Magistrates Courts Act (Ch 16)

CHAPTER 16

THE MAGISTRATES COURTS ACT.

http://www.saflii.org/ug/legis/consol_act//mca232/**Arrangement of Sections.**

Section

CHAPTER 16

THE MAGISTRATES COURTS ACT.

http://www.saflii.org/ug/legis/consol_act//mca232/*Commencement*: 22 January, 1971.

An Act to amend and consolidate the law relating to the establishment, constitution and jurisdiction of, and the practice and procedure before, magistrates courts and to make provision for other matters connected therewith or incidental thereto.

Part I—Interpretation.

1. Interpretation.

(1) In this Act, unless the context otherwise requires—

1. "civil customary law" means the rules of conduct which govern legal relationships as established by custom and usage and not forming part of the common law nor formally enacted by Parliament;
2. "magisterial area" means any one of the areas into which Uganda is for the time being divided under section 2;
3. "magistrate's court" means any court established by or under section 3;
4. "Minister" means the Minister responsible for justice.

(2) Subject to this Act, where in any written law in force on the date of the coming into force of this Act reference is made to—

1. a court of the first class, second class or third class magistrate, the reference shall be construed as a reference to a magistrate's court presided over by a magistrate grade I, magistrate grade II or magistrate grade III, respectively;

2. a subordinate court, the reference shall be construed as a reference to a magistrate's court;
3. a first, second or third class magistrate, the reference shall be construed as a reference to a magistrate grade I, magistrate grade II or magistrate grade III, respectively;
4. a resident magistrate, the reference shall be construed as a reference to a chief magistrate.

Part II —Establishment of magistrates courts, appointment of magistrates and law to be administered.

2. Magisterial areas.

The Minister may, after consultation with the Chief Justice, by statutory instrument divide Uganda into magisterial areas for the purposes of this Act.

3. Establishment and style of magistrates courts.

There shall be established in such places in each magisterial area as the Minister may, after consultation with the Chief Justice, by statutory instrument designate magistrates courts to be known as the magistrates court for the area in respect of which it has jurisdiction.

4. Appointment and grades of magistrates.

1. There shall be appointed such number of magistrates as are in the opinion of the Minister, after consultation with the Chief Justice, required for the efficient administration of justice.
2. Magistrates shall be of the following grades—

1. chief magistrate;
2. magistrate grade I;
3. magistrate grade II; and
4. magistrate grade III.

(3) The powers and jurisdiction of a magistrate shall be determined by the grade of his or her appointment and the powers and jurisdiction conferred upon that grade by this Act and by any written law for the time being in force.

5. Constitution of courts.

A magistrate's court shall be deemed to be duly constituted when presided over by any one magistrate lawfully empowered to adjudicate in the court.

6. Assignment of magistrates.

Every magistrate appointed under this Act shall be deemed to have been appointed to, and have jurisdiction in, each and every magisterial area but

may be assigned to any particular magisterial area or to a part of any magisterial area by the Chief Justice.

7. Place of sitting.

(1) A magistrate's court—

1. may be held at any place within the local limits of its jurisdiction; or

2. if it appears to the Chief Justice that the interests of justice so require, may be held, with the written authorisation of the Chief Justice, at a place outside the local limits of its jurisdiction designated in the authorisation,

and shall be held in such building as the Chief Justice may, from time to time, assign as the courthouse.

(2) Notwithstanding subsection (1), if a magistrate's court sits in any building or place within the local limits of its jurisdiction for the transaction of legal business, the proceedings shall be as valid in every respect as if they had been held in a courthouse assigned for that purpose.

8. Chief registrar and registrar.

1. There shall be appointed for every magistrate's court a fit and proper person to be or to act as chief registrar or registrar of that court.
2. The chief registrar or registrar shall, subject to the general supervision and control of the Chief Justice, be under the immediate control and direction of the magistrate presiding over the court to which he or she is assigned.
3. The offices of chief registrar and registrar of a magistrate's court shall be offices to which article 147(3)(b) of the Constitution applies.

9. How general jurisdiction exercised.

The jurisdiction of a magistrate's court shall, subject to this Act and any other written law limiting or otherwise relating to the jurisdiction of that court or of the presiding magistrate, be exercised in conformity with the law with which the High Court is required to conform in exercising its jurisdiction by the Judicature Act.

http://www.saflii.org/ug/legis/consol_act//ja123/**10. Civil customary law and its application.**

1. Subject to this section, nothing in this Act shall deprive a magistrate's court of the right to observe and to enforce the observance of, or shall deprive any person of the benefit of, any civil customary law which may be applicable that is not repugnant to justice, equity or good conscience or incompatible either in terms or by necessary implication with any written law for the time being in force.
2. Notwithstanding subsection (1), no party to a civil cause or matter shall be entitled to claim the benefit of any civil customary law if it appears, either from express contract or from the nature of the transactions out of which any civil cause or matter shall have arisen, that he or she agreed or must be taken to have agreed that his or her obligations in connection with all such transactions should be regulated exclusively by some law other than civil customary law.
3. In civil causes or matters where no express rule is applicable to any matter in issue, a magistrate's court shall be guided by the principles of justice, equity and good conscience.

11. Law and equity.

1. In every civil cause or matter before a magistrate's court, law and equity shall be administered concurrently.
2. A magistrate may, in the exercise of the jurisdiction conferred upon him or her by this or any other enactment, grant absolutely or on such reasonable terms or conditions as seem just any remedy or relief, whether interlocutory or final, to which any of the parties to the cause or matter may be entitled in respect of any legal or equitable claim

or defence properly brought forward or which appears in such cause or matter, so that as far as possible all matters in dispute between the parties may be completed and finally decided and all multiplicity of legal proceedings concerning such matters avoided.

3. If in any cause or matter there is a conflict or variance between the rules of equity and the rules of common law with reference to the same subject, the rules of equity shall prevail.

Part III—Prevention of offences.

12. Security for keeping the peace.

1. Whenever a chief magistrate or a magistrate grade I is informed that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, the magistrate may, in the manner hereafter provided, require that person to show cause why he or she should not be ordered to execute a bond, with or without sureties, for keeping the peace for such period, not exceeding one year, as the magistrate thinks fit to fix.
2. Proceedings shall not be taken under this section unless either the person informed against, or the place where the breach of the peace or the disturbance is apprehended, is within the local limits of that magistrate's jurisdiction.
3. When any magistrate not empowered to proceed under subsection (1) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity, or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining that person in custody, that magistrate may, after recording his or her reasons, issue a warrant for the person's arrest (if he or she is not already in custody or before the court), and may send him or her before a magistrate empowered to deal with the case, with a copy of the magistrate's reasons.
4. A magistrate before whom a person is sent under this section may, in his or her discretion, detain the person in custody until the completion of the inquiry hereafter prescribed.

13. Security for good behaviour from persons disseminating seditious and other matters.

Whenever a chief magistrate or a magistrate grade I has information that there is within the limits of his or her jurisdiction any person who, within or without those limits, either orally or in writing or in any other manner— (a) disseminates or attempts to disseminate or in anywise abets the

dissemination of any seditious matter, that is to say, any matter the publication of which is punishable under section 40 of the Penal Code Act;

2. consistently disseminates or consistently attempts to disseminate or in anywise consistently abets the dissemination of any matter which is likely in the opinion of the magistrate to be dangerous to peace and order within Uganda; or
3. disseminates or attempts to disseminate or in anywise abets the dissemination of any matter concerning a judge which amounts to libel under the Penal Code Act,

the magistrate may, in the manner hereafter provided, require that person to show cause why he or she should not be ordered to execute a bond, with or without sureties, for his or her good behaviour for such period, not exceeding one year, as the magistrate thinks fit to fix.

14. Security for good behaviour from vagrants and suspected persons.

Whenever a chief magistrate or a magistrate grade I receives information—

1. that any person is taking precautions to conceal his or her presence within the local limits of the magistrate's jurisdiction, and that there is reason to believe that the person is taking those precautions with a view to committing any offence; or
2. that there is within those limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself or herself,

the magistrate may, in the manner hereafter provided, require that person to show cause why he or she should not be ordered to execute a bond, with sureties, for his or her good behaviour for such period, not exceeding one year, as the magistrate thinks fit to fix.

15. Security for good behaviour from habitual offenders.

Whenever a chief magistrate or a magistrate grade I receives information that any person within the local limits of his or her jurisdiction—

1. is by habit a robber, housebreaker or thief;
2. is by habit a receiver of stolen property, knowing the property to have been stolen;
3. habitually protects or harbours thieves, or aids in the concealment or disposal of stolen property;
4. habitually commits or attempts to commit, or aids or abets in the commission of, any offence punishable under Chapter XXIX,

XXXII or XXXV of the Penal Code Act;

5. habitually commits or attempts to commit, or aids or abets in the commission of, offences involving a breach of the peace; or
6. is so desperate and dangerous as to render his or her being at large without security, hazardous to the community,

the magistrate may, in the manner hereafter provided, require that person to show cause why he or she should not be ordered to execute a bond, with sureties, for his or her good behaviour for such period, not exceeding three years, as the magistrate thinks fit to fix.

16. Order to be made.

When a magistrate acting under section 12, 13, 14 or 15 deems it necessary to require any person to show cause under such section, the magistrate shall make an order in writing setting forth—

1. the substance of the information received;
2. the amount of the bond to be executed;
3. the term for which it is to be in force; and
4. the number, character and class of sureties, if any, required.

17. Procedure in respect of person present in court.

If the person in respect of whom that order is made is present in court, it shall be read over to him or her, or, if he or she so desires, the substance of the order shall be explained to him or her.

18. Summons or warrant in case of person not so present.

1. If that person is not present in court, the magistrate shall issue a summons requiring him or her to appear or, when that person is in custody, a warrant directing the officer in whose custody he or she is to bring him or her before the court.
2. Notwithstanding subsection (1), whenever it appears to the magistrate, upon the report of a police officer or upon other information (the substance of which report or information shall be recorded by the magistrate), that there is reason to fear the commission of a breach of the peace, and that the breach of the peace cannot be prevented otherwise than by the immediate arrest of that person, the magistrate may at any time issue a warrant for his or her arrest.

19. Copy of order under section 16 to accompany summons or warrant.

Every summons or warrant issued under section 18 shall be accompanied by a copy of the order made under section 16, and that copy shall be delivered by the officer serving or executing the summons or warrant to the person served with or arrested under it.

20. Power to dispense with personal attendance.

The magistrate may, if he or she sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he or she should not be ordered to execute a bond for keeping the peace, and may permit the person to appear by an advocate.

21. Inquiry as to truth of information.

1. When an order under section 16 has been read or explained under section 17 to a person in court, or when any person appears or is brought before a magistrate in compliance with or in execution of a summons or warrant issued under section 18, the magistrate shall proceed to inquire into the truth of the information upon which the action has been taken, and to take such further evidence as may appear necessary.
2. The inquiry shall be made, as nearly as may be practicable, in the manner prescribed in this Act for conducting trials and recording evidence in trials before magistrates courts.
3. For the purposes of this section, the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.
4. Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the magistrate thinks just.

22. Order to give security.

(1) If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties, the magistrate shall make an order accordingly.

2. No person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 16.
3. The amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.
4. When the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his or her sureties.

5. Any person ordered to give security for good behaviour under this section may appeal to the High Court.

23. Discharge of person informed against.

If, on an inquiry under section 21, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the magistrate shall make an entry on the record to that effect, and, if that person is in custody only for the purposes of the inquiry, shall release him or her, or, if that person is not in custody, shall discharge him or her.

24. Commencement of period for which security is required.

1. If any person in respect of whom an order requiring security is made under section 16 or 22 is, at the time the order is made, sentenced to, or undergoing a sentence of, imprisonment, the period for which the security is required shall commence on the expiration of that sentence.
2. In other cases the period shall commence on the date of that order unless the magistrate, for sufficient reason, fixes a later date.

25. Contents of bond.

(1) The bond to be executed by any such person shall bind him or her to keep the peace or to be of good behaviour, as the case may be, and the commission or attempt to commit or the aiding, abetting, counselling or procuring the commission of an offence punishable with imprisonment, wherever it may be committed, or in the case where a person has been required to enter into a bond because of the conduct mentioned in section

13(a) or (b), the further dissemination or attempt to disseminate or the abetting of the dissemination of any seditious matter or any matter which is likely, in the opinion of the court, to be dangerous to peace and order within Uganda, shall be a breach of the bond.

2. Whenever a chief magistrate or a magistrate grade I receives information that any person who has executed a bond under section 22 has committed a breach of that bond, he or she shall, by summons or warrant require that person and his or her sureties, if any, to appear before him or her and shall inquire into the truth of the information upon which the summons or warrant was issued in the same manner as provided in section 21 and if satisfied that there has been a breach of the bond, the chief magistrate or magistrate grade I shall declare the amount of the bond to be forfeited and adjudge the persons bound thereby, whether as principal or sureties or any of them, to pay the sum in which they are respectively bound.
3. A magistrate who declares the amount of a bond to be forfeited may, instead of adjudging any person to pay the whole sum in which he or she is bound, adjudge that person to pay part only of the sum or may remit the sum.
4. Payment of any sum adjudged to be paid under this section, including any costs awarded, may be enforced, collected and applied as if it were a fine and as if the adjudication were a conviction.
5. Any person aggrieved by an order declaring any bond to be forfeited may appeal to the High Court.

26. Power to reject sureties.

A magistrate may refuse to accept any surety offered under any of the preceding sections of this Part of this Act on the ground that, for reasons to be recorded by the magistrate, the surety is an unfit person.

27. Procedure on failure of person to give security.

(1) If any person ordered to give security as aforesaid does not give that security on or before the date on which the period for which that security is to be given commences, he or she shall, except in the case mentioned in subsection (2), be committed to prison, or, if he or she is already in prison, be detained in prison until that period expires or until within that period he

or she gives the security to the magistrate who made the order requiring it.

2. When such person has been ordered by a magistrate to give security for a period exceeding one year, the magistrate shall, if that person does not give such security as aforesaid, issue a warrant directing him or her to be detained in prison pending the order of the High Court, and the proceedings shall be laid as soon as conveniently may be before that court.
3. The High Court, after examining such proceedings and requiring from the magistrate any further information or evidence which it thinks necessary, may make such order in the case as it thinks fit.
4. The period, if any, for which any person is imprisoned for failure to give security shall not exceed three years.
5. If the security is tendered to the officer in charge of the prison, the officer shall forthwith refer the matter to the magistrate who made the order and shall await the orders of that magistrate.

28. Power to release persons imprisoned for failure to give security.

Whenever a chief magistrate or magistrate grade I is of the opinion that any person imprisoned for failing to give security may be released without hazard to the community, the magistrate may, if he or she thinks fit, order that person to be discharged.

29. Power of High Court to cancel bond.

The High Court may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under any of the preceding sections by order of any court.

30. Discharge of sureties.

1. Any surety for keeping the peace or good behaviour of another person may at any time apply to a chief magistrate or a magistrate grade I to cancel any bond executed under any of the preceding sections within the local limits of his or her jurisdiction.
2. On that application being made, the magistrate shall issue a summons or warrant, as he or she thinks fit, requiring the person for whom

the surety is bound to appear or to be brought before the magistrate.

3. When that person appears or is brought before the magistrate, the magistrate shall cancel the bond and shall order the person to give, for the unexpired portion of the term of the bond, fresh security of the same description as the original security.
4. Every such order shall, for the purposes of sections 25, 26, 27 and 28 be deemed to be an order made under section 22.

Part IV—Place of criminal trials.

31. General authority of magistrates courts.

Every magistrate’s court has authority to cause to be brought before it any person who is within the local limits of its jurisdiction and is charged with an offence committed within

Uganda, or which according to law may be dealt with as if it had been committed within Uganda, and to deal with the accused person according to its jurisdiction.

32. Accused person to be sent to area where offence committed.

Where a person accused of having committed an offence within Uganda has escaped or is removed from the area within which the offence was committed and is found within another area, the magistrate's court within whose jurisdiction the person is found shall cause him or her to be brought before it and shall, unless authorised to proceed in the case, send the person in custody to the court within whose jurisdiction the offence is alleged to have been committed, or require the person to give security for his or her surrender to that court there to answer the charge and to be dealt with according to law.

33. Removal of accused person under warrant.

1. Where any person is to be sent in custody in pursuance of section 32, a warrant shall be issued by the court within whose jurisdiction the person is found, and that warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person named in it and to carry him or her and deliver him or her up to the court within whose jurisdiction the offence was committed or may be inquired into or tried.
2. The person to whom the warrant is directed shall execute it

according to its tenor without delay.

34. Ordinary place of trial.

Subject to the provisions relating to transfer conferred by this Act, every offence shall ordinarily be inquired into or tried by a court within the local limits of whose jurisdiction it was committed.

35. Trial at place where act done or consequence of offence ensues.

When a person is accused of the commission of any offence by reason of anything which has been done or of any consequence which has ensued, the offence may be inquired into or tried by a court within the local limits of whose jurisdiction any such thing has been done or any such consequence has ensued.

36. Trial where offence is connected with another offence.

When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a court within the local limits of whose jurisdiction either act was done.

37. Trial where place of offence is uncertain.

When—

1. it is uncertain in which of several local areas an offence was committed;
2. an offence is committed partly in one local area and partly in another;
3. an offence is a continuing one and continues to be committed in more local areas than one; or

(d) an offence consists of several acts done in different local areas, the offence may be inquired into or tried by a court having jurisdiction over any of those local areas.

38. Offence committed on a journey, etc.

An offence committed while the offender is in the course of performing a journey, voyage or flight may be inquired into or tried by a court through or

into the local limits of whose jurisdiction the offender or the person against whom or the thing in respect of which the offence was committed passed in the course of that journey, voyage or flight.

39. High Court to decide in cases of doubt.

1. Whenever any doubt arises as to the court by which any offence should be tried, any court entertaining that doubt may, in its discretion, report the circumstances to the High Court, and the High Court shall decide by which court the offence shall be tried.
2. Any such decision of the High Court shall be final and conclusive, except that it shall be open to an accused person to show that no court in Uganda has jurisdiction in the case.

40. Court to be open.

1. The place in which any criminal court is held for the purpose of trying any offence shall be deemed an open court to which the public generally may have access, so far as the court can conveniently contain them; but the magistrate may, if he or she thinks fit, order at any stage of the inquiry into or trial of any particular case that the public generally or any particular person shall not have access to or be or remain in the room or building used by the court.
2. Any magistrate's court for the purpose of inquiring into or trying any offence may sit on a Sunday or a public holiday, and no finding, sentence or order made or passed by a court of competent jurisdiction shall be reversed or altered only by reason of the fact that it was made or passed on a Sunday or a public holiday; but the court shall not sit on a Sunday or a public holiday unless, in the opinion of the court, the omission to do so would cause an amount of delay, expense or inconvenience which in the circumstances of the case would be unreasonable.

41. Power of High Court to change venue.

(1) Whenever it is made to appear to the High Court—

1. that a fair and impartial trial or inquiry cannot be had in any magistrate's court;
2. that some question of law of unusual difficulty is likely to arise;
3. that a view of the place in or near which any offence has been

committed may be required for the satisfactory inquiry into or trial of the offence;

4. that an order under this section will tend to the general convenience of the parties or witnesses; or
5. that such an order is expedient for the ends of justice or is required by any provision of this Act,

it may order—

6. that any offence be tried or inquired into by any court not empowered under the preceding sections of this Part of this Act, but in other respects competent to inquire into or try that offence;
7. that any particular criminal case or class of cases be transferred from a criminal court subordinate to its authority to any other such criminal court of equal or superior jurisdiction;

(h) that an accused person be committed for trial to itself.

2. The High Court may act either on the report of the lower court or on the application of a party interested or on its own initiative.
3. Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Director of Public Prosecutions, be supported by affidavit.
4. Every accused person making any such application shall give to the Director of Public Prosecutions notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of the notice and the hearing of the application.
5. When an accused person makes any such application, the High Court may direct him or her to execute a bond, with or without sureties, conditioned that he or she will, if convicted, pay the costs of the prosecutor.

Part V—Institution of criminal proceedings.

42. Institution of proceedings.

(1) Criminal proceedings may be instituted in one of the following ways—

(a) by a police officer bringing a person arrested with or without a warrant before a magistrate upon a charge;

2. by a public prosecutor or a police officer laying a charge against a person before a magistrate and requesting the issue of a warrant or a summons; or
3. by any person, other than a public prosecutor or a police officer, making a complaint as provided in subsection (3) and applying for the issue of a warrant or a summons in the manner hereafter mentioned.

2. The validity of any proceedings instituted or purported to be instituted under subsection (1) shall not be affected by any defect in the charge or complaint or by the fact that a summons or warrant was issued without any complaint or charge or, in the case of a warrant, without a complaint on oath.
3. Any person, other than a public prosecutor or a police officer, who has reasonable and probable cause to believe that an offence has been committed by any person may make a complaint of the alleged offence to a magistrate who has jurisdiction to try or inquire into the alleged offence, or within the local limits of whose jurisdiction the accused person is alleged to reside or be. Every such complaint may be made orally or in writing signed by the complainant, but if made orally shall be reduced into writing by the magistrate and when so reduced shall be signed by the complainant.
4. Upon receiving a complaint under subsection (3), the magistrate shall consult the local chief of the area in which the complaint arose and put on record the gist of that consultation; but where the complaint is supported by a letter from the local chief, the magistrate may dispense with the consultation and thereafter put that letter on record.
5. After satisfying himself or herself that prima facie the commission of an offence has been disclosed and that the complaint is not frivolous or vexatious, the magistrate shall draw up and shall sign a formal charge containing a statement of the offence or offences alleged to have been committed by the accused.
6. Where a charge has been—

1. laid under the provisions of subsection (1)(b); or
2. drawn up under the provisions of subsection (5), the magistrate shall issue either a summons or a warrant, as he or she shall deem fit, to compel the attendance of the accused person before the court over which he or she presides, or if the offence alleged appears to be one

which the magistrate is not empowered to try or inquire into, before a competent court having jurisdiction; except that a warrant shall not be issued in the first instance unless the charge is supported by evidence on oath, either oral or by affidavit.

7. Notwithstanding subsection (6), a magistrate receiving any charge or complaint may, if he or she thinks fit for reasons to be recorded in writing, postpone the issuing of a summons or warrant and may direct an investigation, or further investigation, to be made by the police into that charge or complaint; and a police officer receiving such a direction shall investigate or further investigate the charge or complaint and report to the court issuing the direction.
8. Without prejudice to section 13 of the Criminal Procedure Code Act, nothing in subsection (6) shall authorise a police officer to make an arrest without a warrant for an offence other than a cognisable offence.
9. A summons or warrant may be issued on a Sunday.
10. Nothing in this section shall be so construed as to affect the powers conferred upon justices of the peace by the Justices of the Peace Act.

43. Control over private prosecutions.

(1) Where criminal proceedings have been instituted by a person other than a public prosecutor or a police officer under section 42, the Director of Public Prosecutions may—

1. take over and continue the conduct of those proceedings at any stage before the conclusion of the proceedings;
2. discontinue the prosecution of the proceedings at any stage of an inquiry or a trial before a magistrate’s court; and
3. require such person in relation to those proceedings— (i) to give him or her all reasonable information and

assistance; and (ii) to furnish him or her with any documents or other matters and things in the person’s possession or under his or her control.

(2) Where the prosecution of any proceedings has been discontinued under subsection (1)(b), section 121 shall apply as if there had been a withdrawal from the prosecution under that section.

(3) For the purposes of this section, criminal proceedings means proceedings before a magistrate’s court and before any court by which an appeal may be heard or a power of revision exercised, and criminal proceedings shall not be deemed to be concluded until no further appeal or petition for revision can be made in the course of the proceedings.

Part VI—Summons.

44. Form and contents of summons.

1. Every summons issued by a magistrate's court under this Act shall be in writing, in duplicate, signed and sealed by the magistrate or by such other officer as the Chief Justice may from time to time direct.
2. Every summons shall be directed to the person summoned and shall require him or her to appear at a time and place to be appointed in it before a court having jurisdiction to inquire into and deal with the complaint or charge.
3. It shall state shortly the offence with which the person against whom it is issued is charged.

45. Service of summons.

1. Every summons shall be served by a police officer or by an officer of the court issuing it or by other public servant and shall, if practicable, be served personally on the person summoned by delivering or tendering to him or her the duplicate of the summons.
2. Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt for it on the back of the original summons.

46. Service when person cannot be found.

Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving the duplicate for the person with some adult member of his or her family or with his or her servant residing with him or her or with his or her employer; and the person with whom the summons is so left shall, if so required by the serving officer, sign

a receipt for it on the back of the original summons.

47. Procedure when service cannot be effected.

If service in the manner provided by sections 45 and 46 cannot, by the exercise of due diligence, be effected, the serving officer shall affix the duplicate of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides, and thereupon the summons shall be deemed to have been duly served.

48. Service on servant of Government, etc.

1. Where the person summoned is in the active service of the Government or of the East African Community, the court issuing the summons shall ordinarily send it in duplicate to the head of the office in which that person is employed, and the head shall thereupon cause the summons to be served in the manner provided by section 45, and shall return it to the court under his or her signature with the endorsement required by that section.
2. That signature shall be evidence of the service.

49. Service on company.

Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered letter addressed to the chief officer of the corporation at the registered office of the company or body corporate in Uganda. In the latter case service shall be deemed to have been effected when the letter would arrive in the ordinary course of post.

50. Where summons may be served.

A summons may be served at any place in Uganda.

51. Proof of service when serving officer not present.

(1) Where the officer who has served a summons is not present at the hearing of the case, and in any case where a summons issued by a court has been served outside the local limits of its jurisdiction, an affidavit purporting to be made before a magistrate that the summons has been served, and the

original of the summons purporting to be endorsed in the manner hereinbefore provided by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence; and the statements made in the affidavit shall be deemed to be correct unless the contrary is proved.

2. If the original is not endorsed in the manner hereinbefore provided, the affidavit shall be admissible in evidence if the court is satisfied from the statements made in it that service of the summons has been effected in accordance with the foregoing provisions of this Act.
3. The affidavit mentioned in this section may be attached to the original of the summons and returned to the court.

52. Power to dispense with personal attendance of accused.

1. When a magistrate issues a summons in respect of any offence other than a felony, the magistrate may, if he or she sees reason to do so, dispense with the personal appearance of the accused, subject to the accused pleading guilty in writing addressed to the court prior to the trial or to his or her appearance at the trial by an advocate.
2. The magistrate inquiring into or trying any case may, in his or her discretion, at any subsequent stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce that attendance in a manner hereafter provided; but no such warrant shall be issued unless a complaint or charge has been made upon oath.
3. If a magistrate imposes a fine on an accused person whose personal attendance has been dispensed with under this section, and the fine is not paid within the time prescribed for the payment, the magistrate may forthwith issue a summons calling upon the accused person to show cause why he or she should not be committed to prison for such period as the magistrate may then prescribe.
4. If the accused person does not attend upon the return of the summons, the magistrate may forthwith issue a warrant and commit that person to prison for such period as the magistrate may then fix.
5. If, in any case in which under this section, the attendance of an accused person is dispensed with, previous convictions are alleged against

that person and are not admitted in writing or through the person's advocate, the magistrate may adjourn the proceedings and direct the personal attendance of the accused, and, if necessary, enforce that attendance in a manner hereafter provided.

(6) Whenever the attendance of an accused has been so dispensed with, and his or her attendance is subsequently required, the cost of any adjournment for that purpose shall be borne in any event by the accused.

53. Appearance by a corporation.

1. Appearance before a magistrate's court by a corporation in criminal proceedings shall be by an advocate or by any officer of the corporation.
2. Notwithstanding anything contained in the articles of association, byelaws or other document governing the constitution of the corporation, and notwithstanding anything in any other law contained, an officer appearing in court on behalf of a corporation

shall be deemed so to appear with the full authority of the corporation, and to have full power to represent the corporation.

Part VII—Warrant of arrest.

54. Warrant after issue of summons.

Notwithstanding the issue of a summons, a warrant may be issued at any time before or after the time appointed in the summons for the appearance of the accused.

55. Disobedience of summons.

1. If the accused person, other than a corporation, does not appear at the time and place appointed in and by the summons, and his or her personal attendance has not been dispensed with under section 52, the court may issue a warrant to apprehend the accused person and cause him or her to be brought before the court.
2. If a corporation does not appear in the manner provided for under this Act, the court may cause any officer of the corporation to be summoned before it in the manner provided for under this Act for compelling the

attendance of witnesses, and if the officer fails to attend, he or she may be dealt with under subsection (1).

3. In this section and in section 53, "officer of the corporation" means any director, any member of the board of management by whatever name or style designated and the secretary.
4. A warrant shall not be issued under this section for the arrest of any person unless the court is satisfied by evidence on oath that the summons directed to that person was duly served.
5. Nothing in this section shall affect the power of a court to deal with a case in the absence of the accused person, whether an individual or a corporation, in the manner provided for by sections 123 and 125.

56. Form, contents and duration of warrant of arrest.

1. Every warrant of arrest shall be under the hand of the magistrate issuing it and shall bear the seal of the court.
2. Every warrant shall state shortly the offence with which the person against whom it is issued is charged, and shall name or otherwise describe that person, and it shall order the person or persons to whom it is directed to apprehend the person against whom it is issued and bring him or her before the court issuing the warrant or before some other court having jurisdiction in the case, to answer to the charge mentioned in it and to be further dealt with according to law.
3. Every such warrant shall remain in force until it is executed or until it is cancelled by the court which issued it.

57. Court may direct security to be taken.

(1) Any magistrates court issuing a warrant for the arrest of any person in respect of any offence other than an offence punishable by death may in its discretion direct by endorsement on the warrant that, if that person executes a bond with sufficient sureties for his or her attendance before the court at a specified time and thereafter until otherwise directed by the court, the officer to whom the warrant is directed shall take that security and shall release the person from custody.

(2) The endorsement shall state—

1. the number of sureties;
2. the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound; and
3. the time at which such person is to attend before the court.

(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the court.

58. Warrants, to whom directed.

1. A warrant of arrest may be directed to one or more police officers or chiefs named in it or generally to all police officers or chiefs.
2. Any court issuing such a warrant may, if its immediate execution is necessary and no police officer or chief is immediately available, direct it to any other person, and that person shall execute the warrant.
3. When a warrant is directed to more officers or persons than one, it may be executed by all or by any one or more of them.

59. Warrants may be directed to landholders, etc.

1. A chief magistrate may direct a warrant to any landholder, farmer or manager of land within the local limits of the magistrate's jurisdiction for the arrest of any escaped convict, proclaimed offender or person who has been accused of a cognisable offence and has eluded pursuit.
2. That landholder, farmer or manager shall acknowledge in writing the receipt of the warrant and shall execute it if the person for whose arrest it was issued is in or enters on his or her land or farm or the land under his or her charge.
3. When the person against whom the warrant is issued is arrested, he or she shall be made over with the warrant to the nearest police officer, who shall cause him or her to be taken before a magistrate having jurisdiction, unless security is taken under section 57.

60. Execution of warrant directed to police officer.

A warrant directed to a police officer may also be executed by any other

police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed, and similarly, a warrant directed to a chief may be executed by any other chief whose name is endorsed on the warrant by the chief to whom it was directed or endorsed.

61. Procedure on execution of warrant.

The police officer or other person executing a warrant of arrest shall notify the substance of the warrant to the person to be arrested, and, if so required, shall show him or her the warrant and shall (subject to section 57 as to security) without unnecessary delay bring the person arrested before the court before which he or she is required by law to produce that person.

62. Where warrant of arrest may be executed.

A warrant of arrest may be executed at any place in Uganda.

63. Procedure on arrest of person outside jurisdiction.

1. When a warrant of arrest is executed outside the local limits of the jurisdiction of the court by which it was issued, the person arrested shall, unless the court which issued the warrant is within twenty miles of the place of arrest, or is nearer than the magistrate within the local limits of whose jurisdiction the arrest was made, or unless

security is taken under section 57, be taken before the magistrate within the local limits of whose jurisdiction the arrest was made.

2. That magistrate shall, if the person arrested appears to be the person intended by the court which issued the warrant, direct his or her removal in custody to that court; except that if the person has been arrested for an offence other than murder, treason or rape, and he or she is ready and willing to give bail to the satisfaction of the magistrate, or if a direction has been endorsed under section 57 on the warrant and the person is ready and willing to give the security required by that direction, the magistrate shall take such bail or security, as the case may be, and shall forward the bond to the court which issued the warrant.
3. Nothing in this section shall be deemed to prevent a police officer from taking security under section 57.

64. Irregularities in warrant.

Any irregularity or defect in the substance or form of a warrant, and any variance between it and the written complaint or information, or between either and the evidence produced on the part of the prosecution at any inquiry or trial, shall not affect the validity of any proceedings at or subsequent to the hearing of the case; but if any such variance appears to the court to be such that the accused has been deceived or misled by the variance, the court may, at the request of the accused, adjourn the hearing of the case to some future date and in the meantime remand the accused or admit him or her to bail.

65. Power to take bond for appearance.

Where any person for whose appearance or arrest a magistrate is empowered to issue a summons or warrant is present in court, the magistrate may require that person to execute a bond, with or without sureties, for his or her appearance in the court.

66. Arrest for breach of bond for appearance.

When any person who is bound by any bond taken under this Act to appear before a court does not so appear, the magistrate presiding in that court may issue a warrant directing that that person be arrested and produced before him or her.

67. Power of court to order prisoner to be brought before it.

1. Where any person for whose appearance or arrest a magistrate is empowered to issue a summons or warrant is confined in any prison, the magistrate may issue an order to the officer in charge of that prison requiring him or her to bring that prisoner in proper custody, at a time to be named in the order, before the court.
2. Where an order is directed to an officer in charge of a prison beyond the local limits of the jurisdiction of the court issuing the order, the court shall send the order for endorsement to a magistrate within the local limits of whose jurisdiction the order is to be executed.
3. That endorsement shall be sufficient authority to the officer in charge of the prison to whom the order is directed to execute the order.

(4) The officer so in charge, on receipt of such order, shall act in accordance with it, and shall provide for the safe custody of the prisoner during his or her absence from the prison for the purpose of the order.

68. Provisions of this Part in relation to summonses and warrants to be generally applicable.

The provisions contained in this Part of this Act relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest issued under this Act or by a justice of the peace, and, except insofar as those provisions may be inconsistent with any other law, the powers of a magistrate or court in relation to the issuing or endorsing of a summons or warrant may be exercised by a justice of the peace.

Part VIII—Searches and search warrants.

69. Search of premises of arrested persons.

When a police officer has reason to believe that material evidence can be obtained in connection with an offence for which an arrest has been made or authorised, any police officer may search the dwelling or place of business of the person so arrested or of the person for whom the warrant of arrest has been issued and may take possession of anything which might reasonably be used as evidence in any criminal proceedings.

70. Power to issue search warrant.

Where it is proved on oath to a magistrate's court that in fact or according to reasonable suspicion anything upon, by or in respect of which an offence has been committed or anything which is necessary to the conduct of an investigation into any offence is in any building, vessel, carriage, box, receptacle or place, the court may by warrant (called a search warrant) authorise the person to whom the warrant is directed to search the building, vessel, carriage, box, receptacle or place (which shall be named or described in the warrant) for any such thing and, if anything searched for is found, to seize it and carry it before the court issuing the warrant or some other court to be dealt with according to law.

71. Execution of search warrant.

Every search warrant may be issued and executed on a Sunday, and shall be executed between the hours of sunrise and sunset; but the court may, by the warrant, in its discretion, authorise the police officer or other person to whom it is addressed to execute it at any hour.

72. Persons in charge of closed place to allow ingress.

1. Whenever any building or other place liable to search is closed, any person residing in or being in charge of that building or place shall, on demand of the police officer or other person executing the search warrant, and on production of the warrant, allow him or her free ingress to it and egress from it and afford all reasonable facilities for a search in it.
2. If ingress into or egress from that building or other place cannot be so obtained, the police officer or other person executing the search warrant may proceed in the manner prescribed by section 3 or 4 of the Criminal Procedure Code Act.
3. Where any person in or about such building or place is reasonably suspected of concealing about his or her person any article for which search should be made, that person may be searched. If that person is a woman, the provisions of section 8 of the Criminal Procedure Code Act shall be observed.

73. Detention of property seized.

1. When any such thing is seized and brought before a court, it may be detained until the conclusion of the case or the investigation, reasonable care being taken for its preservation.
2. If any appeal is made, or if any person is committed for trial, the court may order it to be further detained for the purpose of the appeal or the trial.

3. If no appeal is made, or if no person is committed for trial, the court shall direct such thing to be restored to the person from whom it was taken, unless the court sees fit or is authorised or required by law to dispose of it otherwise.

74. Provisions applicable to search warrants.

Sections 56(1) and (3), 58, 60 and 62 shall, so far as may be, apply to all search warrants issued under section 70.

Part IX—Provisions as to bail.

75. Release on bail.

1. A magistrate's court before which a person appears or is brought charged with any offence other than the offences specified in subsection (2) may, at any stage in the proceedings, release the person on bail, on taking from him or her a recognisance consisting of a bond with or without sureties, for such an amount as is reasonable in the circumstances of the case to appear before the court, on such a date and at such a time as is named in the bond.
2. The offences excluded from the grant of bail under subsection (1) are as follows—

1. an offence triable only by the High Court;
2. an offence under the Penal Code Act relating to acts of terrorism;
3. an offence under the Penal Code Act relating to cattle rustling;
4. an offence under the Firearms Act punishable by a sentence of imprisonment of not less than ten years;
5. abuse of office contrary to section 87 of the Penal Code Act;
6. rape, contrary to section 123 of the Penal Code Act and defilement contrary to sections 129 and 130 of the Penal Code Act;

(g) embezzlement, contrary to section 268 of the Penal Code Act;
(h) causing financial loss, contrary to section 269 of the Penal Code

Act; (i) corruption, contrary to section 2 of the Prevention of Corruption

Act; (j) bribery of a member of a public body, contrary to section 5 of the

Prevention of Corruption Act; and (k) any other offence in respect of which a magistrate's court has no

jurisdiction to grant bail.

(3) A chief magistrate may, in any case other than in the case of an offence specified in subsection (2), direct that any person to whom bail has been refused by a lower court within the area of his or her jurisdiction, be released on bail or that the amount required on any bail bond be reduced.

(4) The High Court may, in any case where an accused person is appearing before a magistrate's court—

1. where the case is not one mentioned in subsection (2), direct that any person to whom bail has been refused by the magistrate's court be released on bail or that the amount required for any bail bond be reduced; and

2. where the case is one mentioned in subsection (2), direct that the accused person be released on bail.

(5) Notwithstanding subsection (1), in any case where a person has been released on bail, the High Court may, if it is of the opinion that for any reason the amount of bail should be increased—

1. issue a warrant for the arrest of the person released on bail directing that he or she should be brought before it to execute a new bond for an increased amount; and
2. commit that person to prison if he or she fails to execute a new bond for an increased amount.

(6) In this section, "public funds" means any money or other property owned by or held by, or on behalf of, or for the purpose of, the Government or a public body within the meaning of section 1 of the Prevention of Corruption Act.

76. Restriction on period of pretrial remand.

If an accused person has been remanded in custody before his or her trial commences—

1. in respect of any offence punishable by death, for a continuous period exceeding four hundred and eighty days; or
2. in respect of any other offence, for a continuous period exceeding two hundred and forty days,

the magistrate before whom the accused person first appears after the expiration of the relevant period shall release him or her on bail on his or her own recognisance, notwithstanding that he or she is accused of an offence referred to in section 75(1), unless—

3. he or she has, prior to the expiration of that period, been committed to the High Court for trial; or
4. the magistrate is satisfied that it is expedient for the protection of the public that he or she should not be released from custody.

77. Considerations for bail.

1. Where any person appears before a magistrate's court charged with an offence for which bail may be granted, the court shall inform the person of his or her right to apply for bail.
2. When an application for bail is made, the court shall have regard to the following matters in deciding whether bail should be granted or refused—

1. the nature of the accusation;
2. the gravity of the offence charged and the severity of the punishment which conviction might entail;
3. the antecedents of the applicant so far as they are known;
4. whether the applicant has a fixed abode within the area of the court's jurisdiction; and
5. whether the applicant is likely to interfere with any of the witnesses for the prosecution or any of the evidence to be tendered in support of the charge.

(3) Where bail is not granted under section 75, the court shall—

1. record the reasons why bail was not granted; and
2. inform the applicant of his or her right to apply for bail to the High Court or to a chief magistrate, as the circumstances may require.

78. Deposit instead of recognisance.

When any person is required by any court or officer to execute a bond, with or without sureties, that court or officer may (except in the case of a bond for good behaviour) permit that person—

1. to deposit any specific article or property; or
2. to deposit a sum of money to such amount as the court or officer may fix,

in lieu of executing such a bond.

79. Power to order sufficient bail when that first taken is insufficient.

If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the court may issue a warrant of arrest directing that the person released on bail be brought before it, and may order him or her to find sufficient sureties, and on his or her

failing so to do may commit him or her to prison.

80. Discharge of sureties.

1. All or any of the sureties for the appearance and attendance of a person released on bail may at any time apply to a magistrate to discharge the bond either wholly or so far as it relates to the applicant or applicants.
2. On that application being made the magistrate shall issue a warrant of arrest directing that the person released be brought before him or her.
3. On the appearance of that person pursuant to the warrant, or on his or her voluntary surrender, the magistrate shall direct the bond to be discharged either wholly or so far as it relates to the applicant or applicants, and shall call upon that person to find other sufficient sureties, and if he or she fails to do so may commit him or her to prison.

81. Death of surety.

Where a surety to a bond dies before the bond is forfeited, his or her estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.

82. Persons bound by recognisance absconding may be committed.

If it is made to appear to any magistrate's court, by information on oath, that any person bound by recognisance is about to leave Uganda, the court may cause that person to be arrested and may commit him or her to prison until the trial or inquiry, unless the court shall see fit to admit him or her to bail upon further recognisance.

83. Forfeiture of recognisance.

(1) Whenever it is proved to the satisfaction of a magistrate's court by which a recognisance under this Act has been taken, or when the recognisance is for appearance before a court, to the satisfaction of that court, that such recognisance has been forfeited, the court shall record the grounds of the proof, and may call upon any person bound by the recognisance to pay the penalty thereof, or to show cause why it should not be paid.

2. If sufficient cause is not shown and the penalty is not paid, the court may proceed to recover the penalty by issuing a warrant for the attachment and sale of the movable property belonging to such person, or his or her estate if the person is dead.
3. That warrant may be executed within the local limits of the jurisdiction of the court which issued it; and it shall authorise the attachment and sale of the movable property belonging to such person without those limits, when endorsed by any magistrate within the local limits of whose jurisdiction that property is found.
4. If such penalty is not paid and cannot be recovered by the attachment and sale, the person so bound shall be liable, by order of the court which issued the warrant, to imprisonment for a period not exceeding six months.
5. The court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.
6. When any person who has furnished security is convicted of an offence the commission of which constitutes a breach of the conditions of his or her recognisance, a certified copy of the judgment of the court by which he or she was convicted of that offence may be used as evidence in proceedings under this section against his or her surety or sureties, and, if that certified copy is so used, the court shall presume that the offence was committed by him or her unless the contrary is proved.

84. Appeal from and revision of orders.

All orders passed under the provisions of section 83 by any magistrate shall be appealable to and may be revised by the High Court.

Part X—Charges.

85. Contents of charge.

Every charge shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the offence charged.

86. Joinder of counts.

1. Any offences, whether felonies or misdemeanours, may be charged together in the same charge if the offences charged are founded on the same facts or form or are a part of a series of offences of the same or a similar character.
2. Where more than one offence is charged in a charge, a description of each offence so charged shall be set out in a separate paragraph of the charge called a count.
3. Where, before trial, or at any stage of a trial, the court is of the opinion that a person accused may be embarrassed in his or her defence by reason of being charged with more than one offence in the same charge, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in a charge, the court may order a separate trial of any count or counts of the charge.

87. Joinder of persons.

The following persons may be joined in one charge and may be tried together—

1. persons accused of the same offence committed in the course of the same transaction;
2. persons accused of an offence and persons accused of abetment or of an attempt to commit that offence;
3. persons accused of more offences than one of the same kind (that is to say, offences punishable with the same amount of punishment under the same section of the Penal

Code Act or of any other written law) committed by them jointly within a period of twelve months;

4. persons accused of different offences committed in the course of the same transaction;
5. persons accused of any offence under Chapters XXV to XXXIX, inclusive, of the Penal Code Act and persons accused of receiving or retaining property, possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit either of the last-named offences;
6. persons accused of any offence relating to counterfeit coin under Chapter XXXV of the Penal Code Act, and persons accused of

any other offence under that Chapter relating to the same coin, or of abetment of or attempting to commit any such offence.

88. Rules for framing of charges.

The following provisions shall apply to all charges and, notwithstanding any rule of law or practice, a charge shall, subject to this Act, not be open to objection in respect of its form or content if it is framed in accordance with this Act—

1. a count of a charge shall commence with a statement of the offence charged, called the statement of offence;
2. the statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and if the offence charged is one created by enactment shall contain a reference to the section of the enactment creating the offence;
3. after the statement of the offence, particulars of the offence shall be set out in ordinary language in which the use of technical terms shall not be necessary;
4. where any rule of law or any written law limits the particulars of an offence which are required to be given in a charge, nothing in paragraph (c) shall require any more particulars to be given than those so required;
5. where a charge contains more than one count, the counts shall be numbered consecutively;
6. where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of different intentions, or states any part of the offence in the alternative, acts, omissions, capacities or intentions, or other matters stated in the alternative in the enactment, may be stated in the alternative in the count charging the offence;
7. it shall not be necessary, in any count charging an offence constituted by an enactment, to negative any exception or exemption from or qualification to the operation of the enactment creating the offence;

(h) the description of property in a charge shall be in ordinary language, and such as to indicate with reasonable clearness the property referred to, and, if the property is so described, it shall

not be necessary, except when required for the purpose of describing an offence depending on any special ownership of property or special value of property, to name the person to whom the property belongs or the value of the property;

(i) where property is vested in more than one person, and the owners of the property are referred to in a charge, it shall be sufficient to describe the property as owned by one of those persons by name with the others, and if the persons owning the property are a body of persons with a collective name, such as “joint stock company” or “inhabitants”, “trustees”, “commissioners” or “club” or other such name, it shall be sufficient to use the collective name without naming any individual;

(j) property belonging to or provided for the use of any public establishment, service or department may be described as the property of the Government;

(k) coin, bank notes and currency notes may be described as money; and any allegation as to money, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank or currency note (although the particular species of coin of which such amount was composed, or the particular nature of the bank or currency note, shall not be provided); and, in case of stealing and defrauding by false pretences, by proof that the accused person dishonestly appropriated or obtained any coin or any bank or currency note, or any portion of the value, although the coin or bank or currency note may have been delivered to him or her in order that some part of its value should be returned to the party delivering it or to any other person and such part shall have been returned accordingly;

(l) when a person is charged with any offence under sections 268, 269, 270 and 271 of the Penal Code Act, it shall be sufficient to specify the gross amount of property in respect of which the offence is alleged to have been committed and the dates between which the offence is alleged to have been committed without specifying particular items or exact dates;

(m) the description or designation in a charge of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him or her, without necessarily stating his or her correct name, or his or her abode, style, degree or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such

description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as a person unknown;

(n) where it is necessary to refer to any document or instrument in a charge, it shall be sufficient to describe it by any name or designation by which it is usually known, or by its purport, without setting out any copy of it;

(o) subject to any other provisions of this section, it shall be sufficient to describe any place, time, thing, matter, act or omission to which it is necessary to refer in any charge in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to;

(p) it shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person, where the enactment creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence;

(q) where a previous conviction of an offence is averred in a charge, it shall be averred at the end of the charge by means of a statement that the accused person has been previously convicted of that offence at a certain time and place without stating the particulars of the offence;

(r) figures and abbreviations may be used for expressing anything which is commonly expressed by them.

Part XI—Previous conviction or acquittal.

89. Persons convicted or acquitted not to be tried again for same offence.

A person who has been once tried by a court of competent jurisdiction for an offence and convicted or acquitted of that offence shall, while that conviction or acquittal has not been reversed or set aside, not be liable to be tried again on the same facts for the same offence.

90. Persons may be tried again for separate offence.

A person convicted or acquitted of any offence may afterwards be tried for any other offence with which he or she might have been charged on the former trial under section 86(1).

91. Consequences supervening or not known at time of former trial.

A person convicted or acquitted of any act causing consequences which together with that act constitute a different offence from that for which the person was convicted or acquitted may be afterwards tried for the last-mentioned offence, if the consequences had not happened or were not known to the court to have happened at the time when he or she was acquitted or convicted.

92. Where original court was not competent to try subsequent charge.

A person convicted or acquitted of any offence constituted by any acts may, notwithstanding the conviction or acquittal, be subsequently charged with and tried for any other offence constituted by the same acts which he or she may have committed, if the court by which he or she was first tried was not competent to try the offence with which he or she is subsequently charged.

93. Previous conviction or acquittal, how proved.

(1) In any trial or other proceeding under this Act, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force—

1. by an extract, certified under the hand of the officer having the custody of the records of the court in which the conviction or acquittal was had, to be a copy of the sentence or order; or
2. in case of a conviction, either by a certificate signed by the officer in charge of the prison in which the punishment or any part of it was inflicted, or by production of the warrant of commitment under which the punishment was suffered.
2. A certificate in the form prescribed by the Minister given under the hand of an officer appointed by the Minister for that purpose, who shall have compared the fingerprints of an accused person with the fingerprints of a person previously convicted or acquitted, shall be prima facie evidence of all facts set forth in it provided it is produced by the person who took the fingerprints of the accused.
3. A previous conviction in any place outside Uganda may be proved by the production of a certificate purporting to be given under the hand of a police officer in the country where the conviction was had,

containing a copy of the sentence or order and the fingerprints or photographs of the fingerprints of the person so convicted, together with evidence that the fingerprints of the person so convicted are those of the accused person.

(4) A certificate referred to in subsection (3) shall be prima facie evidence of all facts set forth in it without proof that the officer purporting to sign it did in fact sign it and was empowered so to do.

Part XII—Witnesses and evidence.

94. Summons for witness.

1. If it is made to appear that material evidence can be given by or is in the possession of any person, a magistrate's court having cognisance of any criminal cause or matter may issue a summons to that person requiring his or her attendance before the court or requiring him or her to bring and produce to the court for the purpose of evidence all documents, writings or things in his or her possession or power which may be specified or otherwise sufficiently described in the summons.
2. Any exhibit produced before a court may be retained by the court until thirty days after the conclusion of the trial at which it was produced, and in the event of an appeal for such further period as the court to which the appeal is made shall direct.
3. Nothing in this section shall be deemed to affect the provisions of section 122 or 123 of the Evidence Act.

95. Warrant for witness who disobeys summons.

If, without sufficient excuse, a witness does not appear in obedience to the summons, the court, on proof of the proper service of the summons a reasonable time before, may issue a warrant to bring the witness before the court at such time and place as shall be specified in the warrant.

96. Warrant for witness in first instance.

If the court is satisfied by evidence on oath that such person will not attend unless compelled to do so, it may at once issue a warrant for the arrest and production of the witness before the court at a time and place to be specified

in the warrant.

97. Mode of dealing with witness arrested under warrant.

When any witness is arrested under a warrant the court may, on the witness furnishing security by recognisance to the satisfaction of the court for his or her appearance at the hearing of the case, order him or her to be released from custody, or shall on the witness failing to furnish that security, order him or her to be detained for production at the hearing.

98. Power of court to order prisoner to be brought up for examination.

1. A magistrate's court desirous of examining as a witness, in any case pending before it, any person confined in any prison may issue an order to the officer in charge of that prison requiring him or her to bring the prisoner in proper custody, at a time to be named in the order, before the court for examination.
2. Where an order is directed to an officer in charge of a prison beyond the local limits of the jurisdiction of the court issuing it, the court shall send the order for endorsement to a magistrate within the local limits of whose jurisdiction the order is to be executed.
3. That endorsement shall be sufficient authority to the officer in charge of the prison to whom the order is directed to execute the order.
4. The officer in charge, on receipt of the order, shall act in accordance with it and shall provide for the safe custody of the prisoner during his or her absence from the prison for the purpose of the order.

99. Penalty for nonattendance of witness.

1. Any person summoned to attend as a witness who, without lawful excuse, fails to attend as required by the summons, or who, having attended, departs without having

obtained the permission of the court, or fails to attend after adjournment of the court after being ordered to attend, is liable by order of the court to a fine not exceeding four hundred shillings.

2. The fine shall be levied by attachment and sale of any movable property belonging to the witness within the local limits of the jurisdiction of the court.
3. In default of recovery of the fine by attachment and sale, the witness may, by order of the court, be imprisoned as a civil prisoner for fifteen days unless the fine is paid before the end of the period.
4. For good cause shown, the High Court may remit or reduce any fine imposed under this section by a magistrate's court.

100. Power to summon material witnesses or examine person present.

Any magistrate's court may, at any stage of any trial or other proceeding under this Act, summon or call any person as a witness, or examine any person in attendance though not summoned as a witness, or recall and reexamine any person already examined, and the court shall summon and examine or recall and reexamine any such person if that person's evidence appears to it essential to the just decision of the case; but the prosecutor or the advocate for the prosecution or the defendant or his or her advocate shall have the right to cross-examine any such person, and the court shall adjourn the case for such time, if any, as it thinks necessary to enable that cross-examination to be adequately prepared if, in its opinion, either party may be prejudiced by the calling of any such person as a witness.

101. Evidence to be given on oath.

1. Every witness in a criminal cause or matter in a magistrate's court shall be examined upon oath, and the court before which any witness shall appear shall have full power and authority to administer the usual oath.
2. Any witness upon objecting to being sworn, and stating as the grounds for that objection either that he or she has no religious belief or that the taking of an oath is contrary to his or her religious belief, shall be permitted to make a solemn affirmation instead of taking an oath which affirmation shall be of the same effect as if he or she had taken the oath.
3. Where, in any proceedings, any child of tender years called as a witness does not, in the opinion of the court, understand the nature of an oath, the child's evidence may be received, though not given upon oath, if, in the opinion of the court, the child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth.
4. Where evidence admitted by virtue of subsection (3) is given on behalf of the prosecution, the accused shall not be liable to be convicted unless that evidence is corroborated by some other material evidence in support of it implicating him or her.
5. If any witness in any criminal cause or matter offers to give evidence on oath or affirmation in any form common among, or held binding by, persons of the race or persuasion to which the witness belongs and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, tender that oath or affirmation to the witness.

102. Refractory witnesses.

(1) Whenever any person, appearing either in obedience to a summons or by virtue of a warrant, or being present in court and being verbally required by the court to give evidence—

1. refuses to be sworn;
2. having been sworn, refuses to answer any question put to him or her;
3. refuses or neglects to produce any document or thing which he or she is required to produce; or

(d) refuses to sign his or her deposition,
without in any such case offering any sufficient excuse for the refusal or neglect, the court may adjourn the case for any period not exceeding eight days, and may in the meantime commit the person to prison, unless he or she sooner consents to do what is required of him or her.

2. If that person, upon being brought before the court at or before the adjourned hearing, again refuses to do what is required of him or her, the court may, if it sees fit, again adjourn the case and commit him or her for the like period, and so again from time to time until the person consents to do what is so required of him or her.
3. Nothing in this section shall affect the liability of any such person to any other punishment or proceeding for refusing or neglecting to do what is so required of him or her, or shall prevent the court from disposing of the case in the meantime according to any other sufficient evidence taken before it.

103. Reports by Government analysts and geologists.

1. Any document purporting to be a report under the hand of a Government ballistics expert or of any Government analyst or Government geologist upon any matter or thing duly submitted to him or her for examination or analysis and report may be used as evidence in any inquiry, trial or other proceeding under this Act.
2. Without prejudice to section 100, the court may presume—

1. that the signature on any such report as is mentioned in subsection (1) is genuine and that the person signing it held the office which he or she professed to hold at the time when he or she signed it; and
2. that any matter or thing to which the report relates has, if it is proved to have been delivered at the office or laboratory specified in the report, been duly submitted for examination or analysis.
3. The examination or analysis, or any part of the examination or analysis on which any such report as is mentioned in subsection (1) is based may be made by the person signing the report or by any person acting under his or her direction.
4. In this section—

1. “Government analyst” includes the senior pathologist, a pathologist and the Government chemist;
2. “Government ballistics expert” means any person designated as such by the Minister by statutory instrument;
3. “Government geologist” includes the commissioner of geological survey and mines, a senior geologist and any geologist who is employed in the public service.

104. Power to take evidence of witnesses in absence of the accused.

1. If it is proved that an accused person has absconded and that there is no immediate prospect of arresting him or her, the magistrate's court competent to try or commit for trial such person for the offence complained of may, in his or her absence, examine the witnesses, if any, produced on behalf of the prosecution, and record their depositions.
2. Any depositions taken under subsection (1) may, on the arrest of such person, be given in evidence against him or her on the inquiry into or

trial of the offence with which he or she is charged if the deponent is dead or incapable of giving evidence, or his or her attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

3. If it appears that an offence punishable with death or imprisonment for a period of not less than seven years has been committed by some person or persons unknown, the High Court may direct that a chief magistrate or a magistrate grade I shall hold an inquiry and examine any witnesses who can give evidence concerning the offence.
4. Any depositions taken under subsection (3) may be given in evidence against any person who is subsequently accused of the offence if the deponent is dead or incapable of giving evidence or beyond the limits of Uganda.

105. Issue of commission for examination of witness.

1. Whenever in the course of any proceeding under this Act a chief magistrate is satisfied that the examination of a witness is necessary for the ends of justice, and the attendance of that witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, the magistrate may issue a commission to any magistrate, within the local limits of whose jurisdiction the witness resides, to take the evidence of the witness.
2. The magistrate to whom the commission is issued shall proceed to the place where the witness is or shall summon the witness before him or her, and shall take down his or her evidence in the same manner, and may for this purpose exercise the same powers, as in the case of a trial.

106. Parties may examine witnesses.

1. The parties to any proceeding under this Act in which a commission is issued may respectively forward any interrogatories in writing which the court or magistrate directing the commission may think relevant to the issue, and the magistrate to whom the commission is directed shall examine the witness upon those interrogatories.
2. Any such party may appear before the magistrate by advocate, or, if not in custody, in person, and may examine, cross-examine and reexamine,

as the case may be, the witness.

107. Power of magistrate to apply for issue of commission.

Whenever in the course of any proceeding under this Act before any magistrate, other than a chief magistrate, empowered to hold a magistrate's court, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of that witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, the magistrate shall apply to a chief magistrate empowered to hold a magistrate's court stating the reasons for the application; and a chief magistrate empowered to hold a magistrate's court may either issue a commission in the manner hereinbefore provided or reject the application.

108. Return of commission.

1. After any commission issued under section 105 or 107 has been duly executed, it shall be returned, together with the deposition of the witness examined under it, to the court which issued the commission, and the commission, the return to it and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.
2. Any deposition so taken, if it satisfies the conditions prescribed by section 31 of the Evidence Act, may also be received in evidence at any subsequent stage of the case before another court.

109. Adjournment of trial for execution and return of commission.

In every case in which a commission is issued under section 105 or 107, the proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

110. Competency of accused as witness.

Every person charged with an offence shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person; except that—

(a) a person so charged shall not be called as a witness in pursuance of this section except upon his or her own application;

2. the failure of any person charged with an offence to give evidence shall not be made the subject of any comment by the prosecution;
3. every person called as a witness in pursuance of this section shall, unless otherwise ordered by the court, give his or her evidence from the witness box or other place from which the other witnesses have given their evidence;
4. nothing in this section shall affect the provisions of section 168 or any right of the person charged to make a statement without being sworn.

111. Procedure when person charged is the only witness called.

Where the only witness to the facts of the case called by the defence is the person charged, he or she shall be called as a witness immediately after the close of the evidence for the prosecution.

112. Right of reply.

In cases where the right of reply depends upon the question whether evidence has been called for the defence, the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply; except that the Attorney General or Solicitor General when appearing personally as advocate for the prosecution shall, in all cases, have the right of reply.

Part XIII—Procedure in case of the insanity or other incapacity of an accused person.

113. Inquiry by court as to insanity of accused.

1. When in the course of a trial or preliminary proceedings a magistrate’s court has reason to believe that the accused is of unsound mind and consequently incapable of making his or her defence, it shall inquire into the fact of that unsoundness.

2. If the court is of opinion that the accused is of unsound mind and consequently incapable of making his or her defence, it shall postpone further proceedings in the case.

3. If the case is one in which bail may be taken, the court may

release the accused person on sufficient security being given that he or she will be properly taken care of and prevented from doing injury to himself or herself or to any other person, and for his or her appearance before the court or such officer as the court may appoint for that purpose.

4. If the case is one in which bail may not be taken, or if sufficient security is not given, the court shall order the accused to be detained in safe custody in such place and manner as it may think fit and shall transmit the court record or a certified copy of it to the Minister.

5. Upon consideration of the record the Minister may, by warrant under his or her hand directed to the court, order that the accused may be confined as a criminal lunatic in a mental hospital or other suitable place of custody; and the court shall give any directions necessary to carry out that order.

6. Any warrant of the Minister under subsection (5) shall be sufficient authority for the detention of the accused person until the Minister shall make a further order in the matter or until the court finding him or her incapable of making his or her defence shall order the accused person to be brought before it again in the manner provided by sections 114 and 115.

114. Procedure when accused certified as capable of making a defence.

1. If any person confined in a mental hospital or other place of custody under section 113 is found by the medical officer in charge of the mental hospital or place to be capable of making his or her defence, the medical officer shall forthwith forward a certificate to that effect to the Director of Public Prosecutions.

2. The Director of Public Prosecutions shall then inform the court which recorded the finding against the person whether it is the intention of the State that the proceedings against the person shall continue or otherwise.

3. In the former case the court shall thereupon order the removal of the person from the place where he or she is detained and shall cause the person to be brought in custody before it in the manner described by section 115; otherwise the court shall forthwith issue an order for the immediate release from custody of the person.

115. Resumption of trial or investigation.

1. Whenever any preliminary proceedings or trial is postponed under section 113, the court may at any time, subject to section 114, resume the preliminary proceedings or trial and require the accused to appear or be brought before the court when, if the court considers he or she is capable of making his or her defence, the preliminary investigation or trial shall proceed, or begin de novo, as to the court may appear expedient.

2. Any certificate given to the Director of Public Prosecutions under section 114 may be given in evidence in any proceedings under this section without further proof unless it is proved that the medical officer purporting to sign it did not in fact sign it.

3. If the court considers the accused still to be incapable of making his or her defence, it shall act as if the accused were brought before it for the first time.

116. Defence of insanity at preliminary proceedings.

When the accused appears to be of sound mind at the time of preliminary proceedings, the court, notwithstanding that it is alleged that at the time when the act was committed, in respect of which the accused person is charged, he or she was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, shall proceed with proceedings and shall commit the accused for trial.

117. Defence of insanity on trial.

1. Where any act or omission is charged against any person as an offence, and it is given in evidence on the trial of the person for that offence that he or she was insane so as not to be responsible for his or her action at the time when the act was done or omission made, then if it appears to the court before which the person is tried that he or she did the act or made the omission charged but was insane as aforesaid at the time when he or she did the act or made the omission, the court shall make a special finding to the effect that the accused is not guilty of the act or omission charged by reason of insanity.
2. When the special finding is made under the subsection (1), the court shall report the case for the order of the Minister, and shall meanwhile

order the accused to be kept in custody as a criminal lunatic in such place and in such manner as the court shall direct.

3. The Minister may order any such person to be confined in a mental hospital, prison or other suitable place of safe custody.
4. The superintendent of a mental hospital, prison or other place in which any criminal lunatic is detained by an order of the Minister under subsection (1) shall make a report to the Minister of the condition, history and circumstances of every such lunatic at the expiration of three years from the date of the Minister's order and thereafter at the expiration of periods of two years from the date of the last report.
5. On the consideration of any such report the Minister may order that the criminal lunatic be discharged or otherwise dealt with.
6. Notwithstanding subsections (4) and (5), the Commissioner of Prisons or the chief medical officer may, at any time after a criminal lunatic has been detained in any place by an order of the Minister, make a special report to the Minister on the condition, circumstances and history of any such criminal lunatic; and the Minister, on a consideration of any such report, may order that the criminal lunatic be discharged or otherwise dealt with.
7. The Minister may at any time order that a criminal lunatic be transferred from a mental hospital to a prison or from a prison to a mental hospital or from any place in which he or she is detained to either a prison or a mental hospital.

118. Procedure when accused does not understand proceedings.

(1) If the accused, though not insane, cannot be made to understand the proceedings—

1. in cases triable by a magistrate's court, the court shall proceed to hear all the evidence available both for the prosecution and the defence and if satisfied that the accused is guilty of the offence charged shall order him or her to be detained in safe custody pending an order made by the Minister under subsection (3), in such place and manner as it thinks fit;

2. in cases triable only by the High Court, a magistrate's court with jurisdiction to hold preliminary proceedings shall, after complying with such of the provisions of section 168 as the

circumstances allow, commit the accused to the High Court for trial under that section.

2. Where an order has been made under subsection (1), the High Court or magistrate's court, as the case may be, shall transmit the court record, or a certified copy of that record, to the Minister.
3. Upon consideration of the record transmitted to him or her under subsection (2), the Minister may by order under his or her hand direct that the person convicted shall be detained in such prison or other place of custody as may be specified in the order or that the person be released.
4. Any order made under subsection (3), other than an order directing the release of a person convicted, may at any time be varied or discharged by the Minister and—

1. the order so made shall be sufficient authority for the removal of the person to whom it relates to the place of detention specified in the order so made or varied and for his or her detention there; or
2. any person removed or detained under the authority of any such order shall be deemed to be in lawful custody.

Part XIV—Provisions relating to the hearing and determination

of criminal cases.

119. Nonappearance of complainant at hearing.

1. If, in any case which a magistrate's court has jurisdiction to hear and determine, the accused person appears in obedience to the summons served upon him or her at the time and place appointed in the summons for the hearing of the case, or is brought before the court under arrest, then, if the prosecutor, having had notice of the time and place appointed for the hearing of the charge, does not appear, the court shall dismiss the charge, unless for some reason it shall think it proper to adjourn the hearing of the case until some other date, upon such terms as it shall think fit, in which event it may, pending such adjourned hearing, either admit the accused to bail or remand the accused to prison, or take such security for his or her appearance as the court shall think fit.
2. The dismissal of a charge under this section shall not operate as a bar to subsequent proceedings against the accused person on account of the

same facts.

120. Appearance of both parties.

If at the time appointed for the hearing of the case both the prosecutor and the accused person appear before the court which is to hear and determine the charge, or if the prosecutor appears and the personal attendance of the accused person has been dispensed with under section 52, the court shall proceed to hear the case.

121. Withdrawal from prosecution in trials before magistrates courts.

In any proceeding before a magistrate's court the prosecutor may, with the consent of the court or on the instructions of the Director of Public Prosecutions, at any time before

judgment is pronounced, withdraw from the prosecution of any person; and upon that withdrawal—

1. if it is made before the accused person is called upon to make his or her defence, he or she shall be discharged, but the discharge of an accused person shall not operate as a bar to subsequent proceedings against him or her on account of the same facts;
2. if it is made after the accused person is called upon to make his or her defence, he or she shall be acquitted.

122. Adjournments.

1. Before or during the hearing of any case, the court may adjourn the hearing if sufficient cause is shown, on due application made in open court for the adjournment; but when the hearing of evidence has first begun the trial shall be continued from day-to-day until the trial is concluded, unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.
2. Where a hearing is adjourned under this section, the court shall appoint a time and place for the resumption of the proceedings; and in the meantime the court may, subject to section 75(1), suffer the accused person to go at large or may, by warrant, remand him or her in some prison, remand home or other suitable place, or may release him or her upon entering into a recognisance with or without sureties, at the discretion of the court, conditioned for his or her appearance at the time and place to which the hearing or further hearing shall be adjourned; but no such adjournment shall be for more than thirty clear days, or if the accused person has been

committed to prison or other place of security, for more than fifteen clear days, the day following that on which the adjournment is made being counted as the first day.

123. Nonappearance of parties after adjournment.

1. If, at the time or place to which the hearing or further hearing shall be adjourned, the accused person shall not appear before the court which shall have made the order of adjournment, that court may, unless the accused person is charged with a felony, proceed with the hearing or further hearing as if the accused were present; and if the complainant shall not appear, the court may dismiss the charge with or without costs as the court shall think fit.
2. If the court convicts the accused person in his or her absence, it may set aside the conviction upon being satisfied that the absence was from causes over which he or she had no control, and that he or she had a probable defence on the merits.
3. Any sentence passed under subsection (1) shall be deemed to commence from the date of apprehension, and the person effecting the apprehension shall endorse the date of the apprehension on the back of the warrant of commitment.
4. If the accused person who has not appeared as aforesaid is charged with a felony, or if the court in its discretion refrains from convicting the accused in his or her absence, the court shall issue a warrant for the apprehension of the accused person and cause the accused person to be brought before the court.

124. Accused to be called upon to plead.

1. The substance of the charge shall be stated to the accused person by the court, and the accused person shall be asked whether he or she admits or denies the truth of the charge.

2. If the accused person admits the truth of the charge, the admission shall be recorded as nearly as possible in the words used by him or her, and the court shall convict him or her, and pass sentence upon or make an order against him or her, unless there shall appear to it sufficient cause to the contrary.
3. If the accused person does not admit the truth of the charge, the court shall record a plea of not guilty and shall proceed to hear the case as hereafter in this Act provided.
4. If the accused person refuses to plead, the court shall order a plea of not guilty to be entered for him or her.
5. If the accused pleads—

(a) that he or she has been previously convicted or acquitted, as the case may be, of the same offence; or

(b) that he or she has obtained a pardon for his or her offence,

the court shall try whether that plea is true in fact or not, and if the court holds that the facts alleged by the accused do not prove the plea, or if it finds that it is false in fact, the accused shall be required to plead to the charge.

125. Nonappearance of accused in petty cases.

1. In any case where a person is charged with an offence under the Traffic and Road Safety Act, or any Act replacing or amending that Act, or with any other offence under any other written law which the Minister, after consulting the Chief Justice, has by statutory instrument, declared may be dealt with under this section, if the magistrate is satisfied by evidence on oath that the accused person has been served with a summons relating to the offence in question then the magistrate, if the accused person does not appear on the date and at the time he or she has been summoned, may, in the absence of the accused person, hear the evidence for the prosecution and if satisfied that the evidence proves that the accused person committed the offence with which he or she is charged convict and sentence him or her.
2. The magistrate in any such case shall not sentence the accused person to a term of imprisonment either directly or in default of the payment of a fine or to a fine greater than one hundred shillings.
3. If the court convicts the accused person in his or her absence, it may set aside the conviction upon being satisfied that his or her absence was from causes over which he or she had no control, and that he or she had a probable defence on the merits.

126. Procedure on plea of not guilty.

1. If the accused person does not admit the truth of the charge, the court shall proceed to hear the evidence for the prosecution.
2. The accused person or his or her advocate may put questions to each witness produced against him or her.
3. If the accused person does not employ an advocate, the court shall, at the close of the examination of each witness for the prosecution, ask the accused person whether he or she wishes to put any questions to that witness and shall record his or her answer.

127. Discharge of accused person when no case to answer.

If at the close of the evidence in support of the charge it appears to the court that a case is not made out against the accused person sufficiently to require him or her to make a defence, the court shall dismiss the case and shall forthwith acquit him or her.

128. Defence.

1. At the close of the evidence in support of the charge, if it appears to the court that a case is made out against the accused person sufficiently to require him or her to make a defence, the court shall again explain the substance of the charge to the accused, and shall inform him or her that he or she has the right to give evidence on oath from the witness box and that, if he or she does so, he or she will be liable to cross-examination, or to make a statement not on oath from the dock, and shall ask the accused whether he or she has any witnesses to examine or other evidence to adduce in his or her defence; and the court shall then hear the accused and his or her witnesses and other evidence.
2. In any case where there is more than one accused person, the court may either hear each accused person and his or her witnesses, if any, in turn or may, if it appears more convenient, hear all the accused persons and then hear all their witnesses.
3. If the accused person states that he or she has witnesses to call but that they are not present in court, and the court is satisfied that the absence of those witnesses is not due to any fault or neglect of the accused person,

and that there is a likelihood that they could, if present, give material evidence on behalf of the accused person, the court may adjourn the trial and issue process, or take other steps, to compel the attendance of those witnesses.

129. Hostile witness.

Where the court declares that a witness called by a party is hostile to that party (whether because his or her testimony in court conflicts with any statement he or she has made during the police investigation or for any other reason), it may permit the party to conduct the examination-in-chief by that party as if it were a cross-examination and may determine the order of the witness' examination by the other parties.

130. Evidence in reply.

If the accused person adduces evidence in his or her defence introducing new matter which the prosecutor could not by the exercise of reasonable diligence have foreseen, the court may allow the prosecutor to adduce evidence in reply to contradict the new matter.

131. Opening and close of case for prosecution and defence.

1. The prosecutor and the accused person shall be entitled to address the court at the commencement of their respective cases.
2. After the close of the accused person's case, the accused person shall be entitled to address the court, and the prosecutor shall then be entitled to reply; but if the accused person adduces no evidence or no evidence other than evidence given by himself or herself, the accused person shall, subject to section 112 and subsection (3), be entitled to the right of reply.
3. Notwithstanding subsection (2), where any issue of law is raised by a person with a right of reply in the course of that reply, the court may, in its discretion, give to any other person having a right of address leave to address the court on that issue of law.
4. Where a right of address or reply is conferred by this section upon a prosecutor or any accused person, that right may be exercised by an advocate representing the prosecutor or accused person.

132. Amendment of charges.

(1) Where, at any stage of a trial, it appears to a magistrate's court

that—

(a)

the evidence discloses an offence other than the offence with

which the accused is charged;

(b) (c)

the charge is defective in a material particular; or

the accused desires to plead guilty to an offence other than the

offence with which he or she is charged, then the court, if it is satisfied that no injustice to the accused will be caused thereby, may make such order for the alteration of the charge by way of its amendment or by the substitution or addition of a new charge as it thinks necessary to meet the circumstances of the case.

(2) Where a charge is altered under subsection (1)—

1. the court shall thereupon call upon the accused person to plead to the altered charge;
2. the accused may demand that the witnesses for the prosecution or any of them be recalled and be further cross-examined by the accused or his or her advocate, whereupon the prosecution shall have the right to reexamine any such witnesses on matters arising out of such further cross-examination; and
3. the accused shall have the right to give or to call such further evidence on his or her behalf as he or she may wish.

3. Where an alteration of a charge is made under subsection (1), the court shall, if it is of the opinion that the accused has been prejudiced by the alteration, adjourn the trial for such period as may be reasonably necessary.
4. Variance between the charge and the evidence adduced in support of it with respect to the time at which the alleged offence was committed is not material, and the charge need not be amended for such variance if it is proved that the proceedings were in fact instituted within any time limited by law for the institution of the proceedings.

(5) The court shall inform the accused of his or her right to demand the recall of witnesses under subsection (2), and that he or she may apply to the court for an adjournment under subsection (3).

(6) In any case where a charge is altered under subsection (1), the court may make such order as to the payment by the prosecution of any costs

incurred owing to the alteration of the charge as it shall think fit.

133. Decision.

1. The court having heard the evidence called by the prosecution and by the accused person shall either convict the accused and pass sentence upon, or make an order against, him or her according to law, or shall acquit him or her.
2. The court, before passing sentence, may make such inquiries as it thinks fit in order to inform itself as to the proper sentence to be passed and may inquire into the character and antecedents of the accused person and may take into consideration either at the request of the prosecution or the accused person in assessing the proper sentence to be passed such character and antecedents, including any other offences admitted by him or her whether or not he or she has been convicted of such offences; but—

1. the accused person shall be given an opportunity to confirm, deny or explain any statement made about him or her, and in any case of doubt the court shall, in the absence of legal proof of the statement, ignore the statement;
2. no offence of which the accused person has not been convicted shall be taken into consideration in assessing the proper sentence, unless the accused person specifically agrees that the offence shall be taken into consideration, and a note of that request shall have been recorded in the proceedings; and
3. if for any reason the sentence passed by the court is set aside, the accused person shall not be entitled to plead *autrefois convict* in respect of any offence taken into consideration in assessing the sentence that was set aside.

134. Drawing up conviction or order.

1. The conviction or order may, if required, be afterwards drawn up and shall be signed by the court making the conviction or order, or by the clerk or other officer of the court.
2. The production of a copy of an order of acquittal, certified by the clerk or other officer of the court, shall without other proof be a bar to any subsequent proceedings for the same matter against the same accused person.

135. Mode of delivering judgment.

1. The judgment in every criminal trial in a magistrate's court in the exercise of its original jurisdiction shall be pronounced, or the substance of the judgment shall be explained, in open court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties and their advocates, if any; except that the whole judgment shall be read out by the magistrate if he or she is requested so to do either by the prosecution or the defence.
2. The accused person shall, if in custody, be brought up or, if not in custody, be required by the court to attend to hear judgment delivered, except where his or her personal attendance during the trial has been dispensed with and the sentence is one of fine only or he or she is acquitted.
3. No judgment delivered by a magistrate's court shall be deemed to be invalid by reason only of the absence of any party or his or her advocate on the day or from the place notified for the delivery of the judgement, or of any omission to serve, or defect in serving, on the parties or their advocates, or any of them, the notice of that day and place.

136. Form and contents of judgment.

1. Every judgment delivered under section 135 shall, except as otherwise expressly provided by this Act, be written by, or reduced to writing under the personal direction and superintendence of the magistrate in the language of the court, and shall contain the point or points for determination, the decision thereon and the reason for the decision and shall be dated and signed by the magistrate as on the date on which it is pronounced in open court.
2. For the purposes of subsection (1), any judgment may be recorded in shorthand or by any mechanical means under the superintendence of the magistrate and the transcription of the judgement signed by the magistrate.

3. In the case of a conviction, the judgment shall specify the offence of which, and the section of the Penal Code Act or other law under which, the accused person is convicted.
4. In the case of an acquittal, the judgment shall state the offence of which accused person is acquitted and shall direct that he or she be set at

liberty.

(5) The judgment in the case of a conviction shall be followed by a note of the steps taken by the court prior to sentence and by a note of the sentence passed together with the reasons for the sentence when there are special reasons for passing a particular sentence.

137. Evidence to be taken in presence of accused.

Except as otherwise expressly provided, all evidence taken in any proceedings under this Act shall be taken in the presence of the accused, or, when his or her personal attendance has been dispensed with, in the presence of his or her advocate, if any.

138. Record of evidence in magistrates courts.

(1) Subject to any rules which may be made under this section, the evidence of a witness in a trial (other than a trial under section 142 or 143 by a magistrate—

1. shall be taken down in writing in the language of the court by the magistrate, or in his or her presence and hearing and under his or her personal direction and superintendence, and shall form part of the record; and
2. shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative, except that the magistrate may, in his or her discretion, take down or cause to be taken down any particular question and answer.

(2) The Chief Justice may make rules prescribing the manner in which evidence shall be taken down in inquiries and trials (other than trials under section 142 or 143); and the evidence, or the substance of the evidence, in those inquiries and trials shall be taken down in accordance with any such rules which may be made.

139. Interpretation of evidence to accused or his or her advocate.

1. Whenever any evidence is given in a language not understood by the accused, and he or she is present in person, it shall be interpreted to him or her in open court in a language understood by him or her.
2. If the accused appears by advocate and the evidence is given in

a language other than English, and not understood by the advocate, it shall be interpreted to the advocate in English.

140. Interpretation of documents.

When documents are put in for the purpose of formal proof, it shall be in the discretion of the court to interpret as much of the documents as appears necessary.

141. Age and demeanour of witness.

A magistrate shall record the sex and approximate age of each witness and may also record such remarks, if any, as he or she thinks material respecting the demeanour of the witness while under examination.

142. Procedure in case of minor offences.

(1) Notwithstanding anything contained in this Act, a chief magistrate or a magistrate grade I having jurisdiction to try any of the offences mentioned in subsection (2) may try those offences without recording the evidence as hereinbefore provided, but in any such case he or she shall enter, in such form as the Chief Justice may direct, the following particulars—

1. the serial number;
2. the date of the commission of the offence;
3. the date of the complaint;
4. the name of the complainant;
5. the name, parentage and residence of the accused;
6. the offence complained of and the offence, if any, proved, and in cases coming under subsection (2)(d), (e) or (f) the value of the property in respect of which the offence has been committed;

(g) the plea of the accused;
(h) the finding and, where evidence has been taken, a judgment

embodying the substance of the evidence; (i) the sentence or other final order; (j) the date on which the proceedings terminated.

(2) The offences referred to in subsection (1) are as follows—
(a) offences punishable with imprisonment for a period not

exceeding six months or a fine not exceeding one thousand shillings or both;

2. offences against the Weights and Measures Act;
3. common assault under section 235 of the Penal Code Act;
4. theft under Chapter XXV of the Penal Code Act where the value of the property stolen does not exceed one thousand shillings;
5. receiving or retaining stolen property under Chapter XXX of the Penal Code Act where the value of the property does not exceed one thousand shillings;
6. malicious injury to property where the value of the property does not exceed one thousand shillings;
7. any other offence which the Minister may, by statutory order, permit to be tried in accordance with this section;

(h) aiding, abetting, counselling or procuring the commission of any

of the foregoing offences; and (i) attempting to commit any of the foregoing offences.

3. When, in the course of a trial under this section, it appears to the magistrate that the case is of a character which renders it undesirable that it should be so tried, the magistrate shall recall any witnesses and proceed to rehear the case in the manner provided by the preceding sections of this Part of this Act.
4. No sentence of imprisonment exceeding three months and no fine exceeding one thousand shillings shall be passed or inflicted in the case of any conviction under this section except when the person accused pleads guilty.

143. Procedure in trial of petty cases.

1. Notwithstanding anything contained in this Act, a magistrate to whom this section applies may, with the consent of the person conducting the prosecution, try an offence in the manner provided by this section.
2. A magistrate trying an offence under this section need not record the evidence of the witnesses but shall record, in such form as the Chief Justice may direct, the following particulars—

1. the serial number of the case;
2. the name of the accused;
3. the date on which the accused first appeared before the court in answer to the charge;
4. the date on which the proceedings terminated;
5. the offence charged;
6. the plea of the accused;
7. the finding and sentence or other order.

(3) No sentence of—

1. imprisonment exceeding fourteen days;
2. fine exceeding one hundred shillings with or without imprisonment in default thereof;
3. corporal punishment; or

(d) forfeiture,
shall be passed in the case of a conviction for any offence tried under this section.

4. A magistrate may, if he or she thinks fit, and shall, if so requested by the accused or his or her advocate or by the prosecutor, record a sufficient note of any question of law which may arise during the trial of an offence under this section and of any relevant evidence relating to that question of law, and shall, if so required by the chief registrar of the High Court, transmit that note to the High Court.
5. Any fit person may be appointed to be a magistrate (hereafter referred to as a "petty sessional magistrate") for the purposes of this section, and any person so appointed shall have such jurisdiction only as is necessary to hear and determine cases in the magisterial area to which he or she has been appointed, in the manner provided in this section.
6. The office of a petty sessional magistrate is an office to which the provisions of article 148 of the Constitution apply.
7. The remuneration of a petty sessional magistrate shall be such amount as the Minister may, after consultation with the Treasury, from time to time determine.
8. No appeal shall lie against any finding, sentence or other order in a case tried under this section.
9. This section applies to—

1. a chief magistrate and a magistrate grade I; and

2. a petty sessional magistrate.

144. Conviction or commitment on evidence partly recorded by one magistrate and partly by another.

(1) Whenever any magistrate, after having heard and recorded the whole or any part of the evidence in a trial, ceases to exercise jurisdiction in the trial and is succeeded, whether by virtue of an order of transfer under this Act or otherwise, by another magistrate who has and who exercises such jurisdiction, the magistrate so succeeding may act on the evidence so recorded by his or her predecessor, or partly recorded by his or her predecessor and partly by himself or herself, or he or she may resummon the witnesses and recommence the trial; except that—

1. in any trial the accused may, when the second magistrate commences his or her proceedings, demand that the witnesses or any of them be resummoned and reheard;
2. the High Court may, whether there is an appeal or not, set aside any conviction passed on evidence not wholly recorded by the magistrate before whom the conviction was held, if it is of opinion that the accused has been materially prejudiced by that evidence, and may order a new inquiry or trial.

(2) Whenever any magistrate, after judgment has been delivered in any case, but before sentence has been passed, ceases to exercise jurisdiction in the case and is succeeded, whether by virtue of an order of transfer under this Act or otherwise, by another magistrate who has and who exercises that jurisdiction, the magistrate so succeeding may sentence or may make any order in the case which he or she could have made if he himself or she herself had delivered judgment in the case.

145. Person charged may be convicted of a minor offence.

When a person is charged with an offence and facts are proved which reduce it to a minor cognate offence, he or she may be convicted of the minor offence although he or she was not charged with it.

146. Conviction for attempt.

When a person is charged with an offence, he or she may be convicted of having attempted to commit that offence, although he or she was not charged with the attempt.

147. Conviction for being an accessory after the fact.

When a person is charged with an offence, he or she may be convicted of being an accessory after the fact to the commission of the offence although he or she was not so charged.

148. Convictions in respect of charges relating to death of child.

1. When a person is charged with the manslaughter of any child or with infanticide, or with an offence under section 141 or 142 of the Penal Code Act, and the court is of the opinion that he or she is not guilty of manslaughter or infanticide or of an offence under section 141 or 142 of the Penal Code Act, but that he or she is guilty of the offence of killing an unborn child, he or she may be convicted of that offence although he or she was not charged with it.
2. When a person is charged with killing an unborn child and the court is of opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 141 or 142 of the Penal Code Act, he or she may be convicted of that offence although he or she was not charged with it.

3. When a person is charged with infanticide or with killing an unborn child and the court is of opinion that he or she is not guilty of any of the offences, and, if it appears in evidence that the child had recently been born and that the person did, by some secret disposition of the dead body of the child, endeavour to conceal the birth of that child, he or she may be convicted of the offence of endeavouring to conceal the birth of that child although he or she was not charged with it.

149. Person charged with manslaughter may be convicted of certain traffic offences.

When a person is charged with manslaughter in connection with the driving of a motor vehicle by him or her and the court is of opinion that he or she is not guilty of that offence but is guilty of an offence under section 2, 3 or 4 of the Traffic and Road Safety Act, 1970, he or she may be convicted of one of those offences although he or she was not charged with them, whether or not the requirements of section 159 of the Traffic and Road Safety Act, 1998, (relating to notice of prosecutions) have been satisfied as regards any such offence.

150. Persons charged with rape may be convicted under section 128, 129, 132 or 149 of the Penal Code Act.

When a person is charged with rape and the court is of opinion that he is not guilty of that offence, but that he commits an offence under one of section 128, 129, 132 or 149 of the Penal Code Act, he may be convicted of that offence although he was not charged with it.

151. Person charged with incest may be convicted of unlawful carnal knowledge.

When a person is charged with an offence under section 149 of the Penal Code Act and the court is of opinion that he is not guilty of that offence, but that he committed an offence under section 129 or 130 of the Penal Code Act, he may be convicted of that offence although he was not charged with it.

152. Person charged with defilement of a girl under fourteen years of age may be convicted of an offence under section 128 or 132 of the Penal Code Act.

When a person is charged with the defilement of a girl under the age of fourteen years and the court is of opinion that he is not guilty of that offence, but that he committed an offence under section 128 or 132 of the Penal Code Act, he may be convicted of that offence although he was not charged with it.

153. Person charged with burglary may be convicted of kindred offence.

When a person is charged with an offence under section 295, 296, 297, 298 or 300 of the Penal Code Act and the court is of opinion that he or she is not guilty of that offence, but that he or she committed an offence under any other of the sections, he or she may be convicted of that other offence although he or she was not charged with it.

154. Person charged with stealing may be convicted of receiving or retaining or obtaining by false pretences or possessing or conveying stolen property.

(1) When a person is charged with stealing anything and—

1. it is proved that he or she received or retained the thing knowing or having reason to believe the thing to have been stolen, he or she may be convicted of the offence of receiving or retaining the thing, as the case may be, although he or she was not charged with it;

2. it is proved that he or she obtained the thing in any such manner as would amount, under the Penal Code Act, to obtaining it by false pretences with intent to defraud, he or she may be convicted of the offence of obtaining it by false pretences although he or she was not charged with it;
3. the facts proved amount to an offence under either section 315 or 316 of the Penal Code Act, he or she may be convicted of that offence although he or she was not charged with it.

2. When a person is charged with receiving anything knowing the thing to have been stolen, and it is proved that he or she retained the thing knowing it to have been stolen, he or she may be convicted of the offence of retaining although he or she was not charged with it.
3. When a person is charged with retaining anything knowing the thing to have been stolen, and it is proved that he or she received the thing knowing it to have been stolen, he or she may be convicted of the offence of receiving although he or she was not charged with it.

155. Person charged with obtaining by false pretences may be convicted of stealing.

When a person is charged with obtaining anything capable of being stolen by false pretences with intent to defraud, and it is proved that he or she stole the thing, he or she may be convicted of the offence of stealing although he or she was not charged with it.

156. Construction of sections 145 to 155.

The provisions of sections 145 to 155 shall be construed as in addition to and not in derogation of the provisions of any other written law and the other provisions of this Act, and the provisions of sections 146 to 155 shall be construed as being without prejudice to the generality of the provisions of section 145.

157. Person charged with misdemeanour not to be acquitted if felony proved.

If on any trial for a misdemeanour the facts proved in evidence amount to a felony, the accused shall not be therefore acquitted of the misdemeanour; and no person tried for such misdemeanour shall be liable afterwards to be prosecuted for a felony on the same facts, unless the court before which the trial may be had shall think fit, in its discretion, to refrain from recording a finding upon the trial, and to direct the person to be prosecuted for felony, in which case the person may be dealt with in all respects as if he or she had not been put upon his or her trial for the misdemeanour.

158. Right of accused to be defended.

Any person accused of an offence before a magistrate's court may of right be defended by an advocate.

159. Limitation of time for summary trials in certain cases.

Except where a longer time is specially allowed by law, no offence, the maximum punishment for which does not exceed imprisonment for six months or a fine of one thousand shillings, shall be triable by a magistrate's court, unless the charge or complaint relating to it is laid within twelve months from the time when the matter of the charge or complaint arose.

160. Reconciliation.

In criminal cases, a magistrate's court may promote reconciliation, and encourage and facilitate the settlement in an amicable way, of proceedings for assault, or for any other

offence of a personal or private nature, not amounting to felony and not aggravated in degree, in terms of payment of compensation or other terms approved by the court, and may, thereupon, order the proceedings to be stayed.

Part XV—Criminal jurisdiction of magistrates courts.

161. Criminal jurisdiction of magistrates.

(1) Subject to this section, a magistrate's court presided over by— (a) a chief magistrate may try any offence other than an offence in respect of which the maximum penalty is death;

2. a magistrate grade I may try any offence other than an offence in respect of which the maximum penalty is death or imprisonment for life;
3. a magistrate grade II may try any offence under, and shall have jurisdiction to administer and enforce any of the provisions of, any written law other than the offences and provisions specified in the First Schedule to this Act;
4. a magistrate grade III may try any offence under, and shall have jurisdiction to administer and enforce any of the provisions of, any written law other than the offences and provisions specified in the First and Second Schedules to this Act.
2. In this section, references to an offence shall be taken as including references to attempts to commit, aiding and abetting or inciting the commission of that offence.
3. Nothing in this section shall derogate from the provisions of any written law which provide that any offence shall be triable, or any provision shall be administered or enforced, only by a particular grade of magistrate or by a particular court.
4. For the removal of doubt, it is declared that no magistrate's court shall have jurisdiction to take cognisance of any offence of robbery as defined in section 285 of the Penal Code Act and punishable under section 286(2) of that Act.

162. Sentencing powers of magistrates.

(1) Subject to any limitation contained in any written law, on conviction the following provisions shall have effect—

(a) (b)

(c)

(d)

a chief magistrate may pass any sentence authorised by law; a magistrate grade I may pass a sentence of imprisonment for a period not exceeding ten years or a fine not exceeding one million shillings or both such imprisonment and fine; a magistrate grade II may pass a sentence of imprisonment for a period not exceeding three years or a fine not exceeding five hundred thousand shillings or both such imprisonment and fine; a magistrate grade III may pass a sentence of imprisonment for a period not exceeding one year or a fine not exceeding two hundred and fifty thousand shillings or both such imprisonment and fine.

2. Subject to this Act, a magistrate's court may on conviction make any order which it is authorised by any written law to make.
3. Where there is express provision for the imposition of corporal punishment in any written law and subject to section 179, on a conviction a chief magistrate or a magistrate grade I may pass a sentence of corporal punishment not exceeding twenty-four strokes in number.

4. No sentence of corporal punishment shall be passed by a magistrate grade II or grade III except where the provisions of section 179(3) apply, and no such sentence shall exceed six strokes in number.

163. Preventive detention.

1. Subject to this section, a magistrate grade I may, on conviction, pass a sentence of preventive detention in accordance with the Habitual Criminals (Preventive Detention) Act.
2. Notwithstanding section 1(1) of the Habitual Criminals (Preventive Detention) Act, where a magistrate grade I passes a sentence of preventive detention the total term of preventive detention and any additional sentence of imprisonment shall not exceed ten years.

164. Committal for sentence.

1. Where a court presided over by a magistrate grade I, II or III convicts a person of any offence and on obtaining information about his or her character and antecedents the court is of the opinion that they are such that greater punishment should be inflicted for the offence than the court has power to inflict, the court may, instead of dealing with him or her in any other manner, commit him or her in custody to a court presided over by a chief magistrate having jurisdiction for sentence; but the chief magistrate may if he or she considers the conviction is improper or illegal forward the record of proceedings to the High Court, notwithstanding any such committal, and postpone passing sentence pending the decision of the High Court and may, pending that decision, release the offender on bail or remand him or her in custody as he or she thinks fit.
2. Where a court presided over by a chief magistrate convicts a person of any offence and on obtaining information about his or her character

and antecedents the court is of the opinion that they are such that greater punishment should be inflicted for the offence than the court has power to inflict, the court may, instead of dealing with him or her in any other manner, commit him or her in custody to the High Court for sentence.

(3) Where an offender has been committed for sentence under this section, the following provisions shall have effect—

1. the warrant of the committing court shall be sufficient authority to the officer in charge of any prison for his or her detention in custody; and
2. the record of the proceedings including the written charge and the admission of the offender, if any, shall be transmitted without delay by the committing court to a chief magistrate having jurisdiction.

165. Powers of sentencing court.

Where an offender has been committed for sentence to a court under the provisions of section 164, the court shall inquire into the circumstances of the case and shall, subject to any limitation in any written law, have power to deal with the offender as if he or she had been convicted by that court.

166. Power of magistrate to remand for lack of jurisdiction.

Where a charge has been brought against a person in a court having no jurisdiction to try the offence with which he or she is charged, the magistrate shall remand the accused person in custody to appear before a court having jurisdiction to try that offence.

167. Power to transfer case to superior court.

If a person is charged with an offence before a magistrate's court and it appears to the Director of Public Prosecutions at any stage of the proceedings that the case is one that ought to be tried by a court superior to that magistrate's court, the magistrate shall, on application made by or on behalf of the Director of Public Prosecutions before the close of the case for the prosecution, stop further proceedings and remand the accused person in custody to appear before a superior court.

168. Committal for trial by High Court.

1. When a person is charged in a magistrate's court with an offence to be tried by the High Court, the Director of Public Prosecutions shall file in the magistrate's court an indictment and a summary of the case signed by him or her or by an officer authorised by him or her in that behalf acting in accordance with his or her general or special instructions.
2. The summary of the case referred to in subsection (1) shall contain such particulars as are necessary to give the accused person reasonable information as to the nature of the offence with which he or she is charged.
3. When a person charged with an offence to be tried by the High Court appears before a magistrate and the Director of Public Prosecutions has complied with subsection (1), the magistrate shall—

1. give the accused person a copy of the indictment together with the summary of the case;
2. read out the indictment and the summary of the case and explain to the accused person the nature of the accusation against him or her in a language he or she understands and inform him or her that he or she is not required to plead to the indictment;
3. commit the accused person for trial by the High Court and transmit to the registrar of the High Court copies of the indictment and of the summary of the case.
4. If a person committed for trial by the High Court is on bail granted by any court, without prejudice to his or her right to apply to the High Court for bail, the bail shall lapse, and the magistrate shall remand him or her in custody pending his or her trial.
5. Subsection (4) shall not be construed as limiting the power of the High Court to grant bail at any time to a person accused of an offence.

169. Director of Public Prosecutions to determine offences to be committed to High Court.

Subject to section 168, for the avoidance of doubt it shall be within the discretion of the Director of Public Prosecutions which offences are to be proceeded with under section 168 for trial before the High Court or to be tried by a magistrate's court; and trial by the High Court of an offence

committed to that court under section 168 shall not be refused merely on the ground that a magistrate's court has jurisdiction to try the offence.

170. Transfer of cases to chief magistrate.

If, in the course of any trial before a magistrate's court presided over by a magistrate, other than a chief magistrate, the evidence indicates that the case is one which should be tried by

some other magistrate, he or she shall stop further proceedings and submit the case with a brief report on it to the chief magistrate having jurisdiction.

171. Power of chief magistrate to transfer cases.

A chief magistrate may—

1. transfer any case of which he or she has taken cognisance for trial to another magistrate holding a court empowered to try the case within the magisterial area of the jurisdiction of the chief magistrate; and
2. direct or empower any magistrate who has taken cognisance of any case, and whether evidence has been taken in such case or not, to transfer the case to himself or herself or to any other specified magistrate within the magisterial area of the chief magistrate's jurisdiction, who is competent to try the accused person,

and any such case shall be disposed of accordingly.

172. Combination of sentences.

A magistrate's court may pass any lawful sentence combining any of the sentences which it is authorised by law to pass.

173. Sentences requiring confirmation.

1. Where any sentence to which this section applies is imposed by a magistrate's court (other than by a magistrate's court presided over by a chief magistrate), the sentence shall be subject to confirmation by the High Court.
2. This section applies to—

1. a sentence of imprisonment for two years or over; or
2. preventive detention under the Habitual Criminals (Preventive

Detention) Act.

174. Release on bail pending confirmation.

1. Whenever a magistrate's court passes a sentence which requires confirmation, the court imposing the sentence may, in its discretion, release the person sentenced on bail pending confirmation or such other order as the confirming court may make.
2. If the person sentenced is so released on bail as aforesaid, the term of imprisonment shall run from the date upon which the person is received into prison after confirmation or other order imposing imprisonment made by the confirming court.
3. If the person sentenced is not released on bail, he or she shall start to serve his or her sentence, pending confirmation or other order of the confirming court, as from the date upon which he or she is sentenced by the magistrate's court, unless he or she elects to postpone serving his or her sentence until the confirming court confirms the sentence or makes such other order, in which case the person shall be remanded to prison pending that confirmation or other order of the confirming court and the term of imprisonment shall run from the date upon which the confirming court makes its order.
4. Subject to section 50(2) of the Criminal Procedure Code Act, the High Court may exercise the same powers in confirmation as are conferred upon it in revision by Part III of that Act.

5. The High Court may, in its discretion, where no order has been made under subsection (1) by the convicting court, release the person sentenced on bail pending its decision.

175. Sentences in cases of conviction of several offences at one trial.

(1) When a person is convicted at one trial of two or more distinct offences, the court may sentence him or her, for those offences, to the several punishments prescribed for them which the court is competent to impose, those punishments when consisting of imprisonment to commence the one after the expiration of the other in such order as the court may direct, unless the court directs that the punishments shall run concurrently.

2. In the case of consecutive sentences it shall not be necessary for the court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to impose on conviction of a single offence, to send the offender for trial before a higher court.

3. For the purposes of appeal or confirmation the aggregate of consecutive sentences imposed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

Part XVI —Provisions relating to sentences imposed by magistrates courts.

176. Warrant in case of sentence of imprisonment.

1. A warrant under the hand of the magistrate by whom any person shall be sentenced to imprisonment, ordering that the sentence shall be carried out in any prison within Uganda, shall be issued by the magistrate, and shall be full authority to the officer in charge of that prison and to all other persons for carrying into effect the sentence (not being a sentence of death) described in the warrant.

2. Subject to the express provisions of this or any other law to the contrary, every sentence shall be deemed to commence from and to include the whole of the day of the date on which it was pronounced.

3. Where on appeal an appellate court makes an order which has the effect of requiring a person to commence or resume a sentence of imprisonment, any time during which the person has been at liberty, whether on bail or otherwise, after the sentence was first passed upon him or her shall not count as part of the sentence, which shall be deemed to commence or, if the person has already served part of the sentence, to be resumed on the day on which the person is first received into prison after the making of the order.

4. The provisions of subsection (3) shall be in addition to, and not in derogation of, the provisions of section 40(3) and (4) of the Criminal Procedure Code Act.

177. Prisons in which sentences of imprisonment may be served.

(1) Subject to subsection (2), every sentence of imprisonment passed

by a court shall be served in a prison administered by the Government, or by the administration of a district.

(2) Where a court sentences a person to imprisonment for a period not exceeding fourteen days whether awarded as a substantive sentence or in default of payment of money, the court may, as it thinks fit, order the sentence to be served in any suitable place.

178. Mitigation of penalties.

1. A person liable to imprisonment for life or any other period may be sentenced for any shorter term.

2. A person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.

179. Corporal punishment.

1. Only one sentence of corporal punishment shall be imposed at one time.
2. Corporal punishment shall be inflicted with a rod or cane of a type to be approved by the Minister.
3. The sentence shall specify the number of strokes which shall not exceed the number permitted by section 162(3) or (4), as may be appropriate.
4. No sentence of corporal punishment shall be passed upon any of the following persons—

1. females;
2. males whom the court considers to be more than forty-five years of age.

5. When the sentence of corporal punishment is to be carried out, there shall be present a Government medical officer; and no such sentence shall be carried out unless the medical officer has, after examination, certified that in his or her opinion the prisoner is physically fit to undergo the whole of the sentence of corporal punishment about to be inflicted upon him.
6. If the medical officer is unable to certify as provided in subsection (5), neither the sentence nor any part of it shall be carried out, and the

sentence shall be deemed for the purposes of subsection (10) to have been wholly prevented from being carried out.

7. The medical officer shall be present during the infliction of the corporal punishment and may at any time during the carrying out of the sentence of corporal punishment intervene and prohibit the remainder of the sentence from being carried out, if in his or her opinion the prisoner is unable to bear such sentence without risk of grave or permanent injury.
8. If the medical officer intervenes as provided in subsection (7), the sentence shall be deemed for the purposes of subsection (10) to have been partially prevented from being carried out.
9. No sentence of corporal punishment shall be carried out by installments.
10. If any person has been sentenced to corporal punishment in substitution for any other punishment to which he might have been liable, and the sentence of corporal punishment is, wholly or partially, prevented from being carried out, the person shall be kept in custody and shall as soon as possible be taken before the court which passed the sentence of corporal punishment; and the court shall remit the sentence of corporal punishment and may, in its discretion, pass upon the person any sentence other than a sentence of corporal punishment to which he might have been liable.
11. An offender sentenced to undergo corporal punishment may be detained in a prison or some other convenient place for such time as may be necessary for carrying the sentence into effect, or for ascertaining whether the sentence shall be carried into effect.

12. No sentence of corporal punishment shall be carried out in any case where the person who has been so sentenced has a right of appeal—

1. unless the person fails within the time allowed by this Act to lodge a notice of appeal; or
2. if notice of appeal has been lodged within that time, until the determination of the appeal.

(13) Every sentence of corporal punishment shall be administered as soon as possible and in any case before the expiry of six weeks after the final determination of the proceedings in consequence of which the offender was sentenced.

(14) Any sentence of corporal punishment not inflicted within the period specified in subsection (13) shall not be inflicted at all.

180. Fines.

Where a fine is imposed by a magistrate's court under any law, in fixing the amount of the fine, the court shall take into consideration among other things, the means of the offender so far as they are known to the court; and in the absence of express provisions relating to the fine in any such law, the following provisions shall apply—

1. where no sum is expressed to which the fine may extend, the amount of the fine which may be imposed is unlimited, but shall not be excessive;
2. in the case of an offence punishable with a fine or a period of imprisonment, the imposition of a fine or a period of imprisonment shall be a matter for the discretion of the court;
3. in the case of an offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment, and in every case of an offence punishable with a fine only in which the offender is sentenced to a fine, the court passing sentence may in its discretion— (i) direct by its sentence that in default of payment of the fine

the offender shall suffer imprisonment for a certain period, which imprisonment shall be in addition to any other imprisonment to which he or she may have been sentenced or to which he or she may be liable under a commutation of sentence; and also (ii) issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale under warrant; except that if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if the offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing it considers it necessary to do so;

(d) the period of imprisonment ordered by a court in respect of the nonpayment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in

any case the maximum fixed by the following scale—

Amount	Maximum period
Not exceeding shs. 2,000	7 days
Exceeding shs. 2,000 but not exceeding shs. 10,000	1 month
Exceeding shs. 10,000 but not exceeding shs. 40,000	6 weeks
Exceeding shs. 40,000 but not exceeding shs. 100,000	3 months
Exceeding shs. 100,000	12 months

(e) the imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

181. Power to allow time to pay fine.

(1) Notwithstanding anything in section 180, a court, on imposing a fine under any law—

1. shall, subject to subsection (2), allow the offender at least thirty days within which to pay the fine or the first installment of the fine; and
2. may in its discretion defer passing sentence of imprisonment in default of payment of a fine until the default shall occur.

(2) When a court imposes a fine on any person and sentences him or her to imprisonment in default of payment of the fine, the court may, if the person fails to pay the fine immediately, and—

1. he or she appears to the court to have sufficient means to pay the fine immediately;
2. when being asked by the court whether he or she wishes to have time to pay, he or she does not ask for time;
3. he or she fails to satisfy the court that he or she has a fixed abode; or
4. there is some special circumstances (relating to the gravity of the offence or the character of the offender) appearing to the court to

justify immediate committal, commit him or her to prison; and the court shall state in the warrant of commitment the reasons for not allowing the offender time to pay.

(3) (a)

Where a court—

imposes a fine on any person and at the same time or by subsequent order sentences him or her to imprisonment in default of payment of the fine; or

(b)

sentences to imprisonment for want of, or in lieu of, distress any person against whom an order for the payment of money has been made, the court may—

3. order that the person pay the fine in one sum or by installments at such time, not being less than thirty days from the date of imposition of the fine, or in such manner as the court thinks fit, and shall, subject to subsection (4), immediately release him or her;
4. if the person is employed, whether in the public service or otherwise, by order (hereafter referred to as an "attachment order") to be served upon the person's employer direct that the amount due shall be deducted from the person's salary or wages and paid to the court either in one payment or by such monthly installments as the court may direct and the court shall, subject to subsection (4), immediately release him or her; but no attachment order shall include a direction to make a payment or monthly installment exceeding one half of the person's monthly rate of salary or wages.

(4) Before releasing any person under subsection (3)(c) or (d), the court may, if it thinks fit, require him or her to enter into a bond, with or without sureties, conditioned for his or her appearance on such date or dates as the court may determine, and, in default of his or her so entering into such bond, the court shall immediately commit him or her to prison.

(5) If a person who has been allowed time for payment under the provisions of subsection (3)(c) fails to pay the amount due, or any installment of it, in accordance with the order made by the court, the court may, subject to subsection (7), thereupon commit him or her to prison.

(6) Where the court has ordered payment by installments and default is made in the payment of any such installment, the whole of the amount then

remaining unpaid shall become immediately due and payable.

7. The court shall not commit to prison in default of payment any person to whom time has been allowed for payment under this section until it has made inquiry as to his or her means in his or her presence.
8. Upon making inquiry in accordance with subsection (7), the court may, in its discretion, instead of immediately issuing a warrant of commitment to prison, make an order extending the time allowed for payment or varying the amount of the installments or the times at which the installments were, by the previous order of the court, directed to be paid, as the case may be.
9. For the purpose of enabling inquiry to be made under subsection (7), the court may issue a summons to the person ordered to pay the money to appear before it, and, if he or she does not appear in obedience to the summons, may issue a warrant for his or her arrest or, without issuing a summons, issue in the first instance a warrant for his or her arrest.

182. Warrant for levy of fine, etc.

1. When a magistrate's court orders money to be paid by an accused person or by a prosecutor or complainant for fine, penalty, compensation, costs, expenses or otherwise, the money may be levied on the movable and immovable property of the person ordered to pay it by distress and sale under warrant.
2. If he or she shows sufficient movable property to satisfy the order, his or her immovable property shall not be sold.
3. Such person may pay or tender to the officer having the execution of the warrant the sum mentioned in it, together with the amount of the expenses of the distress up to the time of payment or tender, and thereupon the officer shall cease to execute the warrant.

4. A warrant under this section may be executed within the local limits of the jurisdiction of the court issuing it, and it shall authorise the distress and sale of any property belonging to such person without those limits when endorsed by a magistrate, other than a magistrate grade III, within the local limits of whose jurisdiction the property was found.

183. Commitment.

If the officer having the execution of a warrant of distress reports that he or she could find no property or not sufficient property on which to levy the money mentioned in the warrant with expenses, the court may issue such process as may be necessary for the appearance of the person against whom the order for payment was made and sentence him or her to imprisonment according to the scale prescribed by section 180.

184. Payment in full after commitment.

Any person committed for nonpayment may pay the sum mentioned in the warrant, with the amount of expenses authorised in the warrant, if any, to the person in whose custody he or she is, and that person shall thereupon discharge him or her if he or she is in custody for no other matter.

185. Part payment after commitment.

1. If any person committed to prison for nonpayment shall pay any sum in part satisfaction of the sum adjudged to be paid, the period of his or her imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the person is committed, as the sum so paid bears to the sum which he or she is liable.
2. The officer in charge of a prison in which a person is confined who is desirous of taking advantage of the provisions of subsection (1) shall, on application being made to him or her by the prisoner, at once take the prisoner before a court; and the court shall certify the amount by which the period of imprisonment originally awarded is reduced by the payment in part satisfaction, and shall make such order as is required in the circumstances.

186. Sentence of imprisonment in lieu of distress.

When it appears to the court that distress and sale of property would be ruinous to the person ordered to pay the money or his or her family, or, by his or her confession or otherwise, that he or she has no property on which the distress may be levied, or for other sufficient reason, the court may if it thinks fit, instead of or after issuing a warrant of distress, issue such process as may be necessary for his or her appearance and sentence him or her to imprisonment according to the scale prescribed by section 180.

187. Objections to attachment.

1. Any person claiming to be entitled to, or to have a legal or equitable interest in, the whole or part of any property attached in execution of a warrant issued under section 182, may at any time prior to the receipt by the court of the proceeds of the sale of that property, give notice in writing to the court of his or her objection to the attachment of the property; the notice shall set out shortly the nature of the claim which the person (hereafter in this section called the “objector”) makes to the whole or part of the property attached, and shall certify the value of the property claimed by him or her; that value shall be deposed to on affidavit, which shall be filed with the notice.

2. Upon receipt of a valid notice given under subsection (1), the court shall, by an order in writing addressed to the officer having the execution of the warrant, direct a stay of the execution proceedings.
3. Upon the issue of an order under subsection (2), the court shall, by notice in writing, direct the objector to appear before the court and establish his or her claim upon a date to be specified in the notice.
4. A notice shall be served upon the person whose property was, by the warrant issued under section 182, directed to be attached, and, unless the property is to be applied to the payment of a fine, upon the person entitled to the proceeds of the sale of the property; the notice shall specify the time and place fixed for the appearance of the objector and shall direct the person upon whom the notice is served to appear before the court at the same time and place if he or she wishes to be heard upon the hearing of the objection.
5. Upon the date fixed for the hearing of the objection, the court shall investigate the claim and, for that purpose, may hear any evidence which the objector may give or adduce and any evidence given or adduced by any person served with a notice in accordance with subsection (4).
6. If, upon investigation of the claim, the court is satisfied that the property attached was not, when attached, in the possession of the person ordered to pay the money or of some person in trust for him or her, or in the occupancy of a tenant or other person paying rent to him or her, or that, being in the possession of the person ordered to pay the money at such time it was so in his or her possession not on his or her own account or as his or her own property but on account of or in trust for some other person or partly on his

or her own account and partly on account of some other person, the court shall make an order releasing the property, wholly or to such extent as it thinks fit, from attachment.

7. If, upon the date fixed for his or her appearance, the objector fails to appear, or if, upon investigation of the claim in accordance with subsection (5), the court is of the opinion that the objector has failed to establish his or her claim, the court shall order the attachment and execution to proceed, and shall make such order as to costs as it deems proper.
8. Nothing in this section shall be deemed to deprive a person who has failed to comply with the requirements of subsection (1) of the right to take any other proceedings which, apart from this section, may lawfully be taken by a person claiming an interest in property attached under a warrant.

188. Who may issue warrant.

Every warrant for the execution of any sentence may be issued either by the magistrate who passed the sentence or by his or her successor in office.

189. Limitation of imprisonment.

No commitment for nonpayment shall be for a longer period than twelve months, unless the law under which the conviction has taken place enjoins or allows a longer period.

190. Discharge of an offender without punishment.

(1) Where, in any trial before a magistrate's court, the court thinks that the charge against the accused person is proved, but is of opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence, or to the extenuating

circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may—

1. without proceeding to conviction, make an order dismissing the charge; or
2. convict the accused person and caution him or her.

(2) When an order is made by a court under this section dismissing a charge, the order shall be deemed to be a conviction for the purposes of sections 195(1), 197 and 201.

191. Security for coming up for judgment.

(1) Where a person is convicted by a magistrate's court, the court may, instead of passing sentence, discharge the offender upon his or her entering into a recognisance, with or without sureties, in such sum as the court may think fit conditioned that—

1. he or she shall appear and receive judgment when called upon so to do within a period of twelve months from the date of the discharge; and
2. during such period he or she shall keep the peace and be of good behaviour.
2. If at any time the court which convicted the offender is satisfied that the offender has failed to observe any of the conditions of his or her recognisance, it may issue a warrant for his or her arrest.
3. An offender when apprehended on any such warrant shall be brought forthwith before the court by which the warrant was issued, and the court may either remand him or her in custody until the case is heard or admit him or her to bail with a sufficient surety conditioned for his or her appearing for sentence.
4. Such court may, after hearing the case, pass sentence.
5. Sections 80, 81 and 83 shall apply *mutatis mutandis* to recognisances taken under this section.

192. Sentences cumulative unless otherwise ordered.

(1) Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him or her under the first conviction or before the expiration of that sentence, any sentence of imprisonment which is passed upon him or her under the subsequent conviction shall be executed after the expiration of the former sentence, unless the court directs that it shall be executed concurrently with the former sentence or of any part of it; except that it shall not be lawful for a court to direct that a sentence of imprisonment in default of payment of a fine or of any part of a fine shall be executed concurrently with a former sentence under section 180(c)(i).

(2) Where a person is convicted of more than one offence at the same time and is sentenced to pay a fine in respect of more than one of those offences, then the court may order that all or any of those fines may be noncumulative.

193. Escaped convicts to serve unexpired sentences when recaptured.

When sentence is passed under this Act on an escaped convict, the sentence, if of fine or corporal punishment, shall, subject to this Act and any other law for the time being in force, take effect immediately, but if of imprisonment shall not take effect until the convict has served the period of imprisonment that remained unexpired at the date of his or her escape from prison.

194. Police supervision.

1. Where any person to whom this section applies is sentenced to imprisonment, the court shall, at the time of passing the sentence, order that he or she shall be subject to police supervision as hereafter provided for a period not exceeding five years from the date of the expiration of that sentence.
2. Every person subject to police supervision shall, on his or her discharge from prison, be furnished by the prescribed officer with an identity card in the prescribed form, and while at large in Uganda shall—

1. report himself or herself personally at such intervals of time, at such place and to such person as shall be endorsed on his or her card; and
2. notify the place of his or her residence and any change of residence in such manner and to such person as may be prescribed by rules under this section.
3. If any person, subject to police supervision who is at large in Uganda, refuses or neglects to comply with any requirement prescribed by this section or by any rules made under it, that person shall, unless he or she proves to the satisfaction of the court before which he or she is tried that he or she did his or her best to act in conformity with the law, commit an offence and is liable to a period of imprisonment not exceeding two years.
4. The Minister may by statutory instrument make rules for carrying out the provisions of this section.

(5) This section applies to—

1. any person convicted of robbery contrary to section 285 of the Penal Code Act; and
2. any person convicted of an offence declared by the Minister, by statutory instrument, to be an offence to which this section shall apply.

Part XVII—Costs, compensation and restitution.

195. Award of costs.

(1) A court may order the payment of costs in any of the following circumstances—

1. to the prosecutor, whether public or private, by a person convicted of any offence by the court;
2. to any person acquitted of any offence by the court, by the prosecutor, whether public or private, if the court considers that the prosecutor had no reasonable grounds for prosecuting that person;
3. to the respondent by an appellant whose appeal fails if the appeal court considers that the appellant had no reasonable grounds on which to appeal;
4. to an appellant by a respondent, on the success of an appeal if the court considers that the respondent had no reasonable grounds for contesting the appeal at the hearing thereof;
5. to any person in any matter of an interlocutory nature, including a request for an adjournment, if that person has been put to any expense when in the opinion of the court the applicant had no reasonable or proper grounds for making the application;

6. to any accused person where the prosecution against him or her has been withdrawn under section 121, by the prosecutor, if the court considers that the prosecutor had no reasonable grounds for prosecuting that person.

2. Any costs awarded by any court under subsection (1) shall not exceed the sum of two hundred thousand shillings.

3. Costs awarded under this section may be awarded in addition to any compensation awarded under section 196.

4. An appeal shall lie to the High Court against any award of costs

of over ten thousand shillings by a magistrate's court, but no appeal shall lie against an order of the High Court either awarding or refusing to award costs nor shall any appeal lie to the High Court against an order of a magistrate's court refusing to award costs.

(5) Any court hearing an appeal relating to a matter other than costs may vary the order relating to costs made by the court from whose decision the appeal is made.

196. Compensation in case of frivolous or vexatious charge.

If on the dismissal of any private prosecution by a magistrate's court, the court shall be of opinion that the charge was frivolous or vexatious, the court may order the private prosecutor to pay to the accused person, in addition to his or her costs, a reasonable sum as compensation for the trouble and expense to which the person may have been put by reason of the charge.

197. Order for compensation for material loss or personal injury.

1. When any accused person is convicted by a magistrate's court of any offence and it appears from the evidence that some other person, whether or not he or she is the prosecutor or a witness in the case, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the convicted person to pay to that other person such compensation as the court deems fair and reasonable.

2. When any person is convicted of any offence under Chapters XXV to XXX, both inclusive, of the Penal Code Act, the power conferred by subsection (1) shall be deemed to include a power to award compensation to any bona fide purchaser of any property in relation to which the offence was committed for the loss of that property if the property is restored to the possession of the person entitled to it.

3. Any order for compensation under this section shall be subject to appeal, and no payment of compensation shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal is presented, before the determination of the appeal.

4. At the time of awarding any compensation in any subsequent civil

suit relating to the same matter, the court hearing the civil suit shall take into account any sum paid or recovered as compensation under this section.

198. Recovery of costs and compensation and imprisonment in default.

1. Sums allowed for costs or compensation under section 195, 196 or 197 shall in all cases be specified in the conviction or order.

2. If the person who has been ordered to pay such costs or compensation fails so to pay, a warrant of distress may be issued in accordance with section 182, and, in default of distress, the court may issue such process as may be necessary for his or her appearance and may sentence him or her to imprisonment in accordance with the

provisions of section 183 or 186, and thereupon all the provisions of section 181 relating to sentences of imprisonment in default of distress shall become applicable.

199. Power of courts to award expenses or compensation out of fine.

(1) Whenever any magistrate's court imposes a fine or a sentence of which a fine forms part, the court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

1. in defraying expenses properly incurred in the prosecution;
2. in the payment to any person of compensation for any loss or injury caused by the offence when substantial compensation is, in the opinion of the court, recoverable by civil suit.
2. If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal is presented, before the determination of the appeal.
3. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum paid or recovered as compensation under this section.

200. Property found on accused person.

Where, upon the apprehension of a person charged with an offence, any property is taken from him or her, the magistrate's court before which he or she is charged may order—

(a) that the property or a part of it be restored to the person who

appears to the court to be entitled to it, and, if he or she is the person charged, that it be restored either to him or her or to such other person as he or she may direct; or (b) that the property or a part of it be applied to the payment of any fine or any costs or compensation directed to be paid by the person charged.

201. Property stolen.

1. If any person charged with any offence as is mentioned in Chapters XXV to XXX, both inclusive of the Penal Code Act, in stealing, taking, obtaining, extorting, converting, or disposing of, or in knowingly receiving any property is prosecuted to conviction or admits the offence under any of the provisions of this Act, the property shall be restored to the owner or the owner's representative.
2. In every case referred to in this section, the court before which such offender is convicted shall have power to award from time to time orders for restitution for the property or to order the restitution of the property in a summary manner; but—

1. where goods as defined in the Sale of Goods Act have been obtained by fraud or other wrongful means not amounting to stealing, the property in such goods shall not revest in the person who was the owner of the goods, or his or her personal representative, by reason only of the conviction of the offender; and
2. nothing in this section shall apply to the case of any valuable security which has been in good faith paid or discharged by some person liable to the payment of it; or, being a negotiable instrument, has been in good faith taken or received by transfer or delivery by some person for a just and valuable consideration without any notice or without reasonable cause to suspect it has been stolen.

(3) On the restitution of any stolen property if it appears to the court by the evidence that the offender has sold the stolen property to any person, that such person has had no knowledge that the property was stolen, and that any monies have been taken from the offender on his or her apprehension, the court may, on the application of the purchaser, order that out of that money a sum not exceeding the amount of the proceeds of the sale be delivered to the purchaser.

(4) The operation of any order under this section shall, unless the court before which the conviction takes place directs to the contrary in any case in which the title to the property is not in dispute, be suspended—

1. in any case, until the time for appeal has elapsed; and
2. in cases where an appeal is lodged, until the determination of the appeal,

and in cases where the operation of any such order is suspended until the determination of the appeal, the order shall not take effect as to the property in question if the conviction is quashed on appeal.

5. Any person aggrieved by an order made under this section may appeal to the High Court, and upon the hearing of the appeal the court may by order annul or vary any order made on a trial for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and if varied, shall take effect as so varied.
6. The Chief Justice may make provision by rules for securing the safe custody of any property, pending the suspension of the operation of any order made under subsection (4).

202. Order for disposal of certain property.

1. During or at the conclusion of any trial or proceeding under this Act, a magistrate's court may make such order as it thinks fit for the disposal whether by way of forfeiture, confiscation or otherwise of any property produced before it regarding which any offence appears to have been committed or which has been used for the commission of or to facilitate the commission of any offence.
2. In any case where no evidence has been called, if the prosecutor wishes any property to be disposed of under subsection (1), the prosecutor shall, after the conviction of the accused person, produce that property before the court which may thereupon make an order under subsection (1).
3. Where the court orders the forfeiture or confiscation of any property as provided in subsection (1), but does not make an order for its destruction or for its delivery to any person, the court may direct that the property shall be kept or sold and that the property or, if sold, the proceeds of the sale shall be held as it directs until some person establishes to the court's satisfaction a right to the property or proceeds.
4. If no person establishes a right to the property or the proceeds of its sale within six months from the date of forfeiture or confiscation, the property or the proceeds of its sale shall be paid into and form part of the Consolidated Fund.
5. The power conferred by this section upon the court shall include the power to make an order for the forfeiture or confiscation or for the destruction or for the delivery to any person of such property, but shall be exercised, subject to any special provisions regarding forfeiture, confiscation, destruction, detention or delivery contained in the

written law under which the conviction was had or in any other written law applicable to the case.

6. When an order is made under this section in a case in which an appeal lies, the order shall not, except when the property is livestock or is subject to speedy and natural decay, be carried out until the period allowed for presenting the appeal has passed, or when the appeal is entered until the disposal of the appeal.

203. Interpretation of "property" in sections 201 and 202.

In sections 201 and 202, "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which that property has been converted or exchanged and anything acquired by the conversion or exchange, whether immediately or otherwise.

Part XVIII—Criminal appeals.

204. Criminal appeals.

(1) Subject to any other written law and except as provided in this section, an appeal shall lie—

1. to the High Court, by any person convicted on a trial by a court presided over by a chief magistrate or a magistrate grade I;
2. to a court presided over by a chief magistrate, by any person convicted on a trial by a magistrate grade II or grade III.

(2) Any appeal under subsection (1) may be on a matter of fact as well as on a matter of law.

3. No appeal shall be allowed in the case of any person who has pleaded guilty and has been convicted on that plea by a magistrate's court except as to the legality of the plea or to the extent or legality of the sentence.
4. No appeal shall be allowed in a case where a court presided over by a chief magistrate or a magistrate grade I has passed a sentence of imprisonment not exceeding one month only, or a fine not exceeding one hundred shillings only.
5. Where an accused person has been acquitted by a magistrate's court, the Director of Public Prosecutions may appeal (or sanction an appeal in such manner as may be prescribed by the Minister by statutory instrument) on the ground that the acquittal is erroneous in law—

1. to the High Court, where the accused person has been acquitted by a court presided over by a chief magistrate or a magistrate grade I;
2. to a court presided over by a chief magistrate, where the accused person has been acquitted by a magistrate grade II or III.

6. Any party to an appeal determined by a chief magistrate under subsection (1)(b) may appeal against the decision of the chief magistrate to the High Court on a matter of law (not including severity of sentence) but not on a matter of fact.
7. The Director of Public Prosecutions may appeal to the High Court from the decision of a chief magistrate on an appeal under subsection (5)(b) on the ground that it is erroneous in law.

205. Bail pending appeal.

An appellant may, at any time before the determination of his or her appeal, apply for bail to the appellant court, and the appellant court may grant the bail.

Part XIX—Reservation of question of law.

206. Reservation of question of law.

(1) A magistrate's court, presided over by a chief magistrate or by a magistrate grade I, exercising criminal jurisdiction may, and shall upon the

application of the Director of Public Prosecutions, at any stage of the proceedings before judgment, reserve a question of law arising during the trial of any accused person for the opinion of the High Court.

2. Where a question of law is reserved under subsection (1), the magistrate shall make a record of the question reserved with the circumstances upon which it arose and shall transmit a copy of the record to the chief registrar.
3. The High Court shall consider and determine the question reserved and shall remit the case to the magistrate's court with the opinion of the High Court upon that question, and the magistrate shall dispose of the case in accordance with that opinion.
4. No party shall have any right to be heard before the High Court when exercising its powers under subsection (3); but the High Court may, if it thinks fit, hear any party either personally or by advocate.

Part XX —Civil jurisdiction of magistrates courts and provisions relating to the exercise of that jurisdiction.

207. Civil jurisdiction of magistrates.

(1) Subject to this section and any other written law, the jurisdiction of magistrates presiding over magistrates courts for the trial and determination of causes and matters of a civil nature shall be as follows—

1. a chief magistrate shall have jurisdiction where the value of the subject matter in dispute does not exceed five million shillings and shall have unlimited jurisdiction in disputes relating to conversion, damage to property or trespass;
2. a magistrate grade I shall have jurisdiction where the value of the subject matter does not exceed two million shillings;
3. a magistrate grade II shall have jurisdiction where the value of the subject matter in dispute does not exceed five hundred thousand shillings; and
4. a magistrate grade III shall have jurisdiction where the value of the subject matter in dispute does not exceed two hundred and fifty thousand shillings.

(2) Notwithstanding subsection (1), where the cause or matter of a civil nature is governed only by civil customary law, the jurisdiction of a

chief magistrate and a magistrate grade I shall be unlimited.

3. Whenever for the purposes of jurisdiction or court fees it is necessary to estimate the value of the subject matter of a suit capable of a money valuation, the plaintiff shall in the plaint, subject to any rules of court, fix the amount at which he or she values the subject matter of the suit; but if the court thinks the relief sought is wrongly valued, the court shall fix the value and return the plaint for amendment.

4. In any suit where it is impossible to estimate the subject matter at a money value in which, by reason of any finding or order of the court, a declaration of ownership of any money or property is made, no decree shall be issued for an amount on the claim exceeding the pecuniary limits of the ordinary jurisdiction of the court passing the decree.
5. A magistrate's court may grant any relief which it has power to grant under this Act or under any other written law and make such orders as may be provided for by this Act or any written law in respect of any case or matter before the court.

208. Courts to try all civil suits unless barred.

Every magistrate's court shall, subject to this Act, have jurisdiction to try all suits of a civil nature excepting suits of which its cognisance is either expressly or impliedly barred; but every suit instituted in a magistrate's court shall be instituted in the court of the lowest grade competent to try and determine it.

209. Stay of suit.

No magistrate's court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding between the same parties, or between parties under whom they or any of them claim, litigating under the same title, where that suit or proceeding is pending in the same or any other court having original or appellate jurisdiction in Uganda to grant the relief claimed.

210. Res judicata.

(1) No court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a

former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try the subsequent suit or the suit in which the issue has been subsequently raised, and has been heard and finally decided by such court.

2. The expression "former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior to it.
3. For the purposes of this section, the competence of a court shall be determined irrespective of any provision as to right of appeal from the decision of that court.
4. The matter referred to in subsection (1) must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.
5. Any matter which might and ought to have been made a ground of defence or attack in the former suit shall be deemed to have been a matter directly and substantially in issue in that suit.
6. Any relief claimed in a suit, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.
7. Where persons litigate bona fide in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in that right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

211. Bar to further suit.

Where a plaintiff is precluded by rules from instituting a further suit in respect of any particular cause of action, he or she shall not be entitled to institute a suit in respect of such cause of action.

212. Suits to be instituted where subject matter situate.

(1) Subject to the pecuniary or other limitations prescribed by any law, suits—

(a) for the recovery of immovable property, with or without rent or

profits;

2. for the partition of immovable property;
3. for the foreclosure, sale or redemption in the case of a mortgage of, or charge upon, immovable property;
4. for the determination of any other right to or interest in immovable property;
5. for compensation for wrong to immovable property;
6. for the recovery of movable property actually under distraint or attachment,

shall be instituted in the court within the local limits of whose jurisdiction the property is situate; except that a suit to obtain relief respecting, or compensation for wrong to, immovable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his or her personal obedience, be instituted either in the court within the local limits of whose jurisdiction the property is situate, or in the court within the local limits of whose jurisdiction the defendant actually and voluntarily resides, or carries on business, or personally works for gain.

(2) In this section, "property" means property situate in Uganda.

213. Suits for immovable property situate within jurisdiction of different courts.

Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different courts, the suit may be instituted in any court within the local limits of whose jurisdiction any portion of the property is situate if in respect of the value of the subject matter of the suit, the entire claim is cognisable by that court.

214. Suits for compensation for wrongs to person or movables.

Where a suit is for compensation for wrong done to a person or to movable property, if the wrong was done within the local limits of the jurisdiction of one court and the defendant resides, or carries on business, or personally works for gain within the local limits of the jurisdiction of another court, the suit may be instituted at the option of the plaintiff in either of the courts.

215. Other suits to be instituted where defendants reside or cause of action arises.

(1) Subject to the limitations aforesaid, every suit shall be instituted

in a court within the local limits of whose jurisdiction—

1. the defendant or each of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain;
2. any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, if in that case either the leave of the court is given, or the defendants who do not reside, or carry on business or personally work for gain, as aforesaid acquiesce in such institution; or
3. the cause of action wholly or in part arises.

2. Where a person has a permanent dwelling at one place and also a temporary residence at another place, he or she shall be deemed to reside at both places in respect of any cause of action arising at the place where he or she has a temporary residence.
3. A corporation shall be deemed to carry on business at its sole or principal office in Uganda or, in respect of any cause of action arising at any place where it has also a subordinate office, at that place.
4. In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places—

1. the place where the contract was made;
2. the place where the contract was to be performed or the performance of the contract is completed;
3. the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable.

216. Objections to jurisdiction.

No objection as to the place of suing shall be allowed on appeal unless the objection was taken in the court of first instance and unless there has been a consequent failure of justice.

217. Power to transfer suits which may be instituted in more than one court.

Where a suit may be instituted in any one of two or more courts and is instituted in one of those courts, any defendant after notice to the other

parties, or the court of its own motion, may, at the earliest possible opportunity, apply to the High Court to have the suit transferred to another court; and the High Court after considering the objections, if any, shall determine in which of the several courts having jurisdiction the suit shall proceed.

218. Power of High Court to withdraw and transfer cases.

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without that notice, the High Court may at any stage—

1. transfer any suit, appeal or other proceeding pending before it for trial or disposal to any magistrates court competent to try or dispose of it;
2. withdraw any suit or other proceeding pending in any magistrate's court, and— (i) try or dispose of it; (ii) transfer it for trial or disposal to any court subordinate to it

and competent to try or dispose of it; or (iii) retransfer it for trial or disposal to any court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn as aforesaid, the court which thereafter tries the suit may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

219. Rules of court.

1. Every suit or appeal in the court of a chief magistrate or a magistrate grade I shall be instituted and proceeded with in such manner as may be prescribed by rules applicable to suits and appeals instituted in the High Court.
2. Every suit in the court of a magistrate grade II or grade III shall be instituted and proceeded with in the manner prescribed by the rules set out in the Third Schedule to this Act.

Part XXI—Civil appeals.

220. Civil appeals.

(1) Subject to any written law and except as provided in this section,

an appeal shall lie—

1. from the decrees or any part of the decrees and from the orders of a magistrate's court presided over by a chief magistrate or a magistrate grade I in the exercise of its original civil jurisdiction, to the High Court;
2. from the decisions, judgments and orders of a magistrate's court, whether interlocutory or final, presided over by a magistrate grade II or III, to a court presided over by a chief magistrate;
3. from decrees and orders passed or made in appeal by a chief magistrate, with the leave of the chief magistrate or of the High Court, to the High Court.

2. Subsection (1)(b) shall have effect notwithstanding anything contained in the Civil Procedure Act or in any rules of court requiring that a decree be drawn up and extracted before an appeal is filed.
3. Leave to appeal for the purposes of subsection (1)(c) shall not be granted except where the intending appellant satisfies the chief magistrate or the High Court that the decision against which an appeal is intended involves a substantial question of law or is a decision appearing to have caused a substantial miscarriage of justice.
4. An application for leave to appeal shall, in the first instance, be made to the chief magistrate within the period of thirty days beginning with the date of the decision sought to be appealed from, and an application to the High Court for that leave shall be made within the period of fourteen days beginning with the date on which the application is refused by the chief magistrate.
5. No appeal shall lie from a decree passed or from a decision, judgment or order given or made, as a result of the consent of the parties.

Part XXII—Miscellaneous provisions.

221. Supervisory powers of chief magistrates.

(1) A chief magistrate shall exercise general powers of supervision over all magistrates courts within the area of his or her jurisdiction.

(2) Without prejudice to the generality of subsection (1), a chief magistrate may call for and examine the record of any proceedings before a

magistrate's court inferior to the court which he or she is empowered to hold and situate within the local limits of his or her jurisdiction for the purpose of satisfying himself or herself as to the correctness, legality or propriety of any finding, sentence, decision, judgment or order recorded or passed, and as to the regularity of any proceedings of that magistrate's court.

3. If a chief magistrate acting under subsection (2) is of the opinion that any finding, sentence, decision, judgment or order is illegal or improper, or that any proceedings are irregular, he or she shall forward the record with such remarks therein as he or she thinks fit to the High Court.
4. Where a chief magistrate forwards a record of criminal proceedings to the High Court under subsection (3), he or she may release any person serving a sentence of imprisonment as a result of those proceedings on bail, pending the determination of the High Court, if he or she is of the opinion that it is in the interests of justice so to do.

222. Court seals.

1. In every magistrate's court such seal shall be used as the Chief Justice may direct, which shall be impressed on every writ and other document issued out of or filed in the court.
2. All such writs and documents and all exemplifications and copies of them purporting to be sealed with the seal of any magistrate's court shall be received in evidence without further proof of them.

223. Power to appoint prosecutors.

1. The Director of Public Prosecutions may appoint generally, or in any case, or for any specified class of cases, in any local area, one or more persons to be called public prosecutors.
2. The Director of Public Prosecutions by writing under his or her hand may appoint any advocate or any person employed in the public service to be a public prosecutor for the purpose of any case or cases.
3. Every public prosecutor shall be subject to the express directions of the Director of Public Prosecutions.

224. Powers of prosecutors.

A public prosecutor may appear and plead without any written authority before any court in which any case of which he or she has charge is under trial or appeal; and if any private person instructs an advocate to prosecute in any such case, the public prosecutor may conduct the prosecution, and the advocate so instructed shall act in the case under his or her directions.

225. Obtaining copies or originals of documents in custody of bank.

1. For the purposes of any investigation of a crime, a bank manager or any officer of the bank authorised by the bank, shall, upon request in writing by the Director of Public Prosecutions or a police officer not below the rank of inspector, authorised in writing by the Director of Public Prosecutions, supply without delay to the Director of Public Prosecutions or the police officer, a copy or copies of any document in the custody of the bank against a receipt signed by the Director of Public Prosecutions or the police officer; and the receipt shall be countersigned by the bank manager.
2. Where it is necessary that the original of any document in the custody of the bank should be inspected or that tests should be carried out on it, the Director of Public Prosecutions or a police officer not below the rank of inspector, authorised in writing by the Director of Public Prosecutions may apply to the bank for the original; and a bank manager or an officer of the bank authorised by the bank shall deliver the original to the Director of Public Prosecutions or the police officer against a receipt signed by the Director of Public Prosecutions or the police officer.

3. When the original of a document in the custody of a bank is to be delivered under subsection (2), the Director of Public Prosecutions or the police officer referred to in that subsection shall give to the bank manager a photocopy of the original certified by the Director of Public Prosecutions or the police officer and by the bank manager or authorised officer to be a true copy of the original.
4. A document certified under subsection (3) to be a true copy of an original of a document in the custody of the bank may be tendered by the banker as the original document for all purposes.
5. A police officer acting under this section shall be responsible to the Director of Public Prosecutions for anything to be done by that officer

under this section.

(6) This section shall have effect notwithstanding the Evidence (Bankers' Books) Act.

226. Permission to conduct prosecution.

1. Any magistrate trying any case may permit the prosecution to be conducted by any person, but no person other than a public prosecutor or other officer generally or specially authorised by the Director of Public Prosecutions for that purpose shall be entitled to do so without permission.
2. Any person conducting the prosecution may do so personally or by an advocate.

227. Rules.

The Chief Justice may, by statutory instrument, make rules prescribing—

1. the functions and duties of registrars;
2. the distribution of business between magistrates and magistrates courts;
3. the custody of money paid into court or received or recovered under the provisions of any written law; and
4. the returns to be supplied by magistrates courts.

228. Power to amend Schedules.

The Minister may, after consultation with the Chief Justice, by statutory instrument, amend the First, Second or Third Schedule to this Act.

229. Appeals under other written law.

Insofar as the context allows, and notwithstanding the provisions of any written law in force on the date of the coming into force of this Act providing for an appeal to the High Court, those provisions shall be read as providing for an appeal to the appropriate court under this Act.

230. Relationship of Act to Criminal Procedure Code Act and Civil Procedure Act.

Where this Act makes provision for any matter, so much of the Criminal

Procedure Code Act and of the Civil Procedure Act as relates to the same matters shall cease to have effect in respect of magistrates courts.

SCHEDULES

First Schedule.

s. 161.

Offences which cannot be tried and provisions which cannot be administered or enforced by magistrates grades II and III.

Penal Code Act (Cap. 120).

All the sections in Chapter VI which is headed “Treason and offences against the State”.

All the sections in Chapter VII which is headed “Offences affecting relations with foreign States and external tranquillity”.

s. 57	Managing unlawful society.
s. 58	Offences in relation to an unlawful society.
s. 59	Restrictions on office bearers.
s. 70	Rioting after proclamation.
s. 71	Preventing or obstructing the making of proclamation.
s. 72	Rioters demolishing buildings, etc.
s. 73	Rioters injuring buildings, machinery, etc.
s. 82	Watching and besetting.
s. 83	Incitement to violence.
s. 84	Smuggling.
s. 108(1)(a)	Rescue.
s. 123	Definition of rape.
s. 124	Punishment for rape.
s. 125	Attempt to commit rape.
s. 126	Abduction.
s. 129	Defilement of girl under the age of eighteen.
s. 130	Defilement of idiots or imbeciles.
s. 131	Procuration.
s. 132	Procuring defilement of women by threats.
s. 133	Householder, etc. permitting defilement of girl under the age of eighteen.
s. 134	Detention with sexual intent.
s. 141	Attempts to procure abortion.

s. 142 Attempts to procure miscarriage.

s. 143 Supplying drugs, etc. to procure abortion.

s. 152 Fraudulent pretence of marriage.

s. 153 Bigamy.

s. 155 Performing fraudulent marriage ceremony.

s. 159 Child stealing.

s. 166 Traffic in obscene publications.

s. 174 Adulteration of drugs.

s. 175 Sale of adulterated drugs.

All the sections in Chapter XVII which is headed “Defamation”.

All the sections in Chapter XVIII which is headed “Murder and manslaughter”.

All the sections in Chapter XX which is headed “Offences connected with murder and suicide”.

s. 214 Disabling in order to commit a felony.

s. 215 Stupefying in order to commit a felony.

s. 216 Acts intended to cause grievous harm or prevent arrest.

s. 217 Preventing escape from wreck.

s. 218 Intentionally endangering safety of persons travelling by

railway.

s. 219 Doing grievous harm.

s. 220 Attempting to injure by explosive substances.

s. 221 Maliciously administering poison.

s. 227 Causing death by rash or negligent act.

s. 237 Assaults on person protecting wreck.

s. 239 Definition of kidnapping from Uganda.

s. 240 Definition of kidnapping from lawful guardianship.

s. 241 Definition of abduction.

s. 242 Punishment for kidnapping.

s. 243 Kidnapping in order to murder, etc.

s. 244 Kidnapping or abducting with intent to confine.

s. 246 Wrongful concealing of kidnapped person.

s. 247 Kidnapping or abducting child under fourteen years.

s. 248 Wrongful confinement.

s. 249 Buying a person as a slave.

s. 250 Habitual dealing in slaves.

s. 251 Inducing a person to give himself or herself as a slave.

s. 277 Concealing wills.

s. 281 Fraudulent disposition of mortgaged goods.

s. 285 Definition of robbery.

s. 286 Punishment for robbery read with section 288.

s. 287 Attempted robbery read with section 288.

s. 290 Demanding property by written threats.

s. 291 Attempts at extortion by threats.

s. 292 Procuring execution of deeds by threats.

s. 299 Committing or attempting to commit certain offences

while armed.

s. 309 Conspiracy to defraud.

s. 310 Frauds on sale or mortgage of property.

s. 319 Smuggling.

All the sections in Chapter XXXI which is headed “Frauds by trustees and persons in a position of trust and false accounting”.

s. 327	Arson.
s. 332	Casting away ships.
s. 333	Attempt to cast away ships.
s. 335 (2), (3)	Punishment for malicious injuries in general.
s. 336	Attempt to destroy by using explosives.
s. 337	Communicating infectious diseases to animals.
s. 348	Forgery of wills, etc.
s. 349	Forgery of judicial or official document.
s. 350	Forgery of and other offences in relation to stamps.
s. 352	Uttering cancelled or exhausted documents.
s. 353	Procuring false signatures on documents.
s. 354	Obliterating crossings on cheques.
s. 355	Making documents without authority.
s. 356	Demanding property upon forged testamentary

instruments.

s. 357 Purchasing forged bank or currency notes.

s. 358 Falsifying warrant for money payable under public authority.

s. 359 Falsification of register.

s. 360 Sending false certificate of marriage.

s. 363 Counterfeiting.

s. 364 Preparations for coining.

s. 365 Possession of paper or instruments for forgery.

s. 366 Clipping.

s. 367 Melting down of currency.

s. 368 Possession of coin clippings.

s. 370 Repeated uttering.

s. 371 Uttering metal or coin not current as coin.

s. 372 Exporting counterfeit coin.

s. 373 Selling articles bearing designs in imitation of currency.

All the sections in Chapter XXXVI which is headed “Counterfeit stamps”.

All the sections in Chapter XXXVII which is headed “Counterfeiting trademarks”.

s. 382 Falsely acknowledging deeds.

s. 391 Conspiracies generally.

Traffic and Road Safety Act (Cap. 361).

s. 44 Corruptly soliciting a gift, etc. for issuing a document required under the Act.

s. 108 Causing bodily injury or death through dangerous driving, etc.

s. 109 Causing bodily injury or death through careless driving.

s. 110 Reckless or dangerous driving.

s. 111 Driving while under the influence of drink or drugs.

s. 112(1) Driving a motor vehicle with blood alcohol concentration above the prescribed limit.

s. 118 Being in charge of motor vehicle while under the

influence of drink or drugs.

s. 121(1), (2), (3) Driving while disqualified or without driving permit.
s. 124 Failing to stop at a railway crossing.

Traffic Regulations *(See statutory instruments for Cap. 361).*

Reg. 65(1) Penalty for using motor omnibus where construction or equipment does not comply with regulations.

Cotton Development Act (Cap. 30).

s. 20	Duties of a registered ginner.
s. 10	Requisition and distribution of cotton seed for planting.
s. 8	Isolated and segregated areas.
s. 11	Power to prohibit movement of cotton seed.
s. 12	Destruction of pestiferous cotton seed.
s. 19	Persons permitted to buy raw cotton.
s. 21	Books to be kept of transactions.
s. 19	Dates for cotton buying.

Firearms Act (Cap. 299). The whole Act.

Weights and Measures Act (Cap. 103).

s. 44(2) That part of the subsection dealing with enhanced penalties for second or subsequent convictions.

Parliamentary Elections (Interim Provisions) Act (Cap 141).

s.70 Offences relating to voting.

ss. 98, 100, 108, 109 Corrupt practices.

Second Schedule.

s. 161.

Offences (in addition to those specified in the First Schedule) which cannot be tried and provisions which cannot be administered or enforced by magistrates grade III.

Penal Code Act (Cap. 120).

s. 66	Unlawful assembly.
s. 67	Riot.
s. 81	Threatening violence.

s. 85	Discharge of official duty towards property in which one has private interest.
s. 86	False claims by officials.
s. 87	Abuse of office.
s. 89	False certificates by public officers.
s. 90	Unauthorised administration of oaths.
s. 91	False assumption of authority.
s. 92	Personating public officers.
s. 93	Threats of injury to persons employed in public service.
s. 94	Perjury.
s. 95	False statements.
s. 96	Perjury by interpreters in legal proceedings.
s. 97	Punishment for perjury read with section 94.
s. 98	Evidence on charge of perjury.
s. 99	Fabrication of evidence.
s. 100	False swearing.
s. 101	Deceiving witnesses.
s. 103	Conspiracy to defeat justice.
s. 104	Compounding felonies.
s. 105	Compounding penal actions.
s. 106	Advertising for stolen property.
s. 113	Fraud by person in public service.
s. 114	Neglect of official duty.
s. 128(1), (2)	Indecent assaults.
s. 136	Persons living on earnings of prostitution.
s. 137	Keeping a brothel.
s. 140	Conspiracy to defile.
s. 145	Unnatural offences.
s. 146	Attempt to commit unnatural offences.

s. 147 Indecent assault on boys under eighteen.
s. 148 Indecent practices.
s. 149 Incest.
s. 222 Wounding.
s. 223 Failure to supply necessaries.
s. 227 Rash or negligent act endangering human life.
s. 229 Other rash or negligent acts.
s. 230 Negligent dealing with poisons.
s. 231 Endangering safety of persons travelling by railway.
s. 232 Exhibiting false light, mark or buoy.
s. 233 Conveying persons by water in unsafe vessel.
s. 234 Causing danger or obstruction in public way.
s. 262 Stealing wills.
s. 263 Stealing postal matter.
s. 264 Stealing cattle.
s. 265 Stealing vehicle.
s. 267 Stealing from person.
s. 268(a) Stealing by persons in the public service.
2. Stealing by directors or officers of companies.
3. Stealing by clerks and servants.
s. 271 Stealing by agents, etc.
s. 272 Stealing by lodgers.
s. 273 Stealing after previous conviction.
s. 276 Concealing registers.
s. 278 Concealing deeds.
s. 279 Killing animal with intent to steal.
s. 280 Severing with intent to steal.
s. 281 Fraudulent disposition of mortgaged goods.
s. 282 Fraudulent dealing in minerals.
s. 283 Fraudulent appropriation of electrical power.
s. 284 Unlawful use of vehicles.
s. 289 Assault with intent to steal.
s. 293 Demanding property with menaces.
s. 294 Definition of breaking and entering.
s. 295 Housebreaking and burglary.
s. 296 Entering dwelling with intent to commit felony.
s. 297 Breaking into building and committing felony.

s. 298 Breaking into building with intent to commit felony.
s. 300 Persons found, etc. with intent to commit felony.
s. 305 Obtaining goods by false pretences.
s. 306 Obtaining execution of a security by false pretences.
s. 327 Arson.
s. 328 Attempt to commit arson.
s. 329 Setting fire, etc. to crops.
s. 335(2), (3) Punishments for malicious injuries in general.
s. 341 Threats to burn.
s. 342 Forgery.
s. 351 Uttering false documents
Traffic and Road Safety Act (Cap. 361).
s. 29(5) Offences in connection with repairing or dealing in new, second-hand or reconditioned motor vehicles, etc.
s. 107 Offences in connection with the condition of motor vehicles, etc. for use on a road.
s. 119 Careless or inconsiderate use of a motor vehicle.
s. 120 Speeding.
s. 123 Offences in connection with emergency motor vehicles.
s. 125 Offences in connection with the duties of drivers in case of accidents.
Branding of Stock Act (Cap. 41). The whole Act.
Police Act (Cap. 303).
s. 37 Penalty for taking part in an unauthorised assembly.
Liquor Act (*Cap. 93).*
s. 2 Unlicensed sale of liquor.
s. 15 Sale outside permitted hours.
s. 24 Manufacture of nonexcisable liquor, etc.
s. 25 Denatured spirits.
Cooperative Societies Act (Cap. 112). The whole Act.
Game (Preservation and Control) Act (Cap. 198).

s. 5	Protection of certain animals.
s. 26	Prohibited methods of hunting animals.
s. 27	Use of traps, etc.

s. 31	Prohibited methods of hunting.
s. 32	Close seasons.
s. 36	Reporting of wounding of dangerous animals.
s. 37	Tribal hunting.
s. 42	Hunting animals within game reserve.
s. 45	Sanctuaries.
s. 55	Professional hunter's licence.
s. 62	Information to be supplied by certain hunters.
s. 63	Professional trapper's licence.
s. 69	Imposition of fees and conditions to special permits.
s. 71	Prohibition of hunting of particular species.
s. 77	Licence, etc. obtained without disclosure.
s. 83	Exceeding limitations of licence.
s. 88(5)	Obstruction.

Commissioners' note: The Game Preservation and Control Act, except for its Schedules, was repealed by the Uganda Wildlife Act, Cap. 200.

Third Schedule.

s. 219.

Civil Procedure Rules for Courts Presided Over by Magistrates Grades II and III.

1. Interpretation.

In those Rules, unless the context otherwise requires—

1. "appellate court" means a court to which an appeal lies;
2. "assessor" means any male person between the ages of twenty-one and sixty years who is not exempted from liability to serve as an assessor in any court of law by any written law for the time being in force;
3. "court" means a magistrate's court presided over by a magistrate;
4. "magistrate" means magistrate grade II or magistrate grade III.

2. Plaintiff.

All persons claiming any right to relief in respect of a cause of action whether jointly, severally or in the alternative, may be joined in one suit as plaintiffs where, if those persons brought separate suits, there would arise a common question of law or fact.

3. Power of court to order separate trials.

Where it appears to the court that any joinder of plaintiffs may embarrass, delay the trial of the suit or cause a miscarriage of justice, the court may put the plaintiffs to their election or order separate trials or make such other order as may be expedient.

4. Defendant.

All persons against whom there is a claim of any right to relief in respect of a cause of action, whether jointly, severally or in the alternative, may be joined as defendants where, if separate suits were brought against those persons, there would arise a common question of law or fact.

5. Joinder of parties liable on the same contract.

A plaintiff may at his or her option join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange and promissory notes.

6. Where plaintiff in doubt from whom redress to be sought.

Where the plaintiff is in doubt as to the person from whom he or she is entitled to obtain redress, he or she may join two or more defendants in order that the question as to which of the defendants is liable, and to what extent, may be determined as between all parties.

7. Representative actions.

1. Where there are more persons than one having the same interest in one suit or cause of action, one or more of those persons may on the written authority under the hand of each of the interested persons and with the permission of the court, sue or be sued, or may defend in such suit, on behalf of all persons so interested.
2. The court shall, in a suit brought under this rule, give notice of the institution of the suit to all interested persons either by personal service or where from the number of persons or any other cause that service is not reasonably practicable, by such public advertisement as the court may in each case direct.
3. Any person on whose behalf a suit is instituted or defended under subrule (1) of this rule may apply to the court to be joined as a party to the suit.

8. Misjoinder and nonjoinder.

No suit may be defeated by reason of a misjoinder or nonjoinder of parties, and the court may in every suit deal with the matter in dispute so far as regards the rights and interests of the parties actually before it.

9. Suit in name of wrong plaintiff.

1. Where a suit has been instituted in the name of a wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute to do so, order any other person to be substituted or joined as plaintiff upon such terms as the court thinks fit.
2. No person may be joined as a plaintiff suing without next friend or as next friend of a plaintiff under any disability without his or her consent

in writing to the joinder.

10. Court may strike out or join parties.

1. The court may at any stage of the proceedings either of its own motion or on application made for that purpose by any person and on such terms as may appear to the court to be just, order that the name of any party improperly joined be struck out or that the name of any person who ought to have been or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all questions involved in the suit, be joined.

2. Where a plaintiff or defendant is struck out before the hearing of the suit, a notice to that effect shall be served upon him or her before the date fixed for the hearing.
3. Where a defendant is joined or substituted, an amended copy of the summons shall be served on the new defendant and if the court thinks fit on the first defendant.
4. For the purpose of limitation, the proceedings as against any person joined or substituted as defendant shall be deemed to have begun on the service of the summons on him or her.

11. Act giving rise to criminal and civil proceedings.

Where by reason of any act or omission any person is liable to be prosecuted for a criminal offence and to be sued in a case of a civil nature, the case of a civil nature shall not be commenced, or if commenced shall be stayed until after the trial of the criminal offence.

12. Institution of case.

1. Subject to subrule (2) of this rule, where a person, not being represented by an advocate, desires to institute a suit, he or she shall state, either orally or in writing as may be directed by the magistrate, the nature of the claim against the defendant; and if the statement is oral, the magistrate shall record the substance of it in writing.
2. Where a person who desires to institute a suit is represented by an advocate, the statement of claim against the defendant made under this rule shall be in writing.
3. Notice of the substance of the plaintiff's claim made under the provisions of this rule shall be served upon the defendant either together with or incorporated in the summons requiring him or her to attend the court at the time and place specified in the notice for the hearing of the case.
4. A notice served upon the defendant under this rule shall declare that if the defendant does not appear in court on the day fixed for the hearing, the case may be heard ex parte.
5. A notice of the time and place for the hearing of a case instituted under this rule shall be served on the plaintiff.

13. Application for witness summonses.

1. At any time after the issue of a writ of summons, either party may on application to the magistrate obtain summonses to witnesses whose attendance to give evidence is required.
2. A party applying for a summons under this rule shall at the time of the application pay to the court such sum of money as appears to the magistrate to be sufficient to defray travelling and other expenses of the persons to be summoned to and from the court and for one day's attendance at the court.
3. The sum paid into court under this rule shall be tendered to the persons summoned at the time of the service or, if the magistrate so directs, the person summoned may be notified that such a sum shall be paid to him or her on attendance at the court.

14. Witness summonses.

1. Prior to the date fixed for the hearing of a case, summonses shall be issued by the magistrate requiring attendance at the time and place specified in the summonses of such witnesses as may be required.

2. Every witness summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him or her a duplicate of it and at the same time producing, if so required, the original.
3. Every person upon whom a summons is served shall sign or put his or her mark, in recognition of the receipt of the summons upon the back of the original of the summons; and if he or she refuses to do so, the person who has effected service of the summons shall record the refusal in writing.
4. Where, without sufficient excuse, a witness does not appear in obedience to the summons, the magistrate, on proof of the proper service of the summons in reasonable time before the hearing date, may issue a warrant to bring him or her before the court at a time and place to be specified in the warrant.
5. When a witness is arrested under a warrant and brought before the court, and his or her evidence is not taken forthwith, the court may, on his or her furnishing security to the satisfaction of the court for his or her appearance at the hearing of the case, order him or her to be released from custody, or on his or her failing to furnish security order him or her to be detained for production at the hearing.

15. Mode of service.

1. Every summons or notice issued under these Rules and requiring service shall be served by the court clerk or any other person authorised by him or her, a chief or a member of any police force.
2. Subject to these Rules, service of a summons or notice shall be effected by delivering to the person named in the summons or notice, a duplicate of it signed by the magistrate or such officer as he or she may appoint for that purpose.
3. Where it is not practicable to effect personal service of a summons or notice in the manner provided by or under rules 11(3) and 14 of these Rules, service of the summons or notice may be made—

1. by leaving the duplicate of it for him or her with some adult member of his or her family or with his or her servant residing with him or her or with his or her employer; or
2. by affixing the duplicate of it to some conspicuous part of the house or homestead in which the person summoned ordinarily resides and also to some conspicuous place in the court,

and thereupon the summons or notice shall be deemed to have been duly served.

16. Service of process outside limits of jurisdiction.

(1) Where a court desires a summons or notice to be served at any place outside the limits of its jurisdiction, it shall forward the summons to the court within the jurisdiction of which the summons is to be served.

2. Every witness summons shall be forwarded with a sum of money sufficient to cover the witness's travelling and subsistence expenses.
3. Where a court receives a summons forwarded to it under the provisions of this rule, it shall forthwith endorse on it an order for its service and make the necessary arrangements for that service without delay.

17. Appearances, etc.

1. Subject to subrule (2) of this rule, any application, appearance, or act in any court required or authorised by law to be made or done by a party in that court may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person or by his or her advocate.
2. A court may direct that an appearance shall be made by a party in person.

18. Service of process on advocate.

Any process served on the advocate of any party whether by registered post or by leaving it at the office or ordinary residence of that advocate, and whether the process is for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the advocate represents and, unless the court otherwise directs, shall be as effectual for all purposes as if it had been served on the party in person.

19. Nonappearance of plaintiff.

If, on the day fixed for the hearing of a case, the defendant appears in answer to the summons but the plaintiff does not appear, the court shall, if satisfied that a notice of the time and place for the hearing has been duly served upon the plaintiff, ask the defendant whether he or she admits the claim and—

1. if the defendant admits the claim or any part of it, the court may give judgment against him or her for the claim or such part of it as he or she admits; or
2. if the defendant does not admit the claim, the court may give judgment for him or her or adjourn the hearing to another date; and where another date is fixed for the hearing, the court shall cause a notice to be served on the plaintiff and the defendant requiring each to attend the court at the time and place specified in the notice.

20. Nonappearance of defendant.

If, on the date fixed for the hearing, the plaintiff appears but the defendant does not appear, the court may, if satisfied that a summons notifying the defendant of the time and place for the hearing has been duly served upon him or her, proceed to hear the evidence of the plaintiff and his or her witnesses, if any, and if satisfied that the plaintiff has established his or her claim in whole or in part, shall give judgment for the plaintiff accordingly.

21. Nonappearance of either party.

1. If on the day fixed for the hearing or any date to which the hearing of a suit is adjourned, neither party appears, the court may order that the claim be dismissed.
2. Where a claim is dismissed under this rule, the plaintiff may bring a fresh suit in respect of the same claim.

22. Setting aside judgment given in the absence of a party.

1. Subject to subrule (2) of this rule, where judgment has been given for a party under rule 20, the party against whom judgment was given may notify the court of the reasons which prevented his or her attendance at the time and place fixed for the hearing; and if the court is satisfied that there is good and sufficient reason for the absence of the party, it may, upon such terms and conditions as it thinks fit, set aside the judgment and fix a new date for the hearing of the case and shall thereafter give due notice of the new date for the hearing to both parties.
2. No judgment may be set aside under this rule where the court is satisfied that the party against whom judgment was given was duly served with the hearing notice, unless the

notification under this rule is made within a reasonable time from the date on which judgment was given.

23. Procedure on appearance of both parties.

On the appearance of both parties before the court, the defendant shall be asked by the magistrate whether or not he or she admits the claim of the plaintiff, and—

1. if the defendant admits the claim in its entirety, judgment shall be forthwith given for the plaintiff; or
2. if the defendant does not admit the claim or admits it only in part, the court shall proceed to hear the evidence of the parties.

24. Hearing.

1. Unless the court otherwise orders, the evidence of the plaintiff shall first be heard followed by that of his witnesses, if any.
2. At the close of the evidence of the plaintiff and that of each of his or her witnesses, the defendant shall be given the opportunity of cross-examining the plaintiff and each of the plaintiff's witnesses.
3. At the close of the evidence of the plaintiff and his or her witnesses, the evidence of the defendant followed by that of his or her witnesses, if any, shall be heard, and the plaintiff shall be given the opportunity of cross-examining the defendant and each of his or her witnesses.
4. The court may at any time put questions to either party or to any witness and may in its discretion call such additional evidence as it considers necessary.
5. The court may, for sufficient reason at any time before or after beginning to hear the suit, adjourn the hearing; and in every such case the court shall fix a day for the further hearing of the suit.

25. Evidence to be recorded.

The evidence of the parties and that of each witness shall be taken down in writing by or in the presence and under the personal direction and superintendence of the magistrate, not ordinarily in the form of question and answer but in that of narrative, and when completed shall be read back in the open court in the hearing of both parties, and the record shall then be signed by the party or witness who gave the evidence and countersigned by the magistrate; except that where the party or witness who gave the evidence objects to the correctness of the evidence as recorded, the magistrate shall consider the objection and shall—

1. if he or she finds the objection justified, rectify the record of the evidence accordingly; or
2. if he or she finds the objection unjustified, record the objection and the reasons for his or her refusal to rectify the record of the evidence accordingly,

and the record shall then be signed by the party or witness who gave the evidence and countersigned by the magistrate.

26. Assessors.

1. In the hearing of any suit, the magistrate may, if he or she deems it fit, and shall, at the request of either party in suits involving land disputes, divorce proceedings in a customary marriage, custody of children under customary law or the recovery of dowry, summon to his or her assistance two assessors chosen under subrule (4).

2. At the commencement of the hearing the magistrate shall inform the parties of their right, if any, to request for assessors and shall explain to the parties the role of assessors.
3. Every summons to an assessor shall be in writing and shall require his attendance as an assessor at the time and place specified in the summons.
4. For the purposes of subrule (1) of this rule, the chief magistrate of the area shall, in consultation with each subcounty chief of the area of each court, appoint a panel of assessors, at least seven from each subcounty and all of whom shall have been nominated by their subcounty executive committees, from among whom any two may assist the magistrate in hearing any suit, and the panel shall be subject to review from time to time, and in any case, once every year.
5. There shall be a "call day" for the panel of assessors appointed under subrule (4) at least once every month, on which day the two assessors for every particular suit shall be chosen by the magistrate subject to subrules (8) (9) and (10).
6. At the commencement of the hearing, each assessor shall take an oath impartially to advise the court to the best of his knowledge, skill and ability on the issues pending before the court.
7. Either party to a suit or his or her advocate may, before an assessor is sworn, or at any other time before the actual hearing of the suit commences, in court challenge the assessor on any of the following grounds—

1. presumed or actual partiality or vested interest in the suit;
2. physical incapacity such as minority, old age, deafness, blindness or other infirmity;
3. general character, conduct and reputation in the community where the assessor lives.

8. The assessor so challenged may then respond to the challenge in court by giving an explanation or answer to it on oath, but the court shall give the benefit of any doubt to the party raising the challenge.
9. Where a challenge against an assessor is upheld by the court, the assessor shall be abandoned and another one summoned by the magistrate, before the hearing of the suit commences.

27. Hearing with assessors.

(1) If in any proceedings heard with the aid of assessors—

1. the proceedings are adjourned, the assessors shall be required to attend at the adjourned sitting and at any subsequent sitting until the finding;
2. at any time before the finding, any assessor is from any sufficient cause prevented from attending throughout the proceedings, or absents himself, and it is not practicable immediately to enforce his attendance, the hearing shall proceed with the aid of the other assessor;
3. at any time before stating their opinion, both assessors are prevented from attending or absent themselves, the proceedings may be continued without assessors if the magistrate is satisfied that the attendance of the assessors or either of them cannot be secured without unreasonable delay and that it would be in the interests of justice to proceed without assessors.

2. When the case for both sides has been closed, the magistrate shall sum up all the evidence and shall then require each assessor separately to state his opinion orally and shall record that opinion.
3. Nothing under this rule shall be deemed to prohibit the assessors at any time during the proceedings from consulting each other or from retiring to consider their opinion if they so wish.

28. Judgment.

(1) After hearing all the evidence and submissions and where applicable, receiving and recording the opinions of the assessors, the magistrate shall deliver judgment.

(2) In delivering judgment under this rule the magistrate shall not be bound by the opinions of the assessors.

(3) A judgment delivered under this rule shall be in writing and shall contain—

1. the nature of the plaintiff's claim;
2. the nature of the defence;
3. a summary of the relevant evidence produced before the court and the reasons for the court's accepting or rejecting that evidence;
4. the decision of the court together with the reasons for the decision, and where the magistrate does not conform to the opinion of any assessor, the reasons for not doing so;
5. the remedy, if any, to which the plaintiff is entitled; and
6. if the plaintiff is entitled to a remedy, the order of the court necessary to enforce it.

(4) Where judgment is not delivered immediately after the hearing of all the evidence, the magistrate shall notify the parties or their advocates of the date on which judgment is to be delivered.

29. Court may give judgment for or against one or more joined parties.

Judgment may be given—

1. for such one or more of the plaintiffs as may be found to be entitled to relief as he or she or they may be entitled to;
2. against such one or more of the defendants as may be found to be liable according to their respective liabilities.

30. Execution of court order.

1. Where any order of the court pursuant to any judgment remains unsatisfied, the person in whose favour it was made may apply to the court which made the order for its execution, and the court may order the execution of the order or take such steps to enable the execution to be effected as it deems necessary.
2. Any process issued by the court under this rule for the execution of its order, decree, or the enforcement of a judgment debt shall be executed by an officer, chief or employee of the Government, or the council of a district or such other person within the jurisdiction of the court as the court may appoint.

(3) It shall be the duty of the officers, chief or employee referred to in subrule (2) of this rule or such other person entrusted with the execution

of the process to obey the court's order and to execute the process in such a manner and within the time limit specified in the process for the return of the process, and if the time limit has been exceeded or if the process was not executed at all, he or she shall give the reason of the delay or the reason why the process was not executed, as the case may be.

4. Where the court is of the opinion that the process was delayed or was not executed through the inability of the person entrusted with the execution of the process, it may examine that person for his or her alleged inability and may if it thinks fit summon and examine witnesses as to that inability and may impose on such a person such penalty as is provided by or under any written law.
5. Where a court broker or any other person is directed to execute an order of the court, he or she shall first report to the subcounty chief of the area where the judgment debtor ordinarily resides; and thereafter the execution of the court's order shall be done in the presence of the parish chief and two other witnesses from the debtor's neighbourhood.
6. The person executing the order shall file in the court a return on the execution, bearing the signatures of the subcounty chief, the parish chief of the area and of the two witnesses to the execution.
7. The magistrate after satisfying himself or herself that the return is proper shall endorse the return.
8. No execution shall be levied on the property of any person other than the judgment debtor.
9. Any objection to the execution shall be heard and disposed of expeditiously and, in any case, before the property upon which the execution is being levied is sold or otherwise disposed of.

31. Attachment and sale.

(1) Where the court orders execution by attachment and sale of any property—

1. the sale shall be conducted by a public officer or an officer of a district administration or urban authority or in the presence of the said officer by such other person as the court may appoint;
2. the magistrate after satisfying himself or herself that the attachment was done in accordance with the warrant and that there is no objection to the attachment and that the debtor is still

unable to pay the decretal amount and the costs of execution so far incurred, shall endorse the return on the attachment and authorise the sale of the property attached.

2. No execution of a court order involving the attachment of the judgment debtor's immovable or real property, crops still in the field, the dismantling of his or her dwelling house or the removal of the judgment debtor from the land shall be carried out except with the prior written consent of the chief magistrate, or such other magistrate as may be designated by the Chief Justice of the area where that property is situate.
3. Before granting written consent under subrule (2) of this rule, the chief magistrate or the designated magistrate shall first peruse the court file and satisfy himself or herself as to the facts and judgment of the suit or appeal in question.
4. No attachment shall be made of property whose value grossly exceeds the decretal amount specified in the court order.

5. A sale of property under these Rules shall be by public auction, of which public notice in such manner as the court may direct shall first be given, and the magistrate shall guide persons conducting the sale on the value of the property being sold having regard to the prevailing prices of such property.
6. All proceeds from the sale of property under an execution order shall be deposited in court or disbursed to the relevant parties by the magistrate who shall reflect the disbursement on the case record.
7. The court broker or any other person carrying out the execution order shall after depositing the proceeds of the sale in the court, file his or her bill of costs of the execution with the magistrate who shall tax it and record it on the court file.
8. Before the court awards costs of executions in excess of twenty thousand shillings, it shall first refer the bill of costs to the chief magistrate for approval.
9. Where the proceeds of sale under this rule exceed the decretal amount plus the costs of execution, the magistrate shall ensure that the balance in excess is repaid to the judgment debtor.

32. Execution contrary to Rules.

1. Any person who executes an order of the court contrary to the provisions of rules 30 or 31 commits an offence and on conviction is liable to imprisonment for three months.
2. Any court broker who is convicted of an offence under subrule (1) of this rule shall, in addition to the penalty prescribed under that subrule forfeit his or her licence and shall not be eligible to be issued another licence.

33. Arrest and detention of judgment debtor.

(1) The court shall not order the detention in prison of a judgment debtor unless—

1. the debtor is first given an opportunity of showing cause why he or she should not be so detained; and
2. the court is satisfied that since the date of judgment, the debtor has had sufficient means, after providing for the maintenance of himself or herself and his or her family, if any, to pay the judgment debt and has no property of sufficient value which can be attached in satisfaction of the judgment debt.

2. Where a court orders the detention in prison of a judgment debtor under this rule for a debt specified in the first column of Appendix A to these Rules, that person may be detained for the period respectively specified in the second column of that Appendix or until the judgment debt is satisfied, whichever period is the shorter.
3. A judgment debtor released from detention under this rule shall not merely by reason of his or her release be discharged from his or her debt.

34. Execution of judgment outside jurisdiction.

1. Where a court desires a judgment to be enforced outside the limits of its jurisdiction, it shall forward the judgment to the court within the jurisdiction of which the judgment is to be enforced.
2. A court forwarding a judgment to another court shall endorse on the judgment particulars of any payment already made in part satisfaction of the judgment.
3. When a court receives a judgment forwarded to it under this rule, it shall—

1. enter the judgment in its civil case register;
2. enforce the judgment on the application of the judgment creditor;
3. inform the court which issued the judgment of any monies or property recovered under it; and
4. return the judgment when satisfied to the court which issued it, or, if judgment is not satisfied, return it to that court after the expiration of twelve months from the date of its receipt.

35. Court to be open to public.

The court shall be open to the public generally, unless the magistrate for reasons to be recorded in writing otherwise directs.

36. Person in court to give evidence or produce document.

Any person present in court may be required by the court to give evidence or to produce any document there and then in his or her possession or control.

37. Where functions of magistrates to be performed, etc.

Any function which is conferred by these Rules upon a magistrate may, unless it is otherwise provided expressly or by necessary implication, be performed by him or her in any premises in which the court ordinarily sits or elsewhere.

38. Records.

The following records shall be kept in all courts—

1. a file for each case containing particulars of the case, including the substance of the evidence given by the parties and their witnesses, a list of exhibits, if any, and judgment of the court;
2. a civil case register, which shall contain the following particulars—

(i) the serial number of the case; (ii) the date of the statement of claim; (iii) the name and address of the plaintiff; (iv) the name and address of the defendant; (v) the fee and number of court receipt; (vi) a brief description of the case; (vii) the date of hearing; (viii) the names of witnesses;

(ix) the decision or final order of the court, and the date of it; (x) the date of payment of any judgment debt;

(xi) particulars of execution of the judgment.

39. Fees.

1. Subject to subrule (2) of this rule, the fees specified in Appendix B to these Rules shall be levied in respect of the matters and proceedings specified in that appendix.
2. A court may waive or reduce any fee leviable under this rule having regard to the means of the litigant affected.

40. Forms.

The forms set out in Appendix C to these Rules, with such variations as the circumstances of each case may require, may be used for the purposes mentioned in the forms.

Appendix A. Period of determination of judgment debtor.

rule 33.

Amount of judgment debt	Maximum period
Not exceeding shs. 1,000	One week
Exceeding shs. 1,000 but not exceeding shs. 5,000	One month
Exceeding shs. 5,000 but not exceeding shs. 10,000	Two months
Exceeding shs. 10,000 but not exceeding shs. 15,000	Three months
Exceeding shs. 15,000 but not exceeding shs. 20,000	Four months
Exceeding shs. 20,000 but not exceeding shs. 25,000	Five months
Exceeding shs. 25,000	Six months

Appendix B . Fees.

rule 39.

Fees.	Shs.
Grade II and III Magistrates Court:	
1. Except as otherwise provided herein, where the amount involved does not exceed shs. 200 For every additional shs. 2,000 or part thereof	100 100
2. Claims relating to land	750
3. Claims relating to cattle— for one to ten heads of cattle for eleven to forty heads of cattle for forty-one or more heads of cattle	500 1,000 4,000
4. Claims relating to sheep or goats— for one to ten animals for eleven to twenty animals for twenty-one to forty animals for forty-one or more animals	50 100 150 300

5. Where the case involves chickens or other birds regardless of number	30
Copies of proceedings or documents:	
1. Certified copies for every page	50
2. Uncertified copies for every page	30
Inspection:	
For every inspection of a record by a party or his advocate	50

Appendix C.

rule 40. Forms.

Form 1.

Witness Summons.

The Magistrates Courts Act.

http://www.saflii.org/ug/legis/consol_act//mca232/In the court of

Civil Case. No. of 20 ____

, Plaintiff

versus

, Defendant

To:

Whereas your attendance is required as a witness on behalf of the

in the above suit, you are required

to appear before this court on the day of , 20 ____

at o'clock in the forenoon and to bring with you (*or* to send to this

court)

Dated this day of , 20 ____.

Magistrate

Form 2.

Summons and Hearing Notice.

The Magistrates Courts Act.

http://www.saflii.org/ug/legis/consol_act//mca232/In the court of

Civil Case. No. of 20 ____

, Plaintiff

versus

, Defendant

To:

Whereas the above-named plaintiff has instituted a suit against the above-named defendant for

You are required to appear before this court on the day of

, 20 ____ at o'clock in the forenoon and to

bring your witnesses with you.

If no appearance is made by you or by a person authorised by law to act for you, the case may be heard and decided in your absence.

Dated this day of , 20 ____.

Magistrate

Form 3.

Warrant of Attachment and Sale of Property.

The Magistrates Courts Act.

In the court of

Civil Case. No. of 20 ____

, Plaintiff

versus

, Defendant

To:

Whereas was ordered by a judgment of

this court passed on the day of , 20 ____ in the

above case to pay to

the sum of shs. .

And whereas this sum has not been paid, you are ordered to attach the property of

as set forth in Part I of the Schedule to this warrant and unless he/she pays to you that sum to sell by public auction, subject to the conditions set out in Part II of the Schedule to this warrant, that property in execution of the judgment or so much of it as will realise that sum.

You are also ordered to return this warrant on or before the day of

, 20 ____ with an endorsement certifying the manner in

which it has been executed or the reason why it has not been executed.

Dated this day of , 20 ____.

Magistrate

Schedule.

Part I.

(Short description of property).

Part II . Conditions of sale.

1. The subject matter of the sale is the property of the above-mentioned judgment debtor specified in Part I of the Schedule.
2. The property will be put in one lot or in such lots as the person conducting the sale shall determine.
3. If the debt specified above is paid in full before the knocking down of any lot, the sale shall be stopped.
4. No bid by or on behalf of the judgment creditor will be accepted nor will any sale to him or her be valid without the express permission of the court.
5. The person conducting the sale shall withdraw any lot if the highest bid for it appears so clearly inadequate as to make it advisable so to do.

Form 4. Notice to Show Cause Why Warrant of Arrest and Imprisonment Should not be Issued. *The Magistrates Courts Act.*

In the court of

Civil Case. No. of 20 ____

, Plaintiff

versus

, Defendant

To:

Whereas has applied to this court for execution of the judgment in the above case, by which you were ordered to pay the sum of shs. by arrest and imprisonment of your person, you are required to appear before this court on the day of , 20 ____ at o'clock in the forenoon to show cause why you should not be committed to prison in execution of that judgment.

Dated this day of , 20 ____.

Magistrate

Form 5.

Warrant for Arrest in Execution.

The Magistrates Courts Act.

In the court of

Civil Case. No. of 20 ____

, Plaintiff

versus

, Defendant

To:

Whereas was ordered by a judgment in the above case dated the day of , 20____ to pay to the judgment creditor the sum of shs. .

And whereas that sum has not been paid, except to the extent of shs. *.

You are ordered to arrest the judgment debtor and unless he/she pays to you the sum of shs. , less the sum of shs.

already paid*, to bring him or her before this court.

You are also ordered to return this warrant on or before the

day of , 20 ____ with an endorsement certifying

the day on which it has been executed or the reason why it has not been executed.

Dated this day of , 20 ____.

Magistrate **Delete if inapplicable.*

Form 6.

Warrant of Committal of Judgment Debtor to Prison.

The Magistrates Courts Act.

http://www.saflii.org/ug/legis/consol_act//mca232/In the court of

Civil Case. No. of 20

versus To:

The officer in charge of the prison at

Whereas has been brought before this

court this day of , 20 ____ under a warrant in

execution of a judgment which was pronounced by this court on the

day of , 20 ____, and by which judgment it was ordered

that the should pay the sum of shs. .

And whereas has neither obeyed the

judgment nor satisfied the court that he/she is entitled to be discharged from custody.

You are required to take and receive

into prison and keep him/her imprisoned there

for a period not exceeding or until the judgment

shall sooner be fully satisfied.

Dated this day of , 20 ____.

Magistrate

History: Act 13/1970; Decree 17/1971, s. 1; Decree 25/1971, s. 3; Decree 26/1971, s. 142; Decree 27/1971; S.I. 18/1971; S.I. 90/1971, s. 1; Decree 11/1972; Decree 18/1978; Statute 15/1980; S.I. 81/1983; S.I. 4/1984; Act 4/1985; S.I. 51/1987; Statute 6/1990; Statute 6/1996, s. 114; Statute 13/1996, s. 49; Act 10/1998.

Cross References

Civil Procedure Act, Cap. 71.

Constitution of 1995.

Criminal Procedure Code Act, Cap. 116.

Evidence Act, Cap. 6.

Evidence (Bankers' Books) Act, Cap. 7.

Firearms Act, Cap. 299.

Habitual Criminals (Preventive Detention) Act, Cap. 118.

Judicature Act, Cap. 13.

Justices of the Peace Act, Cap. 15.

Penal Code Act, Cap. 120.

Prevention of Corruption Act, Cap. 121.

Sale of Goods Act, Cap. 82.

Traffic and Road Safety Act, Cap. 361.

Weights and Measures Act, Cap. 103.