

Sir,

We propose that the clause below be included in the bill to provide for use of firearms. We propose that it be inserted after clause 10, as a section of its own, and not as a sub-clause as earlier proposed. This one is also more detailed, and caters for different circumstances, and also incorporates provisions from the Penal Code and Police Act. The only difference is that the circumstances under which an officer may use are more precise and definite, and not as ambiguous as they are in other laws.

11. A police officer may not use a firearm against any person, except:-

- a) in self defense
  - b) in defense of others against the imminent threat of death or injury
  - c) to prevent the perpetration of a particularly serious crime involving grave threat to life, or serious injury
  - d) to arrest a person presenting such danger, and resisting the officer's authority
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- e) to prevent a prisoner's escape
  - f) to prevent the escape of a suspect from custody
  - g) against a person who, through force, rescues another lawful custody
  - h) against a person who, through force, prevents the lawful arrest of himself and herself, or any other person

12. The Minister may, in consultation with the police authority, make regulations implementing any functions conferred by this Act.  
*(operationalise the Act through SOPs etc)*

TELEGRAMS:

TELEPHONE: General line 4258355  
Permanent Secretary 4231103/4231063 4231103  
Fax 4231063  
Under Secretary 4232645

Website: [www.mia.go.ug](http://www.mia.go.ug)  
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In any correspondence on this  
subject please quote NO ADM 84/121/01



THE REPUBLIC OF UGANDA

MINISTRY OF INTERNAL AFFAIRS  
JINJA ROAD.  
P. O. BOX 7191.KAMPALA – UGANDA.

September 09

**URGENT**

The Inspector General of Police  
Uganda Police Force  
Kampala.

**THE PUBLIC ORDER MANAGEMENT BILL, 2009**

Attached hereto please find a copy of the Public Order Management Bill, 2009 as revised by the Solicitor General.

Please expeditiously review the Bill and submit your comments. You are obviously aware of the urgent need to have the law in place as soon as possible.

A handwritten signature in dark ink, appearing to be 'S.P. Kagoda'.

DR. S.P. KAGODA  
PERMANENT SECRETARY

c.c. The Commissioner/Legal  
Uganda Police Force

ATUP/SPD

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Read through the bill and confirm whether our proposals were captured before we respond to P/S.

THE PUBLIC ORDER MANAGEMENT BILL, 2009

ARRANGEMENT OF CLAUSES

Clause

PART I- PRELIMINARY

1. Commencement
2. Interpretation
3. Principle of managing public order

PART II- REGULATION OF PUBLIC MEETINGS

4. Power of Inspector General of Police
5. Delegation of powers
6. Meaning of "public meeting"
7. Notice of public meeting
8. Notification by authorised officer

PART III- DUTIES AND RESPONSIBILITIES OF POLICE, ORGANISERS AND PARTICIPANTS

9. Powers of an authorised officer
  10. Duties of the Police
  11. Responsibilities of organisers and participants
- 

PART IV- MISCELLANEOUS

12. Use of public address system
13. Register
14. Gazetted areas
15. Regulations
16. Power of Minister to amend Schedule 1

SCHEDULES

- Schedule 1- Currency point  
Schedule 2- Forms

A Bill for an Act

**ENTITLED**

**THE PUBLIC ORDER MANAGEMENT BILL, 2009**

An Act to provide for the regulation of public meetings; duties and responsibilities of police, organisers and participants in relation to public meetings; to prescribe measures for safeguarding public order and for related matters.

BE IT ENACTED by Parliament as follows-

**PART I- PRELIMINARY**

**1. Commencement**

This Act shall come into force on a date appointed by the Minister by statutory instrument.

**2. Interpretation**

In this Act, unless the context otherwise requires -

“authorised-officer” means the the Inspector General of Police, Commander Kampala Metropolitan Police, a Regional Police Commander, a District Police Commander or a person authorised by the Inspector General of Police;

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

“gazetted area” means an area declared by a statutory instrument under section 13 (1);

“notice” means a notice given by an organiser of a public meeting to the Inspector General of Police under section 7;

“organiser” means the person or his or her agent in charge of calling the public meeting;

“political organisation” means any organisation which has among its objects any political purpose or which pursues a political purpose or any political organisation within the meaning of the Political Parties and Organisations Act, 2005;

“private premises” means premises which are not public places or other place for which the permission of the owner or custodian is required before access to the public is granted;

“public place” means-

- (a) a highway or any road within the meaning of the Traffic and Road Safety Act Cap. 361; and
- (b) a place which at the material time the public or section of the public has access, on payment of a fee or otherwise, as of right or by virtue of express or implied permission as defined under the Penal Code Act, Cap. 120;

### 3. Principle of managing public order

The underlying principle of managing public order is that managing public order shall be done in partnership with-

- (a) the organisers and participants of public meetings;
- (b) the local authorities, owners and custodians of the venues of public meetings; and
- (c) the police.

## PART II-REGULATION OF PUBLIC MEETINGS

### 4. Power of the Inspector General of Police

The Inspector General of Police shall have the power to regulate the conduct of all public meetings.

### 5. Delegation of powers

The Inspector General of Police may delegate his or her powers to the authorised officer.

### 6. Meaning of "public meeting"

(1) For purposes of this Act-

"public meeting" means a gathering, assembly, concourse, procession or demonstration of three or persons in or on any public road as defined in the Traffic and Road Safety Act or other public place or premises wholly or partly open to the air-

- (a) at which the principles, policy, actions or failure of any government, political party or political organisation, whether or not that party or organisation is registered under of any applicable law, are discussed; or
- (b) held to form pressure groups to hand over petitions to any person or to mobilise or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution including any government administration or governmental institution.

(2) Notwithstanding any other provision of this Act, the definition of "public meeting" does not include-

- (a) a meeting convened and held exclusively for a lawful purpose of any public body;
- (b) a meeting of members of any registered organisation, whether corporate or not, convened in accordance with the constitution of the organisation and held exclusively for a lawful purpose of that organisation;
- (c) a meeting of members of a trade union;
- (d) a meeting for a social, religious cultural, charitable, educational, commercial or industrial purpose; and
- (e) a meeting of the organs of a political party or organisation, convened in accordance with the constitution of the party or organisation, and held exclusively to discuss the affairs of the party or organisation.

#### 7. Notice of public meeting

(1) A person who intends to hold a public meeting shall give notice in writing signed by himself or herself or his or her agent to the Inspector General of Police of the intention to hold a public meeting, at least seven days but not more than fifteen days before the proposed date of the public meeting.

(2) The notice referred to in subsection (1) shall be in Form A in Schedule 2 and shall include-

- (a) the full name and physical and postal address of the organiser of the proposed public meeting and his or her immediate contact;
- (b) the proposed date of the public meeting, and the time, which shall be between six o'clock in the morning and six o'clock in the afternoon;
- (c) the proposed site of the public meeting, the estimated number of persons expected, the purpose of the public meeting, and any other relevant information; and
- (d) a clearance letter from the proprietor of the venue.

(3) A person or an agent of a person who holds a public meeting and fails to comply with the conditions under this Act commits an offence and is on conviction liable for the offence of disobedience of statutory duty under section 11 of the Penal Code Act, Cap. 120.

(4) A certified document under the hand of the Inspector General of Police specifying the terms, date and manner of service of a notice under this section shall be admissible as prima-facie evidence in any court proceedings.

### 8. Notification by authorised officer

(1) Upon receipt of a notice under section 7, where it is not possible to hold the proposed public meeting, for the reason that-

- (a) notice of another public meeting, on the date, at the time and at the venue proposed has already been received by the authorised officer, or
- (b) the venue is considered unsuitable for the purposes of crowd and traffic control or will interfere with other lawful business; or
- (c) for any reasonable cause,

the authorised officer shall in writing notify the organiser or his or her agent and the notice shall be delivered to the organiser's address as stated in the notice of intention to hold the public meeting.

(2) Upon receipt of notification by the authorised officer, the organiser or his or her agent shall be invited to identify an alternative and acceptable venue or to reschedule the public meeting to another date or venue.

(3) Where the authorised officer notifies the organiser or his or her agent of a public meeting, that it is not possible to hold the proposed public meeting on the date or venue proposed, the public meeting, shall not be held on that date or at the venue proposed at that point in time.

(4) A person aggrieved by the decision of the authorised officer other than the Inspector General of Police under this section may within fourteen days appeal to the Inspector General of Police.

(5) A person aggrieved by the decision of the Inspector General of Police may, within thirty days appeal to the High Court.

## PART III- DUTIES AND RESPONSIBILITIES OF POLICE, ORGANISERS AND PARTICIPANTS

### 9. Powers of an authorised officer

(1) Subject to the directions of the Inspector General of Police, an authorised officer or any other police officer of or above the rank of inspector, may stop or prevent the holding of a public meeting where-

- (a) a public meeting is held contrary to this Act; or

- (b) inform all participants of a traffic or assembly plan and providing not less than one steward for every fifty demonstrators or participants of a public meeting;
- (c) ensure that all participants are unarmed and peaceful;
- (d) ensure that statements made to the media and public do not conflict with any existing laws of Uganda;
- (e) ensure that the public meeting is concluded peacefully before 6:00 p. m.;
- (f) be present at the public meeting and coordinate with the police to maintain peace and order; and
- (g) undertake to compensate any party or person that may suffer loss or damage from any fall out of the public meeting.

(2) A person who takes part in a public meeting, shall act in a manner that ensures that obstruction of traffic, confusion or disorder is avoided.

#### PART IV- MISCELLANEOUS

##### 12. Use of public address system.

(1) Except with the written permission of the Inspector General of Police, an authorised officer, any other police officer of or above the rank of inspector or an officer in charge of a police station, a person shall not, in a public place or so as to be a public nuisance, use any megaphone, loudspeaker, loud hailer, public address apparatus or any other means, whether artificial or not, for amplifying, broadcasting or reproducing any music or speech or any other sound.

(2) For the purposes of this section, a "public place" includes any highway, public park or garden, public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not and any open space to which, for the time being, the public have or are permitted to have access by payment or otherwise.

##### 13. Register

The authorised officer shall keep a public register of all notices received, and the register shall be open for inspection by any person during working hours,

##### 14. Gazetted areas

(1) Where the Minister is of the opinion that it is desirable in the interests of public tranquility, the Minister may, by statutory instrument declare that in any particular area in Uganda it is unlawful for any person or persons to convene a public meeting at which it is reasonable to suppose that more than twenty-five persons will be present unless a permit has been obtained by the person or those persons concerned.

(2) A statutory instrument made under subsection (1) shall not remain in force for more than one year after it is published in the Gazette unless it is renewed by a further statutory instrument.

(3) Where a statutory instrument made under subsection (1) is renewed for a period exceeding one year, it shall be laid before Parliament for approval by resolution.

(4) In every instrument made under subsection (1), the Minister shall, in consultation with the Inspector General of Police, name an authorised person empowered to issue permits authorising the holding of a public meeting of more than twenty-five persons and it shall be within the discretion of that person to either withhold a permit or to issue a permit subject to conditions as to-

- (a) a place where the public meeting may be held;
- (b) the number of persons who shall be permitted to attend the public meeting; and
- (c) the time or duration of the public meeting.

(5) Where an authorised officer satisfies a chief magistrate or a magistrate Grade 1 that it is the intention of a person or persons to convene an unlawful public meeting at which more than twenty-five persons are likely to be present, the magistrate may summon that person or those persons before him or her, and after hearing that person or those persons may, where he or she considers it fit, make an order that the person or persons shall not convene or attend any public meeting in a gazetted area for a stated period that shall not exceed one month unless a permit is obtained under subsection (4) for convening a public meeting.

(6) Where an authorised officer is of the opinion that-

- (a) in the case of a public meeting in a gazetted area for which no permit has been obtained there are more than twenty-five persons present; or
- (b) in the case of a public meeting in a gazetted area for which a permit has been obtained there are more persons than are permitted by the permit or any other conditions of the permit are not being complied with, he or she may order the public meeting to disperse.

(7) A person who addresses a public meeting after an authorised officer has ordered it to disperse other than to inform the persons present that the public meeting is concluded commits an offence and is liable on conviction to a fine not exceeding six currency points or imprisonment not exceeding three months or both.

(8) In any proceedings under subsection (7), the evidence of the authorised officer who ordered the public meeting which is the subject of the proceedings to disperse shall be conclusive as to the number of persons present at the public meeting.

(9) Nothing in this section applies to a public meeting held wholly inside a building or convened in good faith-

- (a) for religious observance;
- (b) by the Government or the administration of a district;
- (c) primarily for sports purposes; or
- (d) for any other social event including funerals, weddings and parties.

#### 15. Regulations

(1) The Minister may by statutory instrument, make regulations generally for the better carrying into effect of any of the provisions or purposes of this Act.

(2) The Minister may by regulations made under this Act prescribe for a contravention of the regulations a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both and in case of a continuing offence prescribe an additional fine not exceeding ten currency points for each day on which the offence continues.

(3) The Minister may also by regulations in addition to any penalty prescribe under subsection (2) prescribe a requirement that anything used in the commission of the contravention of the regulations be forfeited to the State

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#### 16. Power of the Minister to amend Schedule 1

The Minister may by statutory instrument amend Schedule 1.

SCHEDULE 1

*Section 2, 16*

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Section 7

THE PUBLIC ORDER MANAGEMENT ACT, 2009

NOTICE OF INTENTION TO HOLD A PUBLIC MEETING

(To be filled in triplicate)

To: The Inspector General of Police.

I/We hereby give notice to the Inspector General of Police of the intention to hold a public meeting.

1. Particulars of organisers

Name: .....  
Postal address: .....  
Physical address: .....  
Occupation: .....  
Age: .....  
Nationality: .....

2. Proposed venue of public meeting (give full details).....

3. Date of public meeting: .....

4. Time of commencement of public meeting.....

5. Nature of public meeting (Procession, Demonstration, Assembly etc)  
.....

5. Duration of public meeting: .....

6. Estimated number of persons expected: .....

7. Purpose of public meeting: .....

8. Other relevant information: .....  
.....  
.....

NB: *This notice should be received by the Inspector General at least five days before the date of the public meeting.*

.....  
Signature(s) of Organiser(s)  
For Official Use Only

.....  
Date

9. Particulars of Receiving Officer

Name and rank .....  
Office held .....  
Signature .....  
Date and time received .....

.....  
Stamp

10. (a) The grounds are free for the public meeting .....

(b) The grounds are not free for the public meeting .....

(c) The public meeting cannot take place because (State reasons)

.....  
.....  
.....

.....  
Inspector General

.....  
Date

.....  
Hon. Kirunda Kivejinja  
Minster of Internal Affairs

Cross References

- The Penal Code Act, Cap. 120
- The Political Parties and Organisation Act, 2005
- Traffic and Road Safety Act Cap. 13