

ACTS SUPPLEMENT

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Act 12

Constitution (Amendment) Act

2015

THE CONSTITUTION (AMENDMENT) ACT, 2015

ARRANGEMENT OF ARTICLES

Article

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THE CONSTITUTION (AMENDMENT) ACT, 2015.

An Act to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution; to prescribe a procedure for the removal of members of the Electoral Commission, similar to the procedure for the removal of judicial officers; to require the Electoral Commission to hold a by-election within sixty days from the date of notification of a vacancy of a member of Parliament by the Clerk to Parliament; to require the registrar of a court declaring the seat of a member of Parliament vacant to transmit the judgment to the Clerk to Parliament within ten days after the declaration; to permit floor crossing in Parliament by members of Parliament within twelve months before the end of the term of Parliament; to provide for the Judicial Service Commission to appoint certain staff of the judiciary; and for related matters.

DATE OF ASSENT: 19th August, 2015.

Date of Commencement: 24th August, 2015.

BE IT ENACTED by Parliament as follows:

PART I—AMENDMENT OF CHAPTER FIVE OF THE CONSTITUTION -
REPRESENTATION OF THE PEOPLE

1. Amendment of article 60 of the Constitution

Article 60 of the Constitution is amended by inserting immediately after clause (8) the following—

“(9) Any question for the removal of a member of the Electoral Commission shall be referred to a tribunal appointed by the President, and the President may remove the member if the tribunal recommends that the member should be removed on any of the grounds specified in clause (8) of this article.

(10) Where the question for removal of a member involves an allegation that the member of the Electoral Commission is incapable of performing the functions of his or her office arising from physical or mental incapacity, the President shall, on the advice of the head of the Health Services of Uganda, appoint a medical board which shall investigate the matter and report its findings to the President, with a copy to the tribunal.

(11) Where a tribunal is appointed by the President under clause (9) of this article in respect of any member of the Electoral Commission, the President shall suspend that member from performing the functions of his or her office.

(12) A suspension under clause (11) of this article shall cease to have effect if the tribunal advises the President that the member suspended should not be removed.”

2. Amendment of article 72 of the Constitution

Article 72 of the Constitution is amended by substituting for the headnote the following—

“Right to form political parties or political organisations”.

PART II—AMENDMENT OF CHAPTER SIX OF THE CONSTITUTION—
THE LEGISLATURE

3. Amendment of article 81 of the Constitution.

Article 81 of the Constitution is amended—

- (a) by substituting for clause (2) the following—

“(2) Whenever a vacancy occurs in Parliament, the Clerk to Parliament shall notify the Electoral Commission in writing within ten days after the vacancy has occurred; and a by-election shall be held within sixty days after the Electoral Commission has received notification of the vacancy from the Clerk to Parliament.”; and

- (b) by inserting immediately after clause (2), the following—

“(2a) Where the seat of a member of Parliament is declared vacant by a court—

- (a) the registrar of the court shall transmit to the Clerk to Parliament a copy of the judgment of the court within ten days after the declaration; and
- (b) the Clerk to Parliament shall notify the Electoral Commission in writing of the vacancy within ten days after receiving the judgment from the registrar of the court.”

4. Amendment of article 83 of the Constitution

Article 83 of the Constitution is amended by inserting immediately after clause (2), the following—

“(2a) Clause (1) (g) and (h) shall not apply to an independent member joining a political party or political organisation or a member leaving one political party or organisation to join another political party or organisation or become an independent member within twelve months before the end of the term of Parliament to participate in activities or programmes of a political party or political organisation relating to a general election.

(2b) Parliament shall by law, prescribe the grounds and procedure that every political party or organisation must follow before terminating a person's membership to a political party or organisation.”

PART III—AMENDMENT OF CHAPTER EIGHT OF THE CONSTITUTION—
THE JUDICIARY

5. Amendment of article 131 of the Constitution

Article 131 of the Constitution is amended by substituting for clause (2) the following—

“(2) When hearing appeals from the decisions of the Court of Appeal sitting as a Constitutional Court, the Supreme Court shall consist of seven members of the Supreme Court.”

6. Amendment of article 147 of the Constitution

Article 147(1) of the Constitution is amended by substituting for paragraph (b), the following—

“(b) subject to the provisions of this Constitution, to review and make recommendations on the terms and conditions of service of judges, other judicial officers and staff of the judiciary appointed in accordance with article 148A of this Constitution;”.

7. Insertion of new article 148A

Chapter Eight of the Constitution is amended by inserting immediately after article 148, the following—

“148A Appointment of staff of the judiciary

Notwithstanding article 172(1)(b), the Judicial Service Commission shall be responsible for the appointment, discipline and removal of such staff of the judiciary as may be prescribed by Parliament by law.”