



THE REPUBLIC OF UGANDA



UGANDA LAW REFORM COMMISSION

ANNUAL REPORT, 2010

Uganda Law Reform Commission,
Workers House, 8th Floor,
Plot 1, Pilkington Road,
P.O Box 12149,
Kampala, Uganda.
Telephone: +256 0414 342600/341138
Fax: +256 0414 254869
E-mail: ulrc@ulrc.go.ug, lawcom@infocom.co.ug.
URL: www.ulrc.go.ug

THE REPUBLIC OF UGANDA
UGANDA LAW REFORM COMMISSION

TELEPHONE: 0414 346200 /341138
FAX: 256-0414-254869
e-mail: www.ulrc.go.ug



WORKERS HOUSE,
FLOOR 8,
PLOT1, PILKINGTON RD,
P.O. BOX 12149
KAMPALA-UGANDA

ADM/83/137/01

Our Ref:

Your Ref:

3rd February 2010

Rt. Hon. Edward K. Ssekandi, MP
Speaker,
Speaker's Chambers,
Parliament House,
Kampala

Dear Sir,

RE: SUBMISSION OF THE ANNUAL REPORT OF THE UGANDA LAW REFORM COMMISSION, 2010, TO THE PARLIAMENT OF UGANDA

In pursuance of the provisions of Article 248(2) of the Constitution, I have the pleasure and honour to submit through you Sir, to the Parliament of Uganda, the Annual Report of the Uganda Law Reform Commission for the year 2010.

Yours faithfully,

Professor Joseph M. N. Kakooza
Chairman, Uganda Law Reform Commission

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ACRONYMS

ACODE	Advocates Coalition for Development and Environment
ASP	Assembly of State Parties
AU	African Union
COMESA	Common Market for Eastern and Southern Africa
DVA	Domestic Violence Act
EAC	East African Community
FHRI	Foundation for Human Rights Initiative
FPC	First Parliamentary Counsel
ICC	International Criminal Court
ILI	International Law Institute
JLOS	Justice Law and Order Sector
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoJCA	Ministry of Justice and Constitutional Affairs
MPS	Ministerial Policy Statement
NTR	Non Tax Revenue
NURP	Northern Uganda Rehabilitation Programme
PPDA	Public Procurement and Disposal of Public Assets Authority
PSFU	Private Sector Foundation Uganda
SACCOs	Savings and Credit Cooperative Societies
SIP II	Strategic Investment Plan II
SWAP	Sector Wide Approach
UAC	Uganda Aids Commission
UGANET	Uganda Network on Law, Ethics and HIV/AIDS
UHRC	Uganda Human Rights Commission
UK	United Kingdom
ULLJ	Uganda Living Law Journal
ULRC	Uganda Law Reform Commission
ULS	Uganda Law Society
UMA	Uganda Manufacturers Association
UN	United Nations
UNDP	United Nations Development Programme
UPPC	Uganda Printing and Publishing Corporation
USAID	United States Agency for International Development
UWONET	Uganda Women's Network
WTO	World Trade Organisation

MESSAGE FROM THE CHAIRMAN



Prof. Joseph M. N. Kakooza
Chairman

It is with profound pleasure and a great honour that the Uganda Law Reform Commission (the Commission) is issuing this year's Annual Report. This is because this year 2010 will be a memorial one in the history of law reform and law revision in Uganda. For the benefit of the general public to whom this Annual Report may go, I must clarify on this historical point. A specific organ called the Criminal Law Review Committee was established by the Government of Uganda in 1968. As the title of the Committee shows, it was charged with the task of reviewing all criminal law, criminal procedure and the law of evidence with particular reference to criminal law.

This Committee was followed by the establishment of a Law Reform Commission, as a Department in the Ministry of Justice (as it was then) in 1975. In 1990, the Commission became an autonomous statutory body under the Uganda Law Reform Commission Act, now, Cap. 25 of the Revised Laws of Uganda. The 1995 Constitution of Uganda, under Article 248, elevated the Commission to the status of a constitutional institution.

The year 2010 was thus significant in that it marked 20 years of the existence of the Commission as an autonomous statutory body. The event was celebrated over three days with an impressive march, flagged off and led by Hon. Fredrick Ruhindi, MP Minister of State for Justice & Constitutional Affairs/Deputy Attorney General. Sister Law Reform Commissions in the neighbouring countries joined us and congratulatory messages came in from others.

On behalf of the Commission and on my own behalf, I am very grateful to the Government of Uganda, Development Partners, and all national and international bodies and individuals for the enabling resources and assistance in other ways which have enabled the Commission to come that far.

As usual in the work of any institution, there have been challenges. The Commission has still constraints in terms of shortage of senior staff and the absence of the part-time Commissioners. Financial Resources for the complete execution of some of our planned activities have been limited or not available at all in some cases. Working equipment – computers, etc. in offices for research and preparation of documents; motor vehicles for field work; inadequate office space – all these constraints continued to adversely affect the execution of our activities.

All the same, as our Annual Report shows in the highlights and the detailed table of legislative activities, we feel happy and honoured to have managed to contribute to the safeguarding and improvement of the rule of law and the fostering of the social and economic development in the country. The Commission is committed to marshalling all its capacities for still greater achievements.

On behalf of the Commission and on my own behalf, I convey our gratitude for the vital and enabling financial assistance given to us by the Government of Uganda, the Development Partners, the Justice, Law and Order Sector (JLOS) and other international bodies in Uganda. We are equally grateful to all those institutions and individuals, who, in various ways, played an important role in our undertakings generally and, in particular, serving on our various task forces and workshops. Like Micawber, we ask for more.



Professor Joseph M. N. Kakooza
Chairman, Uganda Law Reform Commission

THE COMMISSION'S MANAGEMENT TEAM



Mr. Frank Nigel Othembi
Secretary/Accounting Officer



Ms. Alexandra Nkonge
Head of Department, Law
Revision



Ms. Jovah K. Kamateeka
Undersecretary - till July, 2010



Ms. Florence Ochago
Ag. Head of Department,
Law Reform

ACKNOWLEDGEMENT

The Commission wishes to convey its appreciation to the Government of Uganda for its continued support and the following for their respective support:

- (a) Ministry of Justice and Constitutional Affairs;
- (b) The Parliament of Uganda and its various committees;
- (c) First Parliamentary Counsel for their involvement in the polishing of draft bills as well as law revision work;
- (d) Justice, Law and Order Sector (JLOS) for the financial and technical support;
- (e) Ministry of Finance, Planning and Economic Development;
- (f) The Judiciary for their support, guidance and cooperation;
- (g) All Development Partners;
- (h) Sister Law Reform Commissions and Agencies for their cooperation especially Australian Law Reform Commission;
- (i) Members of the various Uganda Law Reform Commission Boards and Taskforces;
- (j) Members of staff for the teamwork and dedication in making the programmes of the Commission a reality and a success;
- (k) United Nations High Commission for Human Rights;
- (l) Private Sector Foundation Uganda;
- (m) Uganda Manufacturers Association; and
- (n) Bank of Uganda.

WORDS OF WISDOM

“We cannot solve our problems with the level of thinking that created them.”

Albert Einstein

“Failure is not a crime. Failure to learn from failure should be.”

Walter Winston

“A citizen’s constitutional rights can hardly be infringed simply because a majority of the people choose that it be.”

Warren C.J. in Lucas v Forty Fourth General Assembly (1964) 377 US 713,636)

“Poverty is the parent of revolution and crime”

Aristotle, Politics

“We must never forget that the profession of Law exists in order that the administration of justice shall be carried on”.

Sir Norman Birkett

“Once a Zambian and a South African, it is said, were talking. The Zambian then boasted about their Minister of Naval Affairs. The South African asked, “But you have no navy, no access to the sea. How then can you then have a Minister of Naval Affairs?” The Zambian retorted, “Well, in South Africa you have a Minister of Justice, don’t you?”

Archbishop Desmond Tutu – Nobel Peace Prize Acceptance Speech ... December 10, 1984 – Quotation following statement that “In short, this land (South Africa) richly endowed in so many ways, is sadly lacking (at that time) in Justice”.

PROFILE OF THE COMMISSION

The Uganda Law Reform Commission is a constitutional body established under Article 248(1) of the Constitution of the Republic of Uganda to study and keep under constant review the Acts and all other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform.

The Commission's current policy and priority activities are guided by the following principles:-

- (a) contributing to a legal system that supports the principles in the Constitution, national policies and plans, and international commitments entered into by Uganda;
- (b) ensuring a participatory law making process with laws acceptable to the people of Uganda;
- (c) developing proposals for modern laws for the people of Uganda; and
- (d) sustaining an effective and efficient institution that provides a legal framework for good governance, delivery of advice and service to Government and the general public on legislative reform and revision.

The Vision of the Commission

To contribute to the existence of the rule of law in Uganda.

The Mission of the Commission

To reform and update the laws in line with the social, cultural and economic needs and values of the people of Uganda.

The Mandate of the Commission

Section 10 of the Uganda Law Reform Commission Act (ULRC Act), Cap 25 provides that:

The Commission shall study and keep under constant review the Acts and other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization and reform with particular emphasis on the:

- a) elimination of anomalies in the law, the repeal of obsolete and unnecessary laws and the simplification and translation of the law;
- b) reflection in the laws of Uganda the customs, values and norms of society in Uganda as well as concepts consistent with the United Nations Charter and the African Charter on Human and Peoples Rights;
- c) development of new areas in the law by making the laws responsive to the changing needs of the society in Uganda;
- d) adoption of new or more effective methods or both for the administration of the law and dispensation of justice; and
- e) integration and unification of the laws of Uganda.

Slogan of the Commission

'Law Reform for Good Governance and Sustainable Development'

Powers of the Commission

According to Section 11 of the ULRC Act, the Commission has powers to;

- (a) receive, review and consider any proposals for the reform of the law, which may be referred to it by any person or authority;
- (b) prepare and submit to the Attorney General, from time to time, for approval, programmes for the study and examination of any branch of the law with a view to making recommendations for its improvement, modernization, and reform; and those programmes shall include an estimate of the finances and other resources that will be required to carry out any such duties and the period of time that will be required for the completion of the studies;
- (c) undertake, pursuant to any such recommendation approved by the Attorney General, the formulation of drafts in form of bills or other instruments for consideration by the Government and Parliament;

- (d) initiate and carry out, or, with approval of the Attorney General, direct the initiation and research necessary for the improvement and modernization of the law;
- (e) provide, at the instance of the Government, to government ministries and departments and other authorities concerned, advice, information and proposals for reform or amendment of any branch of the law;
- (f) encourage and promote public participation in the process of lawmaking and educate and sensitize the public on lawmaking through seminars, publications, and mass media; and
- (g) appoint or empanel Committees in consultation with the Attorney General, from among members of the Commission, or from among persons outside the Commission, to study and make recommendations to the Commission on any aspect of the law referred to the Committees by the Commission.

STRUCTURE AND STAFFING OF THE COMMISSION

The Uganda Law Reform Commission comprises of the Commission and the Secretariat. The Commission comprises of the Chairperson and six part-time Commissioners. The part-time Commissioners are required to have wide experience in the law and other disciplines. The contracts of the part-time Commissioners expired in 2005 and proposals for their renewal were submitted to the relevant authorities. However, to-date no appointments have been made. The Commission is primarily responsible for determining and formulating the scope and direction of the Commission's work.

The Secretariat is headed by the Secretary and is divided into three departments namely; Law Revision, Law Reform and Finance and Administration.

Current Staffing

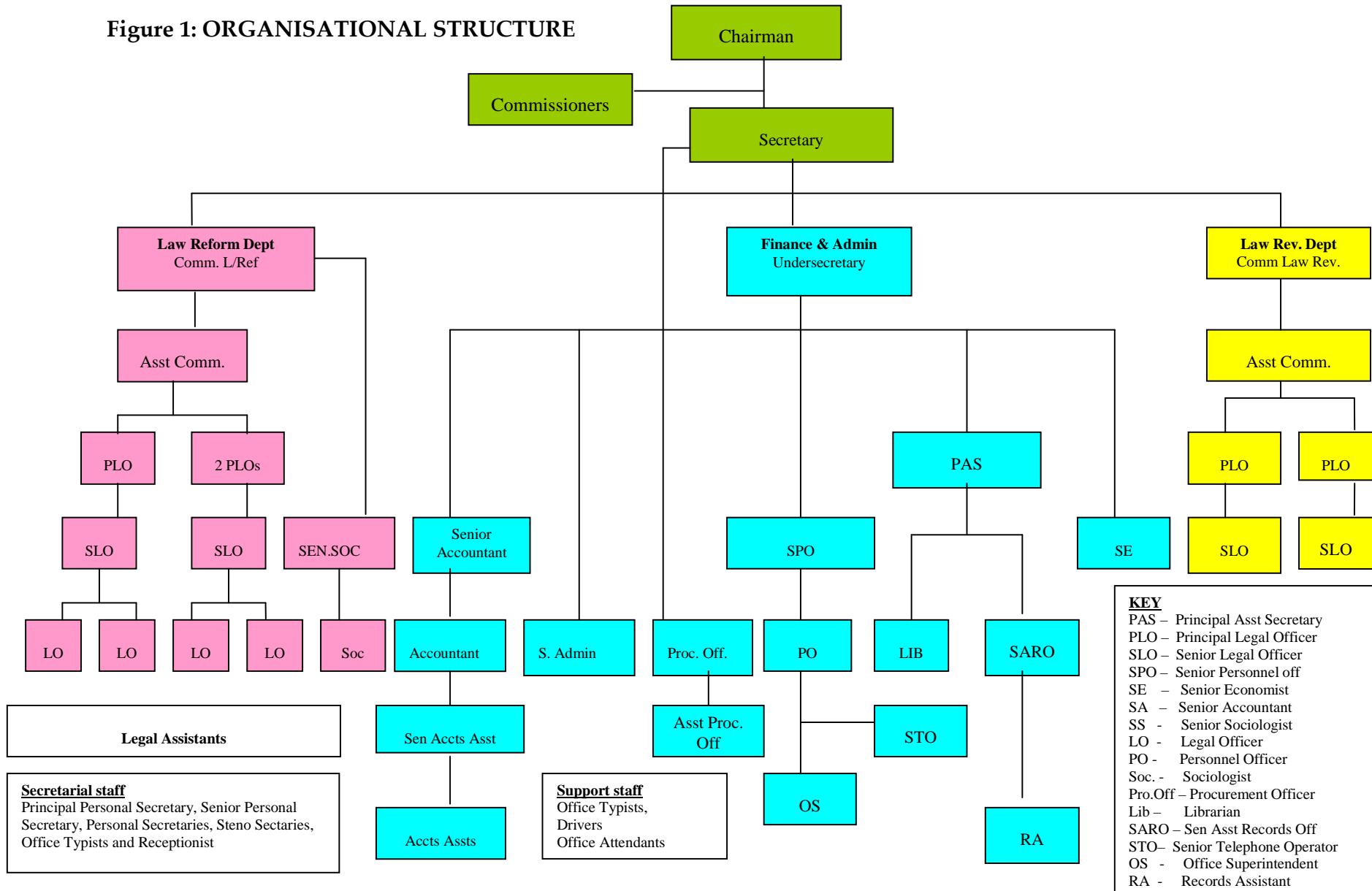
The Secretariat's staff establishment is 68 employees but current in post is only 60 members of staff. Plans are underway to fill the remaining 8 vacancies to make the structure complete. (refer to **Figure 1**)



Staff of the Uganda Law Reform Commission attending an Organisational Development Workshop at Protea Hotel in November, 2010

The Commission also has on board three Legal Assistants, one Research Assistant and five Legal Interns who assist in activities of the Commission mainly those of a legislative nature. The overall staffing position of the Commission as at 31st December, 2010 is set out in “**Annex I**” of this report.

Figure 1: ORGANISATIONAL STRUCTURE



HIGHLIGHTS OF THE YEAR

The Commission successfully undertook and accomplished the following activities:

1. Publication of the Statutory Instruments 2001-2004;
2. Translation and publication of the Constitution into Langi (abridged and simplified);
3. Translation and publication of the Constitution into Acholi (abridged and simplified);
4. Commenced revision of the Land Act and land related laws;
5. Participated in harmonization of Companies law, Partnership Act, Insolvency Act and Business Names Registration Act at EAC level;
6. Submission to Parliament of Uganda Law Reform Commission Bills which were enacted into law e.g. Partnership Act, The Contracts Act, the Trademarks Act and the Computer Misuse Act;
7. Drafting of regulations on the Hire Purchase Bill, Domestic Violence and the Mortgage Bill;
8. Recruitment of more staff to the Commission;
9. Celebrations to mark twenty years of statutory existence of the Uganda Law Reform Commission;
10. A number of Commission staff undertook study tours and attended international meetings;
11. During the reporting period, the Commission collected **shs. 275 million** from the sale of its publications as NTR. The funds were remitted to the Consolidated Fund.

CHAPTER ONE

LAW REVISION DEPARTMENT

1.0 Introduction

Law revision is the process of updating the law without changing its substance. It is aimed at presenting the law in its correct form at any given time thus facilitating the administration of justice, law enforcement, legal education, research, law reform, efficient use of the law and access to justice.

1.1 Structure

The Department is headed by a Commissioner assisted by an Assistant Commissioner, two Principal Legal Officers and two Senior Legal Officers.

1.2 Activities of the Law Revision Department

The activities of the Department include the following:-

- (a) ensuring that the laws of Uganda are regularly revised and an up-to date status of the law is produced and made available to and accessed by the public;
- (b) preparing and publishing compendia of related laws to ensure easy accessibility of and reference to the laws;
- (c) managing the database of the revised laws by constantly updating it as new laws are made from time to time;
- (d) constantly analyzing decisions of superior courts to ascertain their effect on legislation and making proposals for review of the affected laws; and
- (e) simplifying and translating specific laws to enhance access to justice by the public.

1.3 Achievements of the Law Revision Department

The Department spearheaded the following projects of the Commission:

- (a) revision of Principal Laws 2005 – 2007;
- (b) publication of the Statutory Instruments 2001-2004;
- (c) translation and publication of the Constitution into Langi (abridged and simplified);
- (d) translation and publication of the Constitution into Acholi (abridged and simplified);

- (e) distribution and sensitization of the public on the Constitution in the districts of Pader, Apac, Gulu and Lira;
- (f) distribution and sensitization of the public on the Local Council Courts Act, 2006 in the districts of Mpigi, Mukono, Luwero and Wakiso;
- (g) revision of the Land Act and land related laws;
- (h) revision/update of Index of Laws up to August, 2010;
- (i) preparatory work on revision of the 7th edition of the laws of Uganda; and
- (j) harmonization of Companies law, Partnership Act, Insolvency Act and Business Names Registration Act at EAC level.

The details of all the projects undertaken by the Department are as follows: –

1.3.1 Revision of Principal Laws 2005 – 2007

Following the revision and publication of both the Principal laws of Uganda and Statutory Instruments 2001 – 2004, the Department embarked on the revision of the Principal laws of Uganda 2005 -2007 and prepared them for publication.



Some members of staff of Law Revision Editorial Board putting final touches on Principal Laws of Uganda, 2005 - 2007

1.3.2 Revision of the Local Governments Act, Cap 243

The Local Governments Act is one of the most important laws in Uganda today. It is also one of those laws that have been widely amended by Parliament from time to time since its enactment in 1997. Its most important objective is to streamline the existing law on local governments in line with the Constitution and to give effect to the decentralization and devolution of functions, powers and services, so as to encourage good governance, democratic participation and decision making by the people. The Act also provides for the elections for all local councils from village to district level and for the collection and management of revenue.

In Uganda today, 112 districts and several lower units have been created, necessitating creation of new electoral areas from time to time. Many of the people who have been elected into new offices of leadership are not yet aware of their roles in governance. In 2006, the Commission, with the approval of the Attorney General, prepared the first reprint of the Local Governments Act, Cap 243, incorporating all the amendments up to that time. In 2008 a revision was made to the 2006 reprint. This was published to meet the increasing demand for an up to date Act that incorporates all the amendments made after the reprint.

The Department has prepared an update of the Local Governments Act, in preparation for the forthcoming local government elections. The updated version is a consolidation of the various amendments made to the Act between 1st January, 2001 and December, 2010 and awaits publication.

1.3.3 Revision of Compendium of electoral laws

The Commission in 2006 carried out a revision of the Constitution, eight (8) Principal laws and 14 Statutory Instruments on elections and produced a compendium of electoral laws. This facilitated the process and management of national elections in 2006. The compendium was prepared for the purpose of consolidating the electoral laws, with a view of facilitating ease of reference, access and understanding by, in particular, the candidates for the elections, courts, police, scholars and advocates.

Most of the laws contained in the 2006 compendium have since been amended by Parliament in preparation for the 2011 elections. Among the recent amendments are the following:

- (a) Political Parties and Organizations (Amendment) Act, No.4 of 2010;
- (b) National Women Council (Amendment) Act, No. 10 of 2010;

- (c) Political Parties and Organizations (Amendment)(No.2), Act, No. 13 of 2010;
- (d) Local Governments (Amendment) Act, No. 16 of 2010;
- (e) Parliamentary Elections (Amendment) Act, No. 12 of 2010;
- (f) Presidential Elections(Amendment) Act No.14 of 2010;
- (g) Electoral Commission (Amendment) Act No.15 of 2010; and
- (h) National Youth Council (Amendment) Act, No. 9 of 2010.

The Department is currently in the process of consolidating and updating these laws to facilitate elections slated for February 2011.

1.3.4 Revision and update of the Penal Code Act, Cap 120

Following the enactment of the Law Revision (Fines and Other Financial Amounts in Criminal Matters) Act No. 14 of 2008, the Department found it necessary to provide the users of the law with an updated text of the Penal Code Act.

The Law Revision (Fines and other Financial Amounts in Criminal Matters) Act No. 14 of 2008 was enacted to cater for the fall in value of the Uganda currency over the years owing to inflation and other causes, and to standardize the ratio between fines and related terms of imprisonment. This law provides for, among other things, the formula for converting the fine and penalties prescribed in the Penal Code Act, which was applied in the revision of the Penal Code Act.

The sections of the Penal Code Act affected by the application of the formulae provided under Act No.14 of 2008 were identified, revised and a report proposing amendments was submitted to the Attorney General for approval.

The Department however identified a number of issues in the application of the formulae and in its report to the Attorney General made the following observations and recommendations:

- (a) The Law Revision (Fines and other Financial Amounts in Criminal Matters) Act, Act No.14 of 2008 introduces the use of “currency points” into the Penal Code Act. Apart from the sections that have been affected by this Act, currency points are not mentioned anywhere else nor defined in the Penal Code Act. The Commission accordingly recommended a definition of currency points in the Penal Code Act.

- (b) Several sections were identified as requiring specific attention of Attorney General. For example, under section 275(6) and (11) the fines after the application of the formula and harmonising the fine to the term of imprisonment are much lower than the original fines.

In the revised text of the Penal Code Act, the Commission also effected a number of repeals that were introduced into the Penal Code Act by the various laws enacted by Parliament since the 2000 revision. These were the Anti Corruption Act No. 9 of 2009 and the Trade Marks Act, 2010.

Accordingly, the Commission recommended to the Attorney General to use his powers under section 8(3) of Act 14 of 2008, to cause a reprint of the Penal Code Act and make such adjustments in the application of the principles in the Act. In this context therefore, the Commission recommended that the above fines be further revised to be commensurate with the spirit in which the earlier provisions were drafted. Publication of the Reprint awaits approval by the Attorney General.

1.3.5 Consolidation and Reprint of Land Act, Cap 227, Land Regulations and related laws.

The Department embarked on the revision of the Land laws to be contained in the compendium. With the approval of key stakeholders, the following laws were identified:

- (a) The Constitution of Uganda;
- (b) The Land Act, Cap 227 and the following amendments which were incorporated in the main Act;
 - i. The Land (Amendment) Act No. 3 of 2001;
 - ii. The Land (Amendment) Act No. 1 of 2004;
 - iii. The Land (Amendment) Act No 1 of 2010.
- (c) The Registration of Titles Act, Cap 230;
- (d) The Mortgage Act, No. 6 of 2009;
- (e) The Access to Road Act, Cap. 350;
- (f) The Land Acquisition Act, Cap 226; and
- (g) The Condominium Property Act No. 4 of 2001.

To ensure accuracy of the text, the draft was submitted to a task force which consisted of lawyers from the Ministry of Lands for their technical input and advice. The publication currently awaits the approval of the draft by the Attorney General and thereafter, publication of the compendium will commence.

1.3.6 Abridging and simplifying the Local Council Courts Act, No. 13 of 2006

One of the roles of the Commission is to simplify the laws of Uganda. The Local Council Courts Act No. 13 of 2006 was one of those identified as widely used by the public in the administration of justice. Its objective is to establish the local council courts. It defines the jurisdiction, powers and procedures of the courts and replaces the Executive Committees (Judicial Powers Act, Cap. 8). The simplified version of this Act was made in 2008 with the assistance of the JLOS and the Royal Netherlands Government.

1.3.7 Translation of the Local Council Courts Act

In 2010, services were procured by the Commission for the translation of Local Council Courts Act from English to Luganda. Validation workshops were held in Luwero, Wakiso, Mukono and Mpigi to ensure accuracy and simplicity of the text. The draft is now ready for publication.

The Department is currently translating the English version of the Local Council Courts Act into both Ateso and Ngakarimojong languages.

1.3.8 The abridged and simplified version of the Local Governments Act, (Cap 243)

A draft of the abridged simplified version of the Local Governments Act, Cap 243 was prepared by the Commission and several meetings were held with the Uganda Local Governments Association (ULGA) to identify the key sections for translation. The draft awaits pretesting of the contents therein to ensure accuracy and simplicity. The pretesting will be carried out in selected districts as a consultative exercise.

1.3.9 The Abridged and simplified Constitution – 2008

The Commission procured the services of a consultant to translate the abridged simplified Constitution into Luganda.

1.3.10 Publication of Statutory Instruments 2001 – 2004

The Department completed the revision of the Statutory Instruments 2001 – 2004 and presented them for publication. 900 copies were published in 2010.

1.3.11 Handbook on “How our Laws Are Made”

Under section 10 of the Law Reform Act, the Commission has a duty to encourage and promote public participation in the process of law making, educate, and sensitize the public on law making through seminars, publications and the mass media. The Commission prepared a guide on the law making process in Uganda entitled “*How our Laws are Made*”.

The handbook will be used as a guide to law making processes and in particular, will provide an insight into the concept of law, the making of written laws and serve as a guide for the law making authorities. It is aimed at providing the reader a user friendly, non-technical guide to the various law making processes in Uganda.

The handbook is ready for publication.

1.3.12 Distribution and sensitization on translated laws

The Department spearheaded the distribution of the Acholi and Langi abridged/simplified versions of the Constitution in the districts of Gulu, Pader, Lira and Apac. During this exercise, other publications like the simplified version of the Local Council Courts Act, 2006 were disseminated. In addition, sensitization on the following was undertaken:

- (a) the mandate, powers and functions of the Commission;
- (b) the Justice, Law and Order Sector and its role in enhancing access to justice;
- (c) the content of the simplified translated version of the Constitution; and
- (d) the law making process and the role of the public in law making.



Members of the Law Revision Department distributing Commission publications in the districts of Gulu, Pader, Lira and Apac during the year, 2010.

1.4 Other ongoing activities 2010

- (a) revision and update of the compendium of tax laws and other related laws;
- (b) electoral and related laws;
- (c) preparatory work on 7th edition of the laws of Uganda; and
- (d) update of the Index of the laws of Uganda up to December, 2010.

1.5 Plans for the year 2011

1.5.1 Research and Revision

The Department will undertake research and revision in the following areas:

- (a) preparation of the 7th revised edition of the laws of Uganda;
- (b) identification and removal of obsolete laws;
- (c) identification of laws affected by Supreme Court decisions;

- (d) revision of tax related laws;
- (e) translation of the simplified version of the Local Governments Act, Cap. 243 into Luganda;
- (f) translation of the Constitution into Runyakitara;
- (g) update and revision of the cumulative supplement, as at 2011;
- (h) preparation of EAC Compendium of laws;
- (i) harmonization of laws of Ugandan with those of EAC, in preparation for the implementation of the Common Market Protocol;
- (j) simplification of the Land Act, Cap 227;
- (k) translation of the Land Act into 3 selected languages;
- (l) simplification of the Penal Code Act;
- (m) simplification of the Domestic Violence Act, 2010;
- (n) sensitization of the public on law making process; and
- (o) distribution of Commission materials.

1.5.2 Publications

The Department will be involved in the publication of the following;

- (a) principal laws of Uganda, 2005-2007;
- (b) reprints of Land Act/Regulations ,Penal Code Act, Constitution, simplified versions of Local Council Courts Act and Local Governments Act;
- (c) compendium of Electoral Laws;
- (d) compendium of Tax Related laws;
- (e) translated versions of the Constitution into Luganda, Ateso and Ngakarimojong; and
- (f) translated versions of Local Council Courts Act into Luganda, Ateso and Ngakarimojong.

1.5.3 Field Work

The Department will be involved in field work on the following projects;

- (a) pre-testing of the simplified version of the Local Council Courts Act into Ateso and Ngakarimojong.
- (b) pretesting of the simplified Local Government Act, Cap 243;
- (c) pretesting of the translated simplified Local Council Courts Act;
- (d) distribution of compendium of electoral laws;
- (e) pretesting of the translated version of the Constitution in Luganda, Ateso and Ngakarimojong;
- (f) sensitization of the public on law making process; and
- (g) distribution of Commission publications.

CHAPTER TWO

LAW REFORM DEPARTMENT

2.0 Introduction

The Law Reform Department is responsible for making changes in the substance of the law so as to make the law useful in achieving its purpose. Accordingly, the Department undertakes studies and research to inform proposals for law reform. It also undertakes documentation, education, training, simplification and translation of laws.

2.1 Structure

The Department is headed by a Commissioner who is assisted by an Assistant Commissioner, Principal Legal Officers, Senior Legal Officers, Legal Officers and Sociologists. The Department comprises of three sections namely; law reform and research; education, documentation and training; and sociology.

2.2 Activities of the Law Reform Department

The main activities of the Department are to:-

- (a) study, document and make proposals for the modernization of the law through proposals for the substantive change in the law and the repeal of obsolete and unnecessary laws;
- (b) simplify and translate specific laws;
- (c) carry out research, document and make proposals for the integration of different systems of the laws of Uganda;
- (d) make proposals for the improvement of methods in the administration of law and dispensation of justice;
- (e) educate the public on the law making process and the law in action;
- (f) facilitate operationalization of international and regional legal instruments which Uganda has ratified;
- (g) give advisory opinions to any department of government; and
- (h) participate in the activities of the East African Community.

2.3 Achievements of the Law Reform Department

The achievements of the Commission under the Department in the year 2010 are reported under the following seven categories:-

- (a) proposals/bills enacted into law;
- (b) bills approved by Cabinet and tabled in Parliament;
- (c) bills submitted to Cabinet for approval;

- (d) bills to be submitted to Cabinet;
- (e) regulations drafted;
- (f) publications made; and
- (g) other on-going activities.

2.4 Bills enacted into law

No	Bill	Long Title	Location	Recommended Action
1	The Partnerships Bill, No. 4 of 2008	An Act to amend and consolidate the law relating to partnerships; to provide for the formation of limited partnerships; to repeal the Partnership Act, Cap. 114; and to provide other related matters.	Public, Published as Act No. 2 of 2010 and Commenced on 26/2/2010. The Uganda Law Reform Commission, Ministry of Justice and Constitutional Affairs and the Private Sector Foundation are spearheading the preparation of regulations under section 61.	Dissemination by the Uganda Law Reform Commission
2	The Contracts Bill, No. 2 of 2008.	An Act to codify the law relating to contracts and to provide for other related matters.	Public, Published as Act No. 7 of 2010.	Dissemination by the Uganda Law Reform Commission.

No	Bill	Long Title	Location	Recommended Action
3	The Trademarks Bill, No. 9 of 2009	An Act to consolidate the law relating to trademarks; to repeal and replace the Trademarks Act, Cap. 217; to provide for the appointment of a registrar, for the registration of trademarks; for the procedure for and duration of registration; for the effect of registration and action for infringement of a trademark; for fees; for legal proceedings and appeals; for trademark offences; for regulations and for related matters.	Public, Published as Act No. 17 of 2010. The Uganda Law Reform Commission, Ministry of Justice and Constitutional Affairs, Uganda Registration Services Bureau and the Private Sector Foundation are spearheading the preparation of regulations.	Dissemination by the Uganda Law Reform Commission.
4	The Computer Misuse Bill, No. 23 of 2008.	An Act to make provision for the safety and security of electronic transactions and information systems; to prevent unlawful access, abuse or misuse of information systems including computers and to make provision for	The Bill was passed in Parliament on 4 th August, 2010. Assent copies are being prepared for submission to the President for his assent.	Dissemination by the Uganda Law Reform Commission.

No	Bill	Long Title	Location	Recommended Action
		securing the conduct of electronic transactions in a trustworthy electronic environment and to provide for other related matters.		
5	Domestic Violence Bill	An act to provide for protection and relief to victims of domestic violence and to provide remedies for matters connected with or incidental thereto.	Public, Published as Act and Commenced on in 2010. The Uganda Law Reform Commission has produced draft regulations for consideration by the Ministry of Justice and Constitutional Affairs.	Dissemination by the ULRC

2.5 Bills approved by Cabinet and tabled in Parliament

No	Bill	Long Title	Location	Recommended Action
1	The Geographical Indications Bill, No. 3 of 2008	An Act to provide for the protection and registration of geographical indications; to provide for the appointment of a registrar; for remedies for	Legal and Parliamentary Affairs Committee, first reading on the 17/June/2008.	2 nd Reading

No	Bill	Long Title	Location	Recommended Action
		geographical indications; and for related matters.		
2	Chattels Securities Bill, No. 12 of 2009	An Act to regulate the making and enforcement of security interests in chattels; to repeal the Chattels Transfer Act, Cap 70 and for other related purposes.	Legal and Parliamentary Affairs Committee, read for the first time on the 20/November/2009.	2 nd Reading
3	Companies Bill, No. 14 of 2009	An Act to amend, replace and reform the law relating to the incorporation, regulation and administration of companies and to make provision for related matters.	<p>Legal and Parliamentary Affairs Committee, read for the first time on 19/November/2009.</p> <p>In June 2010, Uganda Law Reform Commission organized a workshop aimed at sensitizing the Members of Parliament concerning the Bill. In connection with one man company, there was a suggestion that the relevant</p>	2 nd Reading

No	Bill	Long Title	Location	Recommended Action
			provisions of the Bill should be redrafted. In the meantime it has been proposed that the Legal and parliamentary Affairs Committee should visit jurisdictions which have one man company in their law.	
4	Insolvency Bill, No. 11 of 2009	An Act to provide for receivership, administration, liquidation, arrangements, bankruptcy, the regulation of insolvency practitioners and cross border insolvency; to receiverships, administration, liquidation, arrangements and bankruptcy; and to provide for other related matters.	Legal and Parliamentary Affairs Committee, read for the first time on 1/August/2009	2 nd Reading
5	Industrial Property Bill, No. 5 of 2009.	An act to provide for the promotion of inventive and innovative activities, to facilitate the acquisition of	Legal and Parliamentary Affairs Committee read for the first time on 7/July/2009	2 nd Reading

No	Bill	Long Title	Location	Recommended Action
		<p>technology through the grant and regulation of patents, utility models, industrial designs and technovations and to provide for the designation of a registrar, to provide for the functions of the registrar, and the establishment of a register of industrial property rights and for related matters.</p>		
6	<p>The Electronic Transactions Bill, No. 24 of 2008.</p>	<p>An Act to provide for the use, security, facilitation and regulation of electronic communications and transactions; to encourage the use of e-Government services and to provide for related matters.</p>	<p>Sessional Committee of Parliament on Information Technology, read for the first time on 18/03/2009. According to the Order Paper of Parliament, the Sessional Committee on Information Technology was going to report on the Bill for second reading on 28th/9/2010 but it was deferred.</p>	<p>2nd Reading</p>

No	Bill	Long Title	Location	Recommended Action
7	The Electronic Signatures Bill, No. 22 of 2008	An Act to make provision for and to regulate the use of electronic signatures and to provide for other related matters.	Sessional Committee of Parliament on Information Technology, read for the first time on 18/03/2009.	2 nd Reading
8	The Marriage and Divorce Bill, No. 19 of 2009	An Act to reform and consolidate the law relating to Civil, Christian, Hindu, Bahai and Customary marriages; to provide for the types of recognized marriages, marital rights and duties; recognition of cohabitation in relation to property rights; separations and divorce, and the consequences of separation and divorce; and for related matters.	Legal and Parliamentary Affairs Committee, read for the first time on 22 nd of December 2009. The Uganda Law Reform Commission has produced draft regulations for consideration by the responsible Minister for Justice	2 nd Reading
9	Prevention and Control of HIV/AIDS Bill of 2009.	An Act to provide for the prevention and control of HIV and AIDS, protection, counseling, testing, care of persons infected with and affected by HIV and AIDS, rights and obligations of	Submitted to the HIV/AIDS Committee of Parliament on the 3 rd of December 2009 by the Uganda Law Reform Commission.	Introduce Bill in Parliament

No	Bill	Long Title	Location	Recommended Action
		persons affected and for other related matters.		

2.6 Bills submitted to Cabinet for approval

No	Bill	Long Title	Location	Recommended Action
1	Capital Markets Authority (Amendment) Bill, 2008	An Act to amend the Capital Markets Authority Act to provide for the offering of securities to the public and for connected purposes.	Bill sent to Uganda Printing and Publishing Corporation for publication on 4th August, 2010.	Dissemination by the ULRC
2	Free Zones Bill, 2008	An Act to make provision for the establishment, development, management, marketing, maintenance, supervision and control of free zones and to establish and designate the Uganda Free Zones Authority as a coordinating, monitoring and supervisory body for that purpose; and for related matters.	Re-submitted to Cabinet for approval by Ministry of Finance, Planning and Economic Development on 1st September, 2010.	Approval by Cabinet.

2.7 Bills to be submitted to Cabinet

No	Bill	Long Title	Location	Recommended Action
1	The Sale of Goods and Supply of Services Bill, 2008	An Act to provide for the formation of contracts for the sale of goods, the effect of a contract for the sale of goods, the performance of contracts for the sale of goods, the remedies of the parties in a contract for the sale of goods, to provide for consumer protection, to regulate the supply of services, and to provide for related matters.	Ministry of Tourism, Trade and Industry, to submit the Bill to FPC to incorporate amendments proposed to the Bill arising out of stakeholders' comments.	Ministry of Tourism, Trade and Industry to forward drafting instructions to the First Parliamentary Council.
2	Administration of Muslim Personal Law Bill, 2008.	An Act to give effect to Article 129(1)(d) of the Constitution to establish Qadhis' courts in Uganda; to provide for the jurisdiction of Qadhis' courts and their judicial powers and for other related matters; to provide for the administration of Muslim law for marriage and	Uganda Law Reform Commission	The Bill was submitted to Cabinet and returned to MoJCA with instructions to improve and consult on the Bill further.

No	Bill	Long Title	Location	Recommended Action
		divorce of Muslims.		
3	The Children (Amendment) Bill 2010.	The Amendment proposes to make provisions to apply to guardians as a category of persons to whom parental responsibility may be passed. It seeks to eliminate all traditional and cultural practices that are detrimental to a child's health, well-being, education or development. It also considers principles for determining harmful employment. Furthermore, specific amendment is being made relating to inter country adoption by reducing the thirty six months fostering period to twelve months and provides for <i>interalia</i> , exceptional	Submitted to the Ministry of Gender, Labor and Social Development for further action.	Cabinet approval of principles of the Amendment

No	Bill	Long Title	Location	Recommended Action
		circumstances under which a court may rescind an order of adoption.		
4	Accountants Bill, 2008	An Act to establish an Institute of Certified Public Accountants of Uganda, to provide for a Council responsible for the management of the Institute, to provide for the registration and control of accountants, to establish an accountants' examinations board and to provide for the disciplining of accountants and the maintenance of professional standards and other matters connected.	Bill sent back to Ministry of Finance, Planning and Economic Development by FPC on 2nd February, 2010 for revision.	Bill to be resubmitted to Cabinet by the Ministry of Finance, Planning and Economic Development for approval.
5	Counterfeit Goods Bill, 2008	An Act to prohibit trade in counterfeit goods that infringe upon protected intellectual property rights;	Ministry of Tourism, Trade and Industry	Ministry of Tourism, Trade and Industry to submit the Bill to Cabinet for approval.

No	Bill	Long Title	Location	Recommended Action
		to prohibit release of counterfeit goods into the channels of commerce; to create offences relating to trade in counterfeit goods; to empower the Commissioner for Customs to seize and detain suspected counterfeit goods; to empower inspectors appointed by the National Bureau of Standards to seize and detain suspected counterfeit goods and to provide for incidental matter.		

2.8 Regulations drafted

No	Bill	Long Title	Location	Recommended Action
1	The Hire Purchase Bill, No. 7 of 2007	An Act to provide for the regulation and registration of hire purchase agreements and the licensing of persons carrying on hire	Public, Published as Act No. 3 of 2009 and Commenced on 12/6/2009.	Dissemination by the Uganda Law Reform Commission

No	Bill	Long Title	Location	Recommended Action
		purchase business and for related purposes.	The Uganda Law Reform Commission together with Ministry of Justice and Constitutional Affairs, the Ministry of Tourism, Trade and Industry and, the Private Sector Foundation prepared draft regulations under the Hire Purchase Act. The regulations were forwarded to the Ministry of Tourism, Trade and Industry.	
2	The Mortgage Bill, No. 2 of 2007	An Act to consolidate the law relating to mortgages; to repeal and replace the Mortgage Act; to provide for the creation of mortgages; for the duties of mortgagors and mortgagees regarding matrimonial homes;	Public, Published as Act No. 8 of 2009. The Uganda Law Reform Commission, Ministry of Justice and Constitutional Affairs, Ministry of Lands and other stakeholders have produced draft regulations	Dissemination by the Uganda Law Reform Commission

No	Bill	Long Title	Location	Recommended Action
		to make mortgages take effect only as security; to provide for priority, tacking, consolidation and variation of mortgages; to provide for suits by mortgagors; the discharge of mortgages; covenants, conditions implied in every mortgage; the remedies of mortgagors and mortgagees in respect of mortgages; of the power of court in respect of mortgages; and for related matters.	for consideration by the Minister responsible for Lands.	

2.9 Publications by the Department

2.9.1 Handbook on Making Ordinances and Bye-laws in Uganda

The Commission in partnership with Advocates Coalition for Development and Environment (ACODE) revised the Handbook on Making Ordinances and Bye-laws in Uganda. The handbook was needed by ACODE for use as training material for Local Councils. It was observed that over the years the legislative drafting style has considerably changed. In addition several legal developments have also been registered.

The review of this handbook was intended to accommodate these changes and particularly the amendments to the Local Council Courts Act No. 13/2006. The revised handbook was published on 12th August 2010 as ULRC Publication No. 34.

2.9.2 Domestic Relations Study Report

The Commission produced a reprint of the Study Report on Marriage and Divorce in Uganda. The reprint is an improved version of the original publication first produced in 2000. It incorporates matters relating to marriage in Uganda, marital rights and property, marital disharmony, marriage breakdown and dispute resolution, matters relating to death and succession and matters relating to domestic violence. The reprint will aid the advocacy process aimed at facilitating the enactment of the Marriage and Divorce Bill. The report was published as ULRC publication No. 47.

2.10 Other on-going activities

2.10.1 Reform of the Law on Criminal Trial Procedures

Uganda Law Reform Commission in conjunction with the Judicial Studies Institute organized a workshop to enable members of the Judiciary and Members of Parliament to have a better understanding of the key aspects of the Domestic Violence Act, reform of Trial Procedures and bail. The workshop took place on 15th-18th April, 2010 at Paraa Lodge, Murchison Falls Park.

Participants made valuable contributions for the effective implementation of the Domestic Violence Act and called for the expeditious issuance of regulations to operationalise the Act. It was proposed that these regulations should cover as much as possible some key aspects of the Act which were not adequately catered for. The proposed reform include introduction of plea-bargaining. The Commission is now awaiting consultation with Registrars and Magistrates before the Bill is produced.

The reform proposals for the Trial on Indictment Act and Magistrates Courts Act were received with support and a comprehensive study on the law of bail in Uganda was generally recommended. The proposed reforms include the introduction of plea-bargaining. The Commission is planning to undertake consultations with Registrars and Magistrates before producing the Bill.

2.10.2 Codification of the Law of Trusts

The law of trusts in Uganda was developed at the inception of the laws of England in Uganda in 1902. This made applicable all laws that applied in England as at 1894.

The Law of trusts in Uganda is in *pari materia* the law of trusts in England of 1925. Much modification has been seen through the years on this law in England but no review has been undertaken for the law in Uganda. This does not augur well especially as regards the sociological school of jurisprudence, which is to the effect that as society changes, new ideas emerge and therefore new laws should also be enacted to suit these situations in society.

The Commission contracted a consultant in 2006 to commence a study on the review of the law on trusts in Uganda. The second draft report was submitted to the Commission by the consultant in 2009. The process of reviewing the report is on-going and will be completed by end of Financial Year 2010/2011.

2.10.3 Review of the Excise Tariff Act, Cap. 338

The draft report and draft Cabinet memorandum have been prepared by the key actors in this process namely: Ministry of Finance, Planning and Economic Development, Uganda Law Reform Commission and the First Parliamentary Counsel, and have been forwarded to MoFPED for further input.

2.10.4 The Transitional Justice Project

The activities under this project are two pronged. First the Commission was heavily involved in the ICC Review Conference and second, the Commission is represented on all the sub-committees on Transitional Justice at the JLOS. In relation to the ICC Review Conference, the Commission attended the first Review Conference on the Rome Statute which was held in Kampala, Uganda from 31st May to 11th June 2010. The Review Conference constituted a special meeting of States Parties to the ICC - distinct from the annual Assembly of States Parties (ASP) to consider amendments to the Rome Statute and to take stock of its implementation and impact.

States Parties discussed the following amendment proposals; the revision of Article 124 of the Rome Statute; the crime of aggression; the inclusion of the use of certain weapons as war crimes in the context of an armed conflict not of an international character.

As a result of discussions at the eighth ASP session, the ASP agreed to create an ASP Working Group on Amendments that will serve to continue discussions on the submitted proposals and any other future proposal starting at the ninth ASP session in December 2010.

In relation to the Transitional Justice sub committees, the Commission is represented in the Transitional Justice Working Group meetings. A lot of ground has been covered by the sub-committees on: Truth Telling; Formal Criminal Jurisdictions integrated mechanisms and the Traditional Justice sub-committee which prepared field consultation documents for traditional Justice and Truth telling field consultations. The Working Groups in concert also prepared an outreach strategy programme for JLOS.

The Commission participated in sensitization of the public on the International Criminal Court Statute and the whole transitional justice programme.

2.10.5 Reform of the Law of Succession in Uganda

The Commission commenced a study to review and reform the laws on Succession and inheritance in Uganda. The overall objective of the study is to review and harmonise legislation pertaining to succession in Uganda through; identification of gaps and anomalies in the current law and practice, establishing customary practices that impact on succession and inheritance in the various ethnic groups in Uganda and identifying the challenges involved in the implementation of the law with a view to proposing reforms.

In the reporting period, field consultations on the legal and ethnic aspects of succession in Uganda were carried out and concluded. In FY 2010/11, work on this project will continue and this will include data entry, preparation of the draft report and amendment bill, completion of the report, preparation of the report and draft bill, editing and publication of the report.

In addition a retreat for taskforce members to build consensus on findings and refine the issues will be arranged prior to the national workshop. The National workshop will be held to share field findings and build consensus on the way forward with a broader section of stakeholders. This workshop will draw together implementers, beneficiaries and actors to discuss the final report and the draft Bill. Comments from the workshop participants will be used to further enrich and strengthen the Commission's final report and recommendations and to prepare the draft amendment bill.

2.10.6 Developing Sentencing Guidelines

A taskforce to develop the sentencing guidelines was constituted by the Chief Justice on 6th August 2010. This arose from an earlier study the Commission conducted in 2004 whose findings indicated that there were inconsistencies and disparities in sentencing. Accordingly, proposals were made for the reform of the law of sentencing.

In developing sentencing guidelines, the key issues under consideration are; the format of the guidelines- whether they should be in a grid, table or narrative form; their applicability, should the sentencing guidelines also apply to Local Council Courts; how will the monitoring and evaluation of performance of the guidelines be done; whether there is need to have legislation by Act of Parliament establishing a Sentencing Council and having the guidelines under an Act of Parliament; what should be the composition of the Sentencing Council; or whether the sentencing guidelines should be in a practice direction.

Several taskforce meetings have been held and a study tour to bench mark best practices carried out in South Africa by the taskforce members. In South Africa, the team visited the South African Law Reform Commission, University of Pretoria, Faculty of Law, the High Court of South Africa, the department of probation services, the Justice College of South Africa and the Director of Public Prosecutions of South Africa.



The Chief Justice of Uganda handing over Instruments of power to Hon. Principal Judge Justice Yorokamu Bamwine at the inauguration of the Taskforce on Sentencing Guidelines at Sheraton Kamapala Hotel on 6th August, 2010



Members of the Taskforce on Sentencing Guidelines meet their Lordships at the South African High Court in Pretoria during a Comparative Study Tour in November, 2010

2.10.7 Review of the Trade Licensing legal and policy regime

The reform of Uganda's trade licensing law dates back from the year 2001 as part of the process of reform to modernise Uganda's laws some of which remained virtually unchanged since they were introduced in the late 19th Century by the colonial government. The current Trade Licensing Act was promulgated on 20th march 1969 and came into effect on 31st December 1969.

Except for the schedule to this Act, the Trade Licensing Act, Cap. 101, has never been amended since its inception. This has necessitated reform of the law as elaborated further here below.

The Trade Licensing Act which was enacted four decades ago was based on a strong centralised system of local governance which is now inconsistent with the current decentralisation policy. The country has undergone tremendous social economic and political change, which has rendered the application of the Act ineffective, less relevant and in apparent conflict with some constitutional provisions.

In addition, the Act encompasses provisions that are obsolete in character, which do not reflect the current and desired economic and business environment and do not conform to the current government policies, procedures and practices on liberalization. Some of the provisions are restrictive on where and who should carry out trade, which cannot support the attainment of the overall economic objective of transforming the economy through poverty reduction, wealth and job creation.

Earlier studies on this subject including and involving various actors led to the production of various reports and a draft Trade Licensing and Registration Bill in 2004 did not yield any tangible legislative reform. However, issues that merited legislative attention were identified. It is against this background that a taskforce was constituted comprising of a number of key stakeholders to agree on the way forward towards the reform of this law.

In August 2010, a retreat was organised by the Commission to identify areas in the Trade Licensing Act that merited immediate legislative attention. Several provisions for amendment were identified. Some of the identified provisions for reform were:

- i) the need to provide specifically for reasons for refusal to grant a license;
- ii) provide for calendar based licenses; give consideration to regulating transactions conducted over the internet considering the East African Community developments; and
- iii) revise the fines and penalties under the current Trade Licensing Act.

These issues have been taken into account whilst preparing the amendments.

2.10.8 Compensation of Victims of Crime

The Commission is undertaking a study on victims of crime support, protection and compensation in Uganda. The study is intended to assess the situation of victims of crime in Uganda and establish legal and administrative mechanisms of addressing their plight. In the reporting period, the consultation paper for the proposed study was developed.

2.10.9 Witness Protection

The Commission is currently undertaking a project to initiate legislation on witness protection. The purpose of the project is to introduce legislation and propose administrative mechanisms of protecting witnesses.

Field consultations were carried out in Gulu, Soroti, Masaka and Kampala. The scope of the study mainly covers the assessment of witnesses who need protection, the nature of offences for which protection should be offered, the circumstances under which protection should be offered, the form and extent of protection, who should offer the protection and the punishment for failure to offer protection, the duration of the protection, handling of Court proceedings involving protected witnesses, protection of witnesses testifying against the government and, protection of prosecutors, Judges and Investigators.

The Commission has embarked on data analysis and report preparation which will be completed by June 2011.

2.10.10 Financial Leasing

The aim of this project is to develop a comprehensive legal framework on financial leasing that will stimulate capital investment, enable growth and development of the financial leasing sector, provide legal certainty for financial leasing operations and promote investor confidence in the financial leasing industry and thus facilitate a more effective business drive in the economy. Currently financial leasing transactions are carried out under the cover of different commercial laws such as the Law of Contracts, the Sale of Goods Act and other commercial laws. Financial leasing transactions are not wholly addressed by these other laws hence the need for a different piece of legislation specially to address financial leasing.

The activities under this project will entail: development of concept paper, convening of Technical team/ taskforce, Task Force meetings, consultations and research, preparation of the report, preparation of draft cabinet memorandum and bills, editing of the report, consideration of the outputs by the Commissioners and publication of the report.

A final report of all the consultations will be compiled against which a Cabinet memorandum and draft proposals for a bill will be prepared.

2.10.11 Money Lenders

In line with Uganda's present socio-economic progress and the societal demands that come with such development, the Commission has identified the reform of the Money Lender's Act as one of the essential legislative reforms. The transformation of the money lending business in Uganda which presently involves Financial Institutions, individual money lenders, Micro Finance institutions, Savings and Credit Cooperative societies (SACCOS), etc, calls for a review of the existing law so as to keep up with the present day demands and expectations of the Public. The Financial lenders' interests have to be catered for but in the same vein, the general interests of the borrowers also have to be considered and protected.

The review of this Act will entail the preparation of a concept note highlighting the key concerns of the users of this law and those of the stakeholders directly involved in the implementation of the Act, the preparation of a concept note, preliminary consultations in Kampala, a two day consultative retreat with key stakeholders, Commissioners meetings, editing and publication of the study report and development of proposals for a draft bill to amend the Money lenders Act and other laws incidental thereto.

2.10.12 Civil Procedure

The Uganda Law Reform Commission is undertaking a project on the reform of the law pertaining to Civil Procedure, particularly the Civil Procedure Rules S.I. 71-1. This project is intended to review and propose recommendations to reform the Civil Procedure Rules in Uganda's justice system. The Civil Procedure Rules are seen as central to ensuring predictability and transparency with a view towards facilitating Courts, and the parties that rely therein, in reaching a just decision.

The activities under this project will entail the preparation of a concept note highlighting the gaps and challenges affecting the use of these rules, preliminary consultations in Kampala, a two day consultative retreat for the taskforce, editing and publication of the study report and publication and development of proposals for a draft bill to amend the Money lenders Act and other laws incidental thereto.

The concept paper will be used as a basis for undertaking preliminary consultations with stakeholders in Kampala to verify as well as establish other gaps and challenges that exist in the rules and affect their application.

The findings from the preliminary consultations will inform the process of preparation of the concept paper that will be presented at the Commission for discussions and further input before it is presented to a retreat of stakeholders and implementers constituted as a working group. The retreat will be a two day residential stakeholder forum where the preliminary consultation findings will be presented to stakeholders for consideration, discussions and thereafter recommendations for the improvement of the rules agreed upon.

Desk research has been done and consultations are presently being carried out by the Commission involving a task force of various stakeholders and individuals with a range of expertise on issues related to civil procedural law. The draft Concept paper that has been prepared, serves the purpose of providing an avenue from which lacunas will be established in the present Civil Procedural law system and thus lay out recommendations arising from the task force discussions. It thus focuses on forging a way forward on the reform of the legal environment surrounding civil procedural law in Uganda.

A final report of all the consultations will be compiled against which a Cabinet memorandum and draft proposals for amendment of the Act will be prepared. It is hoped that this project will be concluded by mid 2011.

2.10.13 Uganda Law Reform Commission Act

The Commission is carrying out a review of the Uganda Law Reform Commission Act to update it and bring it in line with the Employment Act of 2006 and the Uganda Government Standing Orders of 2010. Proposed amendments to the ULRC Act and Regulations have been drafted and are yet to be considered by the Commission management.

A final report of all the consultations will be compiled against which a Cabinet memorandum and draft proposals for amendment of the Act will be prepared. It is hoped that this project will be concluded by mid 2011.

2.11 Plans for the year 2011

In line with the Commission's Strategic Plan, the Department will continue to carry out its activities under the following categories:

2.11.1 Advocacy

In view of the several studies that have been undertaken and the proposals made during the reporting period, the Commission has designed an advocacy strategy to build consensus and sensitize the public and other key stakeholders on the same. Advocacy in 2011 will focus on Family and Commercial laws and the main activities will include:

(a) HIV/AIDS Bill advocacy

The Commission is planning to undertake the advocacy of the HIV/AIDS Bill. This activity is intended to solicit for support of the quick enactment of this law. In addition, the activity aims at creating public awareness about the HIV/AIDS Bill as well as obtaining feedback on the proposed law. The activities under this project will include: pre-visits to workshop sites, regional advocacy workshops, media programmes mostly on radio and television, preparation of advocacy workshop reports, editing and publication of the project report.

In this regard, advocacy workshops targeting both primary and secondary stakeholders will be held. Stakeholders will range from government officials, Parliamentarians, Local government officials, actors in the civil society through community leadership. Four workshops covering Northern, Eastern, Western and Southern regions of Uganda will be organized and held.

The Department will organize radio programmes both at the national and regional level. The radio talk shows will be hosted in radio stations with the widest listenership in the respective regions as targeted. A final advocacy report incorporating all the recommendation of the national workshops will be prepared and used to further inform the process of consideration of the Bill at Committee level in Parliament.

(b) Workshop for Judges and Magistrates on Trial Procedures

This activity is a follow up of the activity that was carried out in *Paraa*. The aim is to further inform the process to amend the Laws related to trial procedures from the perspective of practitioners. The recommendations of the workshop will be used to further enrich the proposals for the draft amendment bill(s) on trial procedures.



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