

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS

2019 No. 84.

THE UGANDA COMMUNICATIONS (EMERGENCY RESPONSE)
REGULATIONS, 2019

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STATUTORY INSTRUMENTS

2019 No. 84.

**The Uganda Communications (Emergency Response)
Regulations, 2019**
*(Under sections 86 and 93 of the Uganda Communications Act, 2013,
Act 1 of 2013)*

IN EXERCISE of the powers conferred upon the Minister by section 93 of the Uganda Communications Act, 2013, and in consultation with the Uganda Communications Commission, these Regulations are made this 5th day of July, 2019.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Uganda Communications (Emergency Response) Regulations, 2019.

2. Application.

These Regulations apply to—

- (a) all operators in the event of a state of emergency declared by the President under Article 110 of the Constitution;
- (b) communications services, during a state of emergency;
- (c) any person providing services to an operator; and
- (d) any person or agent employed by an operator.

3. Objective of Regulations.

The objective of these Regulations is to provide for—

- (a) the exercise of the powers of the Commission during a state of emergency;
- (b) the temporary takeover, during a state of emergency, of any communications station or apparatus installed and used in the station;

- (c) the issuance of directions to operators to operate communications services in a specified manner to alleviate the state of emergency or to promote public safety; and
- (d) the interception and detention of postal articles in the course of transmission in Uganda during a state of emergency.

4. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Uganda Communications Act, 2013;

“Commission” means the Uganda Communications Commission established under the Act;

“communications” means services performed or consisting of the dissemination or interchange of audio, visual or data content using any mechanical, digital or electronic means; and includes broadcasting;

“communications services” means services performed consisting of the dissemination or interchange of audio, visual or data content using postal, radio, or telecommunications media, data communication; and includes broadcasting;

“critical communications infrastructure” means an element or system of elements of the critical infrastructure in the communications sector;

“Critical Communications Infrastructure Protection Program” means the information-protection program that enhances information sharing between infrastructure owners, operators, government and other stakeholders;

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

“emergency response” means a response by the Commission or other law enforcement authority to alleviate a state of emergency through implementation of written plans and procedures detailing safety measures to be undertaken;

“Executive Director” means the Executive Director of the Commission;

“Minister” means the Minister responsible for information and communications technology;

“operator” means a person licensed to provide a communications or broadcasting service under the Act;

“state of emergency” means a state of emergency declared by the President under Article 110 of the Constitution.

PART II—POWERS OF THE COMMISSION IN A
STATE OF EMERGENCY

5. Powers of Commission.

The Commission shall have the following powers and functions during a state of emergency—

- (a) to direct operators to inform the public that the President has declared a state of emergency;
- (b) to direct operators to operate radio communications and communications services in a particular manner, or to disseminate emergency communications in order to alleviate the state of emergency;
- (c) to promptly receive reports, investigate and take action;
- (d) to take any action ordered under the Presidential proclamation declaring a state of emergency;
- (e) to provide advisories, alerts and warnings to operators, consumers of communications services or the general public;
- (f) to monitor communications services in Uganda; including installing equipment at facilities owned by operators in furtherance of its monitoring function;

- (g) to direct operators to remove any unauthorised content from a regulated communications platform or apparatus;
- (h) to direct operators or authorised persons to provide free services to members of the public;
- (i) to impound any communications apparatus being operated in an unauthorised manner;
- (j) to direct operators to deny service to any person or group of persons;
- (k) to take temporary possession of any communications station within Uganda, and any apparatus which may be installed and used in the station, for a specified period not exceeding 90 days;
- (l) to direct an operator, or any person, to intercept or detain a postal article, class or description of postal articles or electronic communications message in the course of transmission within Uganda and deliver it to an officer of the Commission specified in the order;
- (m) to temporarily remove or impound any communications apparatus to alleviate the state of emergency; and
- (n) where necessary, to refer complaints to law enforcement agencies for investigation and prosecution.

PART III—EMERGENCY RESPONSE BY
THE COMMISSION

6. Establishment of emergency response.

(1) Where a state of emergency exists, the Commission may, in the interest of public safety—

- (a) direct operators to operate communications stations and critical communications infrastructure in a particular manner; and

- (b) activate the Critical Communications Infrastructure Protection Program to protect critical communications infrastructure from acts of aggression, sabotage or vandalism.

(2) The Commission shall provide the necessary advice, guidance and, where necessary, resources to operators to implement the measures in subregulation (1).

(3) The Commission shall, during a state of emergency, comply with applicable national standards and international standards prescribed by international communications agreements to which Uganda is a party.

PART IV—POWERS OF COMMISSION TO ENFORCE COMPLIANCE

7. Powers retained by the Commission.

(1) The Commission shall, during a state of emergency, have the exclusive power—

- (a) to confiscate or impound any communications apparatus;
- (b) to communicate emergency measures to any operator; and
- (c) to take temporary possession of any communications station within Uganda.

(2) The Commission shall, where a state of emergency exists, have the power, in the interest of public safety, to direct an operator to take the following emergency responses—

- (a) to carry public service broadcasts on any communications medium informing the public of the state of emergency and measures to combat loss of life, injury or other harm to persons or property;
- (b) to interrupt regular services to consumers of communications services;

- (c) to switch off communications stations;
- (d) to restrict broadcasting of content likely to be injurious to the public; and
- (e) to take any other action necessary to safeguard members of the public and to manage the emergency.

(3) Where the Commission exercises any of the powers under subregulation (1), the Commission shall, within twenty four hours after taking action, serve upon any affected operator an order under the state of emergency in the form set out in Schedule 2 to these Regulations stating—

- (a) that the Commission is invoking its powers under the Act and these Regulations;
- (b) the duration of the emergency, where applicable; and
- (c) any action required of the operator or any agent of the operator while the order is in force.

8. Obligations and reporting requirements of operators.

(1) Every operator has the following obligations under these Regulations—

- (a) to implement any order issued by the Commission under regulation 7;
- (b) to implement the critical infrastructure protection program issued under the Uganda Communications (Computer Emergency Response Team) Regulations, 2019;
- (c) to designate an emergency management team to implement the directives and orders of the Commission;
- (d) to mitigate disruption to delivery of communications services to the public; and
- (e) to keep a record of actions taken by the operator during the state of emergency.

9. Protection from liability.

(1) An authorised person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Commission under these Regulations.

(2) An operator or any other person acting on the directions of the Commission shall not be held liable for any act done in compliance with these Regulations.

10. Offences and penalties.

(1) Any person, whether being an officer of the Commission, a public officer, an operator, private individual or entity who, without due authority, publishes, divulges, discloses or makes known in any manner, information collected under these Regulations, commits an offence.

(2) A person who commits an offence under subregulation (1) is liable, on conviction, to a fine not exceeding forty eight currency points or imprisonment for a term not exceeding two years, or both.

(3) Where the person or entity convicted of an offence under this regulation is an operator, the Commission shall revoke the licence of that operator.

SCHEDULE 1

Regulation 4.

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

UGANDA COMMUNICATIONS COMMISSION

ORDER

To _____ [Name of Operator]

TAKE NOTICE that H.E. the President of Uganda has declared that a State of Emergency exists in Uganda.

You are hereby immediately directed, in accordance with the Uganda Communications Act, 2013 and the Uganda Communications (Emergency Response) Regulations, 2019 to *(specify actions to be taken by the operator)-*

(a) _____

(b) _____

(c) _____

The duration of the state of emergency is from _____ 20_____
to 20_____ (Unless extended).

Signed and delivered to.....[Name of Operator]

This _____ day of _____, 20 _____

.....
EXECUTIVE DIRECTOR,
Uganda Communications Commission.

Cross References

The Uganda Communications (Computer Emergency Response Team) Regulations, 2019.

FRANK TUMWEBAZE,
*Minister of Information and
Communications Technology and
National Guidance*