

CHAPTER 91

THE PUBLIC SERVICE ACT

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CHAPTER 91**THE PUBLIC SERVICE ACT**

Commencement: 1 October, 2008

An Act to provide for the Public Service in accordance with Chapter Ten and other relevant provisions of the Constitution and for related matters.

PART I—PRELIMINARY**1. Interpretation**

In this Act, unless the context otherwise requires—

- “common cadre” means a category of analogous public service positions whose post holders possess generic qualifications and competencies and render management support to a line department in a Ministry or local government;
- “common cadre list” means the list of public service positions or employees that constitutes a common cadre, and prescribed in Schedule 3 to this Act;
- “department” means an area of Government for which an officer responsible reports directly to the President or to the Parliament of Uganda, like the Audit General’s Department, Uganda Police Force, Uganda Prison Services *etc.*;
- “district” means a district referred to in Article 5(2) of the Constitution and in Schedule 1 to this Act;
- “District Service Commission” means the District Service Commission established by Article 198 of the Constitution for each district;
- “Education Service Commission” means the Education Service Commission established by Article 167 of the Constitution;
- “employee” means a person other than a public officer employed in the public service;
- “Government” means the Government of the Republic of Uganda;
- “Health Service Commission” means the Health Service Commission established by Article 169 of the Constitution;
- “Judicial Service Commission” means the Judicial Service Commission established by Article 146 of the Constitution;

“Local Government” has the meaning assigned to it by the Local Governments Act;

“Minister” means the Minister responsible for the public service;

“ministry” means a ministry of the Government specified in Schedule 2 to this Act, and includes a department of the Government in a ministry;

“private sector” means the part of the economy not under direct Government control;

“public office”, “public officer” and “public service” respectively, have the meanings assigned to them by Article 175(a) and (b) and Article 257(1)(w), (x) and (y) of the Constitution;

“Public Service Commission” means the Public Service Commission established by Article 165 of the Constitution;

“regulations” means statutory instruments made by the Minister responsible for public service, provided for under section 17 of this Act;

“service commission” means any Commission established by the Constitution or by Parliament by law in conformity with the Constitution, and includes the Education Service Commission, the Health Service Commission, the Judicial Service Commission, the Public Service Commission and the District Service Commission.

2. Non-application of Act

This Act does not apply to—

- (a) a person employed by the Government in an honorary capacity;
or
- (b) a person remunerated by fees, allowances or Commission.

PART II—CHANGES IN MINISTRIES OF GOVERNMENT

3. Changes in Government Ministries

Where any ministry is abolished or any ministry is established in addition to, or *in lieu* of any such ministry, or an alteration is made in the name of any ministry, upon notification of the fact in the *Gazette*, Schedule 2 to this Act shall be deemed to be amended in the following manner

- (a) where any ministry is abolished or another ministry established *in lieu* of any such ministry, by the omission of the reference to

- the ministry which has been abolished or *in lieu* of which another ministry has been established;
- (b) where any ministry is established either in addition to or *in lieu* of any ministry, by the addition of the name of the ministry so established; and
 - (c) where an alteration is made in the name of any ministry, by a similar alteration of the name of the ministry.

PART III—OBJECTIVE, COMPOSITION AND MANAGEMENT OF PUBLIC SERVICE

4. Objective of public service

The objective of public service is to enable the Government to formulate and implement policies and programmes of Government for the development of Uganda.

5. Composition of public service

The public service shall be composed of all persons duly appointed by the appropriate service commission or other relevant appointing authority to hold or act in any office in the public service.

6. Management and administration of public service

- (1) Subject to the provisions of the Constitution, the Minister—
 - (a) shall subject to subsection (2), have authority for the overall management and administration of the public service, including the formulation and review of policies relating to structures, management systems and the terms and conditions of service;
 - (b) shall receive and consider on behalf of the Government, proposals for remuneration and benefits of persons whose emoluments are payable directly from the Consolidated Fund, or out of money provided by Parliament;
 - (c) shall liaise with the President in the performance of the President's functions under Article 171 of the Constitution to establish offices in the public service;
 - (d) may prescribe or vary the common cadre list by regulations after consultation with the appropriate service commission or other relevant authority; and

(e) shall issue guidelines for the deployment of the common cadre and coordinate the deployment.

(2) Subject to subsection (1), the day-to-day management and administration of the public service of a district shall be the responsibility of the Chief Administrative Officer who shall be the Chief Executive Officer of the district.

PART IV—HEAD OF PUBLIC SERVICE, PERMANENT SECRETARIES, CHIEF ADMINISTRATIVE OFFICERS AND TOWN CLERKS

7. Head of Public Service

(1) In accordance with Article 173A(1) of the Constitution, the President shall, acting on the advice of the Public Service Commission appoint the head of the public service.

(2) In accordance with Article 173A(2) of the Constitution, the functions of the head of the public service are as follows—

- (a) tendering advice to the President on matters relating to the public service;
- (b) coordination of the activities of Permanent Secretaries;
- (c) supervision of the work of Permanent Secretaries;
- (d) serving as a link between the executive and the public service;
- (e) serving as a link between service commissions;
- (f) ensuring the implementation of Cabinet and other Government decisions; and
- (g) any other duties assigned to him or her from time to time by the President.

8. Deputy Head of Public Service

(1) In accordance with Articles 171 and 172 of the Constitution, the President may, acting in accordance with the advice of the Public Service Commission, appoint the Deputy Head of the Public Service.

(2) The Deputy Head of the Public Service shall deputise for the Head of the Public Service.

(3) The Deputy Head of the Public Service shall perform such other functions or duties assigned to him or her by the Head of the Public Service.

9. Permanent Secretaries

(1) In accordance with Article 174 of the Constitution, a ministry or department of the Government shall be under the supervision of a Permanent Secretary whose office shall be a public office.

(2) A Permanent Secretary shall be appointed by the President, acting in accordance with the advice of the Public Service Commission.

(3) In accordance with Article 174(3) of the Constitution, the functions of a Permanent Secretary include—

- (a) the organisation and management of the Ministry or department;
- (b) tendering advice to the responsible Minister in respect of the business of the Ministry or department;
- (c) implementation of the policies of the Government; and
- (d) subject to Article 164 of the Constitution, responsibility for the proper expenditure of public funds by or in connection with the Ministry or department.

(4) Without prejudice to subsection (3), the management and administration of a ministry or department shall be the responsibility of a Permanent Secretary who shall be the chief executive of that Ministry or department.

10. Chief administrative officers and town clerks

(1) A district shall be under the supervision of a chief administrative officer in accordance with Article 188 of the Constitution and section 69 of the Local Governments Act.

(2) The chief administrative officer shall be appointed by the Public Service Commission in accordance with Article 188(2) of the Constitution and section 69 of the Local Governments Act.

(3) The functions of the chief administrative officer shall be in accordance with Article 188(3) of the Constitution and section 70 of the Local Governments Act.

PART V—OBLIGATIONS, RIGHTS AND PRIVILEGES OF PUBLIC OFFICERS**11. Obligations of public officers in relation to public service**

Subject to the provisions of the Constitution and any other written law, public officers shall—

- (a) owe allegiance and loyalty to the Government and shall advise on, develop and defend the policies of the Government at all times;
- (b) unreservedly tender advice to the Government in respect of the business of their ministry or department or district;
- (c) in performing their duties, be transparent, accountable, impartial and professional;
- (d) in performing their duties, exhibit expertise and integrity and portray a good image of the public service;
- (e) in performing their duties, apply such management techniques as may be prescribed to ensure economy, efficiency and cost effectiveness in service delivery; and
- (f) promote the growth and development of the private sector as the principal engine of growth of the economy.

12. Protection of public officers

In accordance with Article 173 of the Constitution, a public officer shall not be—

- (a) victimised or discriminated against for having performed his or her duties faithfully in accordance with the Constitution; or
- (b) dismissed or removed from office or reduced in rank or otherwise punished without just cause.

13. Performance evaluation and disciplining of public officers

(1) The evaluation of performance of public officers shall be based on such objective, open and interactive performance appraisal system as may be prescribed.

(2) Public officers shall be disciplined and removed from the public service only in accordance with laid down regulations and procedures.

(3) A public officer aggrieved by any administrative or other decision taken against him or her shall have a right to appeal to the relevant authority, including a court of law.

(4) The service commissions shall put in place a tribunal to handle appeals from public officers.

(5) Appeals shall be disposed of in a period not exceeding ninety days.

14. Rights and privileges of public officers

The rights and privileges of public officers shall be in accordance with the applicable law, including relevant statutory instruments, regulations and administrative instructions issued from time to time.

15. Participation in labour union activities by public officers

The participation of public officers in labour union activities shall be in accordance with the provisions of the Constitution and the applicable legislation providing for public service negotiating and disputes settlement machinery.

PART VI—MISCELLANEOUS

16. Power to amend Schedules

(1) The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to the Act.

(2) The Minister may, by statutory instrument, amend Schedule 2 to the Act in accordance with section 3 to reflect any changes in the Ministries specified in the Schedule.

17. Regulations

The Minister shall, by statutory instrument, after consultation with the Public Service Commission and other appropriate service commissions, make regulations for giving full effect to the provisions of this Act.

SCHEDULES

Sections 1, 16(1)

*Schedule 1***Cities of Uganda**

- | | |
|-------------------------|------------------|
| 1. Kampala Capital City | 7. Lira City |
| 2. Arua City | 8. Masaka City |
| 3. Fort Portal City | 9. Mbale City |
| 4. Gulu City | 10. Mbarara City |
| 5. Hoima City | 11. Soroti City |
| 6. Jinja City | |

Districts of Uganda

- | | |
|------------------|-----------------|
| 1. Abim | 26. Butaleja |
| 2. Adjumani | 27. Butambala |
| 3. Agago | 28. Butebo |
| 4. Alebtong | 29. Buvuma |
| 5. Amolatar | 30. Buyende |
| 6. Amudat | 31. Dokolo |
| 7. Amuria | 32. Gomba |
| 8. Amuru | 33. Gulu |
| 9. Apac | 34. Hoima |
| 10. Arua | 35. Ibanda |
| 11. Budaka | 36. Iganga |
| 12. Bududa | 37. Isingiro |
| 13. Bugiri | 38. Jinja |
| 14. Bugweri | 39. Kaabong |
| 15. Buhweju | 40. Kabale |
| 16. Buikwe | 41. Kabarole |
| 17. Bukedea | 42. Kaberamaido |
| 18. Bukomansimbi | 43. Kagadi |
| 19. Bukwo | 44. Kakumiro |
| 20. Bulambuli | 45. Kalaki |
| 21. Buliisa | 46. Kalangala |
| 22. Bundibugyo | 47. Kaliro |
| 23. Bunyangabu | 48. Kalungu |
| 24. Bushenyi | 49. Kamuli |
| 25. Busia | 50. Kamwenge |

51.	Kanungu	89.	Masindi
52.	Kapchorwa	90.	Mayuge
53.	Kapelebyong	91.	Mbale
54.	Karenga	92.	Mbarara
55.	Kasanda	93.	Mitooma
56.	Kasese	94.	Mityana
57.	Katakwi	95.	Moroto
58.	Kayunga	96.	Moyo
59.	Kazo	97.	Mpigi
60.	Kibaale	98.	Mubende
61.	Kiboga	99.	Mukono
62.	Kibuku	100.	Nabilatuk
63.	Kikuube	101.	Nakapiripirit
64.	Kiruhura	102.	Nakaseke
65.	Kiryandongo	103.	Nakasongola
66.	Kisoro	104.	Namayingo
67.	Kitagwenda	105.	Namisindwa
68.	Kitgum	106.	Namutumba
69.	Koboko	107.	Napak
70.	Kole	108.	Nebbi
71.	Kotido	109.	Ngora
72.	Kumi	110.	Ntoroko
73.	Kwania	111.	Ntungamo
74.	Kween	112.	Nwoya
75.	Kyankwanzi	113.	Obongi
76.	Kyegegwaa	114.	Omoro
77.	Kyenjojo	115.	Otuke
78.	Kyotera	116.	Oyam
79.	Lamwo	117.	Pader
80.	Lira	118.	Pakwach
81.	Luuka	119.	Pallisa
82.	Luwero	120.	Rakai
83.	Lwengo	121.	Rubanda
84.	Lyantonde	122.	Rubirizi
85.	Madi-Okollo	123.	Rukiga
86.	Manafwa	124.	Rukungiri
87.	Maracha	125.	Rwampara
88.	Masaka	126.	Sembabule

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| 127. Serere | 132. Tororo |
| 128. Sheema | 133. Wakiso |
| 129. Sironko | 134. Yumbe |
| 130. Soroti | 135. Zombo |
| 131. Terego | |

Municipalities of Uganda

- | | |
|----------------------|--------------------------|
| 1. Apac | 17. Kumi |
| 2. Bugiri | 18. Lugazi |
| 3. Bushenyi - Ishaka | 19. Makindye - Ssabagabo |
| 4. Busia | 20. Masindi |
| 5. Entebbe | 21. Mityana |
| 6. Ibanda | 22. Moroto |
| 7. Iganga | 23. Mubende |
| 8. Kabale | 24. Mukono |
| 9. Kamuli | 25. Nansana |
| 10. Kapchorwa | 26. Nebbi |
| 11. Kasese | 27. Njeru |
| 12. Kira | 28. Ntungamo |
| 13. Kisoro | 29. Rukungiri |
| 14. Kitgum | 30. Sheema |
| 15. Koboko | 31. Tororo |
| 16. Kotido | |
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Schedule 2

Sections 1, 3, 16(2)

Ministries of Government

Office of the President
Office of the Prime Minister
Ministry of Defence
Ministry of Public Service
Ministry of Foreign Affairs
Ministry of Justice and Constitutional Affairs
Ministry of Finance, Planning and Economic Development
Ministry of Internal Affairs
Ministry of Agriculture, Animal Industry and Fisheries
Ministry of Local Governments
Ministry of Education and Sports
Ministry of Health
Ministry of Trade, Industry and Cooperatives
Ministry of Works and Transport
Ministry of Gender, Labour and Social Development
Ministry of Water and Environment
Ministry of Information and Communications Technology and National Guidance
Ministry of Lands, Housing and Urban Development
Ministry of East African Community Affairs
Ministry of Energy and Mineral Development
Ministry of Tourism, Wildlife & Antiquities

Schedule 3

Section 1

Common Cadres in Public Service

Cadre	Technical	Ministry
1 Administrative Officers	Office of the President	Office of the President
2 Policy Analysts	Ministry of Finance, Planning and Economic Development	
3 Accountants and Auditors	Ministry of Finance, Planning and Economic Development	
4 Statisticians	Ministry of Finance, Planning and Economic Development	
5 Economists and Finance Officers	Ministry of Finance, Planning and Economic Development	
6 Procurement Officers	Ministry of Finance, Planning and Economic Development	
7 Inventory Management Officers	Ministry of Finance, Planning and Economic Development	
8 Human Resource Officers	Ministry of Public Service	
9 Secretarial Staff	Ministry of Public Service	
10 Records Staff	Ministry of Public Service	
11 Office Supervisors	Ministry of Public Service	
12 Information Technology Officers	Ministry of Information, Communications, Technology and National Guidance	
13 Systems Analysts	Ministry of Information, Communications, Technology and National Guidance	
14 System Administrators	Ministry of Information, Communications, Technology and National Guidance	
15 Data Management Officers	Ministry of Information, Communications, Technology and National Guidance	
16 Network Administrators	Ministry of Information, Communications, Technology and National Guidance	
17 Communication Officers	Ministry of Information, Communications, Technology and National Guidance	
18 Telephone Operators	Ministry of Information, Communications, Technology and National Guidance	

History: Act 9/2008; S.I. 41/2008; S.I. 11/2021

Cross References

Constitution

Local Governments Act, Cap. 138
