



Registered at the
General Post Office for
transmission within
East Africa as a
newspaper



Published
by
Authority

The Uganda Gazette

Vol. XCVIII No. 10

22nd February, 2005

Price: Shs. 1000

CONTENTS	PAGE
The Trade Marks Act—Registration of applications	51-52
Advertisements	52

SUPPLEMENTS

Statutory Instruments

- No. 8—The External Trade (Importation Licence) Order, 2005.
No. 9—The Stamps (Exemption from Stamp Duty) (Lease of Property and Assets to Umeme Limited) Instrument, 2005.
Act
No. 1—The Referendum and Other Provisions Act, 2005.

General Notice No. 54 of 2005.

THE TRADE MARKS ACT. (Cap. 83).

NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

- (21) APPLICATION NO. 27235 IN PART "A".
(52) Class 5.

(54)

SYMONY

- (53)
(59)
(64)
(57) *Nature of goods*— Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
(73) *Name of applicant*— Merck & Co., Inc, a New Jersey Corporation.
(77) *Address*— One Merck Drive, Whitehouse Station, New Jersey, United States of America.
(74) *C/o*. M/s Mugerwa & Masembe Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.
(22) *Date of filing application*— 13th December, 2004.

- (21) APPLICATION NO. 25758 IN PART "A".
(52) Class 3.

(54)

STELLA

- (53)
(59)
(64)
(57) *Nature of goods*— Perfumes, eau de toilette, eau de cologne, deodorants for personal use; essential oils for personal use; oils for cosmetic purposes; soaps; cleansing milk for toilet purposes; cosmetics; make-up preparations; make-up removing preparations; make-up powders; cosmetic creams; cosmetic preparations for skin care, for cellulite reduction; for the bath, for sun-tanning; cosmetic kits; beauty masks; pencils for cosmetic purposes, blush; nail polish; lipsticks; hair lotions and non-medicated preparations for hair care; shampoos; shaving preparations, shaving soaps; dentifrices.
(73) *Name of applicant* — Stella McCartney Limited, a Company registered in England.
(77) *Address*— 4 Grafton Street London, W1X 4EF United Kingdom.
(74) *C/o*. M/s Mugerwa & Masembe Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.
(22) *Date of filing application*— 12th June, 2003.

- (21) APPLICATION NO. 27260 IN PART "A".
(52) Class 7.

(54)

lenovo

- (53)
(59)
(64)
(57) *Nature of goods*— Machine and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural tools other than hand-operated; incubators for eggs; agricultural implements other than hand-operated; electric kitchen machines; printing machines; generators of electricity; machines and apparatus for cleaning (electric); bookbinding apparatus and machines for industrial purposes; washing machines; hand-held tools other than hand operated; driving motors other than for land vehicles; mixing machines.
(73) *Name of applicant* — Lenovo (Beijing) Limited, a Corporation organized and existing under the law of P.R. China.

(77) *Address*— No. 6, Chuangye Road, Shangdi Information Industry base, Haidian District, Beijing 100085, P.R. China.

(74) *C/o. M/s Mugerwa & Masembe Advocates*, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 14th December, 2004.

(21) APPLICATION No. 27261 IN PART "A".

(52) Class 9.

(54)

lenovo

(53)

(59)

(64)

(57) *Nature of goods*— Computer memories; computers; computer peripheral equipment; recorded computer software; printers for use with computers; scanners (data processing equipment); integrated circuits cards; notebook computers; photocopier (photographic, electrostatic, thermic); phototelegraphy apparatus; modems; mobile phones; amusement apparatus adapted for use with television receivers only; personal stereos; walkmans, cameras (photography); single crystal silicon used for integrated circuits; integrated circuits; scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(73) *Name of applicant* — Lenovo (Beijing) Limited, a Corporation organized and existing under the law of P.R. China.

(77) *Address*— No. 6, Chuangye Road, Shangdi Information Industry base, Haidian District, Beijing 100085, P.R. China.

(74) *C/o. M/s Mugerwa & Masembe Advocates*, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 14th December, 2004.

(21) APPLICATION No. 27262 IN PART "A".

(52) Class 11.

(54)

lenovo

(53)

(59)

(64)

(57) *Nature of goods*— Apparatus for heating, steam generating, cooking, drying, water supply for sanitary purpose; lighting apparatus and installations; oil lamps; refrigerating apparatus and machines; air apparatus; water purification installations; lighters; cooking utensils; air conditioning installations; sanitary apparatus and installations; ventilation (air conditioning) installations and apparatus.

(73) *Name of applicant* — Lenovo (Beijing) Limited Corporation organized and existing under the law of P.R. China.

(77) *Address*— No. 6, Chuangye Road, Shangdi Information Industry base, Haidian District, Beijing 100085, P.R. China.

(74) *C/o. M/s Mugerwa & Masembe Advocates*, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 14th December, 2004.

Kampala,

FIONA BAYIC

8th February, 2005.

Assistant Registrar of Trade Marks

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 208 Plot 3028 at Kawempe.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Jane Nankinga, P.O. Kyebando, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,

AMBROSE ORIKIRE

22nd February, 2005.

for Commissioner Land Registrar.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 217 Plot 244 at Kiwatule.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Eric Kafureka of P.O. Box 4595, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,

AMBROSE ORIKIRE

22nd February, 2005.

for Commissioner Land Registrar.

THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 220 Plot 1391 at Kiwatule.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Peruth Kiiza and Paul Muramira both of P.O. Box 10642, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,

AMBROSE ORIKIRE

22nd February, 2005.

for Commissioner Land Registrar.

S T A T U T O R Y I N S T R U M E N T S

2005 No. 8.

The External Trade (Importation Licence) Order, 2005.

(Under section 5 of the External Trade Act, Cap. 88).

IN EXERCISE of the powers conferred on the Minister by section 5 of the External Trade Act, this Order is made this 18th day of February, 2005. Cap. 88.

1. This Order may be cited as the External Trade Title.
(Importation Licence) Order, 2005.

2. (1) M/s Mendi (U) Ltd, is granted an exclusive licence to Grant of
exclusive
licence.
import twenty thousand pieces of used tyres.

(2) The exclusive licence referred to in subparagraph (1) is valid for one year only from its commencement and shall then expire.

(3) If the licence expires before the company has imported the number of used tyres authorised by the licence, it shall forfeit the balance of the tyres not imported.

DAUDI MIGEREKO (MP),
Minister of Tourism, Trade and Industry.

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 10 Volume XCVIII dated 22nd February, 2005.

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS.

2005 No. 9.

**The Stamps (Exemption from Stamp Duty) (Lease of
Property and Assets to Umeme Limited) Instrument, 2005.**

(Under section 10 of the Stamps Act, Cap. 342)

IN EXERCISE of the powers conferred on the Minister responsible for finance by section 10 of the Stamps Act, this Instrument is made this 7th day of February, 2005. Cap. 342.

1. This Instrument may be cited as the Stamps (Exemption from Stamp Duty) (Lease of Property and Assets to Umeme Limited) Instrument, 2005. Title.

2. The stamp duty chargeable under section 2 of the Act on all the property and assets assigned and leased respectively to Umeme Limited under concession from Uganda Electricity Distribution Company Limited and specified in the Schedule to this Instrument, is remitted. Exemption of stamp duty.

SCHEDULE

PART I—LEASED ASSETS PROPERTY

<i>M. No.</i>	<i>Address</i>	<i>District</i>	<i>Property</i>
1.	5 PILKINGTON ROAD	KAMPALA	DISTRICT OFFICE
2.	9 QUEENS WAY	KAMPALA	SUBSTATION
3.	NAJIANANKUMBI PLOT 109	KAMPALA	SUBSTATION
4.	M20 SHIMONI ROAD	KAMPALA	SUBSTATION
5.	2 KITANTE ROAD	KAMPALA	SUBSTATION
6.	(PLOT AT NTENDA) BBUYE, KIGWA, KYADONDO BLOCK 046 0.25 ACRE	KAMPALA	SUBSTATION

7.	PLOT AT KISUGU	KAMPALA	SUBSTATION
8.	98A SEVENTH STREET	KAMPALA	SUBSTATION
9.	22A PHILIP ROAD LRV 593 F9	KAMPALA	SUBSTATION
10.	35 FIFTH STREET 0.002 ACRE	KAMPALA	SUBSTATION
11.	M74 SIXTH STREET 0.02 ACRE	KAMPALA	SUBSTATION
12.	M434 RUSSEL ROAD	KAMPALA	SUBSTATION
13.	5A COLVILLE STREET	KAMPALA	SUBSTATION
14.	M3 BUTABIKA HOSPITAL	KAMPALA	SUBSTATION
15.	PLOT 25/27 APPOLLO KAGGWA ROAD 0.01 ACRES	KAMPALA	SUBSTATION
16.	PLOT 8 MBUYA LRV 289 F20	KAMPALA	SUBSTATION
17.	OLD DEWINTON LRV 541 F9	KAMPALA	SUBSTATION
18.	PLOT M3 AT NAKAWA	KAMPALA	SUBSTATION
19.	PLOT 5C THIRD STREET LUGOGO	KAMPALA	YARD STORE
20.	PLOT 137, MUYENGA FRV 201	KAMPALA	VHF STATION
21.	26 KAMPALA ROAD FRV 369 F22	KAMPALA	DISTRICT OFFICE
22.	S/S AT MILE 13.5 EBBE-KAMPALA ROAD NEAR KISUBI FRV 201 F7	ENTEBBE	SUBSTATION
23.	43/45 BERKLEY ROAD FRV 205 F15	ENTEBBE	SUBSTATION
24.	KAJANSI FRV 201 F7	ENTEBBE	SUBSTATION
25.	BOMBO BLK 29 PLOT M11	BOMBO	LAND ONLY
26.	32/34 BURULI ROAD	BOMBO	SUBSTATION
27.	12 KALAGALA ROAD BOMBO	BOMBO	DISTRICT OFFICE
28.	KAWANDA PLOT	BOMBO	SUBSTATION
29.	LUGAZI PLOT 11 KAMPALA ROAD	LUGAZI	DISTRICT OFFICE
30.	KAWANGA ESTATE MUKONO PLOT	MUKONO	SUBSTATION
31.	PI.OT 98 -102 KAMPALA ROAD	MUKONO	DISTRICT OFFICE
32.	39 MITYANA ROAD	MITYANA	DISTRICT OFFICE
33.	PLOT 5 NDIBULUNGI BLOCK 134	MITYANA	VHF RADIO STN
34.	PLOT 5 KIWESA 0.612 ACRE	MITYANA	SUBSTATION
35.	8 BUSUNJU	BUSUNJU	SUBSTATION
36.	30 KAMPALA ROAD	MASAKA	DISTRICT OFFICE
37.	BULUMA PLOT 0.03 HECTARES	MASAKA	SUBSTATION
38.	PLOT 29 BWALA HILL ROAD	MASAKA	VHF RADIO STN
39.	PLOT AT WABIGALO	NAKASONGOLA	SUBSTATION
40.	PLOTS AT BUKOLOTO	KAYUNGA	SUBSTATION
41.	M31 MUBENDE 0.153 HECTARES	MUBENDE	SUBSTATION
42.	KIBUBLA GINNERY, SINGO	MUBENDE	VHF STATION
43.	KATERA SINGO LRV 653 F6	MUBENDE	SUBSTATION
44.	68 LRV 457 F7 NABUSANKE	NABUSANKE	SUBSTATION
45.	PLOT 1 BLOCK 54 KYAGGWE	NAKIFUMA	SUBSTATION
46.	5 KAYENJE 1.32 ACRES	KAYENJE	SUBSTATION
47.	14/16 OBOJA ROAD FRV 201 F2	JINJA	DISTRICT OFFICE
48.	M11 JINJA BUTEMBE BUNYA FRV 221 F24	JINJA	SUBSTATION
49.	MAGAMAGA PLOT NLRV 861 F12	JINJA	SUBSTATION
50.	M72 JINJA	JINJA	SUBSTATION
51.	JINJA MWIRI LRV 688 F5	JINJA	VEIF STATION
52.	30-32 KISAMBIRA LANE	IGANGA	SUBSTATION
53.	109 OLD MARKET STREET	IGANGA	DISTRICT OFFICE
54.	PLOT 1, NARANBHAI ROAD	IGANGA	
55.	PLOT 113A, MAIN STREET,	IGANGA	
56.	IGANGA LRV 595 F17	IGANGA	VHF STATION
57.	GRANT STREET	BUGIRI	SUBSTATION
58.	M. I. BUGIRI	BUGIRI	SUBSTATION
59.	PLOT 1-7 BUSEMBATIA FRV 205 F18	BUSEMBATIA	SUBSTATION
60.	2 ZIBINDO	KALIRO	SUBSTATION
61.	1-5 KATOLO ROAD	KAMULI	DISTRICT OFFICE
62.	29/31 & 29-31 COMMERCIAL ROAD	KAMULI	SUBSTATION

63.	IKI-IKI SUBSTATION	BULANGIRA	SUBSTATION
64.	NAGONGERA SITE	NAGONGERA	SUBSTATION
65.	MI SUPA NEAR PALLISA	PALLISA	SUBSTATION
66.	TORORO PLOT M39 VOL. 859 FL 17	TORORO	LAND ONLY
67.	ROCK STATION, BUSIA ROAD	TORORO	SUBSTATION
68.	1A & 1B BAZAAR STREET	TORORO	SUBSTATION
69.	TORORO FRV 206 F12	TORORO	VHF STATION
70.	9-21 AMBER STREET	MBALE	YARD/STORE
71.	MI BUWALASI FRV 201 F20	MBALE	SUBSTATION
72.	BUBULO SITE	MBALE	SUBSTATION
73.	CATHEDRAL AV. FMLRY ORMSBY AV.	MBALE	DISTRICT OFFICE
74.	143/145 TORORO ROAD	MBALE	SUBSTATION
75.	PLOT NO. 25 MWANYI ROAD	MBALE	SUBSTATION
76.	BULANGIRA (BUDAKA BUWERE)	MBALE	SUBSTATION
77.	PLOT MI, BUSIA FRV 202 F1	BUSIA	SUBSTATION
78.	M8 KAPCHORWA	KAPCHORWA	SUBSTATION
79.	S/S SITE, KUMI	KUMI	SUBSTATION
80.	25-27 SOLOT AV. FRV 370 F6	SOROTI	DISTRICT OFFICE
81.	SERERE SITE FRV 201 F23	SOROTI	SUBSTATION
82.	PLOTS 76-86 ALLABU ROAD SOROTI	SOROTI	SUBSTATION
83.	SOROTI FRV 223 F 1	SOROTI	VHF STATION
84.	1 KALAKI	KALAKI	SUBSTATION
85.	LIRA PLOT 21 JUBA ROAD	LIRA	LAND ONLY
86.	SPINNING MILL ROAD.	LIRA	SUBSTATION
87.	1 MARUZI ROAD	LIRA	DISTRICT OFFICE
88.	LIRA NGETTA LRV 536 F24	LIRA	VHF STATION
89.	PLOT 28 GULU STREET	GULU	DISTRICT OFFICE
90.	PLOT 94-96 ANDREA OLAL ROAD	GULU	SUBSTATION
91.	PLOT 3-5 MURONI ROAD GULU	GULU	YARD/STORE
92.	81 PAGER CRESCENT 0.848 ACRES LRV722 F20	KITGUM	SUBSTATION
93.	PLOT NEAR MASINDI (KIRYANGA) 1.3 ACRES	MASINDI	SUBSTATION
94.	PLOT 18 PART OF PLOT 2 BUTIABA ROAD	MASINDI	DISTRICT OFFICE
95.	10 MAIN STREET	HOIMA	DISTRICT OFFICE
96.	M7 HOIMA 0.92 ACRES	HOIMA	SUBSTATION
97.	HOIMA BUGAHYA LRV 584 F7	HOIMA	VHF STATION
98.	17 KARACHI (RUKIDI) STREET FRV 205 F12	FORTPORTAL	DISTRICT OFFICE
99.	M10 FORT PORTAL (KITUMBA) LRV 528 F16	FORTPORTAL	SUBSTATION
100.	RUGOMBE SUBSTATION	FORTPORTAL	SUBSTATION
101.	FORT PORTAL LRV 538 F16	FORTPORTAL	VHF STATION
102.	PLOT 14 MARGARITA ROAD LRV 739 F25	KASESE	DISTRICT OFFICE
103.	148-150 KILEMBE RD LRV 548 F4	KASESE	SUBSTATION
104.	KASESE NKENDA LRV 544 F19	KASESE	VHF STATION
105.	26 HIGH STREET	MBARARA	DISTRICT OFFICE
106.	PLOT M21 MBARARA	MBARARA	SUBSTATION
107.	63.141.210 BLOCK 5 RUKUNGIRI	RUKUNGIRI	DISTRICT OFFICE
108.	PLOT 8 KINYASANO ROAD	RUKUNGIRI	DISTRICT OFFICE
109.	127 KABALE ROAD LRV 544 F8	KABALE	SUBSTATION
110.	MAZIBA GORGE FVR232 F24	KABALE	SUBSTATION
111.	PLOT AT NYERERE AV/MUTAMBUKA ROAD	KABALE	SUBSTATION
112.	35 MUTANDA ROAD	KISORO	DISTRICT OFFICE
113.	ISHAKA	ISHAKA	SUBSTATION

PART II—BUSHENYI ASSETS

Overhead lines

Item	Description on Line Route	Route Length (km)		
		33kV	11kV	LV
1.	Kashenyi to Kashenshero and Mutara/Kabira	45.3	-	18.9
2.	Kweizoba via Bugongi to Kitagata	-	20.5	-
3.	Rukungiri to Nyakagyeme	5.8	-	4.1

Transformers

Item	Description of Line Route	Description of Transformer (kVA)			
		Voltage 33 kV/LV			
1.	Kashenyi to Kashenshero and Mutara/Kabira	50	100	200	315
2.	Kweizoba via Bugongi to Kitagata	8	2	-	1
3.	Rukungiri to Nyakagyeme	-	-	-	-
		1	1	1	-

PART III—ORDERED PROPERTY

52 Honda XL 125 motorcycles as ordered in the contract dated 15th September 2003 between Uganda Electricity Distribution Company Ltd and Ostergaard Supply T.A

PART IV—MOVEABLE PROPERTY

1. Furniture and Fitting
2. Computers and Peripherals
3. Communication Equipment
4. Vehicles and Moveable Plant
5. Tools and Equipment
6. Office Machines and Equipment
7. Other Leased Assets

MWESIGWA-RUKUTANA.

*Minister of State for Finance, Planning & Economic Development
also Holding the portfolio of
Minister of Finance, Planning & Economic Development.*

ACTS SUPPLEMENT

to The Uganda Gazette No.10 Volume XCVIII dated 22nd February, 2005.

Printed by UPPC, Entebbe, by Order of the Government.

Act 1 *Referendum and Other Provisions Act* 2005

THE REFERENDUM AND OTHER PROVISIONS ACT, 2005.

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY.

1. Short title.
2. Interpretation.

PART II—REFERENDA GENERALLY

3. Referendum generally.
4. Electoral Commission to be responsible for referenda.
5. Voting at a referendum.
6. Majority of votes required in a referendum.
7. Where no side obtains required majority.
8. Publication of results of a referendum.
9. Application of other electoral laws.
10. Persons entitled to vote at a referendum.
11. Right of citizens to demand referenda.
12. Canvassing for a referendum.
13. Prohibition of incitement to public disorder, etc.
14. Supply of copies of Bills for referendum under article 259 of the Constitution and processing of Bills for Presidential assent.

PART III—CHANGE IN POLITICAL SYSTEM BY REFERENDA
OR BY PETITIONS AND RESOLUTIONS

15. Referenda for change in political system under article 74(1) of the Constitution.
16. Change of political system by representatives of the people in Parliament and district councils under article 74(2) of the Constitution.

Section

17. Time for resolutions or petitions for changing of political systems under article 74 of the Constitution.
18. Subsequent elections to be held under adopted system.
19. Parliament to approve other political systems before acceptance in referendum.

PART IV—RATIFICATION OF BILLS BY DISTRICT COUNCILS
UNDER ARTICLE 260 OF THE CONSTITUTION.

20. Change of political system by representatives of the people in Parliament and district councils under article 74(2) of the Constitution.

PART V—AGENTS OF SIDES IN A REFERENDUM.

21. Agents of sides.
22. Equal treatment to all sides.
23. Rights and duties of agents etc.

PART VI—CHALLENGING RESULTS OF REFERENDA

24. Challenging results of referenda.
25. Witness in petition.
26. Withdrawal of petitions.
27. Appeals to Court of Appeal.

PART VII—MISCELLANEOUS

28. Prohibition of ethnic or religious symbols etc.
29. Expenses of referenda.
30. Use of public resources.
31. Regulations.
32. Power of Minister to amend First Schedule.
33. Repeal of Cap 142A

SCHEDULES.

FIRST SCHEDULE

Currency Point

SECOND SCHEDULE

Question for approval of a Bill by the referendum under article 259 of the Constitution.

THIRD SCHEDULE

Question for ratification of a Bill by the members of district councils under article 260 of the Constitution.

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

THE REFERENDUM AND OTHER PROVISIONS ACT, 2005.

An Act to make provision for the holding of referenda in pursuance of the provisions of articles 74 and 76 of the Constitution; to give effect to articles 255, 259 and 260 of the Constitution; to cater for a change in the political system by representatives of the people in Parliament and district councils under article 74(2) of the Constitution; to repeal and replace the Referendum Act and to provide for other matters connected with or incidental to the foregoing.

DATE OF ASSENT: 10th February, 2005.

Date of commencement: 22nd February, 2005.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. Short title

This Act may be cited as the Referendum and Other Provisions Act, 2005.

2. Interpretation

In this Act unless the context otherwise requires—

“agent” means a person authorized by a side to represent the side in a referendum;

“Commission” means the Electoral Commission established by article 60 of the Constitution;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“election officer” includes a returning officer, assistant returning officer, registration officer, assistant registration officer and any other officer appointed by or under the authority of the commission with responsibility for registration of voters, or for presiding over voting in any election or for counting votes at any election.

“Minister” means the Minister responsible for public elections and referenda;

“side” means the supporter of an affirmative answer to a question in a referendum or the supporter of a negative answer to a question in a referendum, as the case may be, and sides shall be taken to mean both the supporters of an affirmative answer and the supporters of a negative answer to a question in a referendum.

PART II—REFERENDA GENERALLY

3. Referendum generally

(1) Referenda shall be held in the following circumstances—

- (a) if a demand is made by citizens of Uganda under article 255 of the Constitution and the provisions of section 11 of this Act are complied with;
- (b) if a request is made for the holding of a referendum under paragraph (a), (b), or (c) of clause (1) of article 74 of the Constitution and the provisions of section 15 of this Act are complied with; and

(c) if a referendum is required for amending the Constitution under article 259 of the Constitution.

(2) Where a referendum is to be held under this section, the Commission shall, in consultation with the sides in the referendum, frame the question to be used in the referendum.

(3) Any question submitted to a referendum under this section shall be framed so as to enable the voters to make a choice.

(4) In a referendum the voting may be on one question or a series of questions.

(5) For the avoidance of doubt, two or more referenda may be held on the same day.

4. Electoral commission to be responsible for referenda.

(1) For the avoidance of doubt, the Commission shall organise, conduct and supervise all referenda held under this Act.

(2) The Commission shall, by notice published in the *Gazette*, notify the date for a referendum to be held under this Act and shall state in the notice the issue in respect of which the referendum is to be held.

(3) The Commission shall provide for the referendum to be held everywhere on the same day in the whole of Uganda or as the case may be, in the whole of the part of Uganda where the referendum is intended to be held, unless it is impracticable so to do; and in that case the referendum may be held on different dates in different places as is practicable.

(4) Where the referendum is to take place in a particular part of Uganda the notice issued under subsection (2) shall specify clearly the boundaries of that part.

(5) The Commission shall, at least two months before a referendum, formulate and implement civic education programmes relating to the referendum.

Voting at a referendum.

(1) Before polling begins in a referendum, the presiding officer at each polling station shall open each ballot box to be used at that polling station and show it to the voters present as being empty and shall give the voters present reasonable opportunity to inspect the ballot box.

(2) The Commission shall, in consultation with the sides, select symbols which shall be used on the ballot paper in a referendum to facilitate the exercise of a choice by voters.

(3) The symbols agreed upon shall be published in the *Gazette*.

(4) At a referendum, voting shall, subject to the provisions of the Constitution, be by secret ballot using one ballot box at each polling station for all sides in the referendum.

(5) Immediately after the close of the poll, the presiding officer shall proceed to count at the polling station, the ballot papers of that station and record the votes cast in favour of or against each question.

(6) Subject to this Act, agents of a side in a referendum shall be entitled to be present at the polling station throughout the period of voting, counting and tallying of the votes and ascertaining of the results of the poll.

(7) The presiding officer and the sides contesting in the referendum or their agents, if any, shall sign and retain a copy of a declaration stating—

(a) the polling station;

(b) the number of votes cast in favour of each question;

and the presiding officer shall there and then, announce the results of the voting at that polling station before communicating them to the returning officer.

(8) The following shall apply in respect of the signing of the declaration and the announcement of results of voting under subsection (7)—

- (a) the sides or their agents shall sign the declaration form before the announcement of the results under subsection (7);
- (b) where any of the sides or their agents refuse or fail to sign the declaration form—
 - (i) the sides and their agents refusing or failing to sign shall record on the declaration form the reasons for the refusal or failing to sign; and
 - (ii) where they refuse or fail to record the reasons, the presiding officer shall record the fact of their refusal or failure;
- (c) where any side or agent is absent, the presiding officer shall record the fact of their absence;
- (d) the refusal or failure of a side or agent to sign any declaration form under subsection (7) or to record the reasons for their refusal to sign as required under this subsection shall not by itself invalidate the results announced under subsection (7);
- (e) the absence of a side or an agent from the signing of a declaration form or the announcement of results under subsection (7) shall not by itself invalidate the results announced under subsection (7).

6. Majority of votes required in a referendum

Subject to the provisions of the Constitution and this Act, an issue for determination by a referendum shall be taken to be determined by a majority of the votes cast at the referendum.

7. Where no side obtains required majority

Where in any referendum no side obtains the majority referred to in section 6, the position prevailing before the referendum and in respect to which a decision by way of referendum was sought, shall remain.

8. Publication of results of a referendum

(1) The Commission shall ascertain, publish and declare in writing in the prescribed form, under its seal, the results of a referendum within forty eight hours from the close of final polling in the referendum.

(2) The Commission shall publish the results of the referendum in the media and shall, within fourteen days after publication of the results under subsection (1), cause them to be published in the *Gazette*.

(3) For all purposes of the referendum, the results published in the *Gazette* shall be taken to be the official results of the referendum.

9. Application of other electoral laws.

(1) This Act shall be read as one with the Electoral Commission Act.

(2) The provisions of the Parliamentary Elections Act, 2001 relating to voting, counting and tallying of votes and announcing of results of elections shall, subject to this Act, apply to a referendum held under this Act, with such modifications as may be necessary.

(3) The Commission may also apply to a referendum held under this Act such other provisions of the Parliamentary Elections Act, 2001 as may be relevant and subject to such modifications as may be necessary.

10. Persons entitled to vote at a referendum

The persons entitled to vote at a referendum under this Act are—

- (a) persons registered as voters for public elections by the date of voting in the referendum; or
- (b) where the referendum is to take place only in a particular part of Uganda, persons registered as voters for public elections in that part of Uganda, by the date of voting in the referendum and who are present in that part of Uganda on that date.

11. Right of citizens to demand referenda

(1) The Commission shall cause a referendum to be held for the purposes of article 255 of the Constitution, either nationally or in any particular part of Uganda if a petition is made for the purpose under this section.

(2) A referendum shall be held under this section—

(a) if a petition is made in writing, in the case of a national referendum, by a registered voter and in the case of a referendum in a particular part of Uganda, by a voter registered in that part of Uganda; and

(b) if the petition is supported—

(i) in the case of a national referendum, by at least one tenth of the total registered voters from at least one third of the districts of Uganda; and

(ii) in the case of a referendum in a particular part of Uganda, by at least one third of the total registered voters in that part of Uganda.

(3) A petition under this section shall be addressed to the Commission.

(4) The petition shall be signed by each registered voter supporting the petition and shall state the issue on which a referendum is requested and such other matters as may be prescribed by regulations made under section 31.

(5) The Commission shall, on receiving a petition under this section, verify whether the petition has been duly submitted by a registered voter and supported by the required number of registered voters.

(6) The Commission shall verify whether the signatures are those of registered voters and that subsection (2) (b) has been complied with.

(7) For the avoidance of doubt, it shall be sufficient for the purposes of subsection (6), if the Commission ascertains whether the names of the persons who purport to have signed the petition appear on the national voters register for the purpose of the referendum.

(8) The Commission shall, notwithstanding subsection (7), display the petition with the list of the names and signatures supporting the petition, in a public place in each polling station to which the referendum relates, for public scrutiny.

(9) A person who claims that his or her name was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, shall lodge an objection in the prescribed form to the Commission.

(10) The Commission shall, by notice in the *Gazette*, appoint a period of not less than fourteen days for the purpose of public scrutiny and lodging of objections under subsections (8) and (9).

(11) If the Commission, upon inquiry into an objection lodged under subsection (9) is satisfied that the name of the person lodging the objection was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, the Commission shall not count that person as one of the persons supporting the petition.

(12) A person who includes among the persons supporting a petition under subsection (2) the name of a person without the consent of that person, or who knowingly includes the name of a person who died before the date of the petition among the persons supporting the petition, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(13) The Commission, upon being satisfied that a petition has been duly submitted in accordance with this section, shall issue a certificate to that effect in the prescribed form stating its findings in the matter.

(14) The Commission shall, within fourteen days, cause the certificate under subsection (13) to be published in the *Gazette*.

(15) If the Commission certifies that the particulars in the petition are correct and in accordance with this section, the Commission shall, within thirty days after publication of the certificate in the *Gazette*, appoint under section 4 a date for the holding of the referendum nationally or in the particular part of Uganda as requested in the petition.

22. Canvassing for a referendum

(1) Subject to the Constitution and this Act, any person or group of persons is free to canvass for support of any side in a referendum and may form a referendum committee or a similar structure for the purpose.

(2) It shall be the duty of a referendum committee to organise the canvassing for its side, and to appoint agents for the purposes of canvassing and voting.

(3) A referendum committee shall be free to organise at national and local levels until the referendum is held.

(4) Subject to the Constitution and any other law, every person or group of persons shall enjoy freedom of expression and access to information in the exercise of the right to canvass in a referendum.

(5) The Commission shall issue guidelines for orderly canvassing which shall be complied with by every committee or agent while conducting canvassing for the referendum under this Act.

(6) Canvassing for a referendum shall cease twenty four hours before the date of polling in the referendum.

(7) Any person who contravenes subsection (6), commits an offence and is liable on conviction, to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

13. Prohibition of incitement to public disorder etc.

(1) A person shall not, while canvassing in a referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred, or violence.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

14. Supply of copies of Bill for referendum under article 259 and processing of Bill for Presidential assent

(1) Where a Bill is to be submitted to a referendum under article 259 of the Constitution, the Clerk to Parliament shall, within fourteen days after the Bill has been passed by Parliament, forward to the Commission, a copy of the Bill as passed and cause the Bill to be published in the *Gazette* and also in the media.

(2) The Clerk to Parliament shall, in the case of a Bill to be forwarded to the Commission under subsection (1), in addition to the statement issued by him or her under section 8 of the Acts of Parliament Act, certify in the prescribed form that the Bill has been supported at the Second and Third Readings in Parliament by not less than two-thirds of all members of Parliament.

(3) Notwithstanding subsection (2) of section 3, the question for the approval of a Bill referred to a decision of the people by referendum under article 259(1)(b) of the Constitution shall be in the form specified in the Second Schedule to this Act.

(4) The Commission shall take steps to hold a referendum under article 259 of the Constitution within six months after receipt of a Bill and a certificate of the Clerk to Parliament under this section, or where doing so is impracticable, within a further period not exceeding six months from the expiry of the first period of six months.

(5) Where the result of a referendum held for approving a Bill has been declared under section 8, the Commission shall, within seven days after the declaration of the result—

- (a) if the Bill was approved at the referendum, forward to the Clerk to Parliament a certificate under article 262(2) (b) of the Constitution in the form specified in Part VIII of the Second Schedule to the Acts of Parliament Act in respect of the Bill; or
- (b) if the Bill was not approved at the referendum, forward to the Clerk to Parliament a statement in the prescribed form indicating that the Bill was not approved at the referendum.

(6) Where the Clerk to Parliament receives a certificate of the Commission under subsection (5)(a) that a Bill has been approved at a referendum, the Clerk to Parliament shall, within fourteen days after receipt of the certificate, forward the Bill to the President for assent, accompanied by the certificate of the Commission together with a certificate issued by the Speaker of Parliament under clause (2)(a) of article 262 of the Constitution which shall be in the form specified in Part VI of the Second Schedule to the Acts of Parliament Act.

PART III—CHANGE IN POLITICAL SYSTEM BY REFERENDA
OR BY PETITIONS AND RESOLUTIONS

15. Referenda for change in political system under article 74 (1) of the Constitution

(1) Where a resolution has been passed by Parliament in accordance with paragraph (a) of clause (1) of article 74 of the Constitution, the Clerk to Parliament shall, within seven days after the passing of the resolution, forward to the Commission a copy of the resolution certified by him or her in the prescribed form to have been supported by more than one half of all the members of Parliament.

(2) The Speaker of each district council which passes a resolution under paragraph (b) of clause (1) of article 74 of the Constitution in support of a request for the holding of a referendum shall forward the resolution to the Commission, in the prescribed form stating the total membership of the Council, the names of the members of the Council and indicating the number of members who

voted in favour of the resolution and the number of those who voted against; and the statement shall be certified by the Speaker of the Council to be correct.

(3) The Commission, upon receipt of a resolution under subsection (2) in respect of a request for the holding of a referendum under paragraph (b) of clause (1) of article 74 of the Constitution, shall verify the matter and shall certify whether or not the resolution was duly passed; and upon receipt of the required number of duly passed resolutions in accordance with paragraph (b) of clause (1) of article 74 of the Constitution in support of the request, certify in the prescribed form—

- (a) that a request has been made by resolution for the holding of a referendum for the purpose of changing the political system; and
- (b) that the resolution is supported by a majority of the total membership of each of at least one half of all district councils in Uganda.

(4) Where the Commission has received a request for a referendum made in accordance with paragraph (c) of clause (1) of article 74 of the Constitution, the Commission shall, within thirty days after receipt of the petition, certify in the prescribed form whether or not the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with.

(5) For the avoidance of doubt, it shall be sufficient for the purposes of subsection (4), if the Commission ascertains whether the names of the persons who purport to have signed the petition appear on the national voters register for the purpose of the referendum.

(6) The Commission shall, notwithstanding sub section (5), display the petition with the list of the names and signatures supporting the petition, in a public place in each polling station to which the referendum relates, for public scrutiny.

(7) A person who claims that his or her name was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, shall lodge an objection in the prescribed form to the Commission.

(8) The Commission shall, by notice in the *Gazette*, appoint a period of not less than fourteen days for the purpose of public scrutiny and lodging of objections under subsections (7) and (9).

(9) If the Commission, upon inquiry into an objection lodged under subsection (7) is satisfied that the name of the person lodging the objection was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, the Commission shall not count that person as one of the persons supporting the petition.

(10) A person who includes among the persons supporting a petition under subsection (4) the name of a person without the consent of that person, or who knowingly includes the name of a person who died before the date of the petition among the persons supporting the petition, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(11) The Commission shall, within thirty days after—

(a) receipt of a resolution of Parliament under subsection (1); or

(b) issuing a certificate under subsection (3) certifying that a request for a referendum has been duly made in accordance with paragraph (b) of clause (1) of article 74 of the Constitution; or

(c) issuing a certificate under subsection (4), to the effect that the requirements of paragraph (c) of clause (1) of article 74 of the Constitution have been complied with;

take necessary steps under section 4 to appoint a date for the holding of a referendum as demanded in the request or petition.

(12) Any Speaker of a district council who in communicating any information under this section, makes a statement which he or she knows to be false in any material particular commits an offence.

(13) A Speaker of a district council charged with the responsibility of communicating information under this section who wilfully or knowingly omits to do so, commits an offence.

(14) A person who commits an offence under this section is liable on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

16. Change of political system by representatives of the people in Parliament and district councils under article 74 (2) of the Constitution.

(1) A petition to Parliament under article 74 (2) of the Constitution may be proposed by any registered voter or group of registered voters or by a district council.

(2) A petition to Parliament for a resolution for a change of the political system under article 74 (2) of the Constitution shall not be valid unless it is supported by not less than two thirds majority of the total membership of each of at least half of all district councils.

(3) The support of members of a district council for a petition referred to in subsection (2) shall be expressed by a resolution by the district council supporting the petition.

(4) Where a resolution referred to in subsection (3) is passed by a district council it shall be forwarded by the Speaker of the district council to the Commission together with a certificate by the Speaker in the prescribed form, stating the total membership of the district council, the number of members who voted in support of the petition and the number of members who voted against the petition.

(5) Upon receipt of a resolution and a certificate of the Speaker of a district council under subsection (4), the Commission shall verify the facts stated in the Speaker's certificate.

(6) Where the Commission is satisfied that a petition is supported by not less than two thirds majority of the total membership of each of at least half of all districts in Uganda, the Commission shall certify to the Clerk to Parliament in the prescribed form, that it is so satisfied and forward to the Clerk a copy of the petition.

(7) Upon Parliament passing a resolution in support of the petition referred to in subsection (6) supported by not less than two thirds of all members of Parliament, the Clerk to Parliament shall forward to the Commission a copy of the resolution certifying in the prescribed form, that the resolution was supported by not less than two thirds of all members of Parliament.

(8) Upon receipt by the Commission of the resolution of Parliament forwarded under subsection (7), the Commission shall, within forty eight hours, cause the resolution to be published in the media and shall, within fourteen days, cause the resolution to be published in the *Gazette*.

(9) A Speaker of a district council who—

(a) in communicating any information under this section, makes any statement which he or she knows to be false in any material particular; or

(b) charged with the responsibility of communicating information under this section, wilfully or knowingly omits to do so;

commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(10) So far as practicable, the provisions of this Act relating to referenda shall apply with the necessary modifications, to any proposal for a change in the political system under this section.

17. Time for resolutions or petitions for changing of political systems under article 74 of the Constitution

The resolutions or petitions for the purpose of changing the political system under article 74 of the Constitution shall be taken only in the fourth year of the term of any Parliament.

18. Subsequent elections to be held under adopted system

(1) Where the result of a referendum held under this Act, or a resolution of Parliament passed in accordance with clause (2) of article 74 of the Constitution, determines that a change shall be made in the existing political system, then, subject to the Constitution, subsequent Presidential, Parliamentary, local government and other public elections shall be held under the new political system adopted.

(2) This section does not apply to a by-election held before the expiration of the term of Parliament under article 77 of the Constitution.

(3) Where a change of political system has been effected under article 74 of the Constitution, any enactment relating to elections shall have effect with such modifications as may be necessary to give effect to the change in accordance with this section.

(4) The Minister may, with the prior approval of Parliament, make such regulations as may be necessary for ensuring a smooth transition from the previous political system to the newly adopted political system.

19. Parliament to approve other political systems before acceptance in referendum

No political system shall be accepted as any other democratic and representative political system under clause (1) (c) of article 69 of the Constitution for the purposes of a referendum under clause (1) of article 74 of the Constitution or for the purposes of a resolution of Parliament under clause (2) of article 74 of the Constitution unless it has been approved by Parliament under the Other Political Systems Act.

PART IV—RATIFICATION OF BILLS BY DISTRICT COUNCILS UNDER
ARTICLE 260 OF THE CONSTITUTION.**20. Ratification of Bills by District Councils under article 260**

(1) Where a Bill to which article 260 of the Constitution applies has been passed by Parliament in accordance with paragraph (a) of clause (1) of article 260 of the Constitution, the Clerk to Parliament shall, within fourteen days after the Bill is passed, forward to the Commission a copy of the Bill as passed.

(2) The Clerk shall, under subsection (1) certify, in addition to the statement issued by him or her under section 8 of the Acts of Parliament Act in the prescribed form, that the Bill has been supported at Second and Third Readings in Parliament by not less than two thirds of all members of Parliament.

(3) Upon receipt of the Bill forwarded under subsections (1) and (2), the Commission shall cause copies of the Bill to be made and forwarded to each district council in Uganda for ratification.

(4) The Commission shall be responsible for ensuring that the ratification of a Bill by district councils under this section is carried out at duly convened meetings of the councils.

(5) For the purposes of subsection (4), the Commission shall appoint or cause to be appointed such election officers as may be necessary and with such instructions as may be necessary for monitoring the process under sub section (4).

(6) An election officer appointed by the Commission shall be present when the resolution for ratification of a Bill under this section is being voted on and shall record in the prescribed form a statement indicating the total membership of the district council, the names of members of the council, the number of members who voted in favour of the resolution and the number of members who voted against the resolution.

(7) Notwithstanding subsection (2) of section 3, the question^{*} in a motion for a resolution to be submitted to district councils for ratification of a Bill under article 260(1)(b) of the Constitution shall be in the form specified in the Third Schedule to this Act.

(8) The statement referred to in subsection (6) shall be certified by the presiding officer to be correct.

(9) The Commission shall be responsible for bearing the expenses of the district council for the purpose of voting on ratification of a Bill under this section.

(10) Any election officer who in carrying out any duty of recording the votes of a district council under this section—

(a) knowingly makes a statement which is false; or

(b) makes a statement in respect of which he or she is reckless, commits an offence.

(11) A person who commits an offence under this section is liable on conviction, to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both.

(12) The Commission shall, after tallying the results of voting on a Bill by the district councils under this section, if satisfied that the required number of resolutions have been passed in accordance with paragraph (b) of clause (1) of article 260 of the Constitution, certify to the Clerk to Parliament in the form specified in Part IX of the Second Schedule to the Acts of Parliament Act, that the Bill has been duly ratified by at least two thirds of the members of the district council in each of at least two thirds of all districts in Uganda.

(13) If the Commission, after tallying the results of voting on a Bill by district councils under this section, is not satisfied that the Bill has been ratified in accordance with paragraph (b) of clause (1) of article 260 of the Constitution, the Commission shall certify to the Clerk to Parliament in the prescribed form, that it is not so satisfied

and state the number of resolutions supported by two-thirds of the members of the district councils and those not so supported or the cases where no resolutions were passed under this section.

(14) Where tallying the results of voting on the Bill indicates that the Bill is not supported by at least two thirds of the members of the district council in each of at least two thirds of all the districts of Uganda, the Bill shall be taken not to have been ratified for the purposes of article 260(1)(b) of the Constitution.

(15) The Commission shall, within forty-eight hours after issuing a certificate under subsection (12) or (13), cause the certificate to be published in the media and shall, within fourteen days, cause it to be published in the *Gazette*.

(16) The Clerk to Parliament shall, within fourteen days after receipt of the certificate of the Commission under subsection (12), forward the Bill to the President for assent accompanied by the certificate of the Commission issued under subsection (12) together with a certificate issued by the Speaker of Parliament under article 262 (2) (a) of the Constitution which latter certificate shall be in the form specified in Part VII of the Second Schedule to the Acts of Parliament Act.

(17) The provisions of this Act relating to referenda shall apply with the necessary modifications, to any proposal for ratification of a Bill under this Part.

PART V—AGENTS OF SIDES IN A REFERENDUM.

21. Agents of sides

In case of any referendum, each side shall, within such time as the Commission may determine, identify its agents for every polling station for the purposes of clause (4) of article 68 of the Constitution.

22. Equal treatment to all sides

During the period of canvassing in respect of a referendum, every public officer, public authority and public institution shall give equal treatment to all agents of the sides contesting in a referendum.

23. Rights and duties of agents etc

(1) Agents of each side shall be given equal access and opportunity to use State-owned communication media.

(2) Subject to any other law, while canvassing, any agent may, either alone or in common with others, publish canvassing materials in the form of books, booklets, pamphlets, leaflets, magazines, newspapers or posters intended to solicit votes from voters but shall, in any such publication, specify particulars to identify the side concerned.

(3) A side shall not, during canvassing, print, publish or distribute, a newspaper, circular or pamphlet containing an article, report, letter or other matter commenting on any issue relating to the referendum, unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter or, where part only of the article, report, letter or matter appears in any issue of a newspaper, circular or pamphlet, at the end of that part.

(4) Subject to the following provisions of this section, an agent may use electronic media for canvassing.

(5) A person shall not, during canvassing, do any of the following acts against another side or their agent—

- (a) knowingly making statements which are false or making statements in respect of which the maker is reckless;
- (b) making malicious statements;
- (c) making statements containing sectarian words;
- (d) making abusive, insulting or derogatory statements;
- (e) making exaggerations using caricatures of the agent or using words of ridicule;
- (f) using derisive or mudslinging words against a side or their agent; or

- (g) using songs, poems or images with any of the effects described in the foregoing paragraphs.

(6) A proprietor or operator of electronic media shall not knowingly use the media or allow it to be used to do any of the acts prohibited in subsection (5).

(7) A person who contravenes any of the provisions of subsections (2), (3), (5) and (6) commits an offence and is liable on conviction—

(a) in the case of an offence under subsection (2) or (3), to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both; and

(b) in any other case to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(8) In this section “electronic media” includes television, radio, internet and email and any other similar medium.

PART VI—CHALLENGING RESULTS OF REFERENDA

24. Challenging results of referenda

(1) Any registered voter supported by the signatures of not less than two percent of the total number of registered voters in Uganda may petition the High Court challenging the results of a referendum.

(2) Where the referendum is in respect of a particular part of Uganda, the petition shall be by a voter registered in that part supported by the signatures of not less than two percent of the total number of registered voters from that part of Uganda.

(3) For the avoidance of doubt, it shall be sufficient for the purposes of subsections (1) and (2), if the Commission ascertains whether the names of the persons who purport to have signed the petition appear on the national voters register for the purpose of the referendum.

(4) The Commission shall, notwithstanding sub section (3), display the petition with the list of the names and signatures supporting the petition, in a public place in each polling station to which the referendum relates, for public scrutiny.

(5) A person who claims that his or her name was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, shall lodge an objection in the prescribed form to the Commission.

(6) The Commission shall, by notice in the *Gazette*, appoint a period of not less than fourteen days for the purpose of public scrutiny and lodging of objections under subsections (4) and (5).

(7) If the Commission, upon inquiry into an objection lodged under subsection (5) is satisfied that the name of the person lodging the objection was included in the petition without his or her consent, or that the petition includes the name of a person who died before the date of the petition, the Commission shall not count that person as one of the persons supporting the petition.

(8) A person who includes among the persons supporting a petition under subsection (2) the name of a person without the consent of that person, or who knowingly includes the name of a person who died before the date of the petition among the persons supporting the petition, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

(9) The only ground on which the results of a referendum may be challenged is non-compliance with the provisions of this Act or where applicable, the Parliamentary Elections Act, 2001 affecting the result of the referendum in a substantial manner.

(10) For the avoidance of doubt, a referendum may be annulled under subsection (9) if the petitioner proves to the satisfaction of the Court that—

- (a) there has been non-compliance with the provisions of this Act or where applicable, of the Parliamentary Elections Act, 2001; and
- (b) but for the non-compliance, the majority of the votes in the referendum could have been in favour of a side different from the side declared as the side with the majority by the Commission.

(11) A petition under subsection (1) shall be in the prescribed form and shall be lodged in the High Court registry within thirty days after the referendum results are published in the *Gazette*.

(12) The High Court may require the petitioner to deposit an amount of money as security for costs not being more than one hundred currency points.

(13) The High Court shall inquire into and determine the petition expeditiously and may for that purpose, suspend any other matter pending before it.

(14) The High Court shall declare its findings not later than thirty days from the date on which the petition is filed.

(15) Where no petition is filed within the time prescribed under subsection (11), or where a petition having been filed, is withdrawn by the person who filed it or is dismissed by the High Court, the declared results of the referendum shall conclusively be the final results of the referendum.

(16) After due inquiry under this section the High Court may—

- (a) dismiss the petition;
- (b) declare the published results to be incorrect and declare the correct results;
- (c) order the Commission to repeat the polling in any particular place or places; or

(d) annul the referendum and order a new referendum to be held.

(17) Subject to subsection (4), a referendum may only be annulled on the ground specified in subsection (9).

(18) The High Court may, before coming to a decision under subsection (16), order a recount of the votes cast.

(19) Nothing in this section confers on the High Court power to convict a person of a criminal offence when hearing a petition under this section.

(20) Where it appears to the High Court, on hearing a petition under this section that the facts before it disclose that a criminal offence may have been committed, it shall make a report on the matter to the Director of Public Prosecutions for appropriate action to be taken and shall state in the report the name of the person, the nature of the offence and any other information that the Director of Public Prosecutions considers relevant and appropriate.

(21) Where a referendum is annulled, a fresh referendum shall be held not later than ninety days from the date of the annulment.

(22) The Chief Justice may, in consultation with the Attorney-General, make rules providing for the conduct of petitions under this Act and may, where necessary, apply with or without modifications the provisions of any enactment.

25. Witness in petition

(1) At the hearing of a petition under this Part—

(a) any witness shall be summoned and sworn in the same manner as a witness may be summoned and sworn in civil proceedings;

(b) the court may summon and examine any person who, in the opinion of the court, is likely to assist the court to arrive at an appropriate decision;

(c) any person summoned by the court under paragraph (b) may be cross-examined by the parties to the petition if they so wish.

(2) A witness who, in the course of the trial of a petition—

(a) knowingly makes a statement of fact material to the proceedings which is false; or

(b) makes a statement in respect of which he or she is reckless;

commits an offence and is liable on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

26. Withdrawal of petitions

(1) A petition under this Part may be withdrawn after giving written notice to the court and to the other parties to the suit.

(2) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

27. Appeals

(1) A person aggrieved by the decision of the High Court on hearing a petition under section 24, may appeal to the Court of Appeal against the decision, within fourteen days after the decision of the High Court.

(2) The Court of Appeal shall proceed to hear and determine an appeal under this section expeditiously and may, for that purpose, suspend any other matter pending before the Court.

(3) Unless the Court of Appeal extends the time on exceptional grounds, the hearing of an appeal by the court shall be completed within thirty days from the lodging of the record of appeal.

(4) A person aggrieved by a decision of the Court of Appeal under this section may appeal to the Supreme Court against the decision within fourteen days after the decision.

(5) Subsections (2) and (3) apply to the Supreme Court as they apply to the Court of Appeal.

PART VII—MISCELLANEOUS

28. Prohibition of ethnic or religious symbols etc

(1) A person shall not, for canvassing in respect of a referendum, use any words, slogans or symbols which could arouse division on the basis of sex, race, colour, ethnic origin, tribe, birth, creed or religion or other similar division.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

29. Expenses of referenda

(1) The expenses incurred by the Commission in the holding of any referendum under this Act shall be paid out of monies voted by Parliament.

(2) The Commission shall give equal facilitation to all sides for the purposes of a referendum, out of monies approved by Parliament.

30. Use of public resources

Except as authorised by section 29 or any other law, no person shall use public resources for the purpose of canvassing for any side in a referendum.

31. Regulations

(1) The Minister may, by statutory instrument, make such regulations as may be necessary for carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under that subsection—

(a) prescribing forms to be used for the purposes of this Act;

- (b) to ensure the secrecy of the voting;
- (c) applying with or without modifications, the provisions of any enactment relating to elections, including any provisions relating to election offences;
- (d) regulating the manner of canvassing for votes;
- (e) regulating the financing of the sides in a referendum including restricting or prohibiting the funding of any side in a referendum from foreign sources;
- (f) without prejudice to the penalties prescribed in the Parliamentary Elections Act, 2001, prescribing penalties not exceeding a fine of forty eight currency points or imprisonment for two years or both, in respect of any contravention of the regulations.

(3) Regulations under this section may be made to apply either generally or to any particular referendum.

(4) Regulations made under this section shall within fourteen days be laid before Parliament.

(5) For avoidance of doubt, nothing in this section shall prejudice the powers of the Commission under the Electoral Commission Act.

32. Power of Minister to amend First Schedule

The Minister may, by statutory instrument, amend the First Schedule to this Act.

33. Repeal of Cap 142A

The Referendum Act is repealed.

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

FIRST SCHEDULE

CURRENCY POINT.

SECTION 2

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

QUESTION FOR APPROVAL OF A BILL BY REFERENDUM UNDER
ARTICLE 259 OF THE CONSTITUTION

SECTION 14(3)

"In this Bill for an Act of Parliament entitled,
which is now before you, Parliament has amended the following provisions
of the 1995 Constitution of the Republic of Uganda, among other provisions
of the Constitution—

.....

Do you approve this Bill, Yes/No?

THIRD SCHEDULE

QUESTION FOR RATIFICATION OF A BILL BY MEMBERS OF
DISTRICT COUNCILS UNDER ARTICLE 260 OF THE
CONSTITUTION

Section 20(7)

"In this Bill for an Act of Parliament entitled,
which is now before you, Parliament has amended the following provisions
of the 1995 Constitution of the Republic of Uganda, among other provisions
of the Constitution—

.....

Do you ratify this Bill, Yes/No?

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

Cross References

Constitution

Acts of Parliament Act, Cap.2

Electoral Commission Act, Cap.140

Other Political Systems Act, Cap.262

Parliamentary Elections Act, 2001, Act No. 8 of 2001