

**CHAPTER 272**

**THE ADMINISTRATION OF PARLIAMENT ACT**

**Arrangement of Sections**

Section

**PART I—INTERPRETATION**

1. Interpretation

**PART II—PARLIAMENTARY COMMISSION**

2. Establishment of Parliamentary Commission
3. Tenure of office
4. Vacation of office of Commissioner
5. Removal of Commissioner
6. Functions of Commission

**PART III—LEADER OF THE OPPOSITION**

7. Leader of the Opposition
8. Election of Leader of the Opposition
9. Vacation of office of Leader of the Opposition
10. Status of Leader of the Opposition
11. Role and functions of Leader of the Opposition
12. Benefits and privileges of Leader of the Opposition
13. Rules to prescribe other matters

**PART IV—CHIEF WHIPS AND PARTY WHIPS**

14. Government Chief Whip
15. Chief Opposition Whip
16. Party whips

**PART V—PARLIAMENTARY SERVICE**

17. Decisions of Commission
18. Meetings of Commission

19. Parliamentary Service
20. Clerk
21. Delegation by Clerk
22. Responsibilities of Speaker
23. Consultation with Public Service Commission
24. Creation of offices
25. Recruitment
26. Terms of employment
27. Leave to serve under other Acts
28. Oath

PART V T---FINANCIAL AND OTHER MATTERS

29. Financial year estimates
30. Expenses of Parliament
31. Bank accounts
32. Commission to establish procedures

PART VII--DEPARTMENTS OF PARLIAMENT

33. Establishment of departments
34. Establishment of Parliamentary Budget Office
35. Creation of departments
36. Abolition and merger

PART VIU--SALARY AND ALLOWANCES

37. Salary classification
38. Allowances
39. Hours of duty
40. Leave
41. Deductions from entitlements
42. Allowances of members of Commission
43. Remuneration of members of Parliament

PART IX—DISCIPLINE

44. Disciplinary procedures

PART X—RESIGNATION, RETIREMENT AND RETRENCHMENT

45. Retirement age
46. Incapacity or infirmity
47. Commission to determine entitlement

PART XI—MISCELLANEOUS

48. Regulations
49. Accounts and audits
50. Annual report

## CHAPTER 272

## THE ADMINISTRATION OF PARLIAMENT ACT

*Commencement:* 15 August, 1997

**An Act to provide for the administration of Parliament and for the employment and remuneration of officers and staff of Parliament and for related matters.**

## PART I—INTERPRETATION

**1. Interpretation**

In this Act, unless the context otherwise requires—

- “Chief Opposition Whip” means the person referred to in section 15;
- “classification” means arrangement of officers and offices in classes and includes the allotment to officers or offices of salaries or limits of salary according to the value of their work;
- “Clerk” means the Clerk to Parliament;
- “Commission” means the Parliamentary Commission established by section 2;
- “financial year” has the same meaning assigned to it in the Constitution;
- “Government Chief Whip” means the person referred to in section 14;
- “Leader of Government Business” means a Minister of Government so designated by the President;
- “Leader of the Opposition” means the member of Parliament who is the leader in Parliament of the party in opposition to the Government and having the greatest numerical strength in Parliament;
- “office” means an office in the Parliamentary Service created under section 24 but does not include the office of the Clerk;
- “Party Whip” means the person referred to in section 16;
- “unattached officer” means an officer who is not occupying an office.

PART II—PARLIAMENTARY COMMISSION

**2. Establishment of Parliamentary Commission**

(1) There is established a commission to be known as the Parliamentary Commission.

(2) The Commission shall be composed of the Speaker, the Deputy Speaker, the Leader of Government Business or his or her nominee, the Leader of the Opposition or his or her nominee, the Minister responsible for finance and four members of Parliament one of whom shall represent the Opposition and none of whom shall be a Minister.

(3) Without prejudice to subsection (2), one of the four Members of Parliament referred to in that subsection shall be a woman.

(4) Nomination of the candidates for election to the Commission of the four Members of Parliament referred to in subsection (2) shall be made by the Government and opposition sides.

(5) The four Members of Parliament referred to in subsection (2) shall hold office as members of the Commission for two and half years.

(6) The Commission shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to do or suffer to be done all things which may be or are suffered by a body corporate.

(7) The Speaker shall be the Chairperson of the Commission.

(8) The Clerk to Parliament shall be the Secretary to the Commission and shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Commission.

**3. Tenure of Office**

A member of the Commission shall hold office for the duration of the Parliament in which he or she is elected but shall not vacate the office until a member is nominated or elected in his or her place, as the case may be, immediately after a general election.

## 4. Vacation of office of Commissioner

A member of the Commission shall cease to hold office on vacating his or her seat in accordance with Article 83 of the Constitution.

## 5. Removal of Commissioner

A member of the Commission, other than the Speaker and the Leader of Government Business, may be removed from office by Parliament for inability to perform the functions of his or her office arising from infirmity of body or mind, misbehaviour, misconduct or incompetence.

## 6. Functions of Commission

The functions of the Commission are--

- (a) to appoint, promote and exercise disciplinary control over persons holding public office in Parliament;
- (b) to review the terms and conditions of service, standing orders, training and qualifications of persons holding office in Parliament;
- (c) to provide security staff to maintain proper security for the Members of Parliament and facilities within the precincts of Parliament;
- (d) to provide a parliamentary reporting service;
- (e) to conduct training and capacity building programmes for Members of Parliament, staff of the Commission and local government councils with a view of strengthening the legislative, oversight and representative functions of Parliament, local government councils and other bodies;
- (f) to provide such other staff and facilities as are required to ensure the efficient functioning of Parliament;
- (g) to cause to be prepared in each financial year estimates of revenues and expenditure for Parliament for the next financial year;
- (h) to make recommendations to Parliament on or, with the approval of Parliament, determine the allowances payable and privileges available to the Speaker, Deputy Speaker and Members of Parliament;
- (i) to do such other things as may be necessary for the well-being of the staff and Members of Parliament.

PART III—LEADER OF THE OPPOSITION

**7. Leader of the Opposition**

As required by Article 82A of the Constitution, there shall be in Parliament under the multiparty system, a Leader of the Opposition.

**8. Election of Leader of the Opposition**

(1) Subject to subsections (2) and (3), the Leader of the Opposition shall be elected by the party in opposition to the Government having the greatest numerical strength in Parliament.

(2) In electing the Leader of the Opposition the party to which he or she belongs may consult other political parties in opposition to the Government and independent Members of Parliament.

(3) A person elected Leader of the Opposition under this section shall take office upon a formal announcement by the Speaker.

**9. Vacation of office of Leader of the Opposition**

The Leader of the Opposition ceases to hold that office if—

- (a) he or she is removed by the party that elected him or her;
- (b) he or she resigns from that office;
- (c) he or she leaves the party which elected him or her;
- (d) he or she ceases to be a member of Parliament under Article 83 of the Constitution; or
- (e) the party which elected him or her ceases to have the position in Parliament described in section 8(1).

**10. Status of Leader of the Opposition**

The Leader of the Opposition shall be accorded the status of a Cabinet Minister.

**11. Role and functions of Leader of the Opposition**

(1) The principal role of the Leader of the Opposition is to keep the Government in check.

(2) The Leader of the Opposition shall under subsection (1), in consultation with his or her party leadership, appoint a shadow cabinet from members of the opposition in Parliament with portfolios and functions that correspond to those of Cabinet Ministers.

(3) The Leader of the Opposition shall be a member of the committee of Parliament responsible for determining and scheduling the business in Parliament and the committee responsible for appointments and shall hold regular consultations with the Leader of Government Business and the Speaker.

(4) The Leader of the Opposition shall study all policy statements of Government with his or her shadow ministers and attend committee deliberations on policy issues and give their party's views and opinions and propose possible alternatives.

## 12. Benefits and privileges of Leader of the Opposition

(1) The Leader of the Opposition being a member of Parliament shall enjoy all the benefits and privileges of a member of Parliament.

(2) The benefits and privileges of the Leader of the Opposition shall be the same as those of a Cabinet Minister.

## 13. Rules to prescribe other matters

In addition to the provisions of this Part, the Rules of Procedure of Parliament may prescribe other matters in relation to the office of the Leader of the Opposition consistent with the status conferred on the holder of that office by this Act.

### PART IV—CHIEF WHIPS AND PARTY WHIPS

## 14. Government Chief Whip

(1) There shall be in Parliament a Government Chief Whip appointed by the Government from among Members of Parliament representing the ruling party.



(2) The roles and functions of the Government Chief Whip are to ensure due attendance, participation in proceedings and voting in Parliament of members of the ruling party.

(3) The Government Chief Whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

### **15. Chief Opposition Whip**

(1) There shall be in Parliament a Chief Opposition Whip appointed by the party in opposition to the Government and having the greatest numerical strength in Parliament.

(2) The role of the Chief Opposition Whip is to ensure due attendance, participation in proceedings and voting in Parliament of members of the party in opposition to the Government and having the greatest numerical strength in Parliament.

(3) The Chief Opposition Whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

### **16. Party whips**

(1) A party in opposition may appoint its party whip.

(2) The role of a party whip is to ensure due attendance, participation in proceedings and voting in Parliament of members of the party.

(3) The party whip shall also perform such functions as may be prescribed by the Rules of Procedure of Parliament.

## **PART V—PARLIAMENTARY SERVICE**

### **17. Decisions of Commission**

(1) Every decision of the Commission shall, as far as possible, be by consensus.

(2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting; and the matter shall be taken to have been decided if supported by the votes of the majority of members present and voting.

The Chairperson of the Commission shall have neither an original nor a casting vote.

(4) In any vote under subsection (2), each member of the Commission shall have one vote, and none shall have a casting vote.

(5) The quorum of the Commission at any meeting shall be four.

(6) The Commission may act notwithstanding the absence of any member or any vacancy in the office of a member.

(7) Subject to this Act, the Commission may regulate its own procedure.

#### 18. Meetings of Commission

(1) The Commission shall meet at least once in two months.

(2) All meetings of the Commission shall be convened by the Speaker by giving not less than seven days' notice to the members.

(3) The Commission may also have extraordinary meetings as and when it is necessary.

(4) Any three of the members of the Commission may, in writing signed by each of them, demand an extraordinary meeting of the Commission, specifying the agenda to be considered at that meeting.

(5) The Speaker shall, on receipt of the demand for an extraordinary meeting, summon such a meeting giving three days' notice, but if the Speaker fails to summon the meeting within three days after receipt of the demand, any of the three members who originally demanded for the meeting may summon the meeting giving three days' notice.

## **19. Parliamentary Service**

(1) There shall be a Parliamentary Service which shall be composed of persons appointed under section 6(a) and shall be subject to the direction and control of the Commission.

(2) The Parliamentary Service shall form part of the public service of Uganda.

## **20. Clerk**

The Clerk shall be the head of the Parliamentary Service and shall be responsible to the Speaker for the general working and efficient conduct of the business of the Parliamentary Service.

## **21. Delegation by Clerk**

The Clerk may, in consultation with the Speaker, by writing signed by him or her, delegate any functions of Clerk under this Act to any officer in the Parliamentary Service.

## **22. Responsibilities of Speaker**

The Speaker shall make recommendations to the Commission on—

- (a) any alterations in the organisation, staffing or management of the Parliamentary Service that are in his or her opinion necessary for the expedient or more economical, efficient or convenient working of the Parliamentary Service or any branch of it; and
- (b) any alterations that are in his or her opinion necessary in the salaries or allowances of any officers or employees under his or her control,

and the Commission shall take action on the recommendations.

## **23. Consultation with Public Service Commission**

The Commission shall, in determining the terms and conditions of employment of members of the Parliamentary Service under section 6 or 22, consult with the Public Service Commission.

## 24. Creation of offices

The Commission may upon the recommendation of the Speaker--

- (a) create such number of offices as will ensure the efficient functioning of the Parliamentary Service; and
- (b) create, abolish, re-classify and change any designation of offices in the Parliamentary Service.

## 25. Recruitment

(1) The Commission may cause to be published in the *Gazette* or elsewhere invitations to persons to apply for appointment, promotion or transfer to any vacant office in the Parliamentary Service.

- (2) The Commission shall specify in a notice under subsection (1)--
  - (a) the office or class of offices in respect of which applications for appointment, promotion or transfer are invited;
  - (b) the salaries or limits of salaries that shall be applicable on appointment, promotion or transfer;
  - (c) where applicable, the age limits and qualifications required;
  - (d) any other matter which the Commission may consider desirable but not inconsistent with this Act.

## 26. Terms of employment

If an officer was immediately before his or her appointment to the Parliamentary Service an officer in the public service, his or her service as an officer of the public service shall be counted as service in the Parliamentary Service for purposes of --

- (a) leave;
- (b) pay *in lieu* of leave; and
- (c) calculating pension and other gratuities.

## 27. Leave to serve under other Acts

(1) If an officer in the Parliamentary Service is appointed under another Act other than this Act, the Speaker may, on application, grant the officer leave of absence without pay for the period of absence.

(2) The period during which an officer is absent on leave under subsection (1) shall be counted as part of his or her period of service.

(3) Where an officer is granted leave under this section, his or her other office in the Parliamentary Service becomes vacant on commencement of the leave; and he or she is an unattached officer for the period of leave.

(4) At the end of the period of leave, an unattached officer, except where the unattached officer is due for retirement or is subject to dismissal for misconduct, shall be entitled to be appointed to an office not lower in classification than his or her former office.

(5) Where there is no vacancy to which an officer may be suitably appointed in accordance with subsection (4), the officer shall continue as an unattached officer until a suitable vacancy occurs.

## **28. Oath**

Before assuming the duties of his or her office, an officer shall take before the Speaker any oath under the Oaths Act prescribed by regulations made under section 48, being an oath appropriate to an equivalent office in the public service.

## **PART VI—FINANCIAL AND OTHER MATTERS**

## **29. Financial year estimates**

(1) In each financial year, the Commission shall prepare and submit to the President estimates for the following year of the expenses of the departments of Parliament and any other expenses incurred for the service of the Parliament.

(2) The President shall cause the estimates to be laid before Parliament without revision but with any recommendations that Government may have on the estimates.

**30. Expenses of Parliament**

The administrative and operational expenses of Parliament, including all salaries, allowances, gratuities and pensions payable to or in respect of a person serving in Parliament, shall be charged on the Consolidated Fund.

**31. Bank accounts**

The Commission shall open and maintain such bank accounts as are necessary for the exercise of its functions and shall pay into the bank accounts—

- (a) all money received from the Government for the purposes of this Act;
- (b) all money appropriated by law for the purpose of carrying out or giving effect to this Act; and
- (c) all other money received by Parliament in the exercise of its functions.

**32. Commission to establish procedures**

The Commission may establish procedures and expenditure involving—

- (a) official overseas travel;
- (b) purchases necessary for the various departments of Parliament.

**PART VII—DEPARTMENTS OF PARLIAMENT****33. Establishment of departments**

There shall be established the following departments in the Parliamentary Service --

- (a) department of the Speaker;
- (b) department of sergeant-at-arms;
- (c) department of the library, research and documentation;
- (d) department of the official report;
- (e) department of legislative counsel; and
- (f) department of finance and administration.

### **34. Establishment of Parliamentary Budget Office**

(1) There shall be a Parliamentary Budget Office within the Parliamentary Service consisting of full time and part-time budget and economics experts as may be required from time to time.

(2) The functions of the Parliamentary Budget Office shall be to provide Parliament and its Committees with objective and timely analysis required for economic and budget proposals and the information and estimates required for the Parliamentary budget process, and without prejudice to the generality of the foregoing, the Parliamentary Budget Office shall—

- (a) provide budget related information to all committees in relation to their jurisdiction;
- (b) submit reports on, but not limited to, economic forecasts, projections and options for reducing the budget deficit;
- (c) identify and make recommendations on Bills that provide an increase or decrease in revenue and the National Budget;
- (d) prepare analytical studies of specific subjects such as financial risks posed by Government sponsored enterprises and financial analysis; and
- (e) generally, give advice to Parliament and its committees on the National Budget and the economy.

### **35. Creation of departments**

The Commission may, in addition to the departments specified in section 33, create other departments to ensure the efficient functioning of Parliament.

### **36. Abolition and merger**

The Commission may abolish or merge any of the departments of the Parliamentary Service.

## **PART VIII—SALARY AND ALLOWANCES**

### **37. Salary classification**

(1) The officers shall be given such classifications as may be fixed by the Speaker subject to approval of the Commission and in consultation with the Public Service Commission.

(2) A classification under subsection (1) may provide for a rate of annual salary or a scale of rates of annual salary.

### **38. Allowances**

The officers and employees in the Parliamentary Service may be paid such allowances in such cases and subject to such conditions as are determined by the Commission.

### **39. Hours of duty**

(1) The hours of duty of officers and employees shall be determined by the Commission.

(2) Notwithstanding subsection (1), officers and employees of the Parliamentary Service shall, whenever required by the Clerk, perform duties outside their normal hours in order to meet the exigencies of parliamentary business.

### **40. Leave**

Every officer is entitled to an annual leave and leave of absence for such periods as the Commission may by regulations determine.

### **41. Deductions from entitlements**

Deductions may be made from the entitlements of officers and employees for any service provided by the State.

### **42. Allowances of members of Commission**

Members of the Commission shall be paid such allowances as may be determined by the Commission with the approval of Parliament.

### **43. Remuneration of members of Parliament**

(1) There shall be paid to a member of Parliament in respect of his or her office as a member, or such other office which he or she holds by virtue of being a member of Parliament, salary and gratuity as may be determined by Parliament.



(2) Notwithstanding subsection (1), where a member of Parliament is also a member of the Uganda Peoples' Defence Forces and earns a salary by virtue of being a member of the Uganda Peoples' Defence Forces, that member of Parliament shall—

- (a) be paid the salary differential if his or her salary earned as a member of the Uganda Peoples' Defence Forces is less than the salary of the member of Parliament;
- (b) be paid no salary by virtue of being a member of Parliament if he or she earns a salary in the Uganda Peoples' Defence Forces equal to or more than the salary specified for a member of Parliament.

(3) The gratuity under subsection (1) shall be paid—

- (a) at the end of each period of twelve months' service in office or at such period as the member of Parliament may desire; or
- (b) on the death or retirement of a member of Parliament.

(4) Where a member of Parliament entitled to a gratuity under this section vacates his or her seat by reason of a dissolution of Parliament and was returned as a member of Parliament in the following general election, and appointed to an office which entitled him or her to a gratuity under this Act, he or she shall be deemed, for the purposes of this section, to have continued to be entitled to the gratuity during the intervening period.

(5) For the purposes of this section, "retirement" includes resignation and cessation to hold office for any cause.

(6) The gratuity payable on the death of a member of Parliament entitled to it shall be the sum amounting to one year's basic salary payable to the member of Parliament in respect of the office he or she was holding at the time of his or her death.

#### PART IX—DISCIPLINE

#### **44. Disciplinary procedures**

The Commission shall, by statutory instrument, make regulations providing for—

- (a) disciplinary offences and penalties for breach of such offences;
- (b) the right to a fair hearing when an officer or employee is being proceeded against for a disciplinary offence; and

- (c) the right to appeal to the Public Service Commission in case of dismissal.

#### **PART X— RESIGNATION, RETIREMENT AND RETRENCHMENT**

##### **45. Retirement age**

An officer who has attained the age of fifty-five years is entitled to retire from the Parliamentary Service but shall retire on attaining the age of sixty years.

##### **46. Incapacity or infirmity**

If by reason of mental or bodily infirmity an officer is unfit to discharge the duties of his or her office, the Commission may retire the officer from the Parliamentary Service.

##### **47. Commission to determine entitlement**

Where an office is abolished or reclassified, the Commission may discontinue the service of the holder of the office; and his or her entitlements shall be determined by the Commission in a manner consistent with that prescribed for the public service.

#### **PART XI—MISCELLANEOUS**

##### **48. Regulations**

(1) The Commission shall make regulations and other statutory instruments for the effective performance of the functions of the Commission and the Parliamentary Service.

(2) Any statutory instrument made under this section shall be laid before Parliament and may be annulled by Parliament by resolution within twenty-one days after it being laid.

(3) The Commission may, by regulations made under this section, adopt the provisions of any enactment subject to such modifications as the Commission may, on the recommendation of Parliament, consider reasonable.

**49. Accounts and audits**

The Commission shall keep proper books of accounts and records in relation to them, and the accounts shall be audited and reported on by the Auditor General in accordance with Article 163 of the Constitution.

**50. Annual report**

The Commission shall, as soon as possible after the expiration of each financial year and in any case not later than 30th September in each year, submit to Parliament an annual report dealing generally with the activities and operations of the Commission within the year, which shall include such other information as Parliament may request.

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**History:** Act 6/1997; Act 17/1998; Cap. 257 (Revised Edition, 2000); Act 22/2006; Act 21/2021; Act 17/2023

**Cross References**

Constitution

Oaths Act, Cap. 21

Rules of Procedure of Parliament, Constitution 9