

CHAPTER 223

THE TRADE UNIONS ACT.

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CHAPTER 223

THE TRADE UNIONS ACT.

Commencement: 23 July, 1976.

An Act to amend and consolidate the law establishing and regulating the National Organisation of Trade Unions and providing for the formation by employees of autonomous trade unions and branch unions of their own choice, and for other purposes connected therewith.

Interpretation.

1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - (a) “affiliate union” means a registered trade union affiliated to the National Organisation of Trade Unions pursuant to section 2(1);
 - (b) “blood relation” includes a husband, wife, father, mother, child, brother, sister, nephew or niece;
 - (c) “branch union” means the branch of a registered trade union which is registered under section 15;
 - (d) “employee” means any person who has entered into or works under contract with an employer, whether the contract is a contract of manual labour, clerical work or otherwise, is expressed or implied or oral or in writing, and whether it is a contract of service or apprenticeship or a contract personally to execute any work;
 - (e) “employer” has the same meaning as is assigned to it under the Employment Act;
 - (f) “employees association” means any combination or association whether temporary or permanent of thirty or more persons in the same type of employment, or in the same trade or industry, whether agricultural or otherwise, the principal object of which is the regulation of the relations between the employees and their employers or between themselves whether or not it is required to notify its establishment under section 55;

- (g) “executive committee” includes the body, by whatever name called, to which the management of the affairs of the National Organisation of Trade Unions or a registered trade union are entrusted and the chairperson, the secretary and the treasurer of the National Organisation of Trade Unions or any registered trade union;
- (h) “financial year” means a period of twelve months ending on the thirty-first day of December;
- (i) “functions” includes powers and duties;
- (j) “High Court” means the High Court of Uganda;
- (k) “injury” includes any actionable wrong and an injury to a person in respect of his or her business, occupation, employment or other source of income;
- (l) “intimidate” means causing in the mind of a person reasonable apprehension of injury to that person, to any member of his or her family or to any of his or her dependents or for violence or damage to any person or property;
- (m) “investigator” means a person appointed to investigate the affairs of the National Organisation of Trade Unions or a registered trade union under section 61;
- (n) “lockout” means the closing of a place of employment or the suspension of work or the refusal by an employer to continue to employ or to reengage any number of persons employed by him or her in consequence of a dispute done with a view to compelling those persons or to aid another employer in compelling persons employed by him or her to accept terms or conditions of or affecting employment;
- (o) “Minister” means the Minister responsible for labour;
- (p) “minor” means a person who is under the apparent age of twenty-one years, but above the apparent age of sixteen;
- (q) “office expense fund” means a fund used solely for the purposes of defraying office rent, the salaries of menial or part-time office staff, the cost of stationery and postage and other office expenses;
- (r) “officer”, when used with reference to the National Organisation of Trade Unions or a trade union, includes any member of its executive committee, but does not include a trustee or an auditor;
- (s) “property” means any movable or immovable property;
- (t) “public trustee” means the public trustee appointed under section 1 of the Public Trustee Act;
- (u) “register” means the register of trade unions maintained by the registrar under section 5;

- (v) “registered office” means the office of the National Organisation of Trade Unions or a trade union which is registered under section 31 as the head office of the National Organisation of Trade Unions or a trade union;
- (w) “registered trade address” means the address of the National Organisation of Trade Unions or a trade union registered under section 31;
- (x) “registered trade union” means a trade union registered or deemed to be registered as a trade union under this Act;
- (y) “registrar” includes the person for the time being appointed by the Minister under section 3 to be or to act as registrar of trade unions and any person appointed under section 3 to be or to act as an assistant registrar of trade unions;
- (z) “relevant date” means the 24th day of May, 1974;
- (aa) “strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling the employer or any person or body of persons employed, or to aid other employees in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment;
- (bb) “trade dispute” means any dispute or difference between employers and employees or between employees and employees connected with the employment or nonemployment, or the terms of the employment, or with the conditions of labour, of any person;
- (cc) “trade union” means any combination, whether temporary or permanent, of a thousand or more persons other than an employees association, the principle objects of which are under its constitution, the regulation of the relations between employees and employers or between employees and employees or between employers and employees, whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its objects being in restraint of trade;
- (dd) “trade union tribunal” means the tribunal appointed under section 4;
- (ee) “welfare fund” means a fund used for welfare purposes subject to such restrictions or conditions as may be prescribed by the

Minister.

- (2) (a) Nothing in this Act—
shall affect any agreement—
(i) between partners as to their own business;
(ii) between an employer and those employed by him or her as to such employment; (iii) in consideration of the sum of the goodwill of a business or
(b) of instruction in a profession, trade or handicraft; or shall preclude the National Organisation of Trade Unions or any registered trade union from providing benefits for its members.

Establishment of the National Organisation of Trade Unions and registration of unions.

2. Establishment and functions of the National Organisation of Trade Unions.

(1) The National Organisation of Trade Unions established by the Trade Unions Act (Amendment) Decree, 1973 (published on the 8th day of December, 1973), and functioning immediately before the commencement of this Act, shall be the only principal organisation of employees in Uganda, and all registered trade unions shall affiliate thereto.

(2) The purposes for which the National Organisation of Trade Unions is established are—

- (a) to formulate policy relating to the proper management of trade unions and the general welfare of employees;
- (b) to coordinate and supervise the activities of trade unions in order to ensure that undertakings entered into by individual unions or by the National Organisation of Trade Unions on behalf of its affiliated unions are duly honoured;
- (c) to plan for and, in collaboration with other interested bodies or persons, administer workers education programmes;
- (d) to serve as a link between the registered trade unions on the one hand, and the Government and other international organisations on the other, regarding all matters of mutual interest; and
- (e) to serve generally as consultant on all matters relating to trade union affairs.

(3) The National Organisation of Trade Unions may provide in its

constitution or rules such other purposes, not being inconsistent with the purposes specified in subsection (2), as may, from time to time, be deemed necessary.

3. Registrars, etc.

(1) The Minister shall appoint a registrar of trade unions who shall be responsible for the due performance of the functions conferred upon the registrar by this Act.

(2) The Minister may appoint one or more assistant registrars of trade unions and such other officers as may be required for the purposes of this Act.

(3) No suit shall lie against any official appointed under this section for anything done or omitted to be done by him or her in good faith and without negligence and in the intended performance of any function conferred or imposed by this Act.

4. Appointment of a trade unions tribunal.

(1) The Minister shall, by statutory order, appoint a trade unions tribunal composed of not more than five persons for a period of three years to perform the functions assigned to it by this Act.

(2) Any person appointed under subsection (1) shall, at the expiry of his or her term, be eligible for reappointment.

5. Register of trade unions.

(1) The registrar shall keep and maintain in the prescribed manner a register of trade unions and such other books and documents as the Minister may direct in which he or she shall record or cause to be recorded such particulars as may be prescribed.

(2) A copy of an entry or an extract from the register of trade unions or other book or document maintained under this section, certified under the hand of the registrar, shall be prima facie evidence of the facts stated in the register.

6. Application for registration.

(1) An application for the registration of a trade union shall be made by the secretary of the trade union within sixty days from the date of its formation.

(2) The application shall have affixed to it a revenue stamp to the value of twenty-five shillings and shall contain or be accompanied by a copy of the constitution and the rules of the trade union and a statement of the following particulars—

- (a) the names, occupations and addresses of the members of the trade union;
- (b) the name of the trade union and the address of its registered office, and its registered postal address; and
- (c) the titles, names, ages, addresses and occupations of the officers of the trade union or proposed trade union.

(3) No trade union shall be registered unless it is composed of not less than one thousand registered members.

(4) Any trade union which fails to apply for registration within sixty days in accordance with the provisions of this section, and every officer of the trade union or other person acting as an officer of the trade union, or purporting so to act, commits an offence, and the trade union and every such person is liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding six months or to both.

(5) The registrar may, if he or she thinks fit, grant, on an application being made for that purpose, an extension of the period specified in subsection (1) for a period not exceeding two months.

7. Certificate of registration.

(1) Subject to this section and section 8, the registrar shall register a trade union in the prescribed manner and issue to the trade union a certificate of registration in the prescribed form.

(2) A certificate issued under this section shall, for all purposes, unless proved to have been cancelled or withdrawn, be conclusive evidence that the trade union has been duly registered under this Act.

(3) The registrar may, before the registration of a trade union, require further information for the purposes of satisfying himself or herself that the application for registration complies with this Act.

(4) No trade union shall be registered under this Act unless the officers of the trade union and the members of its executive committee or any other of its committee are persons who are citizens of Uganda.

(5) No trade union shall be registered by a name which, in the opinion of the registrar, is undesirable.

(6) Where it appears to the registrar that the proposed name of the trade union is identical with that by which any other registered trade union has been registered, or the proposed name so nearly resembles that name as to be likely to deceive and mislead the public or the members of either of the trade unions concerned, the registrar shall require the persons applying for registration to alter the name of the trade union stated in the application.

8. Refusal of registration.

(1) The registrar shall refuse to register any trade union if he or she is satisfied that—

- (a) the trade union has not complied with the provisions of this Act, or of any regulations made under the Act or of any request or order made by the registrar in respect of the registration of the trade union;
- (b) any one of the principal objects or the constitution or rules of the trade union is unlawful or conflicts with the provisions of this Act or regulations made under the Act;
- (c) the trade union is used for unlawful purposes;
- (d) any other registered trade union is sufficiently representative or is likely to become sufficiently representative of the interests in respect of which the application for registration is made;
- (e) any of the proposed officers of the trade union is a person who has been convicted of an offence involving fraud or dishonesty;
- (f) the principal objects of the combination seeking registration are not in accordance with those of a trade union as defined under section 1;
- (g) the combination seeking registration is an organisation consisting of persons engaged in or working at more than one trade or calling, and that its constitution and rules do not contain suitable

provision for the protection and promotion of their respective sectional industrial interests; (h) the funds of the trade union are being applied in an unlawful manner, or for an unlawful object or any object not authorised by this Act; or (i) the accounts of the trade union are not being kept in accordance with the provisions of this Act.

(2) The registrar shall, by notice in the Gazette, notify any registered trade union which appears to the registrar to represent the same interests as the applicants for an application for the registration of a trade union under this Act of the receipt of such application, and shall invite the registered trade union concerned to submit in writing, within a period to be specified in the notice, any objections which the registered trade union may wish to make against the registration.

(3) Subject to subsection (4), whenever the registrar refuses to register a trade union, he or she shall notify the applicants in writing of the grounds of the refusal, and the trade union shall be deemed to be dissolved with effect from the date of the notification.

(4) Where an applicant appeals against the decision of the registrar under section 10, and the appeal is dismissed, the trade union shall be deemed to be dissolved with effect from the date of the dismissal of the appeal.

(5) Any person acting as an official of a trade union which is deemed to be dissolved under this section or any person purporting so to act commits an offence and is liable to a fine not exceeding six hundred shillings, and in the case of a continuing offence to a fine not exceeding two hundred shillings for every day during which the offence continues.

(6) It shall not be an offence under this section for any person to act on behalf of a trade union deemed to be dissolved under this section for the purposes of—

- (a) any proceedings brought by or against any such trade union; or
- (b) dissolving such trade union and disposing of its funds in accordance with its rules.

9. Cancellation of registration.

- (1) The registrar shall cancel the registration of a registered trade union—
 - (a) at the request of the trade union upon its dissolution to be verified in such manner as the registrar may require;
 - (b) if he or she is satisfied that—
 - (i) the trade union has ceased to exist;
 - (ii) the registration of the trade union was obtained by fraud, misrepresentation or mistake;
 - (iii) any of the principal objects of the trade union is unlawful;
 - (iv) the constitution of the trade union or of its executive committee is unlawful;
 - (v) the funds of the trade union have been or are being expended in an unlawful manner or on an unlawful object, or on an object not authorised by this Act; or
 - (vi) the trade union has wilfully, and after notice from the registrar, contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any provision of this Act, or has rescinded any rule providing for any matter for which provision is required by section 32.
- (2) Upon the cancellation of the registration of a registered trade union, the certificate of registration shall cease to have effect and shall be forwarded to the registrar within one month of the cancellation of the registration.
- (3) The registration of a registered trade union may be cancelled by the registrar if he or she is satisfied that—
 - (a) the accounts of the trade union are not being kept in accordance with the provisions of this Act;
 - (b) the trade union, being an organisation consisting of persons engaged in or working at more than one trade or calling, and having a constitution and rules providing for the protection and promotion of the respective sectional industrial interests of its members, has failed to carry out those provisions of its constitution and rules.
- (4) The registrar shall give to every registered trade union the registration of which he or she proposes to cancel, at least two months'

previous notice in writing except only in cases falling within subsection (1).

(5) A registered trade union served with a notice under subsection (4) may, at any time within a period of two months from the date of the notice of cancellation, show cause in writing against the proposal to cancel its registration; and if such cause is shown, the registrar may hold such inquiry as he or she may consider necessary in the circumstances.

(6) The registrar may, after the expiration of the period of two months referred to in subsection (4), cancel the registration of any registered trade union which has failed to show cause under subsection (5) or which, having so shown cause, has failed to satisfy the registrar that its registration should not be cancelled.

(7) An order made by the registrar under this section cancelling the registration of any registered trade union shall specify briefly the grounds for the cancellation of the registration and shall immediately be served on the trade union affected thereby.

10. Appeals.

(1) Any applicant aggrieved by the refusal of the registrar to register a trade union, or any member of a registered trade union aggrieved by an order by the registrar under section 9, may, within one month from the date of refusal or order, appeal against that refusal or order to the trade unions tribunal.

(2) The trade unions tribunal may, on such appeal, make such order as it thinks proper, including any direction as to the costs of the appeal.

(3) Any appellant who is not satisfied with the decision of the trade unions tribunal under subsection (2) may, within two months from the date of the decision, further appeal to the High Court.

(4) The decision of the High Court on appeal under this section shall be final.

(5) The registrar shall be entitled to be heard on any appeal brought under this section.

11. Consequences of cancellation of registration.

(1) Whenever the registration of any registered trade union is cancelled under section 9—

- (a) the trade union, its officers and members shall cease to enjoy any of the rights, immunities or privileges of a registered trade union; and any liabilities incurred or to be incurred by the trade union may be enforced against the trade union and its assets;
- (b) the trade union shall be dissolved and its funds shall be disposed of in accordance with the rules of the trade union; and
- (c) no person shall, except for the purpose of defending or bringing legal proceedings or dissolving the trade union and disposing of its funds in accordance with the rules, take any part in its management or organisation, or act or purport to act on behalf of the trade union or as an officer of the trade union.

(2) If any registered trade union whose registration is cancelled is not dissolved within three months or such extended time as the registrar may in any particular case allow, after the date of the cancellation or the date of the dismissal of an appeal against the cancellation, the registrar shall refer the matter to the trade unions tribunal.

(3) The trade unions tribunal may direct the registrar to remove or suspend any officer or any person acting as an officer of the trade union, and the registrar shall comply with such direction.

(4) If an officer or any person acting as an officer of a trade union is removed or suspended under subsection (3), another officer may be appointed or elected, as the case may be, to fill the vacancy of the officer removed or suspended.

(5) Any officer or other person acting as an officer who is removed or suspended pursuant to the direction given by the trade unions tribunal under subsection (3) may, within two months from the date of the direction, appeal to the High Court.

(6) The decision of the High Court on an appeal under this section shall be final.

(7) The registrar shall be entitled to be heard on any appeal brought under this section.

(8) Whenever the registration of a registered trade union is cancelled, the certificate of registration shall, within one month of the cancellation, be sent to the registrar and, if the provisions of this subsection are not complied with, every officer of the trade union may be dealt with in accordance with subsection (3).

12. Power of registrar to interdict or suspend certain officers, etc.

(1) The registrar may interdict or suspend any officer or any person acting as an officer of a registered trade union if he or she is satisfied that that officer or person is guilty of—

- (a) misuse;
- (b) misappropriation; or
- (c) mismanagement, of the funds or affairs of the trade union.

(2) Where the registrar interdicts or suspends any officer or person under subsection (1), he or she shall immediately forward to the trade unions tribunal a certified copy of his or her decision, and the trade unions tribunal may confirm, modify or alter the decision of the registrar.

(3) The trade unions tribunal may direct the registrar to remove or reinstate any such officer or person, and the registrar shall comply with that direction.

(4) Any officer or other person removed under subsection (3) may, within a period of two months from the date of the direction, appeal to the High Court, and section 11(6) and (7) shall thereupon apply.

13. Unregistered trade unions prohibited from carrying on business.

(1) No trade union or any of its members shall perform any act in furtherance of the objects for which it has been formed unless the trade union has been registered in accordance with this Act.

(2) Subsection (1) shall not apply to a person taking part in the management or organisation of the trade union or acting on behalf of or as an officer of the trade union for the purpose of—

- (a) any proceedings brought by or against the trade union; or
- (b) dissolving the trade union and disposing of its funds in

accordance with its rules.

(3) Any trade union which fails to apply for registration under and in accordance with this Act shall not enjoy any of the rights, immunities or privileges of a registered trade union, nor shall its officers or members enjoy any of the rights, immunities or privileges accorded to the officers and members of a registered trade union.

(4) Any trade union, any of its officers, and any person acting as an officer of the trade union or purporting so to act, who contravenes subsection (1), commits an offence and is liable to a fine not exceeding five hundred shillings, and in the case of a continuing offence to a fine not exceeding two hundred shillings for each day during which the offence continues.

14. Information required by the Minister from the National Organisation of Trade Unions.

(1) The Minister may, in writing, order any officer of the National Organisation of Trade Unions to furnish, within a stated time, such particulars as appear to the Minister necessary about any association or organisation to which the National Organisation of Trade Unions may be affiliated.

(2) Any officer who, when so required, fails to furnish within a stated time such particulars as it is in his or her power to give or who knowingly furnishes false particulars, commits an offence and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand shillings or to both.

15. Registration of branch unions.

(1) A registered trade union may, for the proper management of its affairs, form such number of branch unions as it may deem fit.

(2) An application for the registration of a branch of a registered trade union shall be made by the secretary of the registered trade union within sixty days from the date of its formation.

(3) The application shall be signed by the secretary, and accompanied by the prescribed fee and shall contain the following particulars—

(a) the name of the registered trade union, the name of the branch,

the postal address of the branch office or of the place of meeting for carrying out the business of the branch; and (b) the titles, names, ages, addresses and occupations of the officers of the branch.

(4) Whenever any branch of the registered trade union is dissolved, notice of dissolution shall be given by the secretary of the branch union to the registrar who shall, subject to subsections (5) and (6), cancel the registration of the branch union.

(5) Before registering a branch of a registered trade union or cancelling the registration of a branch union, the registrar may require the production of such evidence relating to the formation or dissolution of the branch union as he or she deems necessary.

(6) If after such inquiry as the registrar deems necessary the registrar is not satisfied as to the validity or propriety of the purported formation or dissolution of a branch of a trade union, he or she may refer the matter to the trade unions tribunal which shall inquire into the matter and make its recommendations to the registrar, who shall register or refuse to register the branch, or cancel the registration of the branch union in accordance with the recommendations.

(7) Whenever the registrar has reason to believe that a branch union has been dissolved, or that it has ceased to function, he or she may refer the matter to the trade unions tribunal which shall inquire into the matter and send its report together with its recommendations to the registrar who shall, if the tribunal so recommends, cancel the registration of the branch union.

(8) Any person acting or purporting to act as an officer of a branch of a trade union which has not been registered or of which the registration has been cancelled commits an offence and is liable to a fine not exceeding two thousand shillings.

(9) For the avoidance of doubt, it is declared that this Act shall, except where the context or the subject matter otherwise requires, apply to branch unions registered under this Act as they apply to registered trade unions.

Rights and liabilities.

16. Benefits of registration.

On the registration of a trade union under this Act, the registered trade union shall enjoy all the rights, immunities or privileges of a registered trade union conferred on a registered trade union by this Act.

17. Rights, immunities, etc.

(1) The rights, immunities or privileges conferred by this Act on the National Organisation of Trade Unions or a registered trade union shall be as follows—

- (a) no suit or other legal proceedings shall be maintainable in any civil court against the National Organisation of Trade Unions or any registered trade union or any officer or member of the National Organisation of Trade Unions or registered trade union in respect of any act done in contemplation or in furtherance of a dispute concerning the National Organisation of Trade Unions or registered trade union to which a member of the National Organisation of Trade Unions is a party on the ground only that such an act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the rights of some other person to dispose of his or her capital or his or her labour as he or she wills;
- (b) a suit against the National Organisation of Trade Unions or a registered trade union or against any member or officer thereof on behalf of themselves and all other members of the National Organisation of Trade Unions or a registered trade union in respect of any tortious act alleged to have been committed by or on behalf of the National Organisation of Trade Unions or a registered trade union shall not be entertained by any court;
- (c) the objects of the National Organisation of Trade Unions or a registered trade union shall not by reason only that they are in restraint of trade— (i) be deemed to be unlawful so as to render any member of the National Organisation of Trade Unions or a registered trade union liable to criminal prosecution for conspiracy or otherwise; or (ii) be unlawful so as to render void or voidable any agreement

or trust;

- (d) a registered trade union may sue or be sued under its registered name;
- (e) every employer shall be bound to recognise a registered trade union to which at least 51 percent of his or her employees have freely subscribed their membership and in respect of which the registrar has issued a certificate under his or her hand certifying the registered trade union to be a negotiating body with which the employer is to deal in all matters affecting the relationship between the employer and those of his or her employees who fall within the scope of membership of the registered trade union.

(2) For the purpose of subsection (1)(e), whenever an employer refuses to deal with a registered trade union as provided in that subsection, the trade union shall report the facts to the Minister who shall call upon the employer to show cause in writing within twenty-eight days why the trade union is not been so recognised.

(3) Where the Minister is not satisfied with the cause shown by the employer under subsection (2) or the Minister considers that the public interest so requires, the Minister may, by statutory order and after informing the parties concerned, declare that the registered trade union shall deal in respect of all matters relating to the relations of the employer with those of his or her employees who fall within the scope of membership of that trade union.

(4) Any person who fails to show cause as required under subsection (2) or does not recognise the registered trade union as declared under subsection (3) commits an offence and is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years, and in the case of a continuing offence, to a fine of one hundred shillings for every day during which the offence continues.

(5) Where an offence under this section is committed by a body corporate, every director or other officer of the body corporate is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding five years unless he or she proves that he or she took all necessary steps to prevent the commission of the offence.

18. Liability in contract.

(1) The National Organisation of Trade Unions and every registered trade union shall be liable on any contract not being a contract which is void or unenforceable at law, entered into by it or by an agent acting on its behalf.

(2) Nothing in this Act shall be deemed to constitute any of the following agreements unlawful, nor shall a court entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any such agreements, namely—

- (a) any agreement between members of a registered trade union as such, concerning the conditions on which any members for the time being of the trade union shall or shall not sell their goods, transact business, employ or be employed;
- (b) any agreement for the payment by any person of any subscription or penalty to a registered trade union;
- (c) any agreement for the application of the funds of a registered trade union— (i) to provide benefits to members, other than a benefit under a contributory provident fund or pensions scheme; or (ii) to furnish contributions to any employer or employee who is not a member of the trade union in consideration of the employer or employee acting in conformity with the rules or regulations of the trade union; or (iii) to discharge any fine imposed upon any member or employee of the trade union by sentence of a court of competent jurisdiction;
- (d) any agreement made between one registered trade union and another; or
- (e) any bond to secure the performance of any of the above-mentioned agreements.

19. Proceedings by and against unions.

(1) A registered trade union may sue, be sued or be prosecuted under the name by which it has been operating or is generally known.

(2) A trade union whose registration has been cancelled may sue, be sued or be prosecuted under the name by which it was registered.

(3) Execution for any money recoverable from any trade union in

civil proceedings may issue against any property belonging to or held in trust for the trade union other than its benevolent fund.

(4) Any fine ordered to be paid by any trade union may be recovered by distress and sale of any property belonging to or held in trust for such trade union in accordance with the provisions of the Magistrates Courts Act.

(5) No distress shall be levied on any provident or benevolent fund kept by a trade union unless the court so orders.

20. Membership of minors.

- (1) Subject to the rules of the registered trade union, a minor—
 - (a) may be a member of a registered trade union; and
 - (b) shall enjoy all the rights of a member except as otherwise provided in this Act.

(2) A minor shall have capacity to execute all instruments and give all acquittances necessary to be executed or given under the constitution or rules of the registered trade union of which he or she is a member.

(3) A minor shall not be a member of the executive or a trustee of the National Organisation of Trade Unions or a registered trade union.

21. Officers of the National Organisation of Trade Unions and registered trade unions.

(1) Subject to this section and to the permission of the registrar, all officers of the National Organisation of Trade Unions or a registered trade union, other than the secretary and treasurer, shall be persons who have been and still are engaged or employed for a period of not less than one year in an industry or occupation with which the National Organisation of Trade Unions or the trade union is directly concerned; and no officer of the National Organisation of Trade Unions shall hold an office in any registered trade union, nor shall an officer of a registered trade union hold office in another trade union, but such officer may hold an office in the National Organisation of Trade Unions.

(2) An officer of the National Organisation of Trade Unions or a registered trade union shall not be required to relinquish his or her office only on account of his or her ceasing to be employed in the industry or occupation

with which his or her trade union is directly concerned.

(3) No person shall hold office in the National Organisation of Trade Unions or in a registered trade union who has been convicted of any offence involving fraud or dishonesty.

(4) No person shall hold office in the National Organisation of Trade Unions or in a registered trade union on a full-time basis if he or she is employed in any other institution where such person is paid a regular salary.

22. Voting members of the National Organisation of Trade Unions and registered trade unions.

(1) No person shall be a voting member of the National Organisation of Trade Unions or of a registered trade union unless he or she is a member thereof and is employed or resident in Uganda.

(2) Without prejudice to any shorter period specified in the constitution or rules of the National Organisation of Trade Unions or a registered trade union, no person shall be a voting member of the National Organisation of Trade Unions or that trade union if his or her monthly subscription is more than thirteen weeks in arrears.

23. Alterations to constitution and rules, etc.

(1) Subject to this Act and to the conditions contained in its constitution or rules, the National Organisation of Trade Unions or a registered trade union may alter or add to its objects or to its constitution or rules.

(2) Notwithstanding this section, no alteration or additions to the name, other than the name of the National Organisation of Trade Unions, or objects of the National Organisation of Trade Unions or a registered trade union shall be valid unless notice in writing containing particulars of the proposed alteration or addition has first been given to the registrar and he or she has signified in writing that he or she approves the proposed change.

24. Annual general meetings.

(1) The National Organisation of Trade Unions and every registered trade union shall, in each calendar year, hold a general meeting as its annual

general meeting in addition to any other meetings in that year, and shall specify the meeting as such in the notice calling it.

(2) Not more than fifteen months shall elapse between the date of one annual general meeting of the National Organisation of Trade Unions or a registered trade union and that of the next.

(3) In the case of the first annual general meeting of a registered trade union, the period of fifteen months specified in subsection (2) shall be calculated from the date of its formation.

(4) If default is made in holding an annual general meeting in accordance with subsections (1), (2) and (3), the registrar shall call or direct the calling of an annual general meeting of the National Organisation of Trade Unions or the registered trade union, as the case may be, and give such ancillary or consequential directions modifying or supplementing, with immediate effect in relation to the calling, holding and conducting of the meeting, the operation, constitution or rules of the National Organisation of Trade Unions or the trade union.

(5) Directions given by the registrar under subsection (4) shall include a direction that a certain number of members of the National Organisation of Trade Unions or the registered trade union present in person shall be deemed to constitute the annual general meeting for the year notwithstanding the terms of the constitution or rules of the National Organisation of Trade Unions or the trade union, unless a meeting so held is not held in the year in which the default in holding the National Organisation of Trade Unions or the trade union's annual general meeting occurred.

(6) An annual general meeting held under subsections (4) and (5) shall not be adjourned for any reason without the permission of the registrar.

(7) If default is made in holding an annual general meeting in accordance with subsection (1) or in complying with any directions of the registrar under subsections (4) and (5), the registrar may refer the matter to the trade unions tribunal, and every officer of the National Organisation of Trade Unions or the trade union concerned may be dealt with in accordance with section 11(3).

25. Extraordinary general meeting.

(1) The executive committee of the National Organisation of Trade Unions or a registered trade union notwithstanding anything in its constitution or rules shall, on the requisition of not less than one-tenth of its members, immediately proceed to convene an extraordinary general meeting of the National Organisation of Trade Unions or the trade union, as the case may be.

(2) The requisition shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the registered office of the National Organisation of Trade Unions or the concerned trade union.

(3) If the executive committee does not, within twenty-one days from the date of the deposit of the requisition, proceed duly to convene a meeting to be held not later than forty days after the date of the deposit, the requisitionists or any of them representing more than one of their number may themselves convene a meeting; but any meeting so convened shall not be held after the expiration of three months of the date of the deposit.

(4) If default is made in holding a meeting in accordance with subsection (1), the registrar may refer the matter to the trade unions tribunal, and any officer of the National Organisation of Trade Unions or the registered trade union concerned may be dealt with in accordance with section 11(3).

26. Record of meetings, etc.

(1) The National Organisation of Trade Unions and every registered trade union shall cause minutes of all proceedings of general meetings and of all proceedings at meetings of its executive committee to be entered in books kept for that purpose, and a copy of the minutes shall be forwarded to the registrar.

(2) Any such minutes if purporting to be signed by the chairperson of the meeting at which they were recorded or by the chairperson of the next succeeding meeting or meeting of the executive committee, as the case may be, shall be prima facie evidence of the facts contained in the minutes.

(3) Where minutes have been recorded in accordance with this section, the meeting shall, until the contrary is shown, be deemed to have

been duly held and convened and all its proceedings to have been duly taken; and all appointments or dismissals of officers arising from the meeting shall be deemed to be valid.

(4) If the national organisation of trade unions or a registered trade union fails to comply with subsection (1), the registrar may refer the matter to the trade unions tribunal, and any officer of the National Organisation of Trade Unions or the concerned trade union may be dealt with in accordance with section 11(3).

27. Custody of record of minutes.

(1) The book containing the minutes of proceedings of any general meeting of the National Organisation of Trade Unions or a registered trade union and proceedings of its executive committee shall be kept at the registered office of the National Organisation of Trade Unions or the trade union and shall be open to the inspection of any member or the registrar or anyone authorised in that behalf by the registrar for not less than one hour in each day without charge; and where the National Organisation of Trade Unions or the trade union does not exhibit a notice at the registered office specifying the time for such inspection, then any person entitled to inspect the books under this section shall be entitled to do so immediately on application.

(2) Any member of the National Organisation of Trade Unions or a registered trade union shall be entitled to be furnished, within fourteen days after he or she has made a request for that purpose to the National Organisation of Trade Unions or the trade union, with a copy of any such minutes as aforesaid at a charge not exceeding one shilling for every hundred words.

(3) If any inspection required under this section is refused or if any copy required under this section is not sent or delivered within the proper time, every officer of the union who is in default commits an offence and is liable on conviction, in respect of each offence, to a fine not exceeding one hundred shillings.

28. Amalgamation of registered trade unions.

Any two or more registered trade unions may, with the prior consent in writing of the registrar and subject to any conditions as may be specified by

the registrar, amalgamate together as one trade union in any case in which at least 50 percent of the delegates called for that purpose agree that the trade union concerned may enter into any such amalgamation.

29. Registration of amalgamated trade unions.

(1) Notice in writing containing such particulars as may be prescribed shall be given immediately to the registrar of every amalgamation of registered trade unions signed jointly by the secretaries of the unions concerned and by five members of each amalgamated trade union which is a party to the amalgamation and endorsed by the general secretary of the National Organisation of Trade Unions.

(2) If the registrar is satisfied that section 28 has been complied with and that the trade union formed thereby would be entitled to be registered under this Act, the registrar shall approve of the proposed amalgamation and register the trade union in the prescribed manner; and the amalgamation shall have effect from the date of the registration.

(3) Any person aggrieved by the refusal of the registrar to signify his or her approval to a proposed amalgamation of any two or more registered trade unions may appeal against the refusal to the Minister whose decision, after consultation with the trade unions tribunal, shall be final.

30. Effect of change of name.

(1) A change in the name of a registered trade union shall not affect any right or obligation of the trade union or render defective any legal proceedings by or against a registered trade union, and any legal proceedings which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

(2) An amalgamation of two or more registered trade unions shall not prejudice any right of either or any of such trade unions or any right of a creditor of any of them.

31. Registered office and postal address.

(1) The National Organisation of Trade Unions and every registered trade union shall have a registered office and a registered postal address to

which all communications and notices may be addressed.

(2) Notice of the situation of the registered office and the registered postal address and of any change in them shall be given to the registrar and shall be registered by him or her; and the National Organisation of Trade Unions or any registered trade union shall be deemed not to have complied with this Act until such notice has been given.

(3) If the National Organisation of Trade Unions or any registered trade union—

- (a) operates without having a registered office and a registered postal address or without giving notice of the situation of its registered office as required under this section; or
- (b) operates at any place to which its registered office may have been removed without having given notice of the change in the situation thereof to the registrar,

the National Organisation of Trade Unions or the trade union concerned and every officer of the National Organisation of Trade Unions or the trade union concerned in default commits an offence and is liable to a fine not exceeding five hundred shillings.

32. Constitution or rules.

(1) The constitution or rules of the National Organisation of Trade Unions and of every registered trade union shall provide for the matters specified in the First Schedule to this Act and shall not be so altered or amended as to cease to contain provision in respect of all such matters.

(2) A copy of every new rule and every amendment made to the constitution or rules of the National Organisation of Trade Unions or a registered trade union signed by the executive committee of the National Organisation of Trade Unions, or, as the case may be, the trade union, shall be sent to the registrar within fourteen days of the making of such rule or amendment and shall be registered by the registrar upon payment of the prescribed fee if he or she is satisfied that the requirements of this Act concerning such amendment of the constitution or rules have been complied with.

(3) Every amendment of the constitution or rules of the National Organisation of Trade Unions or a registered trade union shall take effect from the date of registration thereof by the registrar unless some later date is

specified in this behalf.

(4) If the National Organisation of Trade Unions or any registered trade union fails to comply with this section, the registrar may refer the matter to the trade unions tribunal, and any officer of the National Organisation of Trade Unions or the trade union concerned may be dealt with in accordance with section 11(3).

33. Copies of rules.

A copy of the constitution or rules of the National Organisation of Trade Unions or of a registered trade union shall be delivered by the National Organisation of Trade Unions or the trade union to any person becoming a member thereof and to any person entitled to apply to become a member of the National Organisation of Trade Unions or the trade union on demand and on payment of a sum of money not exceeding one shilling.

34. Notification of changes of officers, etc.

(1) A notice of all changes of officers or trustees and their titles shall be prominently exhibited in the registered office of the National Organisation of Trade Unions and every registered trade union.

(2) Notice of all changes of officers or trustees shall, within fourteen days of the change, be sent to the registrar by the secretary of the National Organisation of Trade Unions or the registered trade union concerned, together with the prescribed fee, and the registrar shall, subject to subsections (4) and (5), register the change accordingly.

(3) If default is made in complying with this section, the registrar may refer the matter to the trade unions tribunal, and any officer of the National Organisation of Trade Unions or the trade union who is in default may be dealt with in accordance with section 11(3).

(4) Before registering any change of officers or trustees or correcting any register, the registrar may require the production of such evidence in relation to the change of officers or trustees or the correction asked for as he or she deems necessary to satisfy himself or herself as to the validity or propriety of the change.

(5) If, after such inquiry as he or she deems necessary, the registrar

is not satisfied as to the validity of any appointment or the propriety of any proposed correction to the register, he or she may refer the matter to a tribunal composed of one or more independent persons appointed by the Minister; and the tribunal shall inquire into the matter and make its recommendations thereon to the registrar who shall thereupon register or refuse to register the change in officers or trustees or correct or refuse to correct the register in accordance with the recommendations.

(6) No change of officers or trustees shall have effect until registered by the registrar.

35. Notification of dissolution.

When a registered trade union is dissolved, notice containing such particulars as may be prescribed of the dissolution signed by seven members and by the secretary of the registered trade union shall, within fourteen days of the dissolution, be sent to the registrar and shall be registered by the registrar if he or she is satisfied that the dissolution has been effected in accordance with the constitution or rules of the trade union, and the dissolution shall have effect from the date of the registration.

36. Trustees.

(1) The constitution or rules of the National Organisation of Trade Unions and every registered trade union shall provide for the appointment or election of trustees and for the filling of vacancies in the office of trustees so that, as far as may be, there shall always be at least three trustees of the National Organisation of Trade Unions.

(2) No officer of the National Organisation of Trade Unions or of a registered trade union shall be a trustee, and no person shall be appointed or elected a trustee of the National Organisation of Trade Unions unless he or she is a member of a registered trade union nor shall any person be appointed or elected a trustee of a registered trade union unless he or she is a member of that trade union.

(3) A bank approved by the registrar may be appointed a trustee.

37. Property of the National Organisation of Trade Unions vests in trustees.

(1) Any property belonging to the National Organisation of Trade Unions—

- (a) shall vest in the trustees for the time being of the National Organisation of Trade Unions for the use and benefit of the National Organisation of Trade Unions and its members; and
- (b) shall be under the control of the trustees.

(2) Upon the death or removal of any trustee, the property shall vest in the succeeding trustees for the same estate and interest as the former trustee had in the property and subject to the same trusts without any conveyance or assignment whatever.

(3) In all actions or suits or prosecutions before any court touching or concerning any such property, the property shall be stated to be the property of the persons for the time being holding the office of trustees in their proper names as trustees of the National Organisation of Trade Unions without any further description.

(4) The trustees shall deal with any property held by them for or on behalf of the National Organisation of Trade Unions in such manner as the executive committee shall order.

(5) No disposal of any property of the National Organisation of Trade Unions shall be made unless the trustees are satisfied that the executive committee has acted lawfully and in accordance with the constitution or rules of the National Organisation of Trade Unions.

38. Power of registered trade union to hold land.

(1) Notwithstanding the Trustees Incorporation Act, the National Organisation of Trade Unions and any registered trade union may purchase or take upon lease in the name of its trustees any land and may sell, exchange, mortgage or let the same.

(2) No purchaser, assignee, mortgagee or tenant shall be bound to inquire whether the trustees have any authority for any sale, exchange, mortgage or letting, and the receipts of the trustees shall be a discharge for the money arising therefrom.

39. Funds of the National Organisation of Trade Unions and registered trade unions.

(1) The funds of the National Organisation of Trade Unions shall consist of—

- (a) subscriptions from affiliate member unions;
- (b) investments; and
- (c) donations, and shall be kept by the treasurer of the National

Organisation of Trade Unions.

(2) The funds of a registered trade union shall consist of—

- (a) subscriptions from its members;
- (b) investments;
- (c) donations; and
- (d) contributions made by an employee in accordance with regulations made under section 69(2)(g),

and shall be kept by the treasurer of that trade union.

(3) The rate of subscriptions to the National Organisation of Trade Unions by every affiliate member union referred to in subsection (1)(a) shall be determined by the Minister by statutory order.

40. Estimates and expenditure.

(1) The National Organisation of Trade Unions and every registered trade union shall cause estimates of income and expenditure of both revenue and capital for the coming period of twelve months to be submitted at least one month before the end of its financial year.

(2) The estimates of income and expenditure referred to under subsection (1) shall be submitted to the annual delegates conference of the National Organisation of Trade Unions or, as the case may be, the registered trade union for approval, and if they are approved, the National Organisation of Trade Unions or the trade union concerned may incur expenditure for the purposes of running its affairs; so, however, that the amount spent shall not exceed the amount approved by the annual delegates conference for that financial year.

41. Restriction on foreign aid.

Notwithstanding any provision of this Act or any other written law to the contrary, the National Organisation of Trade Unions or any registered trade union shall not enter into any agreement for aid of any nature with any foreign country or organisation without consultation with, and approval of, the Minister.

Finance.

42. Application of funds.

The funds of the National Organisation of Trade Unions or a registered trade union may, subject to the provisions of this Act and to the constitution or rules thereof, be expended only for the following objects—

- (a) the payment of salaries, allowances and expenses to officers of the National Organisation of Trade Unions or the trade union;
- (b) the payment of expenses for the administration of the National Organisation of Trade Unions or the trade union, including audit of the accounts of the funds;
- (c) the prosecution or defence of any legal proceedings to which the National Organisation of Trade Unions or the trade union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the National Organisation of Trade Unions or the trade union as such or any rights arising out of the relations of any member thereof with his employer or with a person whom such member employs;
- (d) the conduct of any trade dispute on behalf of the National Organisation of Trade Unions or the trade union or any member thereof;
- (e) the compensation of members of the National Organisation of Trade Unions or the trade union for loss arising out of a trade dispute;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the payment of subscription and fees to any federation or congress of trade unions to which the National Organisation of Trade Unions, after consultation with the Minister, may be affiliated;
- (h) the payment of expenses for the education of members; and

- (i) any other object which the Minister may, on the application of the National Organisation of Trade Unions, by statutory order, declare to be an object for which such funds may be expended, subject to such conditions as the Minister may, by the same or any subsequent order, direct.

43. Prohibition of payment of fines or penalties.

(1) The funds of the National Organisation of Trade Unions or a registered trade union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any person by sentence or order of a court other than a fine or penalty imposed upon the National Organisation of Trade Unions or the trade union under this Act.

(2) The Minister may restrain any unauthorised or unlawful expenditure of the funds of the National Organisation of Trade Unions or a registered trade union on the application of five or more persons having sufficient interest in the relief sought or on the application of the registrar.

(3) In restraining such expenditure the Minister, in the case of the dissolution of a registered trade union upon the cancellation of its registration, may order that the funds of that trade union be paid over to the public trustee for disposal in accordance with the constitution or rules of that trade union.

44. Books of account, etc.

(1) The National Organisation of Trade Unions and every registered trade union shall cause to be kept proper books of account as are necessary to give a true and fair view of the financial position of the National Organisation of Trade Unions or the trade union, as the case may be, and explain its transaction and, more particularly, with respect to—

- (a) all sums of money received and expended by the National Organisation of Trade Unions or the trade union and the matters in respect of which the receipt and expenditure takes place; and
- (b) the assets and liabilities of the National Organisation of Trade Unions or the trade union.

(2) The books of account shall be kept at the registered office of the National Organisation of Trade Unions and the trade union concerned, as the

case may be, or at such other place in Uganda as the executive committee thinks fit and shall at all reasonable times be open to inspection by the members of the executive committee.

(3) The registrar or his or her representative may inspect the books of account kept under this section at any time he or she may think fit.

(4) Any officer of the National Organisation of Trade Unions or of a registered trade union who fails to take all reasonable steps to secure compliance by the National Organisation of Trade Unions or the trade union with the requirements of this section, or has by his or her own wilful act been the cause of any default by the National Organisation of Trade Unions or the trade union under this section commits an offence and is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding two thousand shillings.

(5) No person shall be sentenced to imprisonment under this section unless, in the opinion of the court, the offence was committed wilfully.

45. Circulation of accounts.

(1) The treasurer of the National Organisation of Trade Unions and that of every registered trade union shall, once at least in every calendar year at intervals of not more than fifteen months, cause to be prepared and sent to the annual delegates conference of the National Organisation of Trade Unions or, as the case may be, the trade union, a balance sheet in such form as the Minister may prescribe, which shall give a true and fair view of the state of the financial affairs of the National Organisation of Trade Unions or the trade union at the end of the financial year.

(2) The balance sheet prepared under subsection (1) shall be audited by an auditor appointed by the Minister, and for this purpose the auditor shall be entitled to have access to all books and documents relating to the accounts of the National Organisation of Trade Unions or a registered trade union.

(3) Any person who obstructs or in any manner hinders an auditor in the discharge of his or her functions under subsection (2) commits an offence and is liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months.

(4) Notwithstanding subsections (1), (2) and (3), every treasurer of

the National Organisation of Trade Unions or a registered trade union and every other officer thereof who is responsible for the accounts of the National Organisation of Trade Unions or the trade union or for the collection, disbursement, custody or control of the funds or monies thereof shall, upon resigning or vacating his or her office, or at any other time when required so to do by a resolution of the members of the National Organisation of Trade Unions or the trade union, or the registrar, as the case may be, furnish a statement of just and true account of all monies received and paid by him or her during the period which has elapsed since the date of his or her assuming office.

(5) The statement of account referred to in subsection (4) shall include the balance of any monies remaining in his or her hands and of all bonds, securities or other property of the National Organisation of Trade Unions or the registered trade union entrusted to his or her custody or are under his or her control.

(6) An account prepared by the treasurer of the National Organisation of Trade Unions or a registered trade union or other officer who is responsible for the accounts of the National Organisation of Trade Unions or the trade union, on resignation or vacation of office, shall also be audited by the auditor appointed under subsection (2), and the provisions of this section relating to the powers of an auditor appointed under this section shall apply.

(7) After the auditing of the accounts as provided for by subsection (6), the treasurer or other officer concerned shall immediately hand over to the trustees of the National Organisation of Trade Unions or the trade union the balance (if any) due from him or her and all bonds, securities, effects, books, papers and property in his or her hands or custody or otherwise under his or her control.

46. Annual returns.

(1) The National Organisation of Trade Unions and every registered trade union shall furnish annually to the registrar on or before the prescribed date in each year a copy of the balance sheet prepared and audited in accordance with section 45, together with a copy of the auditor's report thereon.

(2) Together with the balance sheet referred to in subsection (1), the National Organisation of Trade Unions or the registered trade union shall

furnish to the registrar copies of all amendments to its constitution or rules, and a list of all changes of officers or trustees made by the National Organisation of Trade Unions or the trade union during the period of twelve months preceding the thirty-first day of December and a copy of the rules of the National Organisation of Trade Unions or the trade union as in force on that day.

(3) If the National Organisation of Trade Unions or any registered trade union fails to comply with subsection (1), the registrar may refer the matter to the trade unions tribunal, and any officer of the National Organisation of Trade Unions or the trade union concerned may be dealt with in accordance with section 11(3).

(4) Any person who wilfully or knowingly makes or orders or causes or procures to be made any false entry in or omission from any document delivered to the registrar under this section commits an offence and is liable to imprisonment for a term not exceeding three years.

47. Inspection of accounts and documents.

The books of account of the National Organisation of Trade Unions or a registered trade union and a list of the members thereof shall be open to inspection by any officer or member of the National Organisation of Trade Unions or the trade union at such times as may be provided for in the rules of the National Organisation of Trade Unions or the trade union, and by the registrar or any person authorised in that behalf in writing by the registrar, at any reasonable time.

48. Obstructing inspection by registrar.

Any person who opposes, obstructs or in any other manner whatsoever hinders the registrar or any person authorised by the registrar under section 47 in carrying out an inspection under that section commits an offence and is liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both.

49. Power to call for detailed accounts.

(1) In addition to any other provisions of this Act relating to the tendering of accounts, the registrar may, at any time, direct the treasurer, the committee management or other proper officer of the National Organisation

of Trade Unions or a registered trade union to render details of accounts, vouched in such manner as the registrar may require, of the funds of the National Organisation of Trade Unions or the trade union in respect of any particular period, and such accounts shall show in particular such information as the registrar may require.

(2) If an officer of the National Organisation of Trade Unions or a registered trade union fails to comply with a direction made by the registrar under subsection (1), the registrar may refer the matter to the trade unions tribunal, and the officer may be dealt with in accordance with section 11(3).

(3) For the purpose of this section, the officer referred to in subsections (1) and (2) shall include any person who has held any such office whether or not any such person is or is not at the relevant time a member of the National Organisation of Trade Unions or the registered trade union.

50. Prohibition of officers from holding office or controlling funds.

(1) A member of the National Organisation of Trade Unions or of a registered trade union, or the registrar, may make an application to the trade unions tribunal to prohibit an officer of the National Organisation of Trade Unions or the trade union from holding or controlling the funds of the National Organisation of Trade Unions or the trade union, and the trade unions tribunal, if it is satisfied that there is a prima facie case against the officer for the fraudulent misuse of the funds of the National Organisation of Trade Unions or the trade union, or that such an officer is disqualified under section 21 from holding office in the National Organisation of Trade Unions or the trade union, may grant the application.

(2) Any person who is aggrieved by the grant or refusal of an application under subsection (1) may, within two months from the date of grant or refusal, as the case may be, appeal to the High Court.

(3) The decision of the High Court on an appeal under this section shall be final.

Picketing, intimidation, disputes, etc.

51. Peaceful picketing and prevention of intimidation.

(1) Notwithstanding anything contained in this Act—

- (a) it shall be lawful for one or more persons whether acting on their own behalf or on behalf of a registered trade union or of an individual employer or firm, in contemplation or furtherance of a trade dispute, to attend at or near a house or place where any person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information; but
- (b) it shall not be lawful for one or more persons, whether acting on their own behalf or on behalf of a registered trade union or of an individual employer or firm, and notwithstanding that they may be acting in contemplation or furtherance of a trade dispute, to attend at or near a house or place where any person resides or works or carries on business or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working if they so attend in such numbers or otherwise in such manner as to be calculated—
 - (i) to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom;
 - (ii) to lead to a breach of the peace; or (iii) to cause complete cessation of work.

(2) For the avoidance of doubt, it is declared that, notwithstanding this or any other enactment, it shall be an offence for any person in contemplation or furtherance of a dispute within the meaning of section 1 of the Public Service (Negotiating Machinery) Act to attend at or near any premises or land occupied by the Government.

(3) Any person who acts in contravention of subsection (1)(b) commits an offence and is liable to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both.

52. Intimidation or annoyance.

(1) Any person who, with a view to compelling any other person to abstain from doing or to do any act which the other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

- (a) uses violence to or intimidates that other person or his wife or children or injures the property of that other person;
- (b) persistently follows such other person about from place to place;

- (c) hides any tools, clothes or other property owned or used by such other person, or deprives him or her of or hinders him or her in the use thereof;
- (d) watches or besets the house or other place where that other person resides or works or carries on business or happens to be or the approach to that house or place; or
- (e) follows that other person in a disorderly manner in or through any street or road,

commits an offence and is liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months.

(2) For the purposes of this section, attending at or near any house or place in such numbers or in such manner as is not lawful under section 51(1)(b), shall be deemed to be watching and besetting of that house or place within the meaning of this section.

53. Conspiracy in trade disputes.

(1) Any agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute other than a strike shall not be punishable as a conspiracy if the act when committed by one person would not be punishable as a crime.

(2) An act done in pursuance of an agreement or combination by two or more persons shall not, if done in contemplation or furtherance of a trade dispute, be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any other enactment.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against the President or the Government.

(5) For the purposes of this section, a crime means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

54. Freedom of association of employees.

(1) Employees shall have the right to organise themselves in any trade union and may assist in its running and may bargain collectively through a representative of their own choosing and may engage in other lawful activity which is for the purpose of collective bargaining or other mutual aid or practice.

- (2) An employer shall not—
- (a) interfere with, restrain or coerce an employee in exercise of his or her rights guaranteed under this Act;
 - (b) interfere with the formation of a trade union or with the administration of the National Organisation of Trade Unions or a registered trade union;
 - (c) discriminate in regard to hire, tenure or any terms or conditions of employment to discourage membership in a trade union; and
 - (d) discharge an employee on account of his or her lawful involvement in union activities.

(3) Any employer who contravenes subsection (2) commits an offence and is liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding one year or to both.

(4) For the purposes of ensuring compliance with this section, the registrar may investigate the affairs of any employer in relation to any of the matters set out in subsection (2) and may for that purpose call on the employer to produce for his or her inspection all and any of the books or documents of the employer or to furnish in writing such information or explanation as the registrar may require.

Employees associations.

55. Employees associations.

(1) All employees associations shall, so soon as they are established, notify their establishment to the registrar.

(2) An employees association or any person on its behalf shall not collect from its members or from any other person any subscription or pecuniary contribution to its funds, other than an annual contribution to an office expense fund or welfare fund, nor shall it create any fund other than

an office expense fund or welfare fund.

(3) Any employees association may at any time apply to the registrar under section 6(1) for registration as a trade union and on such registration as a trade union the association shall cease immediately to be an employees association.

(4) Whenever the Minister is satisfied that an employees association is conducting its affairs in such manner that it should be regarded as a trade union, the Minister may order the association to apply for registration as a trade union, and upon such application being made subsection (3) shall apply to the association.

(5) Where any employees association contravenes any of the provisions of this section or fails to comply with an order made by the Minister by virtue of subsection (4), any person who is responsible for the disobedience or contravention commits an offence and is liable to a fine not exceeding one thousand shillings.

56. Accounts and books of employees association.

(1) The registrar may advise employees associations as to the manner in which they shall keep their accounts and books, and may direct any such association to furnish him or her with copies of its constitution, rules and balance sheet.

(2) If any employees association fails to comply with any direction under subsection (1), the association and any officer or member acting or purporting to act as its officer commits an offence and is liable to a fine not exceeding two thousand shillings.

Offences and penalties.

57. Penalty for misuse of money or property of trade unions.

(1) Where, on complaint made by a member of the National Organisation of Trade Unions or a registered trade union or the registrar, it is shown to the satisfaction of a court that any person—

- (a) has in his or her possession or control any property of the National Organisation of Trade Unions or the trade union otherwise than in accordance with the constitution or rules of the

National Organisation of Trade Unions or the trade union; or
(b) has unlawfully expended or withheld any money of the National Organisation of Trade Unions or the trade union, the court shall, if it considers that the justice of the case so requires, order that person to deliver all such property to the trustees of the National Organisation of Trade Unions or the trade union, as the case may be, and to pay to them the money so unlawfully expended or withheld.

(2) A complaint under subsection (1), other than a complaint made by the registrar, shall not be entertained unless the court is satisfied that the complainant is, or was, on the date of the complaint, a member of the National Organisation of Trade Unions or the registered trade union in respect of whose property or money the complaint was made.

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms of the order and the directions given in the order within the time specified in the order commits an offence and is liable to a fine not exceeding one thousand shillings.

(4) Any person who, in any return, minute, report, certificate, balance sheet or other document required by or for the purposes of this Act, wilfully makes or is privy to the making of a statement in respect of any such document which is false in any material particular, knowing it to be false, commits an offence and is liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both.

58. Limitation of prosecutions.

No prosecution shall be instituted under section 51 or 52 except by, or at the instance of, or with the written consent of, the Director of Public Prosecutions.

59. Courts which may try offences.

All offences under this Act may be prosecuted before a court presided over by a chief magistrate.

Investigations.

60. Inquiries by Minister, etc.

(1) The Minister may, whenever he or she considers it necessary in the public interest to do so, call on the National Organisation of Trade Unions or a registered trade union to produce for the Minister's inspection or for the inspection of any other person authorised for that purpose in the order, all or any of the books or documents of the National Organisation of Trade Unions or the trade union.

(2) Where it appears to the Minister that there are circumstances suggesting, in relation to the National Organisation of Trade Unions or a registered trade union—

- (a) that the affairs of the National Organisation of Trade Unions or the trade union are being conducted or the powers of the officers thereof are being exercised in a manner oppressive to one or more members of the National Organisation of Trade Unions or the trade union, or in disregard of his or her or their proper interests as a member or members of the National Organisation of Trade Unions or the trade union;
- (b) that any book or document which the National Organisation of Trade Unions or the trade union is required to send to him or her or to a person so authorised under subsection (1) does not disclose a full and fair statement of the matters to which it purports to relate; or
- (c) that the affairs of the National Organisation of Trade Unions or the trade union are being conducted in a manner prejudicial to the interests of the members thereof,

the Minister may call on the National Organisation of Trade Unions or the trade union to produce, for his or her inspection or the inspection of any person authorised for that purpose in the order, all or any of the books and documents of the National Organisation of Trade Unions or the trade union to furnish in writing such information or explanation as the Minister may specify in the order.

(3) Where the Minister calls on the National Organisation of Trade Unions or any trade union to produce any book or document under subsection (1) or (2), the National Organisation of Trade Unions or trade union shall comply with the same within such time as may be specified in the order, and all persons who are or have been officers of the National

Organisation of Trade Unions or the trade union shall, so far as lies within their power, produce such books, documents or furnish such information or explanation.

(4) Where the National Organisation of Trade Unions or a registered trade union makes default in complying with subsection (3), the National Organisation of Trade Unions or the trade union and any officer thereof who is in default commits an offence and is liable to a fine not exceeding two thousand shillings; and if any officer or former officer of the National Organisation of Trade Unions or the trade union makes default in complying with the subsection, he or she is likewise liable to a fine not exceeding two thousand shillings.

(5) Unless the books, documents, information or explanations produced or given to the Minister or a person so authorised in accordance with this section satisfy the Minister or the person so authorised that further action is not needed, the Minister shall either—

- (a) proceed in accordance with section 65; or
- (b) act in accordance with section 61.

61. Appointment of investigator.

(1) The Minister may appoint a person being an advocate of not less than two years' standing to investigate the affairs of the National Organisation of Trade Unions or a registered trade union and to report thereon to the Minister in such manner as he or she directs—

- (a) upon a report by the person so authorised after inquiries have been made in accordance with section 60;
- (b) upon the application of the registrar; and
- (c) upon the application of not less than six members of the National Organisation of Trade Unions or a registered trade union.

(2) When an application is made under subsection (1)(c)—

- (a) the application shall be supported by such evidence as the investigator may require for the purposes of showing that the applicants have good reason for requiring the investigation;
- (b) at least fourteen days' previous notice of the application shall be given to the registrar who shall be entitled to be represented at the hearing and to give evidence and call witnesses.

(3) An application under this section shall not be entertained unless

at least fourteen days' previous notice thereof shall have been given to the National Organisation of Trade Unions or the registered trade union which shall be entitled to be represented at the hearing and to give evidence and call witnesses.

62. Investigation into other trade unions, etc.

If the Minister, upon the recommendation of the investigator, thinks it necessary for the purposes of an investigation under section 61 that there should be an investigation into the affairs of any other trade union or person which or who has, at any relevant time, been associated in any manner with the National Organisation of Trade Unions or the trade union concerned, he or she shall order such investigation; and the investigator shall report on the affairs of any such other trade union or persons so far as he or she thinks the results of his or her investigation thereof are relevant to the investigation of the affairs of the first-mentioned trade union.

63. Production of books, documents, evidence, etc.

(1) It shall be the duty of all officers and agents of the National Organisation of Trade Unions or a trade union and of all officers and agents of any other person whose affairs are investigated, by virtue of section 62, to produce to the investigator all books or documents of or relating to the National Organisation of Trade Unions or the trade union or, as the case may be, the other person, which are in their custody or power, and otherwise to give to the investigator all assistance in connection with the investigation which they are reasonably able to give.

(2) The investigator may examine on oath the officers or agents of the National Organisation of Trade Unions or the trade union or other person in relation to its constitution or rules, administration, affairs or activities, and may administer an oath accordingly.

(3) If an officer or agent of the National Organisation of Trade Unions or the trade union or other person destroys or refuses to produce to the investigator any book or document which it is his or her duty under this section so to produce, or refuses to answer any question put to him or her by the investigator with respect to the constitution or rules, administration, affairs or other activities of the National Organisation of Trade Unions or the trade union or other person, as the case may be, the investigator may certify the facts in writing to the High Court, and the High Court may thereby

inquire into the case, and after hearing all witnesses who may be produced against or on behalf of the alleged offender, and after hearing any statement which may be offered in defence, punish the offender in like manner as if he or she has been guilty of contempt of the High Court.

(4) If the investigator thinks fit or necessary for the purposes of an investigation under this Act that a person whom he or she has no power to examine on oath should be so examined, he or she may apply to the High Court, and the High Court may, if it sees fit, order that person to attend and to be examined on oath before it on any matter relevant to the investigation.

- (5) On an examination under subsection (4)—
- (a) the investigator may take part in the examination, either personally or by an advocate;
 - (b) the High Court may put such questions to the person examined as the High Court thinks fit;
 - (c) the person examined shall answer all such questions as the High Court may put or allow to be put to him or her, but may, at his or her own cost, employ an advocate who shall be at liberty to put to him or her such questions as the High Court may deem just for the purposes of enabling him or her to explain or qualify any answers given by him or her; and notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by the person examined, and may thereafter be used in evidence against him or her.

(6) Notwithstanding anything contained in subsection (5)(c), the High Court may allow the person examined such costs as in its discretion it may think fit, and any costs so allowed shall be paid as part of the expenses of the investigation.

(7) For the purposes of this section, any reference to officers or to agents shall include past as well as present officers or agents, as the case may be.

64. Report of investigator.

(1) The investigator shall, on the conclusion of the investigation, make a final report to the Minister.

- (2) The Minister shall, unless in his or her opinion it is not desirable

in the public interest to do so—

- (a) forward a copy of any report made to him or her under this Act to the National Organisation of Trade Unions or the trade union concerned;
- (b) forward a copy of the report on request and on payment of a reasonable charge to any other person who is a member of the National Organisation of Trade Unions or the trade union or any other person dealt with in the report by virtue of the provisions of section 62;
- (c) where the investigator is appointed by virtue of section 61(1)(c) furnish, at the request of the applicants for the investigation, a copy to them,

and may also cause the report to be published in the Gazette.

(3) A copy of the report as published in the Gazette shall be admissible in any legal proceedings as evidence of the opinion of the investigator in relation to any matter contained in the report.

65. Proceedings after investigations.

If, as a result of any information obtained in accordance with section 52(4) or 60 or as a result of any report made under section 64, it appears to the Minister that—

- (a) any person may have committed an offence of which he or she is criminally liable, the Minister may refer the matter to the Director of Public Prosecutions who, if he or she considers that the case is one in which a prosecution ought to be instituted, shall institute proceedings accordingly;
- (b) the registration of any trade union ought to be cancelled, the Minister may direct the registrar to cancel the registration of that trade union;
- (c) proceedings ought, in the public interest, to be brought by the National Organisation of Trade Unions or any registered trade union or any other person against any officer or former officer of the National Organisation of Trade Unions or any trade union, or against any person to recover any property or money or damages or compensation to which the National Organisation of Trade Unions or the registered trade union or such other person is entitled, the Minister may direct the registrar to bring proceedings for that purpose in the name of the National Organisation of Trade Unions or the trade union or person

concerned.

Miscellaneous.

66. Nomination.

(1) A minor who is a member of the National Organisation of Trade Unions or a registered trade union may, in writing, under his or her hand, delivered at, or sent to, the registered office of the National Organisation of Trade Unions or the trade union, nominate a person not being an officer or servant of the National Organisation of Trade Unions or the trade union, unless that officer or servant is a blood relation of the nominator to whom any monies payable on the death of the minor shall be paid at his or her decease.

(2) A nomination made under subsection (1) may, from time to time, be revoked or varied by writing under the hand of the minor and similarly delivered or sent.

(3) On receiving satisfactory proof of the death of a nominator, the National Organisation of Trade Unions or the registered trade union shall pay to the nominee any benefits under its constitution or rules due to the deceased member.

67. Service of legal process.

Every summons, notice or other document required to be served on the National Organisation of Trade Unions or a registered trade union in any civil or criminal proceedings shall be deemed to be duly served if it is delivered at the registered office of the National Organisation of Trade Unions or the trade union or posted to its registered postal address, or if it is served personally on the chairperson or the treasurer or the secretary or on any officer of the National Organisation of Trade Unions or the trade union insofar as that service is otherwise in compliance with the requirements of any relevant law.

68. Facts to be notified in the Gazette.

The registrar shall notify the following facts in the Gazette—

- (a) the fact that any trade union has been registered or that registration has been refused;

- (b) the fact that the registration of any registered trade union has been cancelled;
- (c) the fact that a change of name or amalgamation affecting any registered trade union has been registered; and
- (d) the fact that any registered trade union has been dissolved.

69. Regulations.

(1) The Minister may make regulations for the purposes of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters—

- (a) prescribing all matters stated or required in this Act to be prescribed;
- (b) prescribing the books and registers to be kept for the purposes of this Act and the forms thereof;
- (c) the manner in which the trade unions and their constitutions or rules shall be registered and the fees payable on such registration;
- (d) the conditions subject to which inspection of documents kept by the registrar shall be allowed and the fees which shall be chargeable in respect of such inspection;
- (e) the due disposal and safe custody of the funds and monies of the National Organisation of Trade Unions or a registered trade union;
- (f) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all the matters connected therewith or incidental thereto;
- (g) the basic agreements and arrangements in respect of the system known as “checkoff” and the National Organisation of Trade Unions and trade union subscriptions;
- (h) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

70. Ineligibility for membership in trade union and inapplicability of certain laws.

(1) The following persons shall not be eligible to become members of a trade union—

- (a) members of the Uganda Peoples’ Defence Forces and members

- of any police force, or prisons service, including a local administration police force or prisons service established by law;
- (b) officers of the Internal Security Organisation and External Security Organisation; and
 - (c) other persons or categories of persons referred to in the Second Schedule to this Act which Schedule the Minister may, from time to time, amend by statutory instrument.

(2) The Companies Act and the Cooperative Societies Act shall not apply to the National Organisation of Trade Unions or any trade union, and the registration of any trade union under either of those Acts shall be void.

SCHEDULES

First Schedule.

s. 32.

Matters for which provision shall be made in the constitution or rules of the National Organisation of Trade Unions and the trade unions.

1. The name of the trade union and the place of meeting for the business of the National Organisation of Trade Unions or trade union.
2. The whole of the objects for which the National Organisation of Trade Unions or trade unions are to be established, the purposes for which the funds thereof shall be applicable, the conditions under which any member thereof may become entitled to any benefits issued thereby, and the fines and forfeitures to be imposed on any member thereof.
3. The manner of making, altering, amending and rescinding a constitution or rules.
4. The appointment or election and removal of an executive and of trustees, secretaries, treasurers and other officers of the National Organisation of Trade Unions or trade union.
5. The custody and investment of the funds of the National Organisation of Trade Unions and trade union, the designation of the officer or officers responsible thereof, and the annual or periodical audit of its accounts.

6. The inspection of the books and names of members of the National Organisation of Trade Unions and the trade unions by any person having been interested in the funds of the National Organisation of Trade Unions and its trade unions.
7. The manner of the dissolution of the trade unions and the disposal of the funds thereof available at the time of such dissolutions.
8. The taking of all decisions in respect of the election of officers, the amendment of rules, constitution, lockouts, dissolution and any other matter affecting members of the National Organisation of Trade Unions or trade union generally, by secret ballot if required by the members.
9. The right of any member to a reasonable opportunity to vote.
10. The amount of subscription and fees payable by members and the disqualifications of a member from voting on any matter concerning the National Organisation of Trade Unions or trade union and from receiving benefits if his or her subscription is in arrear.
11. If honorary members are to be permitted, the conditions under which a person may become an honorary member.
12. Provision for keeping in a separate fund all monies received or paid by the National Organisation of Trade Unions in respect of any contributory provident fund or pensions fund scheme.
13. In the case of the National Organisation of Trade Unions suitable provision for the protection and promotion of each of the respective industrial interests of its affiliate member unions.

Second Schedule.

s. 70(1)(c).

Persons not eligible for membership of a trade union or an employees association affiliated to a trade union.

- (1) Officers holding the following offices—
 - (a) Permanent Secretaries;
 - (b) heads of department, divisions or sections;

- (c) school headmasters and deputy headmasters;
 - (d) principals or directors of institutions of higher learning;
 - (e) heads of departments of institutions of higher learning; or
 - (f) any other public officer who is on the salary scale U2 or an equivalent or similar scale replacing that scale or who is above that salary scale.
- (2) Officers of the Bank of Uganda holding the following offices—
- (a) governor;
 - (b) deputy governor;
 - (c) secretary;
 - (d) general manager;
 - (e) heads of department;
 - (f) assistant or deputy heads of department;
 - (g) personnel officers.
- (3) Other officers and employees, whether or not in the public service holding the following offices—
- (a) personnel officers;
 - (b) labour officers;
 - (c) industrial relations officers;
 - (d) chiefs;
 - (e) judges, magistrates and registrars of the courts of judicature.
- (4) Persons holding the office of personal secretary to any of the offices specified in paragraphs (1), (2), and (3) of this Schedule.
- (5) Officers or employees excluded from membership of trade unions or employees associations by mutual agreement between an employer and the trade union to which such officers or employees would otherwise belong.

History: Decree 20/1976; Statute 10/1993, ss. 2, 3, 4, 5.

Cross References

Companies Act, Cap. 110. Cooperative Societies Act, Cap. 112. Employment Act, Cap. 219. Magistrates Courts Act, Cap. 16.

Public Service (Negotiating Machinery) Act, Cap. 289.
Public Trustee Act, Cap. 161.
Trade Unions Act (Amendment) Decree, Decree 29/1973.
Trustees Incorporation Act, Cap. 165.