

**Bill No. 4 . . . Trial on Indictments (Amendment) Bill**

**THE TRIAL ON INDICTMENTS (AMENDMENT) BILL, 2004**

**MEMORANDUM.**

1. The object of this Bill is to amend section 15 (2) (c) of the Trial on Indictments Act (Cap 23), to include all offences under the Firearms Act, punishable by more than ten years imprisonment among the offences which under section 15 of that Act, the High Court may refuse to grant bail to an accused person if he or she does not prove to the satisfaction of court that—

(a) exceptional circumstances exist justifying his or her release on bail; and

(b) he or she will not abscond when released on bail.

2. At present paragraph (c) applies to offences under the Firearms Act, punishable by imprisonment not less than ten years. The change to more than ten years imprisonment is to make the provision cover the more serious offences.

3. The Bill further seeks to amend the Trial on Indictments Act as follows—

(a) to make the offence of defilement bailable by the Chief Magistrate in order to decongest the High Court;

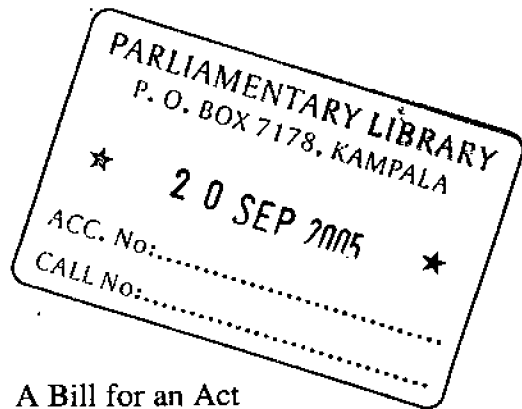
(b) to amend further section 15 (Refusal to grant bail) to be in line with the Anti-Terrorism Act, 2002;

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- (c) to amend section 54 of the Act which relates to the presence of the accused during trial. This is to bring it into line with article 28 (5) of the Constitution concerning the trial of an accused person in his or her absence;
- (d) to repeal section 109 of the Act which relates to corporal punishment. This is to be in conformity with article 24 of the Constitution by virtue of which the Constitutional Court has declared corporal punishment to be inhuman treatment and therefore unconstitutional.

4. Finally, references in the Bill to Acts and sections of Acts in existence before the year 2001 which are now contained in the Revised Edition of the Laws of Uganda which was brought into force on 1st October, 2003 by Statutory Instrument No. 69 of 2003 issued by the Attorney-General, are now adapted to read as references to the corresponding sections and chapters as contained in the new Revised Edition.

**HON. HAJAT JANAT MUKWAYA,**  
*Minister of Justice and Constitutional Affairs.*



A Bill for an Act

ENTITLED

**THE TRIAL ON INDICTMENTS (AMENDMENT) ACT, 2004.**

**An Act to amend the Trial on Indictments Act.**

Be it enacted by Parliament as follows:

**1. Short title**

This Act may be cited as the Trial on Indictments (Amendment) Act, 2004.

**2. Amendment of section 15 of the Trial on Indictments Act**

The Trial on Indictments Act in this Act referred to as the “principal enactment” is amended in sub-section (2) of section 15 as follows—

- (a) by substituting for paragraph (b) the following new paragraphs—

“(b) the offence of terrorism and any other offence punishable by more than ten years imprisonment under the Anti-Terrorism Act, 2002;

(ba) the offence of cattle rustling contrary to section 266 of the Penal Code Act”;

(b) by substituting for paragraph (c) the following new paragraph—

“(c) offences under the Firearms Act, punishable by more than ten years imprisonment”;

(c) by the repeal of paragraph (d); and

(d) by substituting for paragraph (e) the following new paragraph—

“(e) rape, contrary to section 123 of the Penal Code Act”.

**3. Replacement of section 54 of the principal enactment**

For section 54 of the principal enactment there is substituted the following new section—

**“Trial of accused in his or her absence.**

54. (1) Except with his or her consent, the trial of any person shall not take place in the absence of that person unless the person so conducts himself or herself as to render the continuance of the proceedings in the presence of that person impracticable and the court makes an order for the person to be removed and the trial to proceed in the absence of that person.

(2) Where the court decides to try the accused person in his or her absence under subsection (1) of this section, it shall make such provision as in its discretion appears sufficient for informing the accused of what has passed at the trial and for making his or her defence”.

**4. Repeal of section 109 of principal enactment**

Section 109 of the principal enactment is repealed.

**Cross References**

- Anti-Terrorism Act, 2002
- Constitution of Uganda
- Firearms Act, Cap. 299
- Penal Code Act, Cap. 120.

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