

ACTS SUPPLEMENT

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Act 7 *Magistrates' Courts (Amendment) Act* **2007**

THE MAGISTRATES' COURTS (AMENDMENT) ACT, 2007.

ARRANGEMENT OF SECTIONS

Section.

1. Abolition of Grade III Magistrate.
2. Section 40 of the principal Act amended.
3. Amendment of section 75 (2) of principal Act
4. Replacement of section 123 of the principal Act
5. Amendment of section 161 of the principal Act.
6. Amendment of section 162 of the principal Act.
7. Amendment of section 164 of the principal Act.
8. Repeal of section 179 of the principal Act.
9. Amendment of section 182 of the principal Act.
10. Amendment of section 204 of the principal Act.
11. Amendment of section 207 of the principal Act.
12. Repeal of Schedule 2 to the principal Act.
13. Disapplication of Schedules 1 and 3 of the principal Act to Magistrate Grade III
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THE MAGISTRATES' COURTS (AMENDMENT) ACT, 2007.

An Act to amend the Magistrates' Courts Act.

DATE OF ASSENT: 20th July, 2007.

Date of commencement: 17th August, 2007.

BE IT ENACTED by Parliament as follows:

1. Abolition of Grade III Magistrate.

The post of Magistrate Grade III is abolished and accordingly, section 4 of the Magistrates' Courts Act, in this Act referred to as the principal Act is amended in subsection (2) by the repeal of paragraph (d).

2. Section 40 of the principal Act amended.

Section 40 of the principal Act is amended by inserting immediately after subsection (1) the following new subsection—

“(1a) In particular, the court shall, when conducting a trial of the offence of defilement, consider the need, in the interest of the child, to exercise its power under article 28(2) of the Constitution, to exclude the press and the public from the proceedings before the court for reasons of morality and to protect the victim of the offence”.

3. Amendment of section 75 (2) of principal Act.

Section 75 (2) of the principal Act is amended in subsection (2) as follows—

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

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

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

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

(c) by repealing paragraph (e);

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

“(f) rape contrary to section 123 of the Penal Code Act and aggravated defilement under section 129 of that Act”.

4. Replacement of section 123 of the principal Act.

For section 123 of the principal Act there is substituted the following new section—

“Trial of accused in his or her absence.

123. (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”.

5. Amendment of section 161 of the principal Act.

Section 161 of the principal Act is amended by repealing paragraph (d) of subsection (1).

6. Amendment of section 162 of the principal Act.

Section 162 of the principal Act is amended as follows—

(a) in paragraph (b) of subsection (1), by substituting for the words “one million shillings”, the words “four million eight hundred thousand shillings”;

(b) by repealing paragraph (d) of subsection (1);

(c) by repealing subsections (3) and (4).

7. Amendment of section 164 of the principal Act.

Section 164 of the principal Act is amended by substituting for “Grade I, II or III the words “Grade I or II”.

8. Repeal of section 179 of the principal Act.

The principal Act is amended by repealing section 179.

9. Amendment of section 182 of the principal Act.

Section 182 of the principal Act is amended in subsection (4), by the repeal of the words “other than a Magistrate Grade III”.

10. Amendment of section 204 of the principal Act.

Section 204 of the principal Act is amended as follows—

- (a) in paragraph (b) of subsection (1), by the repeal of the words “or Grade III”;
- (b) in paragraph (b) of subsection (5), by the repeal of the words “or Grade III”.

11. Amendment of section 207 of the principal Act.

Section 207 of the principal Act is amended in subsection (1) as follows—

- (a) in paragraph (a), by substituting for “five million shillings” the words “fifty million shillings”;
- (b) in paragraph (b) by substituting for “two million shillings” the words “twenty million shillings”;
- (c) by repealing paragraph (d).

12. Repeal of Schedule 2 to the principal Act.

Schedule 2 of the principal Act is repealed.

13. Disapplication of Schedules 1 and 3 of the principal Act to Magistrate Grade III.

Schedules 1 and 3 to the principal Act shall cease to apply to Magistrate Grade III and therefore any reference in those Schedules to Magistrate Grade III is repealed.

14. Transitional provisions.

(1) Where, by reason of the amendment made by section 11 of this Act to section 207 of the principal Act, any cases in respect of any causes or matters pending before the High Court at the commencement of this Act,

would have been triable by a court presided over by a Chief Magistrate if commenced after the coming into force of this Act, any such case shall be transferred to the appropriate court presided over by a Chief Magistrate and be heard by that court if the hearing of the case before the High Court has not commenced or if the High Court is satisfied that it is fair for such transfer to be made.

(2) Where, by reason of the amendment made by section 11 of this Act of section 207 of the principal Act, any cases in respect of any causes or matters pending before the High Court or a court presided over by a Chief Magistrate at the commencement of this Act would have been triable by a court presided over by a Magistrate Grade I if commenced after the coming into force of this Act, any such case shall be transferred to the appropriate court presided over by a Magistrate Grade I to be heard by that court if the High Court or the Chief Magistrate has not commenced hearing the case, or if the High Court or the Chief Magistrate as the case may be, is satisfied that it is fair for such a transfer to be made.

Cross References

Anti-Terrorism Act, 2002

Constitution of Uganda

Firearms Act, Cap. 299

Penal Code Act, Cap. 120.