

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S
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The Uganda Wildlife (Powers of Search, Arrest, Possession and Use of Firearms) Regulations, 2016.

(Under section 10(4) of the Uganda Wildlife Act, Cap, 2000)

IN EXERCISE of the powers conferred upon the Minister responsible for wildlife, by section 10(4) of the Uganda Wildlife Act, and in consultation with the Inspector General of Police, these Regulations are made this 15th day of April 2016.

1. Title.

These Regulations may be cited as the Uganda Wildlife (Powers of Search, Arrest, Possession and Use of Firearms) Regulations, 2016.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Wildlife Act;

“authorised officer” means an officer of the Authority authorised to carry a fire arm;

“authority” means the Uganda Wildlife Authority;

“Court” means the High Court or magistrates’ court;

“currency point” has the value assigned to it in Schedule 1;

“fire arm” means a fire arm as defined in the Firearms Act;

“specimen” means any wild plant or animal, alive or dead, whether or not native to Uganda, and any readily recognisable part or derivative of such plant or animal;

3. Training.

(1) An authorised officer shall undergo a training of not less than four months and shall upon completion of the training be awarded a certificate.

(2) An authorised officer who has completed the training in sub regulation (1) shall have basic knowledge of -

- (a) the Constitution of the Republic of Uganda;
- (b) the Uganda Wildlife Act, Cap 200;
- (c) criminal laws and procedures;
- (d) handling and use of firearms;
- (e) human rights;
- (f) environmental law; and
- (g) paramilitary techniques.

4. Possession and use of firearms.

(1) Members of staff of the authority holding the following positions shall by virtue of their office and upon completion of the required training be authorised, where their duty ordinarily necessitates possession and use of a fire arm, to possess and where necessary use the firearm in the course of his or her duty-

- (a) the executive director;
- (b) directors;
- (c) managers;
- (d) law enforcement wardens;
- (e) rangers; or
- (f) any other position established by the board.

(2) A member of staff of the authority authorised to possess and use a firearm may use it—

- (a) to effect an arrest;
- (b) against a person who obstructs or attempts to obstruct an arrest;
- (c) to rescue or attempt to rescue, a person or wildlife from danger; or
- (d) in self defence or defence of a person, wildlife or property.

(3) An authorised officer in possession of a firearm, shall keep it secure and in safe custody at all times, and shall take all reasonable precautions to ensure that the firearm is not lost, stolen or made available to any person who is not lawfully entitled to possess it.

(4) An authorised officer shall not use a firearm unless he or she has—

- (a) where the offender resists arrest, issued a warning to the offender;
- (b) reasonable grounds to believe that he or she or any other person is in danger of grievous bodily harm if he or she does not use the firearm;

(5) Subject to subsection (4), an authorised officer shall use reasonable force in the circumstance.

5. Management of firearms

(1) The authority shall manage all firearms in its possession as follows—

- (a) by establishing procedures and policies on arming and disarming officers and management of firearms;
- (b) by deploying an authorised officer in charge of the management of firearms, who shall maintain records and prepare quarterly returns to the executive director; and

- (c) by establishing a mechanism that enforces the officer to whom the firearm is given, to return it to the officer in charge of firearm management after duty.

(2) Subject to sub regulation (1)(b), the executive director may require that the returns of the use of fire arms be furnished.

6. Powers of arrest

(1) An authorised officer may with or without a warrant of arrest, arrest-

- (a) a person suspected to have committed an offence under the Act;
- (b) a person who obstructs an authorised officer while in the execution of his duties;
- (c) a person who has escaped or attempts to escape from lawful custody; or
- (d) a person whom he or she finds within the protected area and whom he or she suspects upon reasonable grounds of having committed or about to commit an offence under the Act and these Regulations.

(2) Subject to subsection (1), in effecting an arrest, the authorised officer shall actually touch or confine the body of the person to be arrested unless the person submits to the custody by word or action.

(3) The authorised officer executing an arrest may use all reasonable means necessary to effect the arrest, where the person being arrested resists arrest or attempts to evade the arrest.

(4) The authorised officer, who has effected the arrest, shall handover the suspect to the nearest police station for lawfully custody.

(5) For avoidance of doubt, these Regulation shall not be considered to justify the use of greater force than is reasonable in the particular circumstances in which it is employed, or is necessary for the apprehension of the suspect.

7. Power of search

(1) An authorised officer who has reasonable cause to suspect that a person has contravened the Act or Regulations, orders or bye-laws made under the Act may—

- (a) enter upon any land, and search any premises, tent, container, vehicle, aircraft, wagon, vessel, boat, baggage or box in possession or under the control of the person and seize any specimen, trap, snare, firearm or any other object that may be illegally or unlawfully found there;
- (b) require the person to produce for the authorised officer's inspection, any specimen, trap, snare, firearm or any other object in his or her possession or any licence, permit, record or document issued or required to be kept by the person under the Act or the Firearms Act; or
- (c) demand the name address or any other relevant particulars.

(2) An authorised officer may exercise the powers conferred under sub regulation (1) with a search warrant issued by Court except—

- (a) where the Court is situated more than ten kilometres by convenient route, from the nearest Court;
- (b) where the search is committed in the presence of police and a local leader;
- (c) where it is a body search of a suspect who has committed an offence; or
- (d) where the search is effected with in a protected area.

8. Power of seizure

(1) An authorised officer may seize a vehicle, aircraft, wagon, vessel, boat, automobile, bicycle, animal or any other item which he or she has reason to believe was, is being, or is to be used for, or in connection with the commission of an offence under the Act or these Regulations.

(2) Where a vehicle, aircraft, wagon, vessel, boat, automobile, bicycle, animal or any other item used in the commission of a crime is seized under subregulation (1)—

- (a) it shall be kept in safe custody of the authority; and
- (b) if criminal proceedings arising out of or related to the circumstances in which the vehicle, aircraft, wagon, vessel boat, automobile, bicycle or any other item was seized are not commenced within one month after the seizure, it shall unless a wildlife specimen, be returned to the person from whom it was seized and where it is not claimed within that period, it may by order of court, be forfeited to the authority; or
- (c) if criminal proceedings have commenced and are concluded, the exhibit shall be forfeited to the authority.

(3) An authorised officer shall seize any wildlife specimen or products in possession of a person, who has illegally or unlawfully acquired it.

(4) All wildlife products recovered within Uganda shall be forfeited to the Authority for safe custody and management, in accordance with the Act.

(5) For avoidance of doubt, all wildlife products used as exhibits in any court proceedings, shall be forfeited to the authority upon conclusion of the Court proceedings.

9. Discipline

(1) An authorised officer shall—

- (a) not use the authority of his or her office for undue personal gain;
- (b) not take away the liberty or rights of any person without reasonable cause;
- (c) not consume alcohol or any intoxicating substance while on duty, in uniform or in possession of a firearm; and

(d) be in uniform while on duty except where he or she is authorised not to be in uniform.

(2) An authorised officer of a higher rank may in accordance with the Act, issue orders to an authorised officer of a lower rank, for purposes of effecting the mandate of the Authority.

(3) A person who contravenes sub regulation(1)(a) shall on conviction be liable to a fine of not less than sixty currency points or imprisonment of not less than three months or to both.

10. Offences and penalties

(1) An authorised officer who—

(a) fails to keep a firearm in safe custody or in a secure armoury or store provided by the Authority shall on conviction be liable to a fine of not less than sixty currency points or imprisonment of not less than three months or both;

(b) uses or causes use of a firearm from any person as security for money borrowed from or lent to another persons shall on conviction be liable to a fine of not less than sixty currency points or imprisonment of not less than two years or both;

(c) whether by reason of intoxication or otherwise, while carrying a firearm, acts in a dangerous or disorderly manner shall on conviction be liable to a fine of one hundred and twenty currency points or imprisonment of not less than six months or both;

(d) dangerously displays or attempts to display any firearm in a public place in such a manner as to cause alarm to a member of the public or his or her family shall on conviction be liable to a fine of not less than sixty currency points or imprisonment of not more than one year or both;

- (e) discharges any firearm deliberately or negligently in a public place thereby causing alarm to any member of the public commits an offence and is liable on conviction to a fine not exceeding three hundred currency points or to a term of imprisonment of not less than two years and not exceeding five years or to both;
 - (f) attempts to make or makes use of a firearm for any activity other than that for which it was assigned, commits an offence and shall on conviction be liable to a fine of not less than one hundred twenty currency points or to imprisonment of not less than two years and not more than five years or both; or
 - (g) attempts to make any use of a firearm or limitation of it with intent to prevent or resist apprehension or detention of himself or herself or any other person or threatens violence, commits an offence and shall on conviction be liable to a term of imprisonment of not less than two years.
- (2) A person who—
- (a) obstructs an authorised officer in the execution of his or her duties under these Regulation commits an offence; or
 - (b) commits an offence under these Regulations for which a penalty is not prescribed shall on conviction be liable to a fine of sixty currency points or imprisonment of not less than three months or both.

HON. MARIA MUTAGAMBA,
Minister of Tourism, Wildlife and Antiquities.