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Act 7                      *Uganda Peoples' Defence Forces Act.*                      2005

THE UGANDA PEOPLES' DEFENCE FORCES ACT, 2005.

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**THE UGANDA PEOPLES' DEFENCE FORCES ACT, 2005.**

**An Act to provide for the regulation of the Uganda Peoples' Defence Forces in accordance with article 210 of the Constitution, to repeal and replace the Armed Forces Pensions Act and the Uganda Peoples' Defence Forces Act, and for other related matters.**

DATE OF ASSENT: 23rd August, 2005.

*Date of commencement* - 2nd September, 2005.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY.****1. Short title**

This Act may be cited as the Uganda Peoples' Defence Forces Act, 2005.

**2. Interpretation**

In this Act, unless the context otherwise requires—

“active service” means service—

- (a) in operation against an enemy or in a foreign country, in operations for the protection of life or property, or relating to the military occupation of a foreign country;

- (b) in operations for the preservation of order;
- (c) for purposes of relief in case of emergency;
- (d) in aid to the civil power; and
- (e) for any other purpose that appears to the Defence Forces Council to be expedient;

“advocate” means an advocate admitted and enrolled under the Advocates Act (Cap. 267);

“aircraft” includes any machine for flying whether propelled by mechanical means or not, and any description of balloons;

“aircraft material” includes—

- (a) parts or components of, or accessories for, aircraft, whether for the time being in aircraft or not;
- (b) engines, armament, ammunition and bombs and other missiles of any description in or for use in aircraft;
- (c) any other gear, apparatus or instruments in or for use in aircraft;
- (d) any apparatus used in connection with the taking off, landing, or detecting the movements of, aircraft; and
- (e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft material;

“appellate court” means the Court Martial Appeal Court or, as the case may be, the General Court Martial;

“appropriate civil authority”, means the President, a minister, the Inspector General of Police, a resident district commissioner, or a district police commander;

“auxiliary forces” means Homeguards, Local Defence Forces and Vigilantes;

“Board” means, in the case of officers, the Commissions Board established by section 20, and in the case of militants, the Unit Promotions Board established by section 21;

“civil custody” includes the holding under arrest or under confinement of a person by the Police or other competent civil authority and confinement in a civil prison;

“civil court” means a court of ordinary criminal jurisdiction in Uganda;

“civil power” means the Government and includes a local government;

“commanding officer” in respect of a person means the commanding officer or officer commanding of that person or such other officer as is, by this Act or regulations made under this Act, empowered to act as the commanding officer or officer commanding of that person;

“co-operating forces” means the Defence Forces of any country other than Uganda, declared to be co-operating forces under section 46;

“court martial” means a Field Court Martial, the General Court Martial or Court Martial Appeal Court;

“currency point” has the value assigned to it in the First Schedule;

“defence establishment” means any establishment designated by the Defence Forces Council or any person authorised for that purpose by the Defence Forces Council to be a defence establishment, and includes any property in the defence establishment;

- “Defence Forces” means the Uganda Peoples' Defence Forces;
- “Defence Forces Council” means the Uganda Peoples' Defence Forces Council provided for in section 14;
- “deploying authority” means the Chairperson of the High Command or any officer designated as deploying authority; and without prejudice to the foregoing, means, in respect of section 198, the Division Commander;
- “emergency” includes war emergency and public emergency;
- “enemy” means all persons engaged in operations against the Defence Forces; and includes armed mutineers, rebels, armed rioters and pirates;
- “enrol” means to cause any person to become a member of the Defence Forces, and includes re-engagement;
- “formation” means a brigade, division or higher organisational structure of units of the Defence Forces;
- “junior officer” means anybody from the rank of Second Lieutenant to Captain;
- “lawful order” includes any order or instruction given by a competent authority to a member of the Defence Forces;
- “liquor” has the meaning assigned to it in the Liquor Act (Cap. 93);
- “material” means all movable public property, other than money, provided for the Defence Forces or for any other purpose under this Act, and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;
- “military court” means a summary trial authority, a Unit Disciplinary Committee or a court martial;

“military law” in the expression “subject to military law” means Parts V to XIV of this Act;

“militant” means any person other than an officer who is enrolled in or who is attached or seconded otherwise than as an officer to the Defence Forces;

“Minister” means the Minister responsible for defence;

“Ministry” means the Ministry responsible for defence;

“officer” means—

(a) a person commissioned by the President to the Defence Forces; and

(b) any person who is attached or seconded as an officer to the Defence Forces;

“original member of High Command” means a member of the former National Resistance Army who was a member of the High Command on the 26th January, 1986;

“peace enforcement” means the deployment of troops under Chapter 7 of the United Nations Charter;

“peace keeping” means the deployment of troops under Chapter 6 of the United Nations Charter;

“pensions authority” has the meaning assigned to it in the Pensions Act (Cap. 286);

“pensionable emoluments” means the rate of salary in issue to an officer or a militant at the time of retirement or discharge; or to an officer or a militant of equivalent rank to the retired or discharged officer or militant at the time of his or her retirement or discharge;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“possession” by any person means—

- (a) having in his or her own personal possession;
- (b) knowingly having in the actual possession or custody of any other person; or
- (c) knowingly having in any place, whether belonging to or occupied by himself or herself or not, for the use or benefit of himself or herself or any other person;

“prescribed force” means a force prescribed by Parliament under paragraph (c) of subsection (2) of section 3;

“public officer” and “Public Service” have the same meaning as in the Constitution;

“release” means, except for the purposes of section 88, the termination of the service of an officer or a militant in any manner;

“reckonable service” means continuous full pay service in the Uganda Peoples' Defence Forces; and includes, any prior full pay service in any other Defence Forces of Uganda by whatever name called or in any other forces recognised by the Defence Forces Council in respect of which a pension is not in issue or for which a gratuity has not been granted, subject to such exclusions as may be prescribed;

“reservist” means a member of the Reserve Forces;

“senior army officer” means an officer of the then National Resistance Army who held the substantive rank of senior officer on 26th January, 1986;



- “senior officer” means a person of the rank of Major or above as per the highest rank offered in the establishment at the time;
- “service” means service in the Defence Forces;
- “Service” means a component part of the Defence Forces specified in subsection (2) of section 3;
- “Service Chief of Staff” means a Service Chief of Staff specified in paragraph (f) or (g) of subsection (2) of section 8;
- “Service Commander” means a Service Commander specified in paragraph (c), (d) or (h) of subsection (2) of section 8;
- “service custody” means the holding under arrest or in confinement of a person by the Defence Forces, and includes confinement in a service prison or detention barracks;
- “service detainee” means a person who is under a sentence that includes a punishment of detention imposed upon him or her under this Act;
- “service offence” means an offence under this Act or any other Act for the time being in force, committed by a person while subject to military law;
- “service prisoner” means a person who is under a sentence that includes a punishment of imprisonment imposed upon him or her under this Act;
- “stoppages” means the recovery, by deductions from the pay of an offender, of a specified sum of money by way of compensation for any expense, loss or damage occasioned by the offence;

“summary trial” means an informal trial of a minor offence conducted by a summary trial authority under section 205 by which the accused has duly opted to be tried;

“summary trial authority” means a commanding officer or an officer commanding in exercise of his or her powers of summary trial under section 191 or a superior authority;

“superior authority” means, except for the purpose of section 253, the Chief of Defence Forces, Service Commanders, the Chief of Staff, or Service Chiefs of Staff in exercise of the powers of summary trial under section 191;

“superior officer” means any officer or militant who, in relation to any other officer or militant is, by this Act or by regulations made under this Act or by custom of the Defence Forces, authorised to give a lawful order to that other officer or militant;

“unit” means a unit of battalion strength or any other unit as declared by the Defence Forces Council;

“war materials” includes arms, ammunition, parts of arms, explosives and other materials ordinarily reserved for the Defence Forces and shall include such other materials that are so declared by the Defence Forces Council.

## PART II—COMPOSITION, ORGANS AND STRUCTURES OF THE DEFENCE FORCES.

### *Composition.*

#### **3. Composition of the Defence Forces**

(1) There shall be armed forces to be known as the Uganda Peoples' Defence Forces—

(a) The Uganda Peoples' Defence Forces shall be non-partisan, national in character, patriotic, professional, disciplined, productive and subordinate to civilian authority;

(b) Members of the Uganda Peoples' Defence Forces shall be citizens of Uganda and of good character.

(2) The Uganda Peoples' Defence Forces shall be composed of the following services—

(a) the land forces;

(b) the air forces; and

(c) any other service prescribed by Parliament.

(3) The President in the Defence Council shall determine the strength of the defence forces.

#### **4. Establishment and Composition of Services**

(1) Each of the Services of the Defence Forces shall consist of—

(a) regular forces; and

(b) reserve forces.

(2) Each regular force, reserve force or any prescribed force shall consist of such units and shall be under the immediate supervision and control of such officers as may be prescribed by the Defence Forces Council.

#### **5. Composition of Regular Forces**

Each regular force shall consist of—

(a) officers commissioned by the President;

- (b) militants enrolled in accordance with regulations under this Act for the purpose of rendering continuous service during the period of their engagement; and
- (c) such other officers and militants as are attached to the regular force under arrangements made by the Government.

## 6. Sources and organisation of Reserve Forces

(1) The sources of the reserve forces shall include—

- (a) personnel seconded from the regular forces;
- (b) retired officers and discharged militants;
- (c) auxiliary forces, state security organisations and such other citizens of Uganda as have undergone military training under Article 17 (2) of the Constitution.

(2) Membership of the Reserve Forces shall be restricted on the basis of the following criteria—

- (a) human resource requirement determined by threat analysis and other security considerations;
- (b) age;
- (c) health, especially physical as well as mental fitness; and
- (d) any other factors as may from time to time be determined by the High Command and the Defence Forces Council.

(3) Notwithstanding Subsection (2), whenever the need arises, any retired officer or discharged militant or any member of the auxiliary forces who has not been absorbed into the reserve forces may be called upon for service in the reserve forces.

(4) Regulations made under this Act shall clearly define the sources of the reserve forces, the command structure, command authority and command relationship within the reserve forces and between the reserve forces and the regular forces.

*Command, Appointments, etc.*

**7. Functions of the Defence Forces**

The functions of the Defence Forces are—

- (a) to preserve and defend the sovereignty and interior integrity of Uganda;
- (b) to co-operate with civilian authority in emergency situations in cases of natural disasters;
- (c) to foster harmony and understanding between the defence forces and civilians;
- (d) to engage in productive activities for the development of Uganda.

**8. Commander-in-Chief of the Defence Forces, etc**

(1) As provided in clause (1) of article 98 of the Constitution, the President shall be the Commander-in-Chief of the Defence Forces.

(2) The Commander-in-Chief may appoint—

- (a) an officer of the Defence Forces to be known as the Chief of Defence Forces to be head of the Defence Forces, who shall be responsible for the command, control and administration of the Defence Forces;
- (b) an Officer of the Defence Forces to be known as the Deputy Chief of Defence Forces.

- (c) an officer of the Defence Forces to be known as the Commander Land Forces who shall be responsible for the command, control and administration of the Land Forces;
- (d) an officer of the Defence Forces to be known as the Commander Air Forces who shall be responsible for the command, control and administration of the Air Forces;
- (e) an officer of the Defence Forces to be known as the Chief of Staff who shall be responsible for the control and administration of the Defence Forces;
- (f) an officer of the Defence Forces to be known as Land Forces Chief of Staff who shall be responsible for the control and administration of the Land Forces;
- (g) an officer of the Defence Forces to be known as Air Forces Chief of Staff who shall be responsible for the control and administration of the Air Forces;
- (h) such other officer of the Defence Forces under such title as the Commander-in-Chief may deem fit to be the Commander of any Service of the Defence Forces prescribed under paragraph (c) of subsection (4) of section 3, who shall be responsible for the command, control and administration of that Service and shall be responsible to the Chief of Defence Forces;
- (i) officers of the Defence Forces to command units and formations of the Services, who shall be responsible for the command, control and administration of the units;
- (j) officers of the Defence Forces to head departments of the Services, who shall be responsible to the relevant Service Chief of Staff for the management of the departments; and

- (k) such advisors and assistants or any other officer in the office of the Commander-in-Chief of the Defence Forces as he or she deems necessary to assist him or her in the exercise of the duties of that office.

## **9. Powers of Command**

The authority and powers of command of the officers and militants of the Defence Forces shall be as prescribed in regulations under this Act.

## **10. Powers of command of officers of co-operating and other forces**

(1) Where—

- (a) under section 46, the President declares that any force is a force acting in co-operation with the Defence Forces or any part of it; or
- (b) under section 47, any member of a force to which that section applies is attached or seconded to the Defence Forces,

a member of such co-operating force or, as the case may be, the person so attached or seconded, shall be treated, and shall have the like powers of command and, in the case provided for in paragraph (b) of this subsection, of discipline over members of the Defence Forces as if he or she were a member of the Defence Forces of equivalent rank.

(2) Regulations may provide that a member of the military, naval or marine or air forces of any other country who is acting in association with the Defence Forces shall be accorded courtesy precedence consonant with his or her rank and, in any case where it is considered necessary or expedient for furthering such association, such authority and powers of command as may be specified in the regulations.