

BILLS SUPPLEMENT

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Bill No. 10

Police (Amendment) Bill

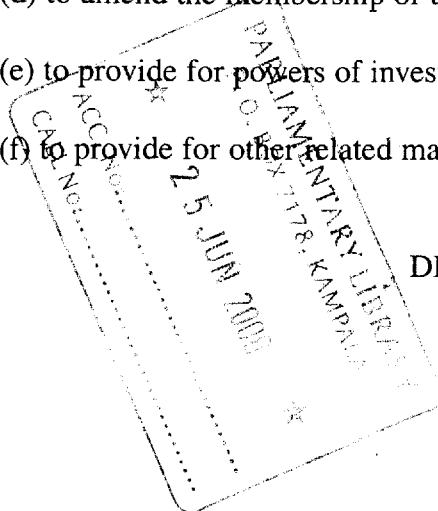
2005

THE POLICE (AMENDMENT) BILL, 2005

MEMORANDUM

The object of this Bill is to amend the Police Act, Cap 303—

- (a) to give effect to articles 211, 212, 213, and 214 of the Constitution;
- (b) to provide for the integration of the local administration police force into the Uganda Police Force;
- (c) to provide for the appointment and control of civilian staff employed in the Uganda Police Force;
- (d) to amend the membership of the police council;
- (e) to provide for powers of investigation of police officers; and
- (f) to provide for other related matters.



DR. RUHAKANA RUGUNDA,
Minister of Internal Affairs.

THE POLICE (AMENDMENT) BILL, 2005.

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Amendment of section 1
3. Amendment of section 3
4. Amendment of section 4
5. Amendment of section 6
6. Amendment of section 8
7. Amendment of section 9
8. Amendment of section 10
9. Amendment of section 11
10. Amendment of section 12
11. Amendment of section 13
12. Amendment of section 15
13. Amendment of section 17
14. Amendment of section 20
15. Amendment of section 21
16. Amendment of section 25
17. Amendment of section 26
18. Insertion of section 27A
19. Amendment of section 45
20. Amendment of section 47
21. Amendment of section 49
22. Amendment of section 50
23. Amendment of section 51

Clause

24. Amendment of section 52
25. Amendment of section 55
26. Insertion of section 55A
27. Repeal of section 63
28. Repeal of section 67
29. Insertion of sections 67A, 67B and 67C
30. Amendment of section 73
31. Amendment of Schedule

A Bill for An Act

ENTITLED

THE POLICE (AMENDMENT) ACT, 2005

An Act to amend the Police Act, Cap 303, to give effect to articles 211, 212, 213 and 214 of the Constitution; to provide for the integration of the local administration police force into the Uganda Police Force; the appointment and control of civilian staff in the Uganda Police Force; the amendment of the membership of the police council; to provide for powers of investigation of police officers and for other related matters.

BE IT ENACTED by Parliament as follows:

1. Short title

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

2. Amendment of section 1

The Police Act, in this Act referred to as the principal Act, is amended by substituting for section 1 the following new section—

“1. Interpretation

In this Act, unless the context otherwise requires—

- “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;
- “assistant commissioner” means an officer of the rank of assistant commissioner of police in accordance with this Act;
- “assistant inspector general of police” means an officer of the rank of assistant inspector general of police;
- “assistant superintendent” includes a cadet assistant superintendent;
- “attested member” means a police officer, regardless of rank, who has completed the training course, taken the requisite oath and been listed in the Force as a member;
- “code” means the disciplinary code of conduct established under section 44;
- “commissioner of police” means an officer of the rank of commissioner of police;
- “constable” means a police officer below the rank of corporal;
- “Constitution” means the Constitution of Uganda;
- “deputy inspector general” means the Deputy Inspector General of Police appointed under article 213 of the Constitution;
- “force” means the Uganda Police Force established by Article 211 of the Constitution;
- “inspector general” means the Inspector General of Police appointed under article 213 of the Constitution;
- “inspector of police” means an officer of the rank of inspector and includes an assistant inspector of police;

- “legal officer” means a police officer designated as a legal officer under this Act;
- “local government” means the local councils established under the Local Governments Act;
- “magistrate” means a magistrate appointed under the Magistrates Courts Act;
- “Minister” means the Minister responsible for internal affairs;
- “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;
- “police appeals court” means the highest disciplinary court established by section 51 of this Act;
- “police authority” means—
- (a) in relation to the force, the police authority established by section 8;
 - (b) in relation to local administration police, the administration of the area in which that force is established;
- “police council” means the police council established by section 10;
- “police officer” means any attested member of the police force;
- “police unit” means a police establishment or formation with an officer in charge or with an officer in command at or within a district;
- “President” means the President of Uganda;
- “private security organisation” means a private security organisation registered under the Companies Act;

“region” means any area of Uganda declared by the inspector general to constitute a regional or extra regional police command;

“regional commander” means a police officer appointed by the inspector-general to be in command of the police in any region or extra region;

“regional police court” means a disciplinary court established at the regional police headquarters or at the force headquarters;

“responsible officer” means—

(a) in the case of a senior police officer, the regional police commander;

(b) in the case of a subordinate police officer, the district police commander;

(c) in any other case, the officer-in-charge of a police unit;

“senior police officer” means an officer of or above the rank of assistant superintendent;

“subordinate police disciplinary court” means a police disciplinary court lower than a regional police disciplinary court;

“subordinate police officer” means a police officer of or below the rank of inspector;

“superintendent” includes senior superintendent, senior assistant superintendent and assistant superintendent;

“unit commander” means the officer-in-charge of a district or a police unit within a district.”

3. Amendment of section 3

Section 3 of the principal Act is amended by inserting immediately after paragraph (c) the following new paragraph—

“(ca) the local administration police force established by section 67A;”.

4. Amendment of section 4

Section 4 of the principal Act is amended in subsection (1) by inserting after paragraph (f) the following new paragraph—

“(fa) to co-operate with civilian authorities and other security organs established under the Constitution and with the population generally;”.

5. Amendment of section 6

Section 6 of the principal Act is amended by inserting at the end of subsection (3)(b), the following phrase—

“or any other officer appointed under this Act.”.

6. Amendment of section 8

Section 8 of the principal Act is amended by inserting at the end of subsection (2)(b)(i) the following words—

“or his or her representative;”.

7. Amendment of section 9

Section 9 of the principal Act is amended in subsection (1)—

(a) by substituting for paragraph (b) the following paragraph—

“(b) to advise the President on the appointment of—

(i) the Inspector General of Police;

(ii) the Deputy Inspector General of Police;

(iii) Assistant Inspectors of Police; and

(iv) Commissioners of Police.”;

(b) by substituting for paragraph (c), the following paragraph—

“(c) to recommend to the Public Service Commission, the appointment and promotion of police officers above the rank of inspector of police, up to the rank of assistant commissioner of police;”

8. Amendment of section 10

Section 10 of the principal Act is amended—

(a) by substituting for paragraph (b) of subsection (2) the following paragraph—

“(b) the following members—

(i) the Deputy Inspector General of Police;

(ii) the Director of Criminal Investigation;

(iii) the Director of Special Branch;

(iv) the Director of Administration;

(v) the Director of Operations;

(vi) the Director of Local Administration Police;

(vii) the Regional and Extra Regional Police Commanders;

(viii) the officers at the headquarters of the force responsible for the following—

(A) finance;

(B) human resource management;

(C) human resource development;

(D) community affairs;

(E) policy research and planning;

(F) inspectorate;

- (G) legal affairs;
- (H) traffic and road safety;
- (I) communications;
- (J) force transport;
- (K) logistics and supplies;
- (L) force estates;
- (M) medical services;
- (N) operations;
- (O) mobile phone protection unit;
- (P) private security organizations;
- (Q) non human resource;
- (R) local administration police;
- (S) firearms;
- (T) criminal investigations administration;
- (U) identification bureau;
- (V) collation;
- (W) production; and
- (X) private security;”;

(b) by substituting for subsection (3) the following subsection—

“(3) The quorum of the police council is twenty two persons.”;

(c) by inserting immediately after subsection (3), the following new subsection—

“(4) The police council may co-opt any other relevant officer to sit as a member of the council.”;

(d) by inserting immediately after subsection (4), the following new subsection—

“(5) The police council may regulate its own procedure.”

9. Amendment of section 11

Section 11 of the principal Act is amended in subsection (1) by substituting for paragraph (a), the following paragraph—

“(a) to recommend to the Public Service Commission, the recruitment, appointment and promotion of police officers up to the rank of inspector of police;”

10. Amendment of section 12

Section 12 of the principal Act is amended—

(a) by substituting for paragraph (iv) of subsection (3)(b), the following paragraph—

“(iv) the officer in charge of the local administration police;”;

(b) by inserting immediately after subsection (3)(b)(v), the following new subparagraph—

“(vi) any other co-opted member.”;

(c) by substituting for paragraph (c) of subsection (3) the following paragraph—

“(c) the officer-in-charge of the station who shall act as secretary to the district police committee.”

11. Amendment of section 13

For section 13 of the principal Act, the following section is substituted—

“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 the authorities specified in subsection (2), 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—

- (a) the police authority; and
- (b) 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.”

12. Amendment of section 15

Section 15 of the principal Act is amended—

- (a) in subsection (1)(a), by substituting for the word “fifty-five” the word “sixty”;
- (b) by inserting immediately after subsection (4) the following new subsection—

“(5) A police officer shall qualify for pension on the attainment of forty five years of age if that officer has served for an uninterrupted period of at least ten years.”

13. Amendment of section 17

For section 17 of the principal Act, the following section is substituted—

“17. Resignation by police officers

Subject to section 15, a police officer may not terminate his or her service with the force except on completion of a minimum of five years uninterrupted service, and with the written permission of the appointing authority.”

14. Amendment of section 20

Section 20 of the principal Act is amended—

(a) by substituting for subsection (1), the following subsection—

“(1) Civilians shall be employed in the police force in the following manner—

(a) senior civilian established officers shall be appointed by the Public Service Commission on the recommendation of the police authority;

(b) junior civilian established officers shall be appointed by the Public Service Commission on the recommendation of the police council; and

(c) non established staff shall be appointed by the Public Service Commission on the recommendation of the inspector general.”;

(b) in subsection (2), by inserting immediately after paragraph (b) the following new paragraph—

“(c) the inspector general may, in consultation with the police authority, by statutory instrument, make regulations prescribing a disciplinary code of conduct for civilian staff.”

15. Amendment of section 21

Section 21 of the principal Act is amended by inserting immediately after subsection (2) the following new subsection—

“(3) Any person who willfully obstructs or resists any police officer charged with the execution of his or her duty commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or both.”

16. Amendment of section 25

Section 25 of the principal Act is amended—

- (a) by repealing subsection (2); and
- (b) in subsection (3), by substituting for the phrase “if subsections (1) and (2) are not being complied with”, the phrase “if subsection (1) is not being complied with”.

17. Amendment of section 26

Section 26 of the principal Act is amended by substituting for ‘stolen’, the words ‘stolen or smuggled’.

18. Insertion of section 27A

The principal Act is amended by inserting immediately after section 27 the following new section—

“27A. Procurement of information and attendance of witness

(1) A police officer not below the rank of assistant inspector of police making an investigation into an offence may, in writing—

- (a) require the attendance before him or her of any person whom he or she has reason to believe has any knowledge which will assist in the investigation; and
- (b) require the production of any document, matter or thing relevant to the offence under investigation.

(2) The attendance required under subsection (1) may be required at the nearest police station or police office situated within the area in which that person resides or, for the time being, is found.

(3) Subject to subsection (4), where a person requested to attend or to produce a document or other matter or thing under subsection (1) without reasonable excuse—

- (a) fails to attend as required;
- (b) refuses, having so attended, to give his or her correct name and address;
- (c) refuses to produce any relevant document, matter or thing which may be in his or her possession or under his or her authority;
- (d) refuses to answer truly any question that may be lawfully put to him or her,

that person commits an offence and is liable, on conviction, to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding three months, or both.

(4) A person shall not be required to answer any question under this section which might tend to expose him or her to any criminal charge, penalty or forfeiture.

(5) A police officer may record any statement made to him or her under this section and take possession of any relevant document, matter or thing produced by the person making the statement, whether or not that person is suspected of having committed an offence.

(6) Where a police officer decides to charge a person with an offence, he or she shall, before recording a statement from that person under subsection (5), administer the caution required to be administered under the Evidence (Statements to Police Officer) Rules.

(7) For any charge under subsection (3), consent from the Director of Public Prosecutions shall be sought before the matter is taken to court.”

19. Amendment of section 45.

Section 45 of the principal Act is amended in paragraph (c) by substituting for the words “section 67”, the words “section 67A”.

20. Amendment of section 47

Section 47 of the principal Act is amended—

- (a) by inserting immediately after subsection (2), the following new subsections—

“(3) The police authority shall have the power to dismiss summarily a police officer who has been prosecuted and convicted of a criminal offence.

(4) The police authority may dismiss summarily a police officer for—

- (a) discreditable conduct;
- (b) mutinous conduct;
- (c) breach of oath;
- (d) spreading harmful propaganda; and
- (e) causing loss of firearms or ammunition.”

21. Amendment of section 49

Section 49 of the principal Act is amended in subsection (2) by substituting for paragraph (a) the following paragraph—

“(a) force headquarters, which shall also serve as a disciplinary court for any police officer, and for every person subject to the code, for any disciplinary offence committed anywhere in Uganda;”.

22. Amendment of section 50

Section 50 of the principal Act is amended in paragraph (a) by repealing the word “council”.

23. Amendment of section 51

Section 51 of the principal Act is amended—

- (a) by substituting for “police council appeals court” wherever it occurs, the words “police appeals court”;
- (b) by repealing subsection (1)(c);
- (c) in subsection (1)(e), by substituting for the words “two members” the words “one member”; and
- (d) in subsection (2), by substituting for the word “five”, the word “three”.

24. Amendment of section 52

Section 52 of the principal Act is amended in subsection (1) by inserting immediately after ‘headquarters’ the words “and extra regional headquarters”.

25. Amendment of section 55

Section 55 of the principal Act is amended in subsection (3)(b) by repealing the word “council”.

26. Insertion of section 55A.

The principal Act is amended by inserting immediately after section 55, the following new section—

“55A. Appeals by prosecution

The prosecution in a police disciplinary court may appeal against the decision of the court on the following grounds—

- (a) erroneous findings; and
- (b) a point of law.”

27. Repeal of section 63

Section 63 of the principal Act is repealed.

28. Repeal of section 67

Section 67 of the principal Act is repealed.

29. Insertion of sections 67A, 67B and 67C.

The principal Act is amended by inserting immediately before section 68, the following new sections—

“67A. Local administration police

(1) The local administration police force in existence immediately before the commencement of this Act shall continue to exist in accordance with this Act and shall be fully integrated into the police force as the local administration police.

(2) The local administration police shall be under the command and control of the inspector general who shall be responsible for all its operations.

(3) The local administration police in each district shall be under the command of the district police commander, assisted by the officer in charge of the local administration police.

(4) The local administration police shall—

(a) receive the same training as officers of the Uganda Police Force; and

(b) exercise powers and duties as delegated by the inspector general.

(5) The local administration police shall have the same powers, duties and responsibilities as those conferred or imposed under this Act on police officers generally and in particular shall—

(a) enforce the ordinances and bye-laws of local governments;

(b) assist local governments in the collection and safe keeping of the money collected by division councils;

(c) work with chiefs and local councils as may be required in the enforcement of law and order;

(d) protect the property of the local government.

(6) The local administration police shall be appointed by the respective authorities under this Act.

67B. Administration, training, etc

(1) There shall be a police officer, not below the rank of assistant inspector general of police appointed by the inspector general, who shall be responsible for the administration, training and operations of the local administration police.

(2) A police officer appointed under subsection (1) shall monitor and supervise the performance of the local administration police for the purpose of properly performing their functions, and adherence to standards set by the inspector general of police.

(3) The inspector general shall designate other officers, as he or she deems necessary under the assistant inspector general of police for the discipline, training, administration and operations of the local administration police force after due consultations.

(4) The power of disciplinary control over a local administration police officer shall vest in the inspector general.

67C. Transfer of local administration police property to police force

The properties belonging to and used by the local administration police force under the local governments shall, on the coming into force of this Act, be transferred to the Uganda Police Force.”

30. Amendment of section 73

Section 73 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting at the end of paragraph (g) the following words—

“with the approval of the Minister responsible for finance;”;

(ii) by inserting immediately after paragraph (p) the following new paragraphs—

“(pa) prescribing the procedure of the police civilian disciplinary court;

(pb) governing the terms and conditions of service for the civilian staff;

(pc) governing police investigations”;

(b) in subsection (2), by repealing, the words “the police authority” wherever they occur.

31. Amendment of Schedule

The Schedule to the principal Act is amended in paragraph 28—

(a) by repealing subparagraph (g);

(b) by inserting the following phrase at the end of paragraph (h)—

“for a period not exceeding fourteen days;”.

Cross References

Companies Act, Cap 110

Evidence (Statements to Police Officers) Rules, 1961 S.I. 43-1

Local Governments Act, Cap. 243

Magistrates Courts Act, Cap 16