

STATUTORY INSTRUMENTS SUPPLEMENT

to the Uganda Gazette No. 27 Volume LXXXVI dated 24th June, 1994.

Printed by UPPC, Entebbe by Order of the Government.

STATUTORY INSTRUMENTS.

1994 No. 174.

The Constituent Assembly (Rules Of Procedure)
Instrument, 1994.

(Under section 16 (1) of the Constituent Assembly Statute, 1993
(Statute No 6 of 1993))

IN EXERCISE of the powers conferred on the Minister responsible for constitutional affairs by subsection (1) of section 16 of the Constituent Assembly Statute, 1993 and with the prior approval of the Constituent Assembly, this Instrument is made this 21st day of June, 1994.

1. This Instrument may be cited as the Constituent Assembly (Rules of Procedure) Instrument, 1994 and shall be deemed to have come into force on the 20th day of June 1994.

Citation
and com-
mencement.

2. The Rules of Procedure of the National Resistance Council in force at the commencement of the Constituent Assembly Statute, 1993 shall, for the purposes of the conduct of the proceedings of the Constituent Assembly, be modified so as to read as set out in the Schedule to this Instrument.

Modifica-
tion of
NRC
Rules of
Procedure
Statute
No. 6 of
1993.

SCHEDULE
RULES OF PROCEDURE OF THE CONSTITUENT
ASSEMBLY OF THE REPUBLIC OF UGANDA

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RULES OF PROCEDURE OF THE CONSTITUENT ASSEMBLY OF THE REPUBLIC OF UGANDA

TITLE

1 These Rules may be cited as the Rules of Procedure of the Constituent Assembly of the Republic of Uganda.

INTERPRETATION

2. (1) In these Rules, unless the context otherwise requires—

“article” means an article of the Draft Constitution and includes a Schedule;

“Assembly” means the Constituent Assembly established by the Statute;

“Chairman” means the Chairman of the Assembly and includes the Deputy Chairman and the Chairperson of a Committee, in the case of a Committee;

“Chairperson” means the person presiding over a Committee and includes a Deputy Chairperson;

“Clerk” means an officer of the Commission designated by the Commissioner to act as Clerk to the Assembly, and includes a Clerk to a Committee, a Deputy Clerk and any other officer authorised by the Commissioner to act for the Clerk in the absence of the Clerk;

“Commission” means the Commission for the Constituent Assembly;

“Commissioner” means the Commissioner for the Assembly and includes a Deputy Commissioner;

"Committee" means a Committee of the Assembly;

"delegate" means a delegate of the Assembly;

"Draft Constitution" means the constitutional text referred to in section 8 (1) (a) of the Statute;

"lobby" includes any place which makes it possible to separate delegates voting for any motion from the delegates voting against it;

"Marshal" means the person referred to as such in rule 41 of these Rules;

"Minister" means the Minister responsible for constitutional affairs;

"motion" means a proposal made by a delegate that the Assembly or a Committee does, does not, desists from doing or prohibits any act or orders anything to be done or expresses an opinion concerning some matter;

"question" means a proposal presented to the Assembly or a Committee by the Chairman for consideration and decision;

"Select Committee" means a Select Committee appointed under rule 37 of these Rules;

"sitting" means a period during which the Assembly is sitting continuously without adjournment and includes any period during which the Assembly is in Committee;

"Standing Committee" means a Standing Committee established under rule 30 or rules 32, 33, 34, 35 or 36 of these Rules;

"Statute" means the Constituent Assembly Statute, 1993;

"stranger" means any person other than the Chairman, a delegate or an officer of the Assembly or a member of the Technical Committee;

"Table" means the Clerk's Table;

"Technical Committee" means the Technical Committee appointed by the Attorney-General under subsection (2) of section 12 of the Statute.

(2) Subject to the Statute, in cases of doubt, these Rules shall be interpreted by the Chairman and his or her decision on any point of interpretation of these Rules is final.

OATH OF ALLEGIANCE

3. The Chairman, the Deputy Chairman and every delegate shall take the Oath of Allegiance as prescribed by section 13 of the Statute.

SUMMONING OF ASSEMBLY

4. (1) Unless otherwise determined by the Assembly, the Chairman shall call sittings of the Assembly at such times as he or she determines.

(2) The Clerk shall notify delegates of the time for all sittings.

SEATING ARRANGEMENTS

5. Delegates shall ordinarily sit in alphabetical order of their names which shall be displayed in front of their seats.

LANGUAGE OF ASSEMBLY

6. The proceedings, debates and records of the Assembly shall be in English as required by section 14 of the Statute

SITTINGS

7. (1) The Assembly shall ordinarily sit for a minimum of thirty-two hours per week and may sit on Saturdays and Sundays as may be required.

(2) Subject to these Rules, the sittings of the Assembly and of its Committees, shall be public.

(3) If it is decided that the sitting shall not be open to the public, the Chairman shall direct that strangers should either not enter the meeting place or withdraw, and the Clerk shall ensure that the instructions are complied with.

(4) Members of the press shall be admitted into the Assembly subject to these Rules and any other rules which may be made for that purpose and also subject to the provisions of any other law.

ROLE OF THE CHAIRMAN

8. (1) As required by section 9 of the Statute, the Chairman and in his or her absence, the Deputy Chairman shall preside at all sittings of the Assembly.

(2) The Chairman is charged with over-all authority for the preservation of order in the Assembly and the enforcement of these Rules.

QUORUM

9. (1) As required by section 15 of the Statute, the quorum of the Assembly for purposes of transacting any business other than adjournment, shall comprise the Chairman and not less than one-half of the total number of delegates.

(2) Any delegate may, at any time during the proceedings, take objection that there are fewer delegates present at the sitting than those necessary to constitute the quorum required under subrule (1) of this rule.

(3) Whenever objection is taken under subrule (2) of this rule and it is upheld by the Chairman, the Chairman shall suspend the Assembly for fifteen minutes during which bells shall be rung.

(4) Where, on resumption of the proceedings, there is still no quorum, the Chairman shall suspend or adjourn the sitting of the Assembly.

(5) A delegate shall not be absent for four consecutive sittings without reasonable excuse except with the permission of the Chairman.

(6) A delegate who contravenes subrule (5) of this rule may be named by the Chairman in the Assembly.

(7) In the case of any subsequent period of absence without permission or without reasonable excuse by a delegate previously named under subrule (6) of this rule, the delegate shall be suspended from the Assembly for a period not exceeding three sittings subject to sections 11 and 27 of the Statute which provide for the vacation of the office of the delegate).

ADJOURNMENT

10. The Chairman may, at any time, suspend or adjourn any sitting of the Assembly.

ORDER OF BUSINESS

11. (1) The Chairman when entering or leaving the Chamber of the Assembly at the beginning or end of a sitting, shall be announced and shall be preceded by the National Flag borne ahead of him or her by the Marshal.

(2) The National Flag shall, during the proceedings of each sitting of the Assembly, be positioned in a conspicuous place in the Chamber of the Assembly.

(3) The business at the sittings of the Assembly shall be transacted in the following order after the entry of the Chairman—

- (a) singing of the National Anthem;
- (b) prayers;
- (c) administration of Oaths;
- (d) communication from the Chair;
- (e) correction and approval of the minutes of previous sittings;

- (f) statements by delegates and personal explanations,
- (g) matters of privilege;
- (h) presentation of reports of Committees;
- (i) debate on the principles of the Draft Constitution;
- (j) Consideration Stage;
- (k) Reconsideration Stage;
- (l) enactment of the Constitution;
- (m) promulgation of the Constitution.

(4) At the first sitting of each week, delegates shall sing the first verse of the National Anthem as set out in the First Schedule to these Rules.

(5) By leave of the Chairman, the order of business in the Order Paper may be altered on any particular day.

(6) Prayers of the Assembly shall be as specified in the Second Schedule to these Rules.

STATEMENTS BY DELEGATES AND PERSONAL EXPLANATIONS

12. (1) With the leave of the Chairman, a delegate may make a statement on any matter of urgent public importance relating to the functions of the Assembly or explain a matter of a personal nature at the time appointed under rule 11; but no controversial matter may be brought forward under this rule nor may debate arise upon a personal explanation.

(2) Any statement other than a personal explanation may be commented upon by other delegates for a limited duration of time not exceeding thirty minutes.

(3) Any proposed statement under this rule shall first be submitted to the Chairman in writing.

ORDER OF BUSINESS TO BE PROVIDED IN ADVANCE TO THE DELEGATES

13. (1) The Clerk shall provide to each delegate a copy of the order of business for each sitting prior to the commencement of the sitting.

(2) The Business Committee shall prepare for provision to each delegate a time table of the work of the Assembly which may be revised from time to time as circumstances require.

NOTICE OF MOTIONS

14. A delegate wishing to move a motion shall give written notice of the motion which motion shall also be in writing, to the Clerk not later than three days before the sitting at which he or she intends to move the motion.

AMENDMENTS WITHOUT NOTICE

15. (1) An amendment to an article may, with the leave of the Chairman, be proposed without notice if it is relevant to the article under consideration in the Assembly or in a Committee of the Assembly.

(2) Any amendment moved to an article and seconded in the Assembly without notice shall be required to be in writing and delivered to the Clerk.

MOTIONS WITHOUT NOTICE

16. The following motions may be moved without notice--

- (a) any motion for the adjournment of the Assembly;
- and
- (b) any motion for the adjournment of a debate.

WITHDRAWAL OF MOTIONS AND AMENDMENTS

17. A motion or an amendment may be withdrawn at the request of the mover.

GENERAL RULES OF DEBATE

18. (1) Every delegate shall address his or her observations to the Chairman.

(2) Whenever the Chairman speaks or rises during a debate, all delegates shall be silent so that the Chairman may be heard without interruption.

(3) Delegates wishing to contribute to the debate shall indicate so by registering their names with the Clerk at least one day in advance of the sitting during which they wish to speak, and in principle delegates shall speak in the order in which they register their names.

(4) A delegate shall be referred to as "honourable delegate".

CONTENTS OF SPEECHES

19. (1) Except during the debate on the general merits and principles of the Draft Constitution, every member shall restrict his or her observations to the article under discussion.

(2) It is out of order to use offensive or insulting language in the Assembly.

(3) It is out of order to use in the Assembly derogatory language about a foreign country, or a foreign government or any Head of State.

(4) No delegate shall impute any improper motive to any other delegate.

SCOPE OF DEBATE

20. (1) Debate on any article or amendment to an article shall be relevant to the matter being debated.

(2) When an amendment to an article proposes to leave out words and to insert or add other words instead of them, debate upon the question to leave out words may include both the words to be left out and those proposed to be inserted or added.

(3) On an amendment proposing only to leave out words or to insert or add words, debate shall be confined to the subject matter of the proposed amendment.

(4) In debate on any amendment to an article, the Chairman may, in his or her discretion, direct that the debate on the amendment may include debate on the matter of the article where, in his or her opinion, the matter of the amendment is not conveniently separable from the matter of the article.

(5) When the Chairman gives a directive under subrule (4) of this rule, a delegate who has already spoken to an article may, in speaking to the amendment, speak only to a new matter raised by the amendment.

CLOSURE OF DEBATE

21. (1) Subject to rule 47 of these Rules, where a motion on an article has been moved and debated, a delegate may move that the question be now put; and, unless it appears to the Chairman that the motion is an abuse of these Rules or an infringement of the right of any delegate, the question that the question be now put shall be put forthwith and decided without amendment or debate.

(2) If the question for closing a debate under subrule (1) is agreed to in accordance with either rule 26 or 28, the motion which is being discussed when the motion for closure was moved shall be put forthwith without further discussion.

WHEN A DELEGATE MAY SPEAK MORE THAN ONCE

22. (1) No delegate may speak more than once on any proposition except—

(a) in Committee; or

(b) in explanation as provided in subrule (2) of this rule; or

(c) during the Consideration Stage; or

(d) during the Reconsideration Stage.

(2) A delegate who has spoken to a question proposed to the Assembly may again be heard, if the Chairman so permits, to explain some part of his or her speech which has been misunderstood, but when so speaking he or she shall not introduce any new matter.

INTERRUPTIONS

23. No delegate shall interrupt another delegate except—

(a) by raising a point of order, when the delegate speaking shall remain silent and the delegate interrupting shall direct attention to the point which he or she desires to bring to notice and submit it to the Chairman for decision; or

- (b) to elucidate some matter raised by another delegate in the course of his or her speech if the delegate speaking is willing to give way, unless it appears to the Chairman that this may be an abuse of these Rules.

BEHAVIOUR OF DELEGATES

24. During a sitting

- (a) all delegates shall dress in a dignified manner;
- (b) all delegates shall enter or leave the Assembly with decorum;
- (c) no delegate shall bring into the Assembly anything not directly connected with the business of the Assembly except with the consent of the Chairman;
- (d) delegates shall not read newspapers, books, letters or other documents except matters in them directly connected with the business of the Assembly;
- (e) while a delegate is speaking, all other delegates shall be silent and shall not make unseemly interruptions;
- (f) clapping is permitted in the Assembly if done with dignity.

RULES OF ORDER

25. (1) Subject to rule 8, the Chairman in the Assembly, or in a Committee, the Chairperson of the Committee, shall be responsible for the observance of the rules of order, and his or her decision on any point of order is not open to appeal.

(2) Subject to rule 47 of these Rules, the Chairman or Chairperson, after having called the attention of the Assembly or the Committee to the conduct of a delegate who persists in irrelevance, or tedious repetition either of his or her own arguments or of arguments made by other delegates in the debate, may direct him or her to discontinue his or her speech.

(3) The Chairman shall order any delegate whose conduct is grossly disorderly to withdraw from the Assembly for the remainder of that day's sitting, and the Clerk shall cause to be carried out such orders as he or she may receive from the Chairman to ensure compliance with this rule.

(4) When the Chairman is entering the Chamber of the Assembly or when he or she rises to leave the Assembly all shall rise until he or she has assumed his or her seat or left the Chamber of the Assembly, as the case may be.

DECISIONS OF ASSEMBLY BY CONSENSUS

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

(2) Subject to subrule (3) of this rule and rules 27 and 28, the Chairman may declare that consensus has been reached on any matter before the Assembly, and his or her declaration shall be recorded in the minutes as the decision of the Assembly.

(3) In determining whether or not there is consensus on any matter, the Chairman may put the question and the delegates who support the matter shall then answer "Aye" and those who oppose the matter shall answer "No".

(4) After the Chairman has put the question under subrule (3) of this rule, no further discussion on it shall be allowed.

DECISIONS ON PROVISIONS OF THE DRAFT CONSTITUTION WHERE CONSENSUS IS NOT CLEAR

27. (1) With regard to decisions of the Assembly on the provisions of the Draft Constitution or any amendments to it—

(a) the Chairman may make a ruling that the matter be resolved by voting in accordance with this rule; or

(b) if the Chairman has not made a ruling under paragraph (a) of this subrule, or rules that there is consensus, a delegate may propose a motion that the matter be resolved by voting in accordance with this rule, and if the motion

is supported by fifty or more other delegates, there shall be voting by division in accordance with subrule (2) of this rule and rule 29.

(2) Where voting is required under subrule (1) of this rule, the following provisions shall apply—

- (a) voting shall be by division in the lobby and the vote of each delegate voting for or against the motion shall be recorded against the name of the delegate;
- (b) each delegate shall have one vote;
- (c) the Chairman shall have neither an original nor a casting vote;
- (d) the motion shall be carried if it obtains the support of not less than two-thirds of the delegates voting;
- (e) the motion shall be lost if it is supported by less than the votes of the majority of the delegates voting; and
- (f) the matter shall be regarded as contentious if the motion is supported by the votes of the majority of delegates voting but does not obtain the support of two-thirds of the delegates voting in each of the two votes conducted in accordance with subrule (3) of this rule.

(3) The following provisions apply to the votes referred to in paragraph (f) of subrule (2) of this rule—

- (a) after the first vote on the motion, a period of at least one week of recess shall elapse before the second vote is taken;
- (b) during the recess, the delegates may consult with the other delegates and with voters in their respective electoral areas or, as the case may be, with the persons or bodies who or which elected or appointed them, on the subject matter of the motion;

- (c) if, after the second vote, the motion is again supported by the votes of the majority of the delegates voting but does not obtain the support of two-thirds of the delegates voting, the matter shall be resolved by a national referendum in accordance with subsections (1) and (2) of section 18 of the Statute.

DECISIONS ON MATTERS OTHER THAN THE PROVISIONS OF THE
DRAFT CONSTITUTION WHERE CONSENSUS IS NOT CLEAR

28. (1) With regard to decisions of the Assembly which are not decisions on the Draft Constitution or any amendment to it—

(a) the Chairman may make a ruling that the matter be resolved by voting in accordance with this rule;

(b) if the Chairman has not made a ruling under paragraph (a) of this subrule, or rules that there is consensus, a delegate may propose a motion that the matter be resolved by voting in accordance with this rule, and if the motion is supported by fifty or more delegates, there shall be voting by division in accordance with subrule (2) of this rule and rule 29.

(2) Where voting is required under this rule, the following provisions shall apply—

(a) voting shall be by division in the lobby and the vote of each delegate voting for or against the motion shall be recorded against the name of the delegate;

(b) each delegate shall have one vote;

(c) the Chairman shall have neither an original nor a casting vote;

(d) the motion shall be carried if it obtains the support of the majority of delegates voting and otherwise it shall be taken to be lost.

DIVISION

29. (1) If any division is required under rule 27 or 28 of these Rules or under section 17 of the Statute, the Chairman shall order for a division and the lobbies shall be cleared for the purpose.

(2) The Chairman shall direct the "AYES" into the lobby on his or her right and the "NOES" into the lobby on his or her left and appoint two tellers for each lobby to count the votes.

(3) After the lapse of a reasonable time from his or her original direction, the Chairman shall direct that the doors or any other barrier or thing giving access to the lobbies from the Chamber be closed or that access to the lobbies should otherwise be blocked.

(4) When all members have left the lobbies the tellers shall return to the Chamber and shall report the number of those who have voted in their respective lobbies to the Chairman, who shall then declare the numbers to the Assembly and announce the result of the division.

(5) Any doors or other barrier or thing giving access to the lobbies from the Chamber shall then be unlocked or removed, as the case may be.

(6) A delegate may abstain from voting and any delegate wishing to abstain shall not enter a lobby while a division is in progress and the names of delegates abstaining shall be recorded.

(7) In the case of confusion or error occurring in the course of a division concerning the numbers recorded which cannot otherwise be corrected, the Chairman shall direct the Assembly to proceed to another division.

COMMITTEES OF ASSEMBLY

30. (1) The Assembly may establish Standing Committees, and other Committees on any subject it

- (a) consist of such number of delegates as may be provided in these Rules, or where there is no such provision, as is determined by the Assembly on the recommendation of the Business Committee;
- (b) have a Chairperson and a Deputy Chairperson elected by the Committee from among its members;
- (c) have a quorum of half the membership of the Committee;
- (d) have a Clerk to the Committee who shall be an officer of the Commission designated as such by the Commissioner;
- (e) have power to appoint a Sub-Committee from among its members to undertake any part of the work of the Committee, and any such Sub-Committee shall submit its report to the Committee which established it.

(3) The Chairman of the Assembly shall preside at any meeting of a Committee to elect the Chairperson or the Deputy Chairperson of that Committee.

(4) Any vacancy occurring in any Committee shall be filled in the same manner as provided in these Rules for election or appointment to that office.

(5) The composition of Committees of the Assembly shall take into account gender sensitivity.

(6) The following restrictions shall apply to membership of Committees—

- (a) a delegate may not be a member of more than one Standing Committee;
- (b) a delegate may not be a member of a Standing Committee and more than one Select Committee;
- (c) a delegate may not be a member of more than one Select Committee.

(7) Nothing in subrule (6) of this rule prohibits a delegate from being an *ex-officio* member of a Committee while being a substantive member of another Committee.

(8) The provisions of subrules (5), (6) and (7) of rule 9 of these Rules shall, with necessary modifications, apply to members of a Committee.

PROCEDURE IN COMMITTEES GENERALLY

31. (1) These Rules shall apply to all Committees with necessary modifications.

(2) Every Committee shall commence its sittings as soon as possible after it is established and shall meet at such time and at such place as the Chairperson of the Committee may determine or as requested by notice in writing signed by not less than one-third of the members of the Committee.

(3) Sittings of the Committee shall be presided over by the Chairperson of the Committee or in his or her absence by the Deputy Chairperson and in the absence of both of them, by a member of the Committee elected by the delegates present.

(4) The Committee may, with the consent of the Chairman of the Assembly, invite to assist it in its work any person who appears to the Committee to be likely to give information necessary for the carrying out of the functions of the Committee, and a person so invited is entitled to be paid an allowance determined by the Commissioner in accordance with the Statute.

(5) The deliberations of each Committee shall be confined to the subject-matter referred to it by the Assembly.

(6) Every decision of a Committee shall, as far as possible, be by consensus; but if there is no consensus, the decision shall be by the vote of the majority of members of the Committee; except that a minority of members of the Committee may submit a minority report which shall accompany the main report.

(7) The Clerk to the Committee shall keep minutes of the proceedings and decisions of the Committee.

(8) Every Committee shall report to the Assembly at such time as the Chairman of the Assembly or the Assembly may direct and the report shall be accompanied by the minutes of the Committee and shall be placed on the Table of the Assembly.

(9) The Clerk to the Assembly shall have custody of the minutes of each Committee.

(10) Any Committee may be dissolved by the Assembly.

BUSINESS COMMITTEE

32. (1) The Assembly shall have a Standing Committee to be known as the Business Committee comprising the following—

- (a) the Chairman and the Deputy Chairman;
- (b) thirty-nine district representatives consisting of one delegate from each district;
- (c) seventeen delegates representing the following specified groups or bodies with the number of representatives specified in relation to them—

<i>Group or Body</i>	<i>Number of Representatives</i>
(i) Women	10
(ii) Persons appointed by the President under paragraph (c) of subsection (2) of section 4 of the Statute ...	2
(iii) National Resistance Army ...	2
(iv) National Youth Council ...	1
(v) Political Parties under the First Schedule to the Statute, together ...	1
(vi) National Organisation of Trade Unions and the National Union of Disabled People of Uganda, together; and	1

*

(d) the Chairpersons of all other Committees as may exist from time to time, who shall be *ex-officio* members of the Committee.

(2) The Chairman shall preside over sittings of the Business Committee.

(3) The functions of the Business Committee shall be—

(a) to prepare a work plan of the Assembly for the approval of the Assembly;

(b) to revise the work plan of the Assembly from time to time as circumstances require;

(c) to monitor the progress, and follow-up activities and resolutions of the Assembly;

(d) to co-ordinate the work of all other Committees of the Assembly; and

(e) to carry out such other functions as are conferred on it by these Rules or as the Assembly may assign to it.

(4) Sittings of the Business Committee shall not be in public and shall be held at the request of the Chairman or of not less than twenty members of the Committee or when directed by the Assembly.

PROCEDURE FOR ELECTION OF STANDING COMMITTEES

33. (1) This rule applies to the election of members of Standing Committees.

(2) The Chairman shall declare to the Assembly a period of one day during which nominations of names of delegates to be elected as member of a Committee may be submitted to the Clerk.

(3) In the case of the Business Committee—

(a) for the purposes of election of district representatives, the delegates from each district shall nominate not more than two delegates;

(b) for the purposes of election of representatives of the groups or bodies specified in paragraph (c) of subrule (1) of rule 32 of these Rules, the delegates of each group or body shall nominate not more than twice the number of delegates it is entitled to elect under subrule (1) of rule 32 of these Rules.

(4) Subject to subrule (5) of this rule, nominations under subrule (2) of this rule shall be in writing, seconded by at least twenty delegates whose signatures shall appear on the nomination form together with the signatures of the nominated persons indicating acceptance of the nominations.

(5) In the case of election of members of the Business Committee, the nominations shall be made together in the name of the delegates from the district or, as the case may be, in the name of the group or body concerned and shall be in writing, seconded by a majority of the delegates from the district or of the group or body whose signatures shall appear on the nomination form together with the signatures of the nominated persons indicating acceptance of the nomination.

(6) As soon as is practicable after the closure of the nomination period provided in subrule (2) of this rule, the Chairman shall announce the names of the delegates nominated in accordance with subrule (4) or (5) of this rule and shall cause to be circulated to the delegates a written list of the names of the delegates duly nominated.

(7) Election of members of the Committee shall not commence until at least twelve hours after the announcement and the circulation of the list of names provided for in subrule (6) of this rule.

(8) The Commissioner shall cause a ballot paper to be prepared listing the names of all the delegates nominated in accordance with subrule (4) or (5) of this rule and with an empty box marked beside each name.

(9) Subject to subrule (18) of this rule, each delegate may vote in the election for members of the Committee by marking with a tick up to nine names in the space provided in the empty boxes against the name of the delegate and placing the ballot paper in a ballot box.

(10) Each such tick as is referred to in subrule (9) of this rule shall be treated as a vote for the nominated delegate whose name appears next to the box.

(11) Subject to subrule (18) of this rule, any ballot paper with more than nine boxes marked with a tick shall be treated as invalid and shall not be included in the counting of votes.

(12) Only one ballot box shall be used in the voting under this rule and prior to the commencement of voting and in the full view of the Assembly, the Chairman shall cause it to be demonstrated that the ballot box is empty.

(13) After the voting under this rule is complete, and in full view of the Assembly, the Chairman shall cause the ballot box to be emptied and the votes referred to in subrules (9) and (10) of this rule to be counted.

(14) When the counting of votes is completed, the Chairman shall announce to the Assembly—

(a) the total number of ballot papers found in the ballot box;

(b) the number of ballot papers not included in the count, if any;

(c) the number of votes received by each of the nominated delegates beginning with the nine delegates who received the highest number of votes, and subject to subrules (15) and (16) of this rule, shall announce those nine delegates as being duly elected as members of the Committee.

(15) Subject to subrule (18) of this rule, if, by reason of equality of votes, more than nine delegates are announced as receiving the highest number of votes under paragraph (c) of subrule (14) of this rule, voting shall be repeated in respect only of the delegates who received the lowest but equal number of votes resulting in the number of delegates who would have been elected being in excess of nine, for the purpose of filling any vacancies occasioned by the equality of votes.

(16) Any voting repeated under subrule (15) of this rule shall be conducted in accordance with the provisions of this rule subject to necessary modifications.

(17) Subject to subrule (18) of this rule, a vacancy among the nine elected members of the Committee shall be filled by an election under this rule subject to necessary modifications.

(18) For the purposes of election of members of the Business Committee, the references in subrules (9), (11), (14), (15) and (17) of this rule to nine delegates shall, in each case, be read as a reference to the number of delegates required to be elected as district representatives or, as the case may be, as representatives of the groups or bodies respectively referred to in paragraph (b) or (c) of subrule (1) of rule 32 of these Rules.

RULES AND ORDERS COMMITTEE

34. (1) The Assembly shall have a Standing Committee to be known as the Rules and Orders Committee which shall consist of nine delegates elected by the Assembly.

(2) The functions of the Rules and Orders Committee shall be—

(a) to review, from time to time, these Rules of Procedure and to make to the Assembly such proposals for amendments of the Rules as the Committee considers necessary for the efficient functioning, and transaction of the business, of the Assembly;

(b) to consider and report to the Assembly, on proposals for alteration of these Rules made under rule 44 of these Rules;

(c) to propose to the Chairman the order of the business of the day for the Assembly;

(d) to make recommendations to the National Resistance Council on amendments that may require to be made to the Statute for the purposes of facilitating the work of the Assembly; and

- (e) to carry out such other functions as are conferred on it by these Rules or as the Assembly may assign to it.

LEGAL AND DRAFTING COMMITTEE

35. (1) The Assembly shall have a Standing Committee to be known as the Legal and Drafting Committee which shall consist of nine delegates elected by the Assembly.

(2) The functions of the Legal and Drafting Committee shall be—

- (a) to offer such assistance on issues of law as may be required by the Assembly or its Committees;
- (b) to consider such amendments to articles of the Draft Constitution proposed during the Consideration Stage or the Reconsideration Stage as are referred to it by the Assembly;
- (c) to co-ordinate the work of the Assembly and the Technical Committee referred to in rule 38 of these Rules; and
- (d) to carry out such other functions as are conferred on it by these Rules or as the Assembly may assign to it.

COMMITTEE ON PRIVILEGES, DISCIPLINE AND WELFARE

36. (1) The Assembly shall have a Standing Committee to be known as the Committee on Privileges, Discipline and Welfare which shall consist of nine delegates elected by the Assembly.

(2) The functions of the Committee on Privileges, Discipline and Welfare shall be—

- (a) subject to section 29 of the Statute, by order of the Assembly, to inquire into any complaint of contempt or any matter of privilege which may be referred to it and to recommend such action as the Committee considers appropriate;

- (b) to consider any matter of discipline referred to it by the Chairman or the Assembly, including attendance of delegates at sittings of the Assembly and sittings of Committees, and to report its findings to the Assembly;
- (c) to liaise with the Secretariat of the Assembly and the Chairman in order to facilitate proper attention to the welfare needs of the delegates; and
- (d) to carry out such other functions as are conferred on it by these Rules or as the Assembly may assign to it.

SELECT COMMITTEES

37. (1) The Assembly may appoint Select Committees as and when the Assembly considers it necessary.

(2) Each Select Committee shall consist of such delegates as the Assembly may appoint on the recommendation of the Business Committee.

(3) A Select Committee shall consider and report to the Assembly on any aspects of the Draft Constitution and related matters referred to it by the Assembly.

(4) Any delegate is entitled to attend and make oral or written statements to any Select Committee but is not entitled to vote in the proceedings of the Committee unless he or she is a member of the Committee.

(5) A Select Committee may propose amendments to articles of the Draft Constitution relevant to the subject being considered by the Committee.

(6) Amendments to articles of the Draft Constitution recommended in the report of a Select Committee may be moved at the appropriate time by the Chairperson or by a member of the Committee.

(7) Except as the Assembly may determine, a Select Committee shall stand dissolved after its report has been presented to and received by the Assembly.

TECHNICAL COMMITTEE

38. (1) As required by subsection (2) of section 12 of the Statute, the Technical Committee appointed by the Attorney-General shall, in accordance with the decisions of the Assembly, prepare the draft of the constitutional text.

(2) The functions of the Technical Committee under subrule (1) of this rule shall be—

- (a) assisting delegates and Committees of the Assembly to prepare amendments proposed by them to the Draft Constitution;
- (b) rendering advice to delegates and Committees on possible alternative drafts for achieving their objectives as well as on consequential amendments to other parts of the Draft Constitution arising out of the proposed amendments;
- (c) rendering legal advice generally to the Assembly, the Chairman, Committees and delegates relevant to the carrying out of their functions;
- (d) assisting the Assembly to put together the Draft Constitution for enactment and promulgation as a Constitution of Uganda under the Statute after all amendments have been considered and the Assembly has taken decisions on them for the purposes of sections 4 (1), 8 (1) and 19 of the Statute; and
- (e) assisting the Assembly in any other manner that the Chairman or the Assembly may request.

CLERK AND OTHER STAFF OF ASSEMBLY

39. (1) There shall be a Clerk to the Assembly and a Deputy Clerk who shall be officers of the Commission designated to act as such by the Commissioner.

(2) The Assembly shall also have the services of such other staff provided by the Commissioner as the Assembly may need for the effective performance of its functions and the functions of its Committees.

(3) The Deputy Clerk shall deputise for the Clerk in the absence of the Clerk and shall otherwise assist the Clerk in the performance of his or her functions.

(4) The Clerk shall, in the exercise of his or her functions be responsible to the Chairman in relation to matters of procedure of the Assembly and on such matters, he or she shall be subject to the directions of the Chairman.

(5) In relation to administrative matters and also all other functions of the Clerk other than in relation to procedure of the Assembly, the Clerk shall be responsible to the Commissioner.

FUNCTIONS OF THE CLERK

40. (1) The Clerk shall supervise the work of the other staff of the Assembly.

(2) It shall be the duty of the Clerk to notify delegates of the sittings of the Assembly.

(3) Before the commencement of each sitting, the Clerk shall send to each delegate a copy of a paper to be called the Order Paper stating the business of the sitting accompanied whenever practicable, by a Provisional Order Paper for the next scheduled sitting, which may be subject to alteration.

(4) The Clerk shall receive and put in the Order Paper notices of motions and amendments.

(5) The Clerk shall keep a book to be called the Order Book in which he shall enter and number in succession all matters intended for discussion at each sitting.

(6) The Clerk shall keep the minutes of the proceedings of the Assembly which shall record the attendance of delegates at each sitting and all decisions taken by the Assembly and things done in the Assembly.

(7) The Clerk shall assist the Commissioner in the day-to-day administration of the Assembly and in the publication of the daily record of deliberations of the Assembly under section 22 of the Statute.

(8) The Clerk shall be responsible for making entries and records of things done and approved or passed in the Assembly and shall keep secret all such matters as are required by the Assembly to be treated as secret and not discuss them before they are officially published.

(9) The Clerk shall have the custody of all records and other documents belonging or presented to the Assembly which shall, subject to subrule (8) of this rule, be open to inspection by delegates under such arrangements as may be made by the Chairman.

(10) The Clerk shall also perform such other functions in relation to the work of the Assembly as the Chairman or the Assembly or the Commissioner may determine or as may be conferred on him or her by these Rules.

MARSHAL

41. (1) The Assembly shall have a Marshal who shall be an officer of the Commission designated to act as such by the Commissioner.

(2) The Marshal shall attend on the Chairman in the Assembly and shall carry out the Chairman's directions for the maintenance of order in the Assembly and its precincts and shall be responsible to the Clerk in relation to the maintenance of order as may be necessary.

FUNCTIONS OF THE COMMISSIONER

42. (1) As provided in paragraph (g) of subsection (1) of section 22 of the Statute, the Commissioner shall publish a daily record of the deliberations of the Assembly.

(2) The daily record of deliberations under subrule (1) of this rule shall be verbatim and shall be published in such form as the Chairman may, in consultation with the Commissioner, determine.

(3) The Commissioner may give to the Clerk such directives and assistance as the Commissioner considers necessary for ensuring that daily records of deliberations under subrule (1) of this rule are duly published in accordance with the Statute and in particular, for ensuring that as far

as is practicable, the Clerk makes copies of the daily record of deliberations available to the delegates at the next sitting of the Assembly after the sitting to which they relate and in any case not later than three days after the sitting to which they relate.

SUSPENSION OF RULES

43. (1) Subject to the Statute, any of these Rules may be suspended with the consent of the Chairman or a majority of delegates present.

(2) Subject to the Statute, for the avoidance of doubt, in a Committee, any of these Rules may, in relation to the proceedings of the Committee, be suspended with the consent of the Chairperson or a majority of members of the Committee present.

AMENDMENT OF RULES

44. (1) Any delegate desiring to propose an amendment to these Rules shall give written notice of his or her intention to do so accompanied by a draft of the proposed amendment.

(2) A motion under subrule (1) of this rule shall, when seconded and supported by at least twenty delegates, stand referred to the Rules and Orders Committee and no further proceedings shall be taken upon it until the Committee has reported on it.

(3) No proposal for amendment under this rule shall have effect unless made in accordance with section 16 of the Statute.

MATTERS NOT PROVIDED FOR

45. Any question of order or procedure not provided for in these Rules shall be decided by the Chairman whose decision on the matter is final.

INTRODUCTION OF THE DRAFT CONSTITUTION

46. (1) As soon as possible after the commencement of the proceedings of the Assembly, the Chairman shall call upon a delegate to move a motion that the Assembly debates the Draft Constitution.

(2) After the motion referred to in subrule (1) of this rule has been seconded, the debate on the Draft Constitution shall commence.

GENERAL DEBATE

47. (1) The debate of the Draft Constitution shall commence with a general debate on the merits and principles of the provisions contained in the Draft Constitution.

(2) During the general debate each delegate shall be allowed a maximum of thirty minutes within which to make his or her speech, but the Chairman shall take into account time unduly lost through points of order taken by other delegates, but shall not take into account time taken by points of elucidation under rule 23 of these Rules.

(3) Subject to subrule (2) of this rule, the Clerk shall cause a bell to be rung after twenty minutes and again after twenty-nine minutes of each speech.

(4) Where the Chairman is satisfied that each delegate has had opportunity to speak on the merits and principles of the Draft Constitution, the Chairman shall declare the general debate closed.

CONSIDERATION STAGE

48. (1) Where the Chairman declares the general debate on the principles of the Draft Constitution closed under rule 47 of these Rules he or she shall, in consultation with the Business Committee, appoint a time for the commencement of the Consideration Stage of the Draft Constitution.

(2) Subject to rules 14 and 15 of these Rules, at the Consideration Stage of the Draft Constitution, delegates are entitled to move amendments to the Draft Constitution in accordance with these Rules.

(3) At the Consideration Stage, the Assembly shall not discuss the principles of the Draft Constitution but only its details.

(4) At the Consideration Stage, a delegate may speak more than once to any question proposed but in any event shall not speak for more than fifteen minutes on any occasion.

(5) The Clerk shall call the number of each article in succession:

(6) If no amendment is proposed to it or when all proposed amendments have been disposed of, the Chairman shall propose the question "That the article (or the article as amended) shall stand part of the Draft Constitution" and debate shall take place on the article.

(7) When all delegates who wish to speak on it have spoken, the Chairman shall put the question for decision by the Assembly.

(8) Any amendment to an article which a delegate wishes to propose may be moved and seconded at any time after the question has been proposed by the Chairman and before it has been put by the Chairman at the conclusion of the debate upon the article.

(9) The Assembly may, at any time, refer any proposed amendment to the Legal and Drafting Committee.

(10) When two or more amendments are proposed on the same article, the Chairman shall call upon the movers in the order in which their amendments relate to the text of the article.

(11) The amendment which in the opinion of the Chairman departs furthest from the text under discussion shall be debated and disposed of first.

(12) Where two or more proposed amendments to any article seek to attain the same objective but in different ways, or the wording of the amendments differs; sponsors of the amendments may be required by the Chairman to discuss their amendments and consolidate them or agree on compromise amendments that will be acceptable to the sponsors.

(13) When every amendment to an amendment has been disposed of, the Chairman shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended.

(14) Consideration of any article may be postponed unless upon an amendment moved to it a question has been fully put from the Chair.

(15) An amendment or a new article may be withdrawn at the request of the mover by leave of the Assembly before the question is fully put on it if there is no dissentient voice.

(16) If the question has been proposed on an amendment to an amendment or to a new article the original amendment, or the new article may not be withdrawn until the amendment to it has been disposed of.

(17) No amendment shall be made which is inconsistent with any article already agreed upon by the Assembly or any decision already come to by the Assembly, and the Chairman may, at any time during the discussion of a proposed amendment, withdraw it from the consideration of the Assembly if in his or her opinion the discussion has shown that the amendment contravenes the provisions of this subrule.

(18) Where any article is approved without amendment or where an article is approved with an amendment or where a new article is adopted, the Chairman shall order that the article, or the article as amended or as the case may be, the new article as adopted shall stand part of the Draft Constitution

RECONSIDERATION STAGE

49. (1) If any delegate desires to delete or amend a provision in the Draft Constitution or introduce any new provision into it after it has passed through the Consideration Stage, he or she may, subject to rule 14 of these Rules, at any time before a delegate rises to move for the enactment of the Draft Constitution, move that the Draft Constitution pass through another Consideration Stage either wholly or in respect only of some particular part or parts of it; except that a motion shall not be considered under this subrule unless it is supported by at least twenty delegates.

(2) If the motion under subrule (1) of this rule is agreed to, the whole Draft Constitution or, as the case may be, the part or parts of the Draft Constitution to which the motion relates, shall pass through another Consideration Stage and accordingly, rule 48 of these Rules shall apply.

(3) When it is decided that the Draft Constitution pass through another Consideration Stage in respect of only any particular part of it, the Assembly shall consider only that part except that the Chairman may, if satisfied that the consideration of that part cannot reasonably be dealt with without reconsideration of another part or the whole Draft Constitution, require that that other part of that the whole Draft Constitution also pass through another Consideration Stage.

COMPILATION OF ARTICLES AND PRINTING

50. (1) Upon the completion of the Consideration Stage, the Assembly shall, with the assistance of the Technical Committee, cause to be incorporated and put together with the Draft Constitution all the amendments approved during the Consideration Stage.

(2) The Technical Committee shall, under subrule (1) of this rule assist the Assembly to ensure that all provisions of the Draft Constitution are consistent with one another and that the language used in the whole Draft Constitution is as much as possible uniform and conforms with the best drafting standards.

(3) After all the amendments have been incorporated in the Draft Constitution under subrules (1) and (2) of this rule, the Chairman shall cause the Draft Constitution to be printed and laid on the Table of the Assembly and copies provided to each delegate.

ENACTMENT OF THE CONSTITUTION

51. (1) After copies of the Draft Constitution have been distributed to delegates under rule 50, the Chairman, in consultation with the Business Committee, shall appoint a time for the Assembly to sit and enact the Constitution, which shall be not less than seventy-two hours after the Draft Constitution is laid on the Table of the Assembly under rule 50.

(2) At the time appointed under subrule (1) of this rule, the Chairman shall call upon a delegate to move a motion that the Assembly enacts the Draft Constitution as the Constitution of Uganda as required by section 19 of the Statute.

FIRST SCHEDULE.

Rule 11 (4).

THE NATIONAL ANTHEM

1

Oh Uganda! may God uphold thee
We lay our future in thy hand
United, free;
For Liberty
Together we'll always stand.

2

Oh Uganda! the land of freedom
Our love and labour we give
And with neighbours all
At our country's call
In peace and friendship we'll live.

3

Oh Uganda! the land that feeds us
By sun and fertile soil grown
For our own dear land
We'll always stand
The Pearl of Africa's Crown.

OPENING PRAYERS.

ALMIGHTY GOD, we humbly ask you to look with favour on this Constituent Assembly of the Republic of Uganda. Help it perform its high duty with honour. Grant the delegates discernment and vision, integrity and courage so that through their labour the interests and happiness of Uganda and its people may be well and truly served, and your good purposes for the common human life may be realised among us.

AMEN.

CERTIFICATE OF ENACTMENT
OF CONSTITUTION

We certify that the Constituent Assembly has duly enacted this Constitution as the Constitution of the Republic of Uganda in accordance with the Constituent Assembly Statute, 1993 and the Rules of Procedure of the Assembly.

Statute
No. 6 of
1993.

DATED this day of, 19....

Signature:
Chairman of the Constituent Assembly.

Witness:
*Deputy Chairman of the Constituent
Assembly.*

Witness:
Commissioner for the Constituent Assembly.

Witness:
Clerk of the Constituent Assembly.

Delegates

1.
2.
3.

SAM K. NJUBA,
*Minister of State for Justice and
Constitutional Affairs.*