

BILL SUPPLEMENTS

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MEMORANDUM

The object of this Bill is to effect amendments to the Trial on Indictments Decree, 1971.

The Bill seeks to repeal from the Decree all provisions relating to preliminary proceedings in criminal trials; to restrict the period of remand for prisoners awaiting trial by the High Court; to empower only the High Court to grant bail for offences of rape and the issuing of false cheques under the same restrictive conditions as are applicable to other serious offences provided for in section 14A of the Decree and also to require the Registrar to give accused persons and the Director of Public Prosecutions reasonable notice before the date of trial.

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DR. G. W. KANYEIHAMBA,
Minister of Justice/Attorney-General.

2ND MARCH, 1990.

17 SEP 2000

A BILL for a Statute

ENTITLED

**THE TRIAL ON INDICTMENTS
(AMENDMENT) STATUTE, 1990.**

A Statute to amend the Trial on Indictments Decree, 1971 so as to minimise the period of remand preceding the trial by the High Court of an accused person, to require that an accused person is provided with a summary of the prosecution case and sufficient notice prior to his trial, to regulate the grant of bail for offences of rape and the issuing of false cheques and for connected purposes.

BE IT ENACTED by the President and the National Resistance Council as follows:

1. This Statute may be cited as the Trial on Indictments (Amendment) Statute, 1990 and shall be read as one with the Trial on Indictments Decree, 1971 (hereinafter referred to as "the Decree").

Short title.
Decree 26
of 1971.

2. Section 1 of the Decree is amended in the proviso by deleting the words "Part XV of".

Amendment
of
section 1.

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Amendment
of
section 14A.

3. Section 14A of the Decree is amended in subsection (1)—

(a) by replacing the words “Notwithstanding the provisions of the preceding section and section 74 of the Magistrates’ Courts Act” with the words “Notwithstanding the provisions of section 14”;

(b) by inserting after the words “cattle rustling” the words “rape, issuing a false cheque contrary to section 364 of the Penal Code Act”.

Addition
of
section 14B.

4. The Decree is amended by adding the following section immediately after section 14A—

“Restriction
on period of
pre-trial
remand.

14B. If an accused person has been remanded in custody before the commencement of his trial—

(a) in respect of any offence punishable by death, for a continuous period exceeding four hundred and eighty days; or

(b) in respect of any other offence, for a continuous period exceeding two hundred and forty days

the judge before whom he first appears after the expiration of the relevant period shall release him on bail on his own recognisance, notwithstanding that he is accused of an offence referred to in section 14A (1), unless—

(i) he has, prior to the expiration of that period, been committed to the High Court for trial; or

(ii) the judge is satisfied that it is expedient for the protection of the public that he should not be released from custody”.

5. Section 25 of the Decree is amended by renumbering it as section 25 (1) and by adding the following subsection thereafter—

Amendment
of
section 25.

“(2) The Registrar of the High Court shall give the accused person and the Director of Public Prosecutions reasonable notice, not being less than fourteen days, of the date of the trial.”.

5. Section 25 of the Decree is amended by renumbering it as section 25 (1) and by adding the following subsection thereafter—

Amendment
of
section 25.

“(2) The Registrar of the High Court shall give the accused person and the Director of Public Prosecutions reasonable notice, not being less than fourteen days, of the date of the trial.”.