

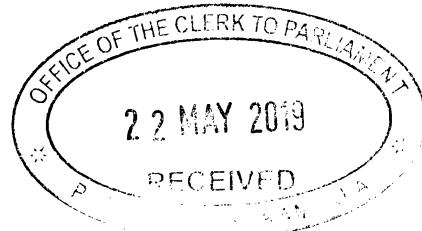
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this subject please quote

File No. FPC/33/135/01



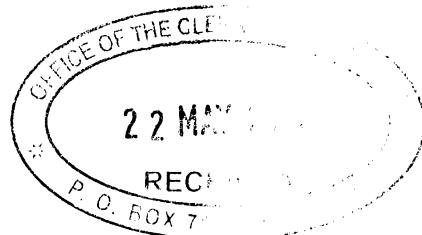
THE REPUBLIC OF UGANDA



MINISTRY OF JUSTICE AND
CONSTITUTIONAL AFFAIRS
P.O. BOX 7183
Kampala, Uganda

22nd May, 2019

The Clerk to Parliament
Parliament House
KAMPALA.



RE: THE LAW REVISION BILL, 2019, BILL NO.4 OF 2019

I forward herewith four hundred eighty copies (480) of the above Bill for processing by Parliament.

The Bill was published in the Gazette on 22nd February, 2019.

I also forward as required by section 76 of the Public Finance Management Act, 2015 a certificate of Financial Implications issued by the Hon. Minister of Finance, Planning and Economic Development in respect of the Bill.

Irene Lugayizi

For: First Parliamentary Counsel

THE LAW REVISION BILL, 2019

First Reading under rule 127 of the Rules of Procedure of Parliament

I move that the Bill entitled the Law Revision Bill, 2019 be read the first time.

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In any correspondence on
this subject please quote No. PAD 92/256/05



THE REPUBLIC OF
UGANDA

Ministry of Finance, Planning
& Economic Development
Plot 2-12, Apollo Kaggwa
Road
P.O. Box 8147, Kampala
Uganda

10th May, 2019

The Clerk to Parliament,
Parliamentary Building
KAMPALA

**CERTIFICATE OF FINANCIAL IMPLICATIONS FOR THE LAW REVISION
BILL, 2019**

Reference is made to the letter ref: **FPC/33/135/01** dated 4th April 2019 from the Hon. Attorney General requesting for a Certificate of Financial Implications for the Law Revision Bill, 2019.

Note that there are no stated additional financial implications that may result from implementation of the proposals in the Bill. Any associated expenditures will be accommodated within the resources available to Law Reform Commission and other implementing institutions.

The Certificate of Financial Implications for the Bill has been signed on this understanding. The Certificate is hereby forwarded for further consideration.

Patrick Ocailap
For: PERMANENT SECRETARY/SECRETARY TO THE TREASURY

Copy: Hon. Attorney General, Attorney General's Chambers

Secretary, Uganda Law Reform Commission.



Land certificate by
Hon. Isaac Mwamba
on 23/5/2019
AMC

CERTIFICATE OF FINANCIAL IMPLICATIONS

(Made under S.76 of the Public Finance Management Act, 2015)

THIS IS TO CERTIFY that the Law Revision Bill, 2019 has been examined as required under section 76 of the Public Finance Management Act, 2015.

I wish to report as follows:

a) Objective.

The objective of the Bill is to provide for the revision of laws in Uganda by the Uganda Law Reform Commission: to empower the Attorney General to cut off dates for the enactments to be contained in the law revision and to appoint the date for the coming into force of the Revised Edition; to prescribe the validity of the revised laws and to make consequential amendments to the Acts of the Parliament Act and to provide for other related matters.

b) Impact to the economy.

This will facilitate understanding and proper interpretation of the laws of Uganda, for strengthened rule of law and conducive environment for investment, production and economic transformation at large.

c) Expected Outputs.

The major output of the Bill is the Law Revision Act that provides for the revision of laws and for related matters. The process of revision of laws in Uganda will be streamlined.

d) Funding and budgetary implications.

Implementation of the proposals in the Bill has no stated additional financial implications. Any associated expenditures will be accommodated from the existing Budget of the implementing agencies.

e) Expected savings and/or Revenue to Government.

There are no expected savings or revenues to Government.

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"

Submitted under my hand this day of 2019.


Matia Kasaija (MP)

MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT

Received by:

Date:

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"

BILLS SUPPLEMENT

to The Uganda Gazette No. 8 Volume CXII, dated 22nd February, 2019

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

Bill No. 4

The Law Revision Bill

2019

THE LAW REVISION BILL, 2019

MEMORANDUM

1. Objects of Bill

The object of this Bill is to provide for the revision of laws in Uganda by the Uganda Law Reform Commission; to empower the Attorney General to cut off dates for the enactments to be contained in the law revision and to appoint the date for the coming into force of the Revised Edition; to prescribe the validity of the revised laws and to make consequential amendments to the Acts of the Parliament Act and to provide for other related matters.

2. Defects in the existing law.

The challenge is that at present there is no adequate legal framework to provide for comprehensive law revision of the laws of Uganda. However, there is at present provision under section 18(3) and (4) of the Acts of Parliament Act which provides for a limited scope for law revision under the authority of the Attorney General.

The last general law revision from which emanated the current Revised Edition of laws of Uganda was carried out under a special Act passed for the purpose, namely, the Laws (Revised Edition) Act. This Act is spent since it has had full effect. Additionally, it provided only for the revision of the laws that

were in existence on the 31st December, 2000. Hence the need to enact a comprehensive law to provide for law revision on a continuing basis.

3. Remedies for correction of existing position.

The intention of the Bill, therefore, is to confer on the Uganda Law Reform Commission the duty of carrying out an orderly law revision under the authority of the Attorney General. The Bill provides for the time when a law revision is to be carried out, the contents of the revised law to be produced and the commencement and the validity of the Revised Edition.

4. Provisions of the Bill

Part 1—Preliminary

This Part contains clause 1 which defines the “commission” and “Revised Edition”.

Part II—Preparation of Revised Edition

Clause 2—This clause imposes on the Uganda Law Reform Commission the responsibility of preparing the Revised Edition.

This clause also provides for the appointment of one person to represent the Attorney General, one person to represent the Solicitor General, the First Parliamentary Counsel or his or her representative and two persons with considerable knowledge and experience in the revision of laws or legislative drafting to assist the commission in the preparation of the Revised Edition.

Clause 3—The clause provides for the printing and publication of the Revised Edition in the Gazette with the approval of the Attorney General by statutory instrument. The instrument is required to be laid before Parliament and subject to annulment by resolution of Parliament within forty sitting days after it is laid.

Part III - Validity of Revised Edition

Clause 4—The clause empowers the Attorney General to bring the Revised Edition or any volume of it into force on a date appointed, by statutory instrument.

Clauses 5—According to this clause, from the date of its publication, the Revised Edition will in all courts and for all purposes constitute the laws of Uganda and shall be judicially noticed.

Clause 6—According to this clause, the Revised Edition is in all courts and for all purposes the authentic text of the laws of Uganda.

Clause 7—According to clause 7, the inclusion or exclusion of any law from the Revised Edition does not affect any civil or criminal proceedings previously commenced under that law.

Clause 8—Deals with references to existing laws repealed or otherwise affected by the operation of the provisions of the Bill when enacted.

Part IV - Contents of Revised Edition

This Part comprises clause 9 which prescribes what laws are to be contained in every Revision Edition such as the Uganda Independence Act 1962, the Constitution of the Republic of Uganda etc. The Revised Edition is also to contain Acts, statutory instruments and legal notices in force on a date specified by the Attorney General by statutory instrument.

Part V - Powers of the Commission in the preparation of Revised Edition

Clause 10 provides for various powers to be exercised by the commission when preparing the Revised Edition. These include inter alia—

- (i) the omission of all Acts, statutory instruments and legal notices which have been repealed or which have had their full effect.

- (ii) the omission of all preambles to Acts, statutory instruments, legal notices or any part of them where the omission in the opinion of the commission, can be made conveniently.
- (iii) the omission of all appropriation Acts and to do all things relating to form and method which in the opinion of the commission are necessary or useful for perfecting the Revised Edition.

Clause 11 provides for the power to modify references to UK Acts in any law of Uganda by the Attorney General.

Clause 12 provides that the commission is not authorised to make any alteration or amendment in the substance of any enactment.

Clause 13—This clause enjoins permanent secretaries to submit to the commission within 60 days after receiving a request from the commission any proposals they wish to make on the preparation of the Revised Edition to any Act, statutory instrument or legal notice being administered by them.

PART VI—Form and Printing of Revised Edition.

Clause 14—This clause provides that the Revised Edition shall be printed in the number of volumes and format provided by the commission.

Clause 15—This clause requires the Revised Edition to be printed by the government printer.

Section 1 of the Acts of Parliament Act, Cap 2 defines government printer as the printer authorised generally to print and publish written laws and other publications of government.

PART VII—Miscellaneous

Clause 16—this clause provides for the preparation of reprints for Acts that have been amended, with the authority of the Attorney General, with all the necessary additions, omissions, substitutions and amendments effected by the amending Act.

Clause 17—this clause provides that the first Revised Edition prepared under this Act may be brought into force notwithstanding that it was not prepared with the assistance of the persons referred to in section 3.

Clause 18 of this Part seeks to repeal section 18 of the Acts of Parliament Act, Cap 2 which relates to law revision and reprints. The provisions have been rendered redundant by the comprehensive law provisions of section 18 the bill relating to law revision.

WILLIAM BYARUHANGA,
Attorney General.

THE LAW REVISION BILL, 2019

Clauses

PART I—PRELIMINARY

1. Interpretation

PART II—PREPARATION OF REVISED EDITION

2. Commission to prepare
3. Attorney General to approve printing and publication of Revised Edition.

PART III—VALIDITY OF REVISED EDITION

4. Bringing a Revised Edition into force.
5. Validity of the Revised Edition.
6. Revised Edition to be authentic text.
7. Continuance of text of revised laws for certain purposes
8. Construction of references to repealed or amended enactments.

PART IV—CONTENTS OF REVISED EDITION

9. Contents of any Revised Edition.

PART IV—POWERS OF THE COMMISSION IN THE PREPARATION OF REVISED EDITION

10. Powers of commission
11. No power to change substance and meaning.
12. Power to modify references to UK Acts.
13. Permanent Secretaries to furnish proposals.

PART V—FORM AND PRINTING OF REVISED EDITION

14. Volumes to be printed.
15. Printing of revised law

PART V—MISCELLANEOUS

16. Commission to prepare reprints.
17. Saving in respect of law revision before commencement of this Act.
18. Consequential amendment of Acts of Parliament Act, Cap. 2

A Bill for an Act

ENTITLED

THE LAW REVISION ACT, 2019

An Act to provide for the revision of laws and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Interpretation.

In this Act, unless the context otherwise requires—

“commission” means the Uganda Law Reform Commission established by the Uganda Law Reform Commission Act;

“Revised Edition” means any Revised Edition of the Laws of Uganda prepared under this Act.

PART II—PREPARATION OF REVISED EDITION

2. Commission to prepare.

(1) The Attorney General shall, by statutory instrument, order a Revised Edition to be prepared by the commission.

(2) For the purposes of subsection (1), the Attorney General shall, in consultation with the commission, by statutory instrument, appoint the following persons to assist the commission in the preparation of a Revised Edition —

- (a) one person to represent the Attorney General;
- (b) one person to represent the Solicitor General;
- (c) the First Parliamentary Counsel or his or her representative;
- (d) two persons with considerable knowledge and experience in the revision of laws or legislative drafting.

(3) The terms and conditions of a person appointed under subsection (2) shall be specified in the instrument of appointment.

3. Attorney General to approve printing and publication of Revised Edition.

(1) After a Revised Edition is prepared by the commission, the Revised Edition shall with the approval of the Attorney General by statutory instrument, be printed and published.

(2) An instrument made under subsection (1) shall be laid before Parliament and shall be subject to annulment by Parliament by resolution passed within forty sitting days after it has been laid and shall cease to have effect when so annulled, but without prejudice to the making of a further instrument.

PART III—VALIDITY OF REVISED EDITION

4. Bringing a Revised Edition into force.

(1) The Attorney General may, by statutory instrument, approve a Revised Edition or any volume of it, and order that it shall come into force from such date as he or she shall, in the instrument, appoint.

(2) An instrument made under subsection (1) shall be laid before Parliament and shall be subject to annulment by Parliament by

resolution passed within twenty one sitting days after it has been laid and shall cease to have effect when so annulled, but without prejudice to the making of a further instrument.

5. Validity of the Revised Edition.

From the date the Revised Edition comes into force, all Acts, statutory instruments and legal notices included in the Revised Edition, or any volume of any of those documents, shall be taken for all purposes to be the laws of Uganda and shall be judicially noticed.

6. Revised Edition to be authentic text.

The Revised Edition is in all courts and for all purposes the sole authentic text of the Laws of Uganda.

7. Continuance of text of revised laws for certain purposes

The inclusion or exclusion of a law from the Revised Edition does not affect any civil or criminal proceedings previously commenced under that law, but every such proceeding may be continued and concluded in all respect as if the law has not been so included or excluded.

8. Construction of references to repealed or amended enactments.

Where in any enactment or in any instrument or document, reference is made to any written law which is repealed or otherwise affected by the operation of this Act, the reference shall, unless the context otherwise requires, be deemed to be a reference to the corresponding law comprised in a Revised Edition and all cross references in that enactment, instrument or document shall, where they are affected by the operation of this Act, be construed with such modification as circumstances require.

PART IV—CONTENTS OF REVISED EDITION**9. Contents of any Revised Edition.**

- (1) Every Revised Edition shall, subject to this Act, contain—
 - (a) the Uganda Independence Act, 1962;

- (b) the Uganda Act, 1964, of the United Kingdom;
- (c) the Constitution of the Republic of Uganda;
- (d) Acts and statutory instruments and legal notices in force on the date specified by the Attorney General by notice in the *Gazette*; and
- (e) any Acts, statutory instruments and legal notices which have been enacted but not yet brought into operation on the date specified by the Attorney General under subsection (1)(d).

(2) Each Act shall form a separate chapter, and the chapters shall be arranged under such titles as the commission shall determine.

(3) Below the number of each chapter, the commission shall set out the short title of the Act and the date of commencement of the Act.

(4) Statutory instruments shall be grouped into chapters on the basis of the Acts they implement.

(5) Statutory instruments may be placed within the same chapter as the Act they implement or in a separate chapter at the discretion of the commission.

(6) Legal notices may be placed in an appropriate location as determined by the commission.

(7) The commission shall set forth a history note for each Act, statutory instrument and legal notice.

(8) This section shall not be construed as preventing the commission from including in any Revised Edition any Act, statutory instrument or legal notice enacted after the date specified by the Attorney General under subsection (1) (d) and all Acts, statutory instruments and legal notices so included shall be taken to form part of the Revised Edition and have effect accordingly.

(9) Notwithstanding subsection (1)(d), the commission may omit from the Revised Edition, any Act or statutory instrument which is in force on the date specified by the Attorney General under subsection (1) (d), but which is repealed before the coming into force of the Revised Edition .

PART IV—POWERS OF THE COMMISSION IN THE PREPARATION OF REVISED EDITION

10. Powers of commission.

Subject to any directions that may be given in writing by the Attorney, the commission shall, in the preparation of a Revised Edition have the following powers—

- (a) to omit —
 - (i) all Acts, statutory instruments, legal notices or any part of those documents which have been expressly repealed or which have had full effect;
 - (ii) all repealing Acts, statutory instruments, legal notices or any part of those documents and all tables and lists of repealed enactments, whether contained in Schedules or otherwise;
 - (iii) all amending Acts, statutory instruments, legal notices or any part of those documents where such amendments have been incorporated in the Act, statutory instrument or legal notice to which they relate;
 - (iv) all preambles to Acts, statutory instruments, legal notices or any part of them, where the omission can, in the opinion of the commission, conveniently be made;

- (v) all words of enactment in any Act, statutory instrument or legal notice;
- (vi) all provisions appointing the date when an Act, statutory instrument, legal notice or any part of those documents is to come into force, where the omission can, in the opinion of the commission, conveniently be made;
- (vii) all statutory instruments made under the authority of Acts which have been repealed and not re-enacted;
- (viii) all Appropriation Acts and Supplementary Appropriation Acts;
- (ix) all statutory instruments granting remission of tax, customs tariff duties, excise duties and similar measures to the extent the omission is approved by the Attorney General by statutory instrument;
- (x) all statutory instruments which the Attorney General has, by statutory instrument, specified as inconsistent with any Act repealing and re-enacting the Act under which the statutory instrument was made;
- (xi) all expressions which have become obsolete as a result of constitutional changes or changes specified in Acts, statutory instruments, legal notices and substitute the expressions authorised by those changes;
- (b) to renumber sections, paragraphs and other subdivisions in an amended Act, statutory instrument or legal notice;
- (c) to redesignate legal notices as statutory instruments;
- (d) to arrange the Acts, statutory instruments and legal notices in any sequence and groups that may be convenient, irrespective of the dates of enactment;

- (e) to correct cross references;
- (f) to correct grammatical and typographical errors, and for that purposes, to make additions, omissions or alterations;
- (g) to make capitalisation consistent;
- (h) to make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring an Act, statutory instrument or legal notice into conformity with the circumstances in Uganda;
- (i) to make reviser's notes and footnotes where necessary;
- (j) to add such indexes, tables and other editorial features as the commission consider appropriate;
- (k) to provide editorial notes by way of amplification; and
- (l) do all things relating to form and method which, in the opinion of the commission, are necessary or useful for perfecting the Revised Edition.

11. No power to change substance and meaning.

This Act shall not be taken to grant to the commission the power to make any alteration or amendments in the substance of any enactment.

12. Power to modify references to UK Acts.

Where in any law to be included in the Revised Edition, a reference is made to any enactment of the United Kingdom or England, the Attorney General may, by statutory instrument, direct that the reference should be omitted or that the law shall be modified in a particular manner taking into account changes, if any, in the law of Uganda.

13. Permanent Secretaries to furnish proposals.

(1) For the better performance of the commission's duties under this Act, every Permanent Secretary shall, within sixty days from after receiving a request for proposals on a Revised Edition, send to the commission, proposals, if any, on the alteration authorised under this Act in any Act, statutory instrument and legal notice being administered by the department under that Permanent Secretary's supervision.

(2) Where the commission does not receive any proposals from a Permanent Secretary within the specified time, the commission shall take it that the Permanent Secretary has no proposals to make and shall proceed with the preparation of the Revised Edition.

PART V—FORM AND PRINTING OF REVISED EDITION**14. Volumes to be printed.**

The Revised Edition shall be printed in the number of volumes and format determined by the commission.

15. Printing of revised law

A revised law shall be printed by the Government Printer.

PART V—MISCELLANEOUS**16. Commission to prepare reprints.**

(1) The commission shall prepare a reprint of an Act which has been amended, with the authority of the Attorney General, with all the necessary additions, omissions, substitutions and amendments effected by the amending Act.

(2) The Attorney General may, by statutory order, approve the Act reprinted under subsection (1) and shall, in that order appoint a day from which every copy of the Act reprinted shall be judicially noticed as an authentic copy of the Act as amended.

17. Saving in respect of law revision before commencement of this Act.

The first Revised Edition prepared under this Act may be brought into force notwithstanding that it was not prepared with the assistance of the persons referred to in section 2(2).

18. Consequential amendment of Acts of Parliament Act, Cap. 2.
The Acts of Parliament Act is amended by repealing section 18.

CROSS REFERENCES

Acts of Parliament Act, Cap. 2

Uganda Law Reform Commission Act, Cap. 25.