
BILLS
SUPPLEMENT No. 17

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Bill No. 35

Judicature (Amendment) Bill

2023

THE JUDICATURE (AMENDMENT) BILL, 2023

MEMORANDUM

1. OBJECT OF BILL

The object of the Bill is to give effect to articles 130 and 134 of the Constitution by prescribing additional number of Justices of the Supreme Court and Justices of the Court of Appeal.

The Bill further empowers Parliament to increase both the number of Justices of the Supreme Court and Justices of the Court of Appeal to such higher numbers as Parliament may by resolution prescribe.

The Judiciary staff establishment or structure was approved by Cabinet to facilitate the increase of the number of Justices of the Supreme Court and Justices of the Court of Appeal.

2. DEFECTS IN EXISTING LAW

The Judicature Act, Cap. 13 gives effect to article 130 and 134 of the Constitution by prescribing additional number of Justices of the Supreme Court and Justices of the Court of Appeal. The number of Justices of the Supreme Court and Justices of the Court of Appeal were last increased in 2011. The Justices of the Supreme Court currently stand at 11, including the Chief Justice while the number of Justices of the Court of Appeal stand at 15, including the Deputy Chief Justice.



There has been an increase in population, crime rates and increased awareness among the public of their legal rights which has resulted into the high demand for Judiciary services and court use. This in turn has led to acute case backlog in the upper bench, composed of the Court of Appeal and the Supreme Court.

Case backlog (cases which have been in Court for two and more years from the time of their registration) in the upper bench as at 30th April, 2023 stands as follows; the Supreme Court - 303 backlog cases out of a total of 668 pending cases (45.38%) and in the Court of Appeal - 5,173 backlog cases out of a total of 8,698 pending cases. (59.56 %)

Acute case backlog requires more man power to deliver justice to the people of Uganda effectively. In the circumstances, it has become necessary to amend the Judicature Act, Cap. 13 in section 3 and 9 to increase the number of Justices of the Supreme Court and the number of Justices of the Court of Appeal as envisaged by articles 130 and 134 of the Constitution respectively.

3. REMEDIES PROPOSED TO DEAL WITH THE DEFECTS

The object of this Bill is to prescribe the number of Justices in the Supreme Court and in the Court of Appeal in accordance with articles 130 and 134 of the Constitution, and by providing for the subsequent increase in the numbers of the Justices of the Supreme Court and the Justices of the Court of Appeal or such a higher number of Justices as Parliament may by resolution prescribe.

The Structure for Judicial officers was approved by Cabinet and once it is implemented by filling up the vacant positions of Justices of the Supreme Court and Justices of the Court of Appeal, the issue of acute shortage of judicial officers will be addressed.

Increasing the number of Justices of both the Supreme Court and Court of Appeal will enable the Courts to effectively and efficiently administer justice to the people of Uganda. It will promote the rule of law, peace and security and promote investment. It will correspondingly lead to improved service delivery by the Judiciary, arising out of the elimination of case backlog and consequently bring judicial services nearer to the people, to whom judicial power is ultimately vested.

The increase in the number of Justices will similarly promote the right to a fair trial, through fair, speedy and public hearings, which will in turn facilitate justice for all.

In so doing, the Judiciary will fulfill its constitutional mandate, and also play its key role under the National Development Frameworks that will ensure the Rule of Law for the socio-economic development of Uganda.

The Bill therefore seeks—

- (a) in clause 1 to amend section 3 to increase the number of Justices of the Supreme Court from eleven to twenty one, including the Chief Justice and to empower Parliament to increase the number of Justices of the Supreme Court as Parliament may by resolution prescribe; and
- (b) in clause 2 to amend section 9 to increase the number of Justices of the Court of Appeal from fifteen to fifty six, including the Deputy Chief Justice and to empower Parliament to increase the number of Justices of the Court of Appeal as Parliament may by resolution prescribe.

NORBERT MAO

Minister of Justice and Constitutional Affairs.

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ENTITLED

THE JUDICATURE (AMENDMENT) BILL, 2023

An Act to amend the Judicature Act, Cap. 13 to prescribe the number of Justices of the Supreme Court and the number of Justices of the Court of Appeal in accordance with articles 130 and 134 of the Constitution.

BE IT ENACTED by Parliament as follows:

1. Amendment of the Judicature Act, Cap. 13

The Judicature Act, Cap. 13 in this Act referred to as the principal Act is amended by substituting for section 3 the following—

“3. Supreme Court of Uganda

The Supreme Court shall consist of—

- (a) the Chief Justice; and
- (b) twenty Justices of the Supreme Court or such higher number of Justices of the Supreme Court as Parliament may by resolution prescribe.”

2. Substitution of section 9 of principal Act

The principal Act is amended by substituting for section 9 the following—

“9. Court of Appeal of Uganda

The Court of Appeal of Uganda shall consist of—

- (a) the Deputy Chief Justice; and
- (b) fifty five Justices of the Court of Appeal or such higher number of Justices of the Court of Appeal as Parliament may by resolution prescribe.”