

CHAPTER 288

THE PUBLIC SERVICE ACT.

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CHAPTER 288

THE PUBLIC SERVICE ACT.

Commencement: 1 September, 1969.

An Act to make provision for matters relating to the public service of the Government of Uganda, the Public Service Commission and for other matters related thereto.

Interpretation.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “appropriate authority” means the President or where his or her functions under article 172(1)(a) of the Constitution have been delegated under clause (3) of that article to any authority, that authority;
- (b) “commission” means the Public Service Commission established by article 165 of the Constitution;
- (c) “district service commission” means a district service commission established by article 198 of the Constitution;
- (d) “functions” includes powers and duties;
- (e) “Minister” means the Minister for the time being responsible for the public service;
- (f) “public officer” has the meaning ascribed to it in article 175 of the Constitution, but does not include teachers;
- (g) “public service” has the meaning ascribed to it in article 175 of the Constitution;
- (h) “teacher” means a person who regularly instructs persons in a school, other than a person who gives only religious instruction, and is a public officer.

The Public Service Commission.

2. Membership of the commission.

- (1) There shall be not less than three nor more than seven members of the commission in addition to the chairperson.

(2) The commission may act notwithstanding any vacancy in its membership or the absence of any member.

3. Privilege of members.

Every member of the commission shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the bona fide execution of his duties as is by law given to the acts done or words spoken by a judge of the High Court in the exercise of his judicial office.

4. Secretary.

There shall be a secretary to the commission who shall be a public officer.

5. Privilege of communication.

No person shall, in any legal proceedings, be permitted or compelled to produce or disclose any communication, written or oral, which has taken place between—

- (a) the commission or any member or officer of the commission and the Minister, the Judicial Service Commission, the Education Service Commission, or any member or officer thereof or a public officer;
- (b) any member or officer of the commission and the chairperson; or
- (c) any members or officers of the commission in the performance of, or in connection with, the performances of the functions of the commission,

unless the Minister consents in writing to such production or disclosure.

6. Enforcement of attendance.

(1) The commission may require any person to attend and give evidence before it concerning any matter which it may properly consider in the performance of its functions under the Constitution and may require the production of any documents relating to any such matter by any person attending before it.

(2) Any person, other than a person who is notified to appear before the commission solely in connection with his or her application for appointment to the public service, who without reasonable cause to do so, or

who wilfully fails to produce any document in his or her possession when requested to do so by the commission commits an offence and is liable to a fine not exceeding one hundred shillings.

(3) Any person attending before the commission at the request of the commission, other than a person who is applying for appointment to the public service, shall be entitled to be paid by the commission the same allowance as a witness who appears before the High Court as a witness in criminal proceedings.

7. Improper influence.

(1) Any person who otherwise than in the course of his or her duty, directly or indirectly by himself or herself or by any other person in any manner influences or attempts to influence any decision of the commission commits an offence and is liable to a fine not exceeding four thousand shillings or to imprisonment for a period not exceeding two years or to both; but nothing in this subsection shall be deemed to make unlawful the giving of a reference or testimonial to any applicant or candidate for any public office or the supplying of any information or assistance requested by the commission.

(2) Any person who, in connection with the performance by the commission of its functions, wilfully gives to the commission any information which he or she knows to be false, or does not believe to be true, or which he or she knows to be false by reason of the omission of any material particular commits an offence and is liable to a fine not exceeding four thousand shillings or to imprisonment for a period not exceeding two years or to both.

(3) For the purposes of this section "commission" means the Public Service Commission, any member of the commission, any officer of the commission or any person or body of persons appointed to assist the commission in the performance of its functions or duties.

8. Divulgence of information.

(1) Any member or officer of the commission and any other person who, without the written permission of the Minister, knowingly publishes or discloses to any person otherwise than in the exercise of his or her official functions the contents of any document, communication or information

which has come to his or her notice in the course of his or her duties in relation to the commission commits an offence and is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding twelve months or to both.

(2) Any person who knows of any information which to his or her knowledge has been disclosed in contravention of subsection (1) who publishes or communicates it to any other person otherwise than for the purpose of any prosecution under this Act or in the course of his or her official duty commits an offence and is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding twelve months or to both.

9. Consent to prosecution.

A prosecution in respect of an offence against section 7 or 8 shall not be instituted except with the consent of the Director of Public Prosecutions.

10. Performance of delegated functions.

Where any function of the President is delegated to the commission under article 172(3) of the Constitution, the commission may perform that function without seeking or acting on the advice of any person.

Regulations.

11. Procedure regulations.

(1) The commission may, by statutory instrument, make regulations—

- (a) to regulate the manner in which matters shall be referred to the district service commissions;
- (b) providing for and regulating the conduct of disciplinary proceedings by the district service commissions;
- (c) providing for the organisation of the work of the commission and the district service commissions and regulating the manner in which they shall perform their functions;
- (d) prescribing disciplinary penalties and awards;
- (e) providing for consultation by the commission and the district service commissions with persons other than members of the commission or district service commissions.

(2) The regulations made under this section shall not restrict any power of the Minister or any public officer to issue administrative instructions or orders in relation to the public service to any officer in the public service.

Miscellaneous

12. Administration of public service.

(1) The administration of the public service and the ordering of conditions of service of public officers, including training, shall vest in the Minister.

(2) The functions of the Minister in relation to the public service and the terms and conditions of service of public officers may be exercised by such public officers as are authorised by him or her in writing under his or her hand.

(3) The Minister may, after consultation with the Minister responsible for local government, require any officer in the public service of a district administration or urban council to serve any other district administration or urban council, on any appropriate duties.

(4) Transfers between the public service of the Government and the public service of an urban council or a district administration may be made only with the approval of the appropriate authority after consultation with the Minister responsible for local government and the Minister for the time being responsible for the public service.

13. Standing orders.

The Minister may make standing orders providing for the administration and conduct of the public service and the terms and conditions of service, including training, of public officers.

14. Remuneration.

Members of the commission or a district service commission may be remunerated by way of salary of allowance or both, as the Minister may, by statutory instrument, determine.

15. Persons excluded from membership of trade unions.

A public officer referred to in the Second Schedule to the Trade Unions Act shall not be eligible for membership in a trade union or in an employees association affiliated to a trade union.

16. Exclusion of teachers.

Nothing in this Act shall be construed as applying to teachers or any office to which article 172 of the Constitution does not apply.

History: Act 18/1969; S.I. 154/1969; Statute 10/1993, s. 6; Constitution of 1995.

Cross References

Constitution of 1995. Trade Unions Act, Cap. 223.