

ACTS SUPPLEMENT

to The Uganda Gazette No. 41 Volume 3 CV dated 12th July, 2002.

Printed by UPPC, Entebbe, by Order of the Government.

Act 17

Leadership Code Act

2002

THE LEADERSHIP CODE ACT, 2002.

ARRANGEMENT OF SCETIONS.

Section.

PART I—PRELIMINARY.

1. Short title.
2. Interpretation.

PART II—FUNCTIONS OF INSPECTORATE AND DECLARATION
OF INCOME, ASSETS AND LIABILITIES.

3. Enforcement and functions of Inspectorate.
4. Declaration of income, assets and liabilities.
5. Power of the Inspector-General to require clarification etc.
6. Failure to submit correct information.
7. Declaration to be public.

PART III—CONFLICT OF INTEREST.

8. Conflict of interest.
9. Disclosure of interest.
10. Gifts or benefits in kind.
11. Prohibited conduct.
12. Prohibited contracts.
13. Abuse of public property.
14. Misuse of official information.
15. General prohibited conduct.

PART IV—POST EMPLOYMENT.

16. Future employment.
17. Upon vacation of office.

Section.

PART V—PROCEEDINGS OF INSPECTORATE.

18. Lodging of complaints.
19. Report of Inspectorate.
20. Action on report of Inspectorate.
21. Forfeiture and compensation.
22. Special powers of Inspector General.
23. Powers of Inspectorate to hear evidence *etc.*
24. Protection of informers and witnesses.
25. Procedure of Inspectorate.
26. Inspectorate to observe rules of natural justice.
27. Witnesses allowances.
28. Inspectorate to award costs.
29. Application of other powers of Inspectorate.

PART VI—GENERAL.

30. Inspection of bank accounts.
31. Action against certain leaders.
32. Action against Chief Administrative Officer and Town Clerk.
33. Appeals.
34. Protection of officers of Inspectorate.
35. Penalties for breach of Code.
36. Offences
37. Annual report.
38. Regulations.
39. Amendment of Schedules.
40. Repeal.

SCHEDULES.**FIRST SCHEDULE.**

Currency point

SECOND SCHEDULE.

Leaders.

THIRD SCHEDULE.

Leaders not allowed to conduct certain businesses.

Sections 19(i) 20(i) and 35(b) and (d) were deleted of Ex Odou ad James Arampumura & A.G.

THE LEADERSHIP CODE ACT, 2002.

An Act to provide for a minimum standard of behaviour and conduct for leaders; to require leaders to declare their incomes, assets and liabilities; to put in place an effective enforcement mechanism and to provide for other related matters.

DATE OF ASSENT: 25th June, 2002.

Date of commencement: 12th July, 2002.

BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY.

1. This Act may be cited as the Leadership Code Act, 2002.

Short title.

2. (1) In this Code unless the context otherwise requires—

Inter-pretation.

“agent” in relation to the business or affairs of a leader, means a person whose decisions or acts are such that they are, in essence made or done by the leader himself or herself; or the person who manages and controls the business or affairs of which the leader is the principal beneficiary;

“asset” means a thing owned by a person such as property, which has value and can be sold or used to pay a debt;

“authorised person” means a person or body authorised by law to discipline the leader in relation to whom the expression is used;

“benefit” includes a gift, payment, subscription, advance, loan, commission, forbearing, gratuity or favour whether monetary or in kind, rendering services, or deposit of money or anything of value including food, lodging, transportation or entertainment or reimbursement;

“child” means a person under eighteen years of age;

“conflict of interest” refers to a situation where a leader has got to make a decision between his or her personal interest and public interest;

“currency point” means the value of a currency point specified in the First Schedule;

“declaration” means a declaration of income, assets and liabilities required to be submitted by every leader under section 4 of this Code;

“dependant” means a person whose means of support is partially or wholly from a leader;

“foreign” when used in relation to any body of persons or organisation, means any such body or organisation the controlling interest of which is held by persons who are not citizens of Uganda or are not Government or public bodies and also includes a body of persons or organisation not incorporated or registered in Uganda although the controlling authority in it is held by persons who are citizens of Uganda;

“Government” includes a local government;

“Inspector-General” means the Inspector-General of Government, established by article 223 of the Constitution;

“leader” means a person holding or acting in any of the offices specified in the Second Schedule;

“liability” means a debt or financial obligation;

“Minister” means the Minister responsible for ethics and integrity;

“public body” means Parliament, a statutory corporation, commission, board, council, authority, or other body in which the Government has an interest, a co-operative union registered under the Co-operative Societies Act, 1970, any body in which a public body has an interest and such other body as the Minister may, by regulations made under section 38 of this Code prescribe;

“spouse” means a wife or husband.

(2) The provisions of this Code shall constitute the Leadership Code of Conduct under Chapter Fourteen of the Constitution.

PART II—FUNCTIONS OF INSPECTORATE AND DECLARATION OF INCOME, ASSETS AND LIABILITIES.

3. (1) The Inspectorate shall enforce this Code.

(2) In enforcing this Code, the Inspectorate shall carry out the following functions—

(a) to receive and examine declarations lodged with it under this Code;

Enforcement
and
functions of
Inspectorate.

- (b) to examine whether or not a leader has corrupt influence or has corruptly entered into a contract with a government or public body or foreign business organisation contrary to this Code;
- (c) to inquire or cause an inquiry to be conducted on its own initiative or on a complaint made by any person, into any alleged breach of this Code by any leader;
- (d) to investigate and report on any allegations of high-handed, outrageous, infamous or disgraceful conduct or any other behaviour or conduct on the part of a leader in accordance with the definition of the words high-handed; outrageous, disgraceful conduct and infamous to be provided for by the regulations to be made by the Minister;
- (e) to recommend awards, disbursements and such payments or rewards as it may consider appropriate in connection with any assistance rendered in the enforcement of this Code; and
- (f) to carry out any other functions prescribed by or under this Code.

(3) The Inspectorate may, for the purpose of ensuring the effective implementation of its functions under this Code, delegate any of its functions to any person or authority subject to such conditions and limitations as the Inspector-General may impose.

4. (1) A leader shall—

- (a) within three months after the commencement of this Code; and
- (b) thereafter every two years, during the month of March,

Declaration
of income,
assets and
liabilities.

submit to the Inspector-General a written declaration of the leader's income, assets and liabilities, the names, income, assets and liabilities of his or her spouse, child and dependant in the prescribed form, without prejudice to the rights of the leader's spouse, child and dependant to independently own property.

(2) A person shall—

(a) within three months after becoming a leader; and

(b) thereafter every two years, during the month of March,

submit to the Inspector-General a written declaration of the leader's income, assets and liabilities, the names, income, assets and liabilities of his or her spouse, child, and dependant in the prescribed form, without prejudice to the rights of the leader's spouse, child and dependant to independently own property.

(3) A leader shall before the expiration of his or her term of office declare his or her income, assets and liabilities under this Code if his or her term of office expires six months after his or her last declaration.

(4) A leader shall in a declaration under subsections (1) and (2) of this section, state how he or she or his or her spouse, child or dependant acquired or incurred, as the case may be, the income, assets and liabilities.

(5) A leader shall ensure that all the information contained in the declaration submitted to the Inspector-General is true and correct to the best of his or her knowledge.

(6) A leader who without justifiable cause submits a declaration to the Inspector-General thirty days after the period prescribed under subsection (1) and (2) of this section commits a breach of this Code.

(7) Where a declaration is made by a leader in respect of himself or herself under this section, where a leader is found not to have declared certain assets and liabilities or if the declaration is found to be false, the leader shall be taken to have breached this Code.

(8) A leader who fails without reasonable cause to submit a declaration under this section commits a breach of this Code.

Power of
the
Inspector-
General to
require
clarification
etc.

5. (1) The Inspector-General may, by notice in writing, require a leader to account for any matter in connection with a declaration submitted by him or her including—

(a) the omission of anything which in the opinion of the Inspector-General, should have been included in the declaration;

(b) any discrepancies appearing in the declaration, or occurring between the declaration and any other statement or information available to the Inspector General,

and the leader shall comply with that requirement.

(2) A leader who, without reasonable cause, fails to comply with the Inspector General's request for clarification within thirty days after receipt of notice, commits a breach of this Code and is liable to—

(a) a warning or caution; or

(b) dismissal; or

(c) vacation of office.

Failure to
submit
correct
information.

6. A leader who knowingly or recklessly submits a declaration or gives an account of any matter which is false, misleading or insufficient in any material particular, commits a breach of this Code.

Declaration to be public.

7. The contents of a declaration under this Code shall be treated as public information and shall be accessible to members of the public upon application to the Inspector General in the form prescribed under this Code.

PART III—PROHIBITED CONDUCT.

Revised by S 709
Anti-Corruption Act 2002
Conflict of interest.
6/2009

8. (1) A leader shall not put himself or herself in a position in which his or her personal interest conflicts with his or her duties and responsibilities.

Conflict of interest.

(2) Conflict of interest shall be taken to arise where—

(a) a leader deals with a matter in which he or she has personal interest and where he or she is in a position to influence the matter, directly or indirectly, in the course of his or her official duties;

(b) the position the leader holds and the services he or she gives to a person or private body is or are in conflict with his or her official duties.

(3) A leader who contravenes this section commits a breach of this Code.

9. (1) A leader shall not participate in the deliberations of a public body or board or council or commission or committee, of which he or she is a member at any meeting at which any matter in which he or she has a personal interest is to be discussed.

Disclosure of interest.

(2) A leader attending a meeting under subsection (1) of this section shall disclose the nature and extent of his or her personal interest.

(3) A leader who fails to comply with the provisions of this section breaches this Code and shall—

(a) cease to be a member of that public body, board, council, commission, or committee; and

(b) where any loss is caused, make good the loss.

(4) Before a leader deals with a matter in the course of his or her duties in which he or she has a personal interest, the leader shall inform the person or public body or institution concerned, of the nature and extent of his or her interest.

(5) "Personal interest" in this section in relation to a leader, includes the personal interest of a spouse, child, dependant, agent, or business associate of which the leader has knowledge or would have had knowledge if he or she had exercised due diligence having regard to all the circumstances.

Gifts or
benefits in
kind.

10. (1) A gift or donation to a leader on any public or ceremonial occasion, or commission to a leader on any transaction shall be treated as a gift or donation or commission to the Government or institution represented by the leader and shall be declared to the Inspector General; but the government or institution shall keep an inventory of any such gifts.

(2) A leader may accept a personal gift or donation from a relative or personal friend to such an extent and on such occasion as is recognised by custom.

(3) Notwithstanding the provisions of this section, a leader may accept a gift if the gift is in the nature of a souvenir or ornament and does not exceed five currency points in value.

(4) Where a leader receives any gifts or other benefits of a value of ten currency points or above from any one source in a twelve consecutive months period, the leader shall disclose that gift, or benefit to the Inspector General.

(5) Where a leader is in doubt as to the need for a declaration or the appropriateness of accepting an offer of a gift, hospitality or other benefit, that leader shall consult the Inspector General for advice.