

ACTS SUPPLEMENT

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Act 18 *Political Parties and Organisations Act* 2002

THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2002.

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THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2002.

An Act to make provision for regulating the financing and functioning of political parties and organisations, their registration, membership and organisation pursuant to articles 72 and 73 of the Constitution and for related matters.

WHEREAS under paragraph (e) of clause (1) of article 29 of the Constitution every person has the right to freedom of association which shall include the freedom to form and join associations or unions, trade unions and political and other civic organisations;

AND WHEREAS article 71 of the Constitution sets out the principles to which political organisations shall conform;

AND WHEREAS the right to form political parties and any other political organisations is guaranteed under article 72 of the Constitution which, in clauses (2) and (3) provides as follows—

"(2) An organisation shall not operate as a political party or organisation unless it conforms to the principles laid in the Constitution and it is registered.

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(3) Parliament shall by law regulate the financing and functioning of political parties and organisations.";

AND WHEREAS in a referendum held on the 29th day of June, 2000 in accordance with article 271 of the Constitution, the people of Uganda adopted the movement political system;

AND WHEREAS article 73 of the Constitution requires Parliament notwithstanding the provisions of paragraph (e) of clause (1) of article 29 and article 43 of the Constitution, to regulate the conduct of political organisations subscribing to other political systems during the period when one political system is in force in Uganda;

AND WHEREAS under article 269 of the Constitution political activities are continued subject to certain limitations, prescribed in that article until Parliament makes laws and regulations regulating political organisations under article 73 of the Constitution;

AND WHEREAS article 270 of the Constitution provides that political parties or organisations in existence immediately before the commencement of the Constitution shall, notwithstanding clause (2) of article 72 of the Constitution but subject to article 269 of the Constitution, continue to exist and operate in conformity with the provisions of the Constitution until Parliament makes laws relating to registration of political parties and organisations;

AND WHEREAS the Movement Act, 1997 has, in accordance with article 70 of the Constitution regulated the organs under the movement political system:

DATE OF ASSENT: 2nd June, 2002.

Date of commencement: 17th July, 2002.

NOW THEREFORE, BE IT ENACTED by Parliament as follows—

PART I—PRELIMINARY.

1. This Act may be cited as the Political Parties and Organisations Act, 2002. Short title.

2. (1) In this Act unless the context otherwise requires— Inter-pretation.

“conference” means a meeting of a political party or organisation lasting one or more days to discuss matters concerning the political party or organisation;

“currency point” means the value specified in relation to a currency point in the First Schedule to this Act;

“district” means the area of authority of a District Council;

“executive committee” means the governing body of a political party or organisation by whatever name called;

“existing political party or organisation” means a political party or organisation to which article 270 of the Constitution applies;

“founding members of a political party or organisation” means signatories to the original documents registering that political party or organisation under section 7(1) of this Act;

“Minister” means the Minister responsible for justice and constitutional affairs;

“national level” means in the capital city of Uganda, namely, Kampala;

“non-Ugandan non-Governmental Organisation” means a non-governmental organisation which is registered in Uganda but whose headquarters are located outside Uganda;

“political organisation” means any free association or organisation of persons the objects of which include the influencing of the political process or sponsoring a political agenda, whether or not it also seeks to sponsor or offer a platform to a candidate for election to a political office or to participate in the governance of Uganda at any level;

“political party” means a political organisation the objects of which include the sponsoring of, or offering a platform to, candidates for election to a political office and participation in the governance of Uganda at any level;

“public meeting” means a meeting at which the public are generally invited;

“seminar” means a meeting of a political party or organisation for the purpose of study of a particular subject or topic or for training;

“symbol” includes a motto;

“traditional or cultural leader” means a king or similar traditional leader or cultural leader by whatever name called, who derives allegiance from the fact of birth or descent in accordance with the customs, traditions, usage or consent of the people led by that traditional or cultural leader.

(2) The definition of 'political organisation' in subsection (1) shall not include the following—

- (a) the movement political system referred to in article 70 of the Constitution and the organs under the movement political system;
- (b) pressure groups;
- (c) civic organisations;

(d) news media organisations registered with the Media Council in accordance with the Press and Journalists Statute, 1995.

(3) For the purposes of this section, a pressure group is a group of people that actively tries to influence public opinion and government action.

(4) For the purposes of this section, a civic organisation is an organisation registered as such under the laws of Uganda.

PART II—REGISTRATION OF POLITICAL PARTIES AND ORGANISATIONS.

3. (1) In accordance with the provisions of this Act, political parties or organisations may be founded in Uganda to further purposes which are not contrary to the laws of Uganda.

Formation of political parties or organisations.

(2) Every citizen of Uganda has a right to join a political party or organisation.

4. The Registrar-General shall be responsible for the registration of political parties or organisations under this Act.

Registrar-General to register political parties and organisations.

5. (1) No person shall form a political party or organisation—

Prohibition of ethnic or religious organisations.

(a) the membership of which is based on sex, race, colour or ethnic origin, tribe, birth, creed or religion or other similar division; or

(b) which uses words, slogans or symbols which could arouse divisions on any basis specified in paragraph (a); or

(c) the objects and membership of which are not of a national character.

(2) For the purposes of subsection (1) of this section, a political party or organisation is formed on any of the basis specified in subsection (1) if membership or leadership is restricted to members of any particular category specified in that subsection or if its structure and mode of operation is not national in character.

(3) Any political party or organisation and any member of the executive committee of a political party or organisation which or who contravenes any provision of this section commits an offence and—

(a) in the case of a political party or organisation, is liable on conviction to a fine not exceeding three hundred currency points; and

(b) in the case of a member of the executive committee of a political party or organisation, is liable on conviction to a fine not exceeding three hundred currency points or imprisonment not exceeding three years or both.

(4) For the purpose of this section, a political party or organisation shall not be taken to be of a national character unless it has in its membership at least fifty representatives from each of at least half of all the districts of Uganda.

6. (1) Every political party or organisation in Uganda shall be registered in accordance with this Act and shall pay such fee as is payable under the Registration of Documents Act.

(2) A political party or organisation registered under this Act shall be a body corporate and shall have perpetual succession and may sue and be sued in its corporate name; except that no court or tribunal shall have power in any suit to grant an order of involuntary winding up of a political party or organisation in favour of a judgement creditor.

(3) Subject to the provisions of this Act, a political party or organisation continued in existence under article 270 of the Constitution, in this Act referred to as "an existing political party or organisation," may continue in existence, but shall apply for registration within six months after the commencement of this Act.

(4) Subject to subsection (3) of this section, any existing political party or organisation which fails to file the necessary documents for registration shall legally cease to exist and operate.

(5) Any political party or organisation which ceases its operations under subsection (4) of this section may appeal to the High Court to make such orders in the matter as it may consider just.

7. (1) An application to register a political party or organisation shall be made to the Registrar-General and shall be accompanied by—

Method of registration of political parties and organisations.

(a) two copies of the constitution of the political party or organisation duly signed by authorised officers of the political party or organisation;

(b) a list of the full names and addresses of at least fifty members of the political party or organisation from each of at least one third of all the districts of Uganda, being members ordinarily resident or registered as voters in the district;

(c) a full description of the identifying symbols, slogans and colours of the political party or organisation, if any;

(d) the registration fee specified in subsection (1) of section 6 of this Act.

(2) The application referred to in subsection (1) shall be in Form 1 in the Second Schedule.

(3) The Registrar-General may cause independent inquiries to be made so as to ascertain the truth or correctness of particulars submitted with the application.

(4) The Registrar-General shall cause a notice of the application to be published in the *Gazette* within thirty days after receiving it, inviting objections from any person concerning the name, aim, objects, and constitution of the political party or organisation or on any other lawful ground and specifying the time not being longer than fourteen days within which the objections must be submitted.

(5) The Registrar-General shall not register any political party or organisation whose—

(a) names, symbols, slogans, or colours resemble those of a political party or organisation that has already been registered or contravene paragraph (a) of section 8 of this Act;

(b) aims, objectives, or constitution, contravene any law.

(6) Where upon independent inquiries under subsection (3) of this section, the Registrar-General is of the opinion that the particulars submitted are false or inaccurate—

(a) the Registrar-General shall, as soon as possible, give notice of his or her opinion in writing and require the party or organisation to show cause why the registration should not be refused; and

(b) the political party or organisation shall submit its answer in writing within twenty one days after receipt of the notice.

(7) Where any objection has been brought to the notice of the Registrar-General the Registrar-General shall not register the political party or organisation until the objection has been disposed of by the Registrar-General within fourteen days.

(8) The Registrar-General shall determine any matter to which subsection (6) applies within twenty one days after receipt of the answer of the political party or organisation under subsection (6) or if no answer is submitted, within twenty one days after the expiry of the period given for submitting an answer under that subsection.

(9) If the Registrar-General determines that inquiries made under subsection (3) of this section establish that any of the particulars submitted with the application for the registration do not conform to the requirements of this section he or she shall allow twenty one days for compliance.

(10) The Registrar-General, upon registering a political party or organisation shall issue to that political party or organisation a certificate of registration which shall be evidence that the provisions of this Act with respect to registration have been complied with.

(11) The Registrar-General shall process applications for registration under this section expeditiously.

(12) Where—

(a) the Registrar-General refuses to register a political party or organisation under this section; or

(b) the Registrar-General fails to act on any application, the applicant may appeal to the High Court.

(13) Any person who has submitted an objection under this section in respect of the application for registration of a political party or organisation and who is aggrieved by the decision of the Registrar-General in the matter, or by the fact that the Registrar-General fails to act on the objection, may appeal to the High Court.

8. No political party or organisation shall submit to the Registrar-General for the purpose of registration under section 7 of this Act, any identifying symbol, slogan, colour or name which is the same as or similar to the symbol, slogan, colour or name or initials of—

Prohibition of certain identifying symbols, etc.