

ACTS SUPPLEMENT

to The Uganda Gazette No. 74 Volume XCVIII dated 21st November, 2005.

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

Act 18 *Political Parties and Organisations Act* **2005**

THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2005.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Short title.
2. Interpretation.

PART II—REGISTRATION OF POLITICAL PARTIES
AND ORGANISATIONS.

3. Formation of political parties or organisations.
4. Electoral Commission to register political parties and organisations.
5. Prohibition of ethnic or religious organisations.
6. Registration of political parties and organisations.
7. Method of registration of political parties and organisations.
8. Prohibition of certain identifying symbols, etc.

PART III—CONDUCT OF POLITICAL PARTIES
AND ORGANISATIONS.

9. Declaration of assets and liabilities.
10. Internal organisation of political parties or organisations.
11. Notification of changes or alterations in constitution, etc.
12. Records and audit of political parties or organisations.
13. Non-Ugandans not to hold office in a political party or organisation, etc.
14. Restriction on contributions from foreign sources, etc.
15. Duty of political parties or organisations to give information to Electoral Commission.

16. Certain persons not to participate in political party or political organisation activities.

Section.

17. Merger of political parties or organisations.
18. Alliance of political parties or organisations.

PART IV—GENERAL PROVISIONS.

19. Code of conduct for political parties and organisations.
20. National consultative forum for political parties and organizations.
21. Non-compliance with this Act.
22. Appeals.
23. Expedition of proceedings
24. Gazette notices, etc.
25. Winding up of political parties or organisations.
26. Delegation by Electoral Commission.
27. Regulations.
28. Minister's power to amend Schedules.
29. Repeal and savings.

SCHEDULES.

FIRST SCHEDULE—Currency Point.

SECOND SCHEDULE—Districts in each of the traditional geographical regions of Uganda.

THIRD SCHEDULE—Forms.

THE POLITICAL PARTIES AND ORGANISATIONS ACT, 2005.

AN ACT to make provision for regulating the financing and functioning of political parties and organisations, their formation, registration, membership and organisation under articles 71, 72 and 73 of the Constitution; the prescription of a code of conduct for political parties and organisations and the establishment of a national consultative forum for political parties and organisations; to repeal and replace the Political Parties and Organisations Act, 2002 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 organizations 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 down in this Constitution and it is registered.

(3) Parliament shall by law regulate the financing and functioning of political parties and organizations”;

AND WHEREAS article 73 of the Constitution requires Parliament to regulate the conduct of political organizations subscribing to other political systems during the period when one political system is in force in Uganda;

AND WHEREAS article 270 of the Constitution provided that political parties or organisations in existence immediately before the commencement of the Constitution shall, notwithstanding clause (2) of article 72 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:

DATE OF ASSENT: 16th November, 2005.

Date of commencement: 21st November, 2005.

NOW THEREFORE, be it enacted by Parliament as follows—

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Political Parties and Organisations Act, 2005.

2. Interpretation

(1) In this Act unless the context otherwise requires—

“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;

- “founder of a political party or organisation” means a person who participates in the establishment of a political party or organisation and who is among the first members of the political party or organisation;
- “Minister” means the Minister responsible for justice and constitutional affairs;
- “non-Ugandan non-Governmental Organisation” means a non-governmental organization which is registered in Uganda but whose headquarters are located outside Uganda;
- “political organization” means any free association or organization 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 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;
- “promoter of a political party or organisation” means a signatory to the original documents registering that political party or organisation under section 7(1);
- “public office” means an office in the public service;
- “public officer” means a person holding or acting in any public office;
- “public service” means services in a civil capacity of the Government or of a local government;

“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;

(b) pressure groups;

(c) civic organisations;

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

(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. Formation of political parties or organizations

(1) A political party or organisation may, in accordance with this Act, be founded in Uganda to further any purpose which is not contrary to the laws of Uganda.

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

4. Electoral Commission to register political parties and organizations

The Electoral Commission shall be responsible for the registration of political parties or organisations under this Act.

5. Prohibition of ethnic or religious organisations

(1) A person shall not form a political party or organisation—

- (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), 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 organization 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 seventy two currency points; and
- (b) in the case of a member of the executive committee of a political party or organization, is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

(4) For the purpose of this section, a political party or organization 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 two thirds of all the districts of Uganda and from each region of Uganda.

6. Registration of political parties and organizations

(1) A political party or organization in Uganda shall be registered in accordance with this Act and shall pay such fee as may be prescribed by the Minister by regulations made under section 27.

(2) The Electoral Commission shall maintain a register of political parties and organisations under this Act.

(3) 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; but a court or tribunal shall not 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.

7. Method of registration of political parties and organisations

(1) An application to register a political party or organisation shall be made to the Electoral Commission and shall be accompanied by—

- (a) two copies of the constitution of the political party or organisation duly signed by authorized 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 organization from each of at least two thirds of all the districts of each of the traditional geographical regions of Uganda listed in the Second Schedule, 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 organization, if any;
- (d) the registration fee specified in section 6(1).

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

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

(4) The Electoral Commission 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 Electoral Commission shall not register any political party or organisation whose—

(a) name, symbol, slogan, or colour resembles that of a political party or organisation that has already been registered or contravenes paragraph (a) of section 8;

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

(6) Where upon independent inquiries under subsection (3), the Electoral Commission is of the opinion that the particulars submitted are false or inaccurate—

(a) the Electoral Commission shall, within fourteen days, give notice of its 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 organization shall submit its answer in writing within twenty one days after receipt of the notice.

(7) Where an objection has been brought to the notice of the Electoral Commission under subsection (4), the Electoral Commission shall not register the political party or organisation until the objection has been disposed of by the Electoral Commission within fourteen days.

(8) The Electoral Commission 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 Electoral Commission determines that inquiries made under subsection (3) establish that any of the particulars submitted with the application for the registration do not conform to the requirements of this section, the Electoral Commission shall allow twenty one days for compliance.

(10) The Electoral Commission, 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 Electoral Commission shall process applications for registration under this section within six months.

(12) Where the Electoral Commission—

(a) refuses to register a political party or organisation under this section; or

(b) fails to process the application within the time prescribed in subsection (11),

the applicant may, in writing, petition the High Court for an order requiring the Electoral Commission to process the application.

(13) A person who has submitted an objection to the Electoral Commission 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 Electoral Commission or the failure of the Electoral Commission to act on the objection, may petition the High Court.

8. Prohibition of certain identifying symbols, etc

A political party or organization shall not submit to the Electoral Commission for the purpose of registration under section 7, any identifying symbol, slogan, colour or name which is the same as or similar to the symbol, slogan, colour or name or initials of—

(a) any registered political party or organisation;

(b) the Republic of Uganda; or

(c) a statutory corporation or other body the whole or the greater part of the proprietary interest in which is held by or on behalf of the State, or in which the State has a controlling interest;

or which so closely resembles, the symbol, slogan, colour or name or initials of another political party or organisation or the Republic of Uganda or a body described in paragraph (c) as to be likely to deceive or confuse members of the public.

PART III—CONDUCT OF POLITICAL PARTIES
AND ORGANISATIONS.

9. Declaration of assets and liabilities

(1) Every political party or organization shall, within sixty days after the expiry of the first year after the issue to it of a certificate of registration under section 7, or such longer period as the Electoral Commission may allow, submit to the Electoral Commission a written declaration in Form 2 in the Third Schedule.

(2) The political party or organisation shall also, annually, after the first year, within such time as the Electoral Commission may direct, submit to the Electoral Commission a written declaration in Form 2 in the Third Schedule.

(3) A declaration submitted to the Electoral Commission under subsection (1) or (2), shall state the sources of funds and other assets of the political party or organization.

(4) The declaration shall be authorised by the members of the executive committee.

(5) The Electoral Commission shall, within thirty days after receipt of the declaration, publish in the Gazette notice of the fact that the declaration has been received and that it is available for inspection at the offices of the Electoral Commission by any member of the public upon payment of a fee prescribed under this Act.

(6) Where a political party or organisation fails to comply with this section within twenty one days after notice from the Electoral Commission to do so, the Electoral Commission may apply to the High Court for an order to de-register the political party or organisation.

(7) Without prejudice to any other penalty provided in this Act, where a political party or organisation makes a statement for the purpose of this section which is false in a material particular, the political party or organisation commits an offence and is liable on conviction to a fine not exceeding seventy two currency points.

(8) A member of the executive committee of a political party or organisation referred to in subsection (7) who contributes in any way to the commission of the offence referred to in that subsection, also commits the offence and is liable on conviction to a fine not exceeding seventy two currency points or imprisonment not exceeding three years or both.

10. Internal organisation of political parties or organisations

(1) A political party or organisation shall, in its internal organisation, comply with the provisions of the Constitution, in particular articles 71 and 72 of the Constitution.

(2) Every political party or organisation shall elect such persons as may be determined by the members of the political party or organisation as members of the executive committee of the political party or organisation with due consideration for gender equity.

(3) The election of members of the executive committee of every political party or organisation shall be conducted at regular intervals not exceeding five years.

11. Notification of changes or alterations in constitution, etc

(1) Where a political party or organisation registered under section 7 intends to change or alter—

(a) its constitution; or

(b) its identifying symbol, colour or name,

the political party or organisation shall notify the Electoral Commission of its intention.

(2) The Electoral Commission shall, in the case of a change under subsection (1), within twenty one days after the receipt of the notification, cause to be published in the *Gazette* a notice of the intended change or alteration.

(3) Every change or alteration referred to in subsection (1) shall come into effect when the Electoral Commission approves the application to change or alter the symbol, constitution, colour or name as the case may be, and after publication of the approval in the *Gazette*.

(4) A political party or organisation registered under section 7 shall notify the Electoral Commission in writing within twenty one days after any change occurs in the title, name or address of any person or office submitted to the Electoral Commission under section 7 and the Electoral Commission shall, within fourteen days after receipt of the notification, cause it to be published in the *Gazette*.

12. Records and audit of political parties or organizations

(1) Every political party or organization shall maintain at its national head office, an accurate and permanent record consisting of the following—

- (a) any contribution, donation or pledge of contribution or donation whether in cash or in kind made by the founders or promoters of the political party or organisation;
- (b) a statement of its accounts, showing the sources of its funds and the name of any person who has contributed to the funds including contributions by persons who are not citizens of Uganda, membership dues paid, donations in cash or in kind and all the financial transactions of the political party or organisation which are conducted through, by or with the head or national office of the political party or organisation;
- (c) any property that belongs to the political party or organisation and the time and mode of acquisition of the property; and
- (d) such other particulars as the Electoral Commission may reasonably require with respect to the foregoing.

(2) The record maintained under subsection (1) shall be accessible to any member of the political party or organisation.

(3) The accounts of every political party or organization shall be audited once in every year but not later than six months after its financial year by an auditor from a recognized professional body.

(4) A copy of the audited accounts referred to in subsection (3) shall be filed by the political party or organisation with the Electoral Commission within six months from the end of its financial year.

(5) A member of a political party or organization and also a member of the public is entitled upon payment of a reasonable fee prescribed by the Electoral Commission, to inspect or be given copies of the audited accounts of a political party or organization filed with the Electoral Commission under this section.