruing or deducted from benefits due to him or her at the time of his or her death.

(2) The amount of any stoppage in respect of any fine or for any other cause authorised by this Act shall be at the discretion of the police court by which the fine was imposed but shall not in any case exceed one-third of the monthly pay of the defaulter; and whenever more than one order of stoppage is in force against the same person so much only of his or her pay shall be stopped as shall leave him or her a residue of at least two-thirds of his or her monthly pay.

(3) Where more than one order of stoppage is made upon the same person, the order or orders later in date shall, if necessary, be postponed as to their enforcement until the earlier orders have been discharged.

31. Interdiction and suspension.

(1) The inspector general may at any time interdict from duty any police officer who is charged with any criminal or disciplinary offence if he or she considers that the interests of discipline require that the officer shall immediately cease to exercise the powers and functions of his or her office.

(2) A police officer under interdiction shall not leave Uganda without the permission of the inspector general.

(3) A police officer who has been interdicted from duty shall not by reason of that interdiction cease to be a member of the force and shall remain subject to the same responsibilities, discipline and penalties and to the same authority as if he or she had not been interdicted except that the powers, privileges and benefits vested in him or her as a member of the force shall be in abeyance during the interdiction.

(4) A police officer who has been interdicted may receive during the interdiction a proportion of his or her pay, not being less than one-half, and if the proceedings against him or her do not result in his or her dismissal or in his or her conviction for a criminal offence, he or she shall be entitled to the full amount of the emoluments which he or she would have received had he or she not been interdicted.

(5) A superior police officer or an officer in charge of police may at any time suspend from duty any subordinate police officer who is charged with any criminal or disciplinary offence pending the hearing of the charge against him or her, if he or she considers that the interests of discipline require that the officer shall instantly cease to exercise the powers and functions of his or her office.

(6) A suspension under subparagraph (5) shall be immediately reported by that superior officer or officer in charge of police to the inspector general together with any action taken by him or her under this subparagraph, and the inspector general may either interdict the subordinate police officer concerned or give any other directions as he or she thinks fit.

32. Pension rights, etc. lost by dismissal.

Subject to any law for the time being in force in Uganda, a police officer who is dismissed shall forfeit all rights or claims—

- (a) to a pension, gratuity or other retiring award; and
- (b) to or in respect of any leave or passages at the public expense.

33. Officers to be informed regarding decisions on charge.

Where proceedings have been taken against a police officer under this Act, the officer shall be informed—

- (a) of the decision and the reasons for that decision on each charge which was preferred against him or her; or
- (b) of the penalty, if any, or other punishment to be imposed.

34. Power to summon witnesses.

(1) The person conducting an inquiry into a disciplinary offence under the provisions of the Act may require any person to attend and give evidence before him or her and may require the production of any documents

relating to the offence by any person attending before him or her except that no person so required to attend shall be obliged to answer any question which may tend to incriminate him or her or render him or her liable to any forfeiture or penalty.

(2) A person required to attend under subparagraph (1) of this paragraph who without reasonable excuse fails to attend when notified to do so shall be arrested and brought before the police court to show cause why he or she should not be charged with disobeying lawful orders contrary to section 117 of the Penal Code Act.

35. Mode of complaint of police officers.

If any police officer thinks himself or herself wronged in any matter by a police officer of a lower rank than the officer in charge of police in the place where he or she is stationed, he or she may complain to the officer in charge of police; and if he or she thinks himself or herself wronged by that officer in charge of police, or any officer of the same or higher rank, not being the inspector general, either in respect of his or her complaint not being redressed or in respect of any other matter, he or she may complain to the regional police commander or the inspector general, as the case may be; and if he or she thinks himself or herself wronged by the inspector general, either in respect of his or her complaint not being redressed or in respect of any other matter, he or she may complain to the Minister; and the officer in charge of police, the regional police commander, the inspector general or the Minister, as the case may be, upon any complaint being so made shall cause the complaint to be inquired into, and shall, if on inquiry he or she is satisfied of the justice of the complaint, take such steps as may be necessary for giving such redresses to the complainant in respect of the matter complained of as the case requires.

History: Statute 13/1994.

Cross References

Companies Act, Cap. 110.
Constitution of 1995.
Criminal Procedure Code Act, Cap. 116.
Magistrates Courts Act, Cap. 16.

Penal Code Act, Cap. 120.
Public Finance Act, Cap. 193.
