

CHAPTER 128**THE PENAL CODE ACT***Commencement:* 15 June, 1950**An Act to establish a Code of criminal law.****CHAPTER I—PRELIMINARY****1. Interpretation**

In this Code, unless the context otherwise requires—

“Code” means this Penal Code;

“court” means a court of competent jurisdiction;

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

“dangerous harm” means harm endangering life;

“dwelling house” includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for his or her residence or that of his or her family or servants or any of them, and it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied with a dwelling house is deemed to be part of the dwelling house if there is a communication between such building or structure and the dwelling house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

“felony” means an offence which is declared by law to be a felony or, if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with death or with imprisonment for three years or more;

“grievous harm” means any harm which amounts to a maim or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, membrane or sense;

“harm” means any bodily hurt, disease or disorder whether permanent or temporary;

“husband” means husband of a monogamous marriage;

“judicial proceeding” includes any proceeding had or taken in or before any court, tribunal, commission of inquiry or person, in which evidence may be taken on oath;

“knowingly”, used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

“local authority” means a local authority established under any written law;

“maim” means the destruction or permanent disabling of any external or internal organ, membrane or sense;

“Minister” means Attorney General;

“misdemeanour” means any offence which is not a felony;

“money” includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

“monogamous marriage” means a marriage which is by law necessarily monogamous and binding during the lifetime of both parties unless dissolved by a valid judgment of the court;

“night” or “nighttime” means the interval between half-past six o’clock in the evening and half-past six o’clock in the morning;

“oath” includes affirmation or declaration;

“offence” is an act, attempt or omission punishable by law;

“person” and “owner” and other like terms when used with reference to property include corporations of all kinds and any other association of persons capable of owning property, and also when so used include the Government;

“person employed in the public service” means any person holding any of the following offices or performing the duty of the office, whether as a deputy or otherwise—

- (a) any civil office the power of appointing a person to which or of removing from which is vested in any person or in any public commission or board;
- (b) any office to which a person is appointed or nominated by any written law;
- (c) any civil office, the power of appointing to which or removing from which is vested in any person or persons holding an office of any kind included in paragraph (a) or (b) of this definition; or
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court, or in pursuance of any written law,

and the term further includes—

- (e) a justice of the peace;
- (f) a member of a commission of inquiry appointed under or in pursuance of any written law;
- (g) any person employed to execute any process of a court;
- (h) all persons belonging to the armed forces of Uganda;
- (i) all persons in the employment of the Government or the administration of a district;
- (j) a person acting as a minister of religion of any denomination insofar as he or she performs functions in respect of the notification of intending marriage or in respect of the solemnisation of marriage or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect;

- (k) a person in the employment of an urban authority;

“possession”, “be in possession of” or “have in possession” includes not only having in one’s own personal possession, but also having anything in the actual possession or custody of any other person, or having anything in any place, whether belonging to or occupied by oneself or not, for the use or benefit of oneself or of any other person; if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or her or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

“property” includes everything animate or inanimate capable of being the subject of ownership;

“public” refers not only to all persons within Uganda, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which that expression is used;

“public body” has the meaning assigned to it under section 1 of the Anti-Corruption Act;

“public place” or “public premises” includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court;

“public way” includes any highway, marketplace, square, street, bridge or other way which is lawfully used by the public;

“publicly”, when applied to acts done, means either—

- (a) that they are so done in any public place as to be seen by any person whether such person is or is not in a public place; or
- (b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

“utter” means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with or act upon the thing in question;

“valuable security” includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

“vehicle” includes any kind of bicycle or tricycle;

“vessel” includes a ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters, and includes aircraft;

“wife” means wife of a monogamous marriage;

“wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purpose of this definition which can be touched without dividing or piercing any other membrane.

2. General rule of construction

This Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in this Code shall be presumed, so far as is consistent with their context, and except as may be otherwise expressly provided, to be used with the meaning attaching to them in English criminal law and shall be construed in accordance therewith.

3. Saving of certain laws

Nothing in this Code shall affect—

- (a) the liability, trial or punishment of a person for an offence against any other written law in force in Uganda other than this Code;
- (b) the liability of a person to be tried or punished for an offence under the provisions of any law in force in Uganda relating to

the jurisdiction of Uganda courts in respect of acts done beyond the ordinary jurisdiction of such courts;

- (c) the power of any court to punish a person for contempt of such court;
- (d) the liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code;
- (e) any power of the President to grant any pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or
- (f) any of the written laws for the time being in force for the armed forces of Uganda or the police force established in Uganda,

except that if a person does an act which is punishable under this Code and is also punishable under another written law of any of the kinds mentioned in this section, he or she shall not be punished for that act both under that written law and also under this Code.

CHAPTER II—TERRITORIAL APPLICATION OF CODE

4. Extent of jurisdiction of courts

- (1) The jurisdiction of the courts of Uganda, for the purposes of this Code, extends to every place within Uganda.
- (2) Notwithstanding subsection (1), the courts of Uganda shall have jurisdiction to try offences created under sections 23, 24, 25 and 26 committed outside Uganda by a Uganda citizen or person ordinarily resident in Uganda.
- (3) For the avoidance of doubt, the offences referred to in subsection (2) committed outside Uganda by a Uganda citizen or a person ordinarily resident in Uganda shall be dealt with as if they had been committed in Uganda.

5. Offences committed partly within and partly beyond jurisdiction

When an act which, if wholly done within the jurisdiction of the court, would be an offence against this Code is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or makes any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

CHAPTER III—GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

6. Ignorance of law

Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

7. Claim of right

A person is not criminally responsible in respect of an offence relating to property if the act done or omitted to be done by the person with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

8. Intention and motive

(1) Subject to the express provisions of this Code relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his or her will or for an event which occurs by accident.

(2) Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or in part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

(3) Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

9. Mistake of fact

(1) A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he or she believed to exist.

(2) The operation of this section may be excluded by the express or implied provisions of the law relating to the subject.

10. Presumption of sanity

Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

11. Insanity

A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he or she is through any disease affecting his or her mind incapable of understanding what he or she is doing or of knowing that he or she ought not to do the act or make the omission; but a person may be criminally responsible for an act or omission, although his or her mind is affected by disease, if that disease does not in fact produce upon his or her mind one or other of the effects mentioned in this section in reference to that act or omission.

12. Intoxication

(1) Except as provided in this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to any criminal charge if by reason of the intoxication the person charged, at the time of the act or omission complained of, did not know that the act or omission was wrong or did not know what he or she was doing and—

- (a) the state of intoxication was caused without his or her consent by the malicious or negligent act of another person; or
- (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under subsection (2) is established, then in a case falling under subsection (2)(a) the accused person shall be discharged; and in a case falling under subsection (2)(b), the provisions of the Magistrates Courts Act relating to insanity shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he or she would not be guilty of the offence.

(5)For the purposes of this section, “intoxication” shall be deemed to include a state produced by narcotics or drugs.

13.Judicial officers

Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him or her in the exercise of his or her judicial functions, although the act done is in excess of his or her judicial authority or although he or she is bound to do the act omitted to be done.

14.Compulsion

A person is not criminally responsible for an offence if it is committed by two or more offenders and if the act is done or omitted only because during the whole of the time in which it is being done or omitted the person is compelled to do or omit to do the act by threats on the part of the other offender or offenders instantly to kill him or her or do him or her grievous bodily harm if he or she refuses; but threats of future injury do not excuse any offence.

15.Defence of person or property and rash, reckless and negligent acts

Subject to any express provisions in this Code or any other law in force in Uganda, criminal responsibility—

- (a) for the use of force in the defence of person and property; and
 - (b) in respect of rash, reckless or negligent acts,
- shall be determined according to the principles of English law.

16.Use of force in effecting arrest

Where any person is charged with a criminal offence arising out of the arrest, or attempted arrest, by him or her of a person who forcibly resists the arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary, or the degree of force used was reasonable, for the apprehension of that person, have regard to the gravity of the offence which had been or was being committed by the person and the circumstances in which the offence had been or was being committed by the person.

17. Compulsion by husband

A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for any offence other than treason or murder, it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

18. Person not to be punished twice for same offence

A person shall not be punished twice either under this Code or under any other law for the same offence.

**CHAPTER IV—PARTIES TO AND PERSONS INCITING TO
COMMIT OFFENCES****19. Principal offenders**

(1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence and may be charged with actually committing it—

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; and
- (c) every person who aids or abets another person in committing the offence.

(2) Any person who procures another to do or omit to do any act of such a nature that if he or she had done the act or made the omission the act or omission would have constituted an offence on his or her part is guilty of an offence of the same kind and is liable to the same punishment as if he or she had done the act or made the omission; and he or she may be charged with doing the act or making the omission.

20. Joint offenders in prosecution of common purpose

When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of that purpose an offence is committed of such a nature that its commission

was a probable consequence of the prosecution of that purpose, each of them is deemed to have committed the offence.

21. Incitement to commit offence

(1) When a person incites any other person to commit an offence punishable with death, whether or not any offence is committed in consequence of the incitement, and no express provision is made by this Code or any other law for the punishment of that incitement, he or she is liable, on conviction, to imprisonment for a term of ten years.

(2) When a person incites any other person to commit an offence punishable other than by death, whether or not any offence is committed in consequence of the incitement, and no express provision is made by this Code or any other law for the punishment of the incitement, that person is liable, on conviction, to imprisonment for a term not exceeding one-fourth of the term of imprisonment provided for the offence which he or she incited the other person to commit or when the offence is punishable by a fine only by such fine as is provided for the offence or when the offence is punishable by both a fine and imprisonment by both one-fourth of the imprisonment provided for and the fine.

(3) Notwithstanding subsection (2), if the person who incites the commission of an offence under that subsection is a public servant whose duty it is to prevent the commission of that offence, he or she is liable, on conviction, to imprisonment for a term not exceeding one-half of the term of imprisonment provided for the offence which he or she incited the other person to commit or when the offence is punishable by a fine only by such fine as is provided for the offence or when the offence is punishable by both a fine and imprisonment by both one-half of the imprisonment provided for and the fine.

CHAPTER V—PUNISHMENT FOR MISDEMEANOURS

22. General punishment for misdemeanours

When in this Code no punishment is specially provided for any misdemeanour, it shall be punishable with imprisonment for a term not exceeding two years.

23. Treason and offences against State

- (1) Any person who—
- (a) levies war against the Republic of Uganda;
 - (b) unlawfully causes or attempts to cause the death of the President or, with intent to maim or disfigure or disable, unlawfully wounds or does any harm to the person of the President, or aims at the person of the President any gun, offensive weapon, pistol or any description of firearm, whether it contains any explosive or destructive substance or not;
 - (c) contrives any plot, act or matter and expresses or declares such plot, act or matter by any utterance or by any overt act in order, by force of arms, to overturn the Government as by law established; or
 - (d) aids or abets another person in the commission of any of the acts in this subsection, or becomes an accessory before or after the fact to any of the acts in this subsection or conceals any of those acts,

commits an offence and is liable, on conviction, to suffer death.

- (2) Any person who forms an intention to effect any of the following purposes—

- (a) to compel by force or constrain the Government as by law established to change its measures or counsels or to intimidate or overawe Parliament; or
- (b) to instigate any person to invade the Republic of Uganda with an armed force,

and manifests any such intention by an overt act or by any utterance or by publishing any printing or writing, commits an offence and is liable, on conviction, to suffer death.

- (3) Any person who advisedly attempts to effect any of the following purposes—

- (a) to incite any person to commit an act of mutiny or any treacherous or mutinous act; or
- (b) to incite any such person to make or endeavour to make a mutinous assembly,

commits an offence and is liable, on conviction, to suffer death.

(4)Any person who advisedly attempts to seduce, any person serving in the armed forces or, any member of the police force or prison services or any other security service, by whatever name called, from his or her duty and allegiance to the Constitution commits an offence and is liable, on conviction, to imprisonment for life.

24.Penalty for acts intended to alarm, annoy or ridicule President

Any person who, with intent to alarm, annoy or ridicule the President—

- (a) wilfully throws any matter or substance at or upon the person of the President;
 - (b) wilfully strikes the person of the President; or
 - (c) assaults or wrongfully restrains the person of the President,
- commits an offence and is liable, on conviction, to imprisonment for life.

Division I—Offences against public order

CHAPTER VI—TREASON AND OFFENCES AGAINST STATE

25.Concealment of treason

Any person who, knowing that any person intends to commit treason, does not give information thereof with all reasonable dispatch to the Minister, an administrative officer, a magistrate or an officer in charge of a police station, or use all reasonable endeavours to prevent the commission of the offence of treason commits the offence of misprision of treason and is liable, on conviction, to imprisonment for life.

26.Promoting war on chiefs, etc.

Any person who, without lawful authority, or by reason of his or her office, carries on, or makes preparation for carrying on, or aids in or advises the carrying on of, or preparation for, any war or warlike undertaking with, for, by or against any chief, body or group of persons commits an offence and is liable, on conviction, to imprisonment for life.

27.Time within which to commence prosecution

Any person shall not be tried for an offence under section 23, except an offence under subsection (1)(b) of that section, or under section 24, 25 or 26,

unless the prosecution is commenced within five years after the commission of the offence.

28. Aiding soldiers or police officers in acts of mutiny

Any person who—

- (a) aids, abets or is accessory to any act of mutiny by; or
- (b) incites to disobedience to any lawful order given by a superior officer,

any non-commissioned officer or member of the armed forces of Uganda or any police officer commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

29. Inducing soldiers or police officers to desert

Any person who, by any means, directly or indirectly—

- (a) procures or persuades or attempts to procure or persuade to desert;
- (b) aids, abets or is accessory to the desertion of; or
- (c) having reason to believe he or she is a deserter, harbours or aids in concealing,

any non-commissioned officer or member of the armed forces of Uganda or any police officer commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

30. Aiding prisoners of war to escape

(1) Any person who knowingly and advisedly aids an alien enemy of the Republic of Uganda, being a prisoner of war in Uganda, whether the prisoner is confined in a prison or elsewhere or is suffered to be at large on parole, to escape from that prison or place of confinement or, if he or she is at large on parole, to escape from Uganda, commits an offence and liable, on conviction, to imprisonment for life.

(2) Any person who negligently and unlawfully permits the escape of any person as described in subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

31. Definition of overt act

For the purposes of any offence defined in this Chapter, when the manifestation by an overt act of an intention to effect any purpose is an element of the offence, every act in furtherance of the commission of the offence defined or every act of conspiring with any person to effect that purpose and every act done in furtherance of the purpose by any of the persons conspiring shall be deemed to be an overt act manifesting the intention.

32. Interpretation of import, publication, etc.

For the purposes of sections 33, 34, 35, 37, 39, 40 and 41—

“import” includes—

- (a) to bring into Uganda; and
- (b) to bring within the inland waters of Uganda, whether or not the publication is brought ashore and whether or not there is an intention to bring the publication ashore;

“inland waters” includes all lakes, rivers, creeks and lagoons of Uganda; “periodical publication” includes every publication issued periodically

or in parts or numbers at intervals whether regular or irregular; “publication” includes all written and printed matter and any gramophone or other record, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape or in any manner capable of producing, representing or conveying words or ideas, and every copy and reproduction of any publication so defined.

33. Power to prohibit importation of publications, etc.

- (1) Whenever the Minister considers it in the public interest so to do,

he or she may, in his or her absolute discretion, prohibit, by statutory order, the importation of all publications or any of them, periodical or otherwise; and where the prohibition is in respect of any periodical publication, the same or any subsequent order may relate to all or any of the past or future issues of a periodical publication.

- (2) The Minister may, by writing under his or her hand, at any time, and from time to time, exempt any of the publications the importation of

which has been prohibited under this section, or permit any person or class of persons to import all or any of such publications.

34. Offences in relation to publications, importation of which is prohibited

(1) Any person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under section 33, or any extract from such publication, commits an offence and is liable, on conviction, for a first offence to a fine not exceeding forty-eight currency points or to imprisonment for a term of two years, or both, and for a subsequent offence to imprisonment for a term of three years; and such publication or extract from it shall be forfeited to the Government.

(2) Any person who without lawful excuse has in his or her possession any publication the importation of which has been prohibited under section 33, or any extract from such publication, commits an offence and is liable, on conviction, for a first offence to a fine not exceeding twenty-four currency points or to imprisonment for a term of one year, or both, and for a subsequent offence to imprisonment for a term of two years; and such publication or extract from it shall be forfeited to the Government.

35. Delivery of prohibited publications

(1) Any person—

- (a) to whom any publication, the importation of which has been prohibited under section 33, or any extract from such publication, is sent without his or her knowledge or privity, or in response to a request made before the prohibition of the importation of such publication came into effect; or
- (b) who has any such publication or extract from such publication in his or her possession at the time when the prohibition of its importation comes into effect,

shall forthwith, if or as soon as the nature of its contents has become known to him or her, or in the case of a publication or extract from such publication coming into the possession of such person before the order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of the publication, deliver such publication or extract from it to the nearest administrative officer or to the officer in charge of the nearest police station.

(2) Any person who contravenes any provision of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seventy-two currency points or to imprisonment for a term not exceeding three years, or both.

(3) Any publication or extract from it which is the subject matter of a conviction under subsection (2) shall be forfeited to the Government.

(4) Any person who complies with subsection (1), or who is convicted of an offence under that subsection, shall not be liable to be convicted for having imported or having in his or her possession the same publication or extract from it.

36. Publication of information prejudicial to security

(1) Any person who publishes or causes to be published in a book, newspaper, magazine, article or any other printed matter, information regarding military operations, strategies, troop location or movement, location of military supplies or equipment of the armed forces or of the enemy, which publication is likely to—

- (a) endanger the safety of any military installations, equipment or supplies or of the members of the armed forces of Uganda;
- (b) assist the enemy in its operations; or
- (c) disrupt public order and security,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

(2) For the purposes of this section, “enemy” includes a person or group of persons engaged in waging war or war-like activities against the Republic of Uganda.

(3) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

37. Power to examine packages

(1) Any police officer below the rank of inspector or any other officer authorised in that behalf by the Minister, may detain, open and examine any package or article which he or she suspects to contain any publication or extract from a publication which it is an offence under section 34 to import,

publish, sell, offer for sale, distribute, reproduce or possess and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any publication or extract from it is found in any package or article, the whole package or article may be impounded and retained by the officer; and the person importing, distributing or posting it or in whose possession it is found may immediately be arrested and proceeded against for the commission of an offence under section 34 or 35, as the case may be.

38. Promoting sectarianism

(1) Any person who prints, publishes, makes or utters any statement or does any act which is likely to—

- (a) degrade, revile or expose to hatred or contempt;
- (b) create alienation or despondency of;
- (c) raise discontent or disaffection among; or
- (d) promote, in any other way, feelings of ill will or hostility among or against,

any group or body of persons on account of religion, tribe or ethnic or regional origin commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

(2) It shall be a defence to a charge under subsection (1) if the statement was printed, published, made or uttered, or the act was done with a view to exposing, discouraging or eliminating matters which promote or have a tendency to promote sectarianism.

- (3) Sections 39, 40 and 41 shall apply to a charge under subsection (1).

39. Power of courts to confiscate printing machines and prohibit publication

(1) When any person is convicted of printing a publication referred to in section 38(1), the court may, in addition to any other penalty it may impose, order the printing machine on which the publication was printed to be confiscated for a period not exceeding one year, whether or not the person convicted is the owner of the machine.

(2) When any proprietor, publisher, printer or editor of a newspaper, as defined in the Press and Journalist Act, is convicted of printing or publishing a publication referred to in section 38(1) in a newspaper, the court may, in addition to any other punishment it may impose and in addition to ordering the confiscation of the printing machine, make an order prohibiting any further publication of the newspaper for a period not exceeding one year.

(3) A court may, at any time, on the application of the Director of Public Prosecutions, revoke any order made by it confiscating a printing machine or prohibiting further publication of a newspaper.

(4) A court before ordering the confiscation of a printing machine under subsection (1) shall satisfy itself by evidence on oath as to the machine on which the publication referred to in section 38(1) was printed.

(5) For the purposes of this section, “printing machine” includes all the machines and type used in producing or reproducing the publication referred to in section 38(1).

(6) In any case where the printing machine has been ordered to be confiscated under this section, the Inspector General of Police may in his or her discretion cause—

(a) the machine or any part of it to be removed; or
(b) any part of the machine to be sealed so as to prevent its use, but the owner of the machine or his or her agents shall be entitled to reasonable access to the machine to maintain it in proper working order.

(7) The Inspector General of Police shall not be liable for any damage caused to the machine under subsection (6) either by neglect or otherwise except where he or she or his or her agents have wilfully damaged the machine.

(8) Any person who uses or attempts to use a printing machine confiscated under subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years.

(9) Any person who prints or publishes a newspaper in contravention of an order made under subsection (2) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years.

40. Legal proceedings

(1) No prosecution for an offence under section 38 shall be commenced except within six months after the offence is committed; except that where a person—

(a) commits the offence from outside Uganda; or

(b) leaves Uganda within six months of committing the offence, then the prosecution for the offence may be commenced within six months from the date when the person first arrives in or returns to Uganda after committing the offence or leaving Uganda, as the case may be.

(2) No person shall be prosecuted for an offence under section 38 without the written consent of the Director of Public Prosecutions.

41. Evidence

No person shall be convicted of an offence under section 38 on the uncorroborated testimony of one witness.

42. Unlawful oaths

Any person who—

(a) administers or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with death; or

(b) takes any such oath or engagement, not being compelled to do so, commits a felony and is liable, on conviction, to imprisonment for life.

43. Other unlawful oaths

Any person who—

(a) administers or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways—

(i) to engage in any mutinous enterprise;

(ii) to commit any offence not punishable with death;

(iii) to disturb the public peace;

(iv) to be of any association, society or confederacy, formed for the purpose of doing any such act as aforesaid;

- (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
 - (vi) not to inform or give evidence against any associate, confederate or other person;
 - (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or herself or any other person, or the import of any such oath or
- (b) takes any such engagement; or oath or engagement, not being compelled to do so,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

44. Limitations on compulsion as defence to unlawful oath or engagement

A person who takes any oath or engagement mentioned in section 42 or 43 cannot set up as a defence that he or she was compelled to do so, unless within fourteen days after taking it, or, if he or she is prevented by actual force or sickness, within fourteen days after the termination of the prevention, he or she declares by information on oath before a magistrate, or, if he or she is on actual service in the armed forces of Uganda, or in a police force, either by such information or by information to his or her commanding officer, the whole of what he or she knows concerning the matter, including the person or persons by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

45. Unlawful drilling

- (1) Any person who—
 - (a) without the permission of the Minister trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions;
 - (b) is present at any meeting or assembly of persons, held without the permission of the Minister, for the purpose of training or drilling any other persons to the use of arms or the practice of military exercises, movements or evolutions,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

(2) Any person who, at any meeting or assembly held without the permission of the Minister, is trained or drilled to the use of arms or the practice of military exercises, movements or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

46. Wrongfully inducing boycott

(1) Whenever the Minister is satisfied that any boycott is being conducted or is threatened or is likely to be conducted in Uganda with the intention or effect of—

- (a) bringing into hatred or contempt, exciting disaffection against or undermining the lawful authority of the Government or the administration of a district; or of persuading any such body to alter any written law, to appoint any commission or committee or to take any action which it is not by law required to take;
 - (b) bringing the economic life of Uganda into jeopardy; or
 - (c) raising discontent or disaffection among the inhabitants, or engendering feelings of ill will or hostility between different classes or different races of the population of Uganda,
- and he or she is satisfied that the boycott is resulting, or will be likely to result, in acts leading to violence or intimidation or the destruction of or damage to property, the Minister may, by statutory order, designate that boycott for the purposes of this section and may, by the same or any subsequent order, specify in relation to a designated boycott any action which he or she is satisfied is likely to further that boycott, including, but without prejudice to the generality of that power, any action falling within any of the following classes of abstaining from buying goods from or selling goods to any person or class of person;
- (d) abstaining from buying or selling any goods or class of goods;
 - (e) abstaining from entering or approaching or dealing at any premises at which any person or class of person carries on trade or business;
 - (f) abstaining from dealing with any person or class of person in the course of his or her trade or business;
 - (g) abstaining from using or providing any service or class of service;
 - (h) abstaining from working for or employing any person or class of person; or

(j) abstaining from doing any other act which may lawfully be done.

(2) Any person who with intent to further any designated boycott—

(a) by word of mouth publicly; or

(b) by making a publication as defined in subsection (7),

advises, induces or persuades or attempts to persuade any person or class of person to take any action which has been specified in relation to that boycott commits an offence and is liable, on conviction, to imprisonment for a term not exceeding six months.

(3) For the purposes of this section, in determining whether any words were spoken or any publication was made with intent to further a designated boycott, every person shall, unless the contrary is proved, be deemed to intend the consequences which would naturally follow from his or her conduct at the time and in the circumstances in which he or she so conducted himself or herself.

(4) Nothing in this section shall be construed so as to make unlawful any action lawfully taken by a party to a labour dispute as defined in the Labour Unions Act in contemplation or in furtherance of that dispute.

(5) Where any person is charged before any court with an offence under this section, no further proceedings in respect of the offence shall be taken against him or her without the consent of the Director of Public Prosecutions, except such as the court may think necessary by remand, whether in custody or on bail, or otherwise to secure the due appearance of the person so charged, however, that if that person is remanded in custody, he or she shall, after the expiration of a period of fourteen days from the date on which he or she was remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Director of Public Prosecutions has consented to such further proceedings.

(6) Any order made under this section may at any time be amended, varied, suspended or revoked by a further order so made.

(7) For the purpose of this section, “publication” has the meaning given to it by section 32, and a person shall be deemed to make a publication if he or she prints, publishes, sells, offers for sale, distributes or reproduces it.

47. Incitement to violence

(1) Any person who, without lawful excuse, prints, publishes or to any assembly makes any statement indicating or implying that it would be incumbent or desirable—

- (a) to do any acts calculated to bring death or physical injury to any person or to any class or community of persons; or
- (b) to do any acts calculated to lead to destruction or damage to any property,

commits an offence and is liable, on conviction, to imprisonment for a term of three years.

(2) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

(3) For the purpose of this section, “assembly” means a gathering of three or more persons.

48. Incitement to refuse or delay payment of tax

(1) Any person who—

- (a) by word of mouth or by making a publication as defined in section 46(7) incites any other person or any class or body of persons—
 - (i) to refuse or to threaten to refuse to pay any lawful tax, however described; or
 - (ii) to delay, prevent or obstruct, or to threaten to delay, prevent or obstruct, the assessment or collection of any lawful tax, however described; or
- (b) conspires with another to do any act mentioned in paragraph (a) (i) or (ii) of this subsection,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years.

(2) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

CHAPTER VII—OFFENCES AFFECTING RELATIONS WITH
FOREIGN STATES AND EXTERNAL TRANQUILLITY

49. Defamation of foreign princes

Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between Uganda and the country to which the prince, potentate, ambassador or dignitary belongs, commits a misdemeanour.

50. Foreign enlistment

A person commits a misdemeanour who does any of the following acts without the licence of the President—

- (a) who prepares or fits out any naval or military expedition to proceed against the dominions of any friendly State, or is engaged in the preparation or fitting-out, or assists in it, or is employed in any capacity in the expedition;
- (b) who, being a citizen of Uganda, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign State at war with any friendly State, or whether a citizen of Uganda or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any foreign State;
- (c) who, being a citizen of Uganda, quits or goes on board any vessel with a view of quitting Uganda, with intent to accept any commission or engagement in the military or naval service of any foreign State at war with a friendly State, or, whether a citizen of Uganda or not, induces any other person to quit or to go on board any vessel with a view of quitting Uganda with the like intent;
- (d) who, being the master or owner of any vessel, knowingly either takes on board, or engages to take on board or has on board the vessel any illegally enlisted person; or
- (e) who, with intent or knowledge, or having reasonable cause to believe that the same will be employed in the military or naval service of any foreign State at war with any friendly State builds, agrees to build, causes to be built, equips, dispatches, or causes

or allows to be dispatched, any vessel, or issues or delivers any commission for any vessel; except that a person building, causing to be built, or equipping a vessel in any of the cases specified in this section, in pursuance of a contract made before the commencement of the war, is not liable to any of the penalties specified in this section in respect of building or equipping if—

- (i) upon a proclamation of neutrality being issued by the President, he or she forthwith gives notice to the Minister that he or she is so building, causing to be built, or equipping the vessel, and furnishes the particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the
- (ii) ~~Minister~~ grants the security, and takes and permits to be taken other measures, if any, as the Minister may prescribe for ensuring that the vessel shall not be dispatched, delivered or removed without the licence of the President until the termination of the war.

51. Piracy

Any person who is guilty of piracy or any crime connected with or relating or akin to piracy is liable to be tried and punished according to the law of England for the time being in force.

CHAPTER VIII—UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES AGAINST PUBLIC TRANQUILLITY

52. Unlawful society

- (1) A society means any combination of two or more persons whether the society is known by any name or not.
- (2) A society is an unlawful society—
 - (a) if formed for any of the following purposes or if it encourages or supports any such purpose—
 - (i) levying war or encouraging or assisting any person to levy war on the Government or the inhabitants of any part of Uganda;
 - (ii) killing or injuring or inciting to the killing or injuring of any person;

- (iii) destroying or injuring or inciting to the destruction or injuring of any property;
 - (iv) subverting or promoting the subversion of the Government or of its officials;
 - (v) committing or inciting to acts of violence or intimidation;
 - (vi) interfering with or resisting or inciting to interference with or resistance to the administration of the law; or
 - (vii) disturbing or inciting to the disturbance of peace and order in any part of Uganda; or
- (b) if prior to the 1st day of October, 1959, it was declared by an order of the Governor in Council to be a society dangerous to the good government of Uganda; or
 - (c) if declared by a statutory order of the Minister to be a society dangerous to peace and order in Uganda.

(3) Where a society is an unlawful society by virtue of a declaration by an order of the Minister made under subsection (2)(c) and another society is formed after such declaration—

- (a) having, subject to section 57(5), any of the same office bearers as the unlawful society;
- (b) having a name similar to that of the unlawful society; or
- (c) having substantially the same membership as the unlawful society,

such society shall be deemed to be an unlawful society.

53. Managing unlawful society

Any person who manages or assists in the management of an unlawful society commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

54. Offences in relation to unlawful society

Any person who—

- (a) is or holds himself or herself out as being a member of an unlawful society;
- (b) knowingly allows a meeting of an unlawful society or of any members of an unlawful society to be held in any house, building or enclosed or unenclosed place belonging to or occupied by him or her or over which he or she has control; or

- (c) utters any speech or prints, publishes, sells, offers or exposes for sale or distributes any publication as defined by section 32, which, in the opinion of the court is likely or calculated to encourage the support of an unlawful society, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding three years.

55. Restrictions on office bearers

(1) Subject to section 57(5), no person who at the time of the declaration of a society to be a society dangerous to peace and order in Uganda under section 52(2)(c) was an office bearer of that society shall be, remain or become an office bearer in or shall otherwise manage or assist in the management of any other society, other than a society solely concerned with trade or commerce.

(2) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years.

56. Definition of office bearer

For the purpose of this Chapter, “office bearer”, in relation to a society, means any person who—

- (a) is the patron, president, vice president, chairperson, deputy chairperson, secretary or treasurer of the society;
- (b) is a member of the committee or governing or executive body of the society; or
- (c) holds in that society any office or position analogous to any office or position specified in this section.

57. Miscellaneous provisions relating to unlawful societies

(1) A prosecution for an offence under section 53, 54 or 55 shall not be instituted except with the consent of the Director of Public Prosecutions; except that a person charged with such an offence may be arrested, or a warrant for his or her arrest may be issued and executed, and the person may be remanded in custody or on bail, notwithstanding that the consent of the Director of Public Prosecutions to the institution of a prosecution for the offence has not been obtained; but no further or other proceedings shall be taken until that consent has been obtained.

(2) Notwithstanding any rule of law or practice to the contrary, in any prosecution for an offence mentioned in subsection (1), for the purpose of establishing the existence of a society, evidence may be adduced and shall be admitted which—

- (a) shows that any person is reputed to be a member of the society;
- (b) shows that any announcement has been made, whether by the person charged or by any other person, by any means, that the society has been formed or is in existence; or
- (c) shows that by repute the society is in existence.

(3) Any person who attends a meeting of an unlawful society shall be presumed, unless the contrary is proved, to be a member of the society.

(4) Any person who has in his or her possession or custody or under his or her control any of the insignia, banners, arms, books, papers, documents or other property belonging to an unlawful society, or wears any of the insignia, or is marked with any mark of the society, shall be presumed, unless the contrary is proved, to be a member of the society.

(5) Any office bearer of an unlawful society shall be permitted to become an office bearer of another society or may manage or assist in the management of another society, two years after the date on which the unlawful society became unlawful or, at any time, if the Minister gives him or her permission.

58. Powers in relation to unlawful societies

(1) Any peace officer, and any police officer authorised in writing by a peace officer, may enter with or without assistance any house or building or into any place in which he or she has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, and arrest or cause to be arrested all persons found in the house, building or place and search the house, building or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he or she may have reasonable cause to believe to belong to any unlawful society or to be in any way connected with the purpose of the meeting.

(2) For the purposes of this section, “peace officer” means any magistrate or any police officer not below the rank of assistant superintendent of police.

59. Disposition of property of unlawful societies

(1) When a society is declared to be an unlawful society by an order of the Minister, the following consequences shall ensue—

- (a) the property of the society within Uganda shall forthwith vest in an officer appointed by the Minister;
- (b) the officer appointed by the Minister shall proceed to wind up the affairs of the society, and after satisfying and providing for all debts and liabilities of the society and the cost of the winding up, if there shall then be any surplus assets shall prepare and submit to the Minister a scheme for the application of the surplus assets;
- (c) the scheme, when submitted for approval, may be amended by the Minister in a way as he or she shall think proper in the circumstances of the case;
- (d) the approval of the Minister to a scheme shall be denoted by the endorsement of a memorandum of approval signed by him or her, and upon this being done, the surplus assets, the subject of the scheme, shall be held by the officer appointed by the Minister under paragraph (b) upon the terms and to the purposes prescribed in the memorandum;
- (e) for the purpose of the winding up, the officer appointed by the Minister shall have all the powers vested in the official receiver for the purpose of the discovering of the property of a debtor and its realisation.

(2) The Minister may, for the purposes of enabling a society to wind up its own affairs, suspend the operation of this section for such period as to the Minister shall seem expedient.

(3) Subsection (1) shall not apply to any property seized at any time under section 58.

60. Forfeiture of insignia, etc.

Subject to section 59, the insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited to the Government, and shall be dealt with in such manner as the Minister may direct.

61. Definition of unlawful assembly and riot

(1) When three or more persons assemble with intent to commit an offence, or being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace or will by assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

(2) It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in the manner described in subsection (1).

(3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

62. Punishment for unlawful assembly

Any person who takes part in an unlawful assembly commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

63. Punishment for riot

Any person who takes part in a riot commits a misdemeanour.

64. Proclamation for rioters to disperse

Any magistrate or, in his or her absence, any police officer of or above the rank of inspector, or any commissioned officer in the armed forces of Uganda, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his or her view, may make or cause to be made a proclamation in the President's name, in a form he or she thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

65. Dispersal of rioters

If upon the expiration of a reasonable time after the proclamation is made, or after the making of the proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorised to make the proclamation, or any police officer or any other person acting in aid of that person or police officer, may do all things necessary for dispersing the persons so continuing assembled or for apprehending them or any of them, and if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

66. Rioting after proclamation

If a proclamation is made commanding the persons engaged in a riot or assembled with the purpose of committing a riot to disperse, every person who, at or after the expiration of a reasonable time from the making of the proclamation, takes or continues to take part in the riot or assembly, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

67. Preventing or obstructing making of proclamation

Any person who forcibly prevents or obstructs any person making a proclamation under section 64 commits a felony and is liable, on conviction, to imprisonment for a term of ten years; and if the making of the proclamation is so prevented, every person who knowing that it has been so prevented takes or continues to take part in the riot or assembly is liable, on conviction, to imprisonment for a term of five years.

68. Rioters demolishing buildings, etc.

Any persons who, being riotously assembled together, unlawfully pull down or destroy or begin to pull down or destroy any building, railway, machinery, structure or property commit a felony and each of them is liable, on conviction, to imprisonment for life.

69. Rioters injuring buildings, machinery, etc.

Any persons who, being riotously assembled together, unlawfully damage any of the things mentioned in section 68 commit a felony, and each of them is liable, on conviction, to imprisonment for a term of seven years.

70. Riotously preventing or hindering loading, etc., of railway wagons, etc.

All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading of any railway wagon or coach or vehicle or vessel, or the starting or transit of any railway wagon or coach or vehicle or the sailing or navigating of any vessel, or unlawfully and with force board any railway wagon or coach or vehicle or vessel with intent so to do.

71. Going armed in certain places

Any person who carries a dangerous or offensive weapon—

- (a) at any public gathering; or
- (b) in any place where intoxicating liquor is normally or is being consumed,

commits an offence and on first conviction is liable, on conviction, to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both; and on any subsequent conviction, the offender is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding five years, or both.

72. Going armed in public

Any person who carries an offensive weapon in public without lawful occasion in such a manner as to be liable to cause terror to any person commits an offence and is liable, on conviction, to imprisonment for a term of five years.

73. Forceable entry

Any person who, in order to take possession of land or tenement, enters on the land or tenement in a violent manner, whether the violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, commits the misdemeanour

termed forcible entry; it is immaterial whether he or she is entitled to enter on the land or not; except that a person who enters upon his or her own land or tenement, but which are in the custody of his or her servant or bailiff, does not commit the offence of forcible entry.

74. Forcible detainer

Any person who, being in actual possession of land without right, holds possession of it in a manner likely to cause a breach of the peace, or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land commits the misdemeanour termed forcible detainer.

75. Affray

Any person who takes part in a fight in a public place commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

76. Challenge to fight duel

Any person who challenges another to fight a duel, attempts to provoke another to fight a duel or attempts to provoke any person to challenge another to fight a duel, commits a misdemeanour.

77. Threatening violence

Any person who—

- (a) with intent to intimidate or annoy any person, threatens to injure, assault, shoot or kill any person, or to burn, break or injure any property; or
- (b) with intent to alarm any person, discharges a firearm or commits any other breach of the peace,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding four years.

78. Watching and besetting

- (l) Any person who watches or besets—
 - (a) any premises or the approaches to the premises with a view to preventing any other person from doing any act which the other person has a legal right to do at the premises; or

(b) the house or other place where any other person resides or works or carries on business, or happens to be, or the approaches to that house or place with a view to preventing the other person from doing or compelling him or her to do any act which the other person has a legal right to do or abstain from doing, commits an offence and is liable, on conviction, to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both; except that this section shall not apply to any watching or besetting which is lawful under the provisions of any law relating to labour unions or labour disputes.

(2) A person shall not be prosecuted for an offence under this section without the written consent of the Director of Public Prosecutions.

79. Incitement to violence

(1) Any person who incites any other person to do an act of violence against any person by reason of his or her race, place of origin, political opinions, colour, creed or sex or office commits an offence and is liable, on conviction, to imprisonment for a term not exceeding fourteen years.

(2) For the purposes of subsection (1), “office” means the office of a Minister of the Government, a member of Parliament or a councillor, a public office, employment in the service of the administration of a district or the council or board of a municipality or town, any religious office and employment as a director, officer or other official in or by any body corporate established by or under the auspices of or controlled by the Government.

80. Assembling for purpose of smuggling

Any persons who assemble together to the number of two or more for the purpose of unshipping, carrying or concealing any goods subject to customs duty and liable to forfeiture under any law relating to the customs commits a felony, and each of them is liable, on conviction, to imprisonment for a term of five years.

Division II—Offences against administration of lawful authority

CHAPTER IX—OFFENCES RELATING TO ADMINISTRATION OF JUSTICE

81. Perjury and subornation of perjury

(1) Any person who in any judicial proceeding or for the purpose of instituting any judicial proceeding knowingly gives false testimony touching any matter which is material to any question then pending in that proceeding or intended to be raised in that proceeding commits the misdemeanour termed perjury.

(2) For the purposes of this section—

(a) it is immaterial whether—

- (i) the testimony is given on oath or under any other sanction authorised by law;
- (ii) the false testimony is given orally or in writing;
- (iii) the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given; or
- (iv) the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not; and

(3) the forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he or she assents to the forms and ceremonies actually used.

(3) Any person who aids, abets, counsels, procures or suborns another person to commit perjury is guilty of the misdemeanour termed subornation of perjury.

82. Contradictory statements

(1) Where a witness in any judicial proceedings, other than a person accused of an offence to which the proceedings relate, makes a statement on oath or affirmation of some fact relevant in the proceedings contradicting in a material particular a previous statement made by the witness on oath or affirmation before a court during the same or any other judicial proceedings,

the witness, if the court is satisfied that either of the statements made was made with intent to deceive, commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or to imprisonment for a term not exceeding one year, or both.

(2) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of his or her statement mentioned in subsection (1).

(3) No prosecution under this section shall be commenced unless with the consent in writing of the Director of Public Prosecutions.

(4) In this section, “statement” includes a statement of evidence given during a criminal proceeding and certified by a magistrate.

83. False statements by interpreters

Any person who, lawfully sworn as an interpreter in a judicial proceeding, wilfully makes a statement material in the proceeding which he or she knows to be false, or does not believe to be true, commits perjury.

84. Punishment of perjury

Any person who commits perjury or suborns perjury is liable, on conviction, to imprisonment for a term of seven years.

85. Evidence on charge of perjury

A person shall not be convicted of committing perjury or of subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

86. Fabricating evidence

Any person who, with intent to mislead any tribunal in any judicial proceeding—

- (a) fabricates evidence by any means other than perjury or subornation of perjury; or
- (b) knowingly makes use of such fabricated evidence,

commits a misdemeanour and is liable, on conviction, to imprisonment for a term of seven years.

87. False swearing

Any person who swears falsely or makes a false affirmation or declaration before any person authorised to administer an oath or take a declaration upon a matter of public concern under such circumstances that the false swearing or declaration, if committed in a judicial proceeding, would have amounted to perjury commits a misdemeanour.

88. Deceiving witnesses

Any person who practises any fraud or deceit or knowingly makes or exhibits any false statement, representation, token or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of that person as a witness, commits a misdemeanour.

89. Destroying evidence

Any person who, knowing that any book, document or thing of any kind is or may be required in evidence in a judicial proceeding, removes or destroys it or renders it illegible or undecipherable or incapable of identification, with the intent to prevent it from being used in evidence, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

90. Conspiracy to defeat justice and interference with witnesses

Any person who—

- (a) conspires with any other person to accuse any person falsely of any crime or to do anything to obstruct, prevent, pervert or defeat the course of justice;
- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from appearing and giving evidence, or endeavours to do so; or
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

91. Compounding felonies

Any person who asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or herself or for any other person, upon any agreement or understanding that that person will compound or conceal a felony, or will abstain from, discontinue or delay a prosecution for a felony, or will withhold any evidence of the felony, commits a misdemeanour.

92. Compounding penal actions

Any person who, having brought or under pretence of bringing, an action against another person upon a penal written law in order to obtain from him or her a penalty for any offence committed or alleged to have been committed by that person, compounds the action without the order or consent of the court in which the action is brought, or is to be brought, commits a misdemeanour.

93. Advertisements for stolen property

Any person who—

- (a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing the property will not be seized or molested;
- (b) publicly offers to return to any person who may have bought or advanced money by way of loan upon any stolen or lost property the money paid or advanced, or any other sum of money or reward for the return of the property; or
- (c) prints or publishes any offer for a reward or the return of any property or the return of any money,

commits a misdemeanour.

94. Offences relating to judicial proceedings

- (1) Any person who—

- (a) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the premises, shows disrespect in speech or manner to or with reference to the proceeding, or any person before whom the proceeding is being had or taken;

- (b) having been called upon to give evidence in a judicial proceeding, fails to attend or having attended, refuses to be sworn or to make an affirmation or having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains in the room in which the proceeding is being had or taken, after the witnesses have been ordered to leave the room;
 - (c) causes an obstruction or disturbance in the course of a judicial proceeding;
 - (d) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting the proceeding or capable of prejudicing any person in favour of or against any parties to the proceeding, or calculated to lower the authority of any person before whom the proceeding is being had or taken;
 - (e) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;
 - (f) attempts wrongfully to interfere with or influence a witness in a judicial proceeding, either before or after he or she has given evidence, in connection with the evidence;
 - (g) dismisses a servant because he or she has given evidence on behalf of a certain party to a judicial proceeding;
 - (h) wrongfully retakes possession of land from any person who has recently obtained possession by a writ of court; or
 - (i) commits any other act of intentional disrespect to any judicial proceeding or to any person before whom the proceeding is being had or taken,
- commits a misdemeanour.

(2) When any offence against subsection (1)(a), (b), (c), (d) or (i) is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the same day may take cognisance of the offence and sentence the offender to a fine not exceeding two currency points or in default of payment to imprisonment for a term not exceeding one month.

(3) The provisions of this section shall be deemed to be in addition to and not in derogation of the power of the High Court to punish for contempt of court.

**CHAPTER X—RESCUES, ESCAPES AND OBSTRUCTING
OFFICERS OF COURT OF LAW**

95. Rescue

(1) Any person who by force rescues or attempts to rescue from lawful custody any other person—

- (a) who is under sentence of death or imprisonment for life, or who is charged with an offence punishable with death or imprisonment for life, commits a felony and is liable, on conviction, to imprisonment for life;
- (b) who is imprisoned on a charge or under sentence for any offence other than an offence specified in paragraph (a) commits a felony and is liable, on conviction, to imprisonment for a term of seven years; and
- (c) in any other case, commits a misdemeanour.

(2) If the person rescued is in the custody of a private person, the offender shall have notice of the fact that the person rescued is in such custody.

96. Escape

Any person who, being in lawful custody, escapes from custody, commits a misdemeanour.

97. Aiding prisoners to escape

Any person who—

- (a) aids a prisoner in escaping or attempting to escape from lawful custody; or
 - (b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,
- commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

98. Removal, etc. of property under lawful seizure

Any person who, when any property has been attached or taken under the process of authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals or

disposes of the property, commits a felony and is liable, on conviction, to imprisonment for a term of three years.

99. Obstructing court officers

Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any court commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

CHAPTER XI—MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY

100. Frauds and breaches of trust by person employed in public service

Any person employed in the public service who, in the discharge of the duties of his or her office, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, commits a misdemeanour.

101. Neglect of duty

(1) Any person who, being employed in a public body or a company in which the Government has shares, neglects to perform any duty which he or she is required to perform by virtue of that employment, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

(2) It shall be a defence to a charge under subsection (1) that the discharge of the duty in question was impeded by reasonable cause.

102. False information

Whoever gives to any person employed in the public service any information which he or she knows or believes to be false, intending to cause, or knowing it to be likely that that person will cause any person employed in the public service—

(a) to do or omit to do anything which the person employed in the public service ought not to do or omits to do if the true state of facts with respect to the information that was given, were known to him or her;

- (b) to use the lawful power of the person employed in the public service to the injury or annoyance of any person; or
- (c) to devote his or her time and services to the investigation of the information,
commits a misdemeanour.

103. Disobedience of statutory duty

Any person who wilfully disobeys any written law by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, commits a misdemeanour and is liable, on conviction, unless it appears from that written law that it was the intention of the legislature to provide some other penalty for the disobedience, to imprisonment for a term of two years.

104. Disobedience of lawful orders

Any person who disobeys any order, warrant or command duly made, issued or given by any court, officer or person acting in any public capacity and duly authorised in that behalf commits a misdemeanour and is liable, unless any other penalty or mode of proceeding is expressly prescribed in respect of the disobedience, to imprisonment for a term of two years.

Division III—Offences injurious to public in general

CHAPTER XII—OFFENCES RELATING TO RELIGION

105. Insult to religion

Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons, with the intention of insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider the destruction, damage or defilement as an insult to its religion, commits a misdemeanour.

106. Disturbing religious assemblies

Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony commits a misdemeanour.

107. Trespassing on burial places

Every person who with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted, commits any trespass in any place of worship or in any place of sepulture or in any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, commits a misdemeanour.

108. Hindering burial of dead body, etc.

Whoever unlawfully hinders the burial of the dead body of any person, or without lawful authority in that behalf or otherwise than in accordance with rules made by the Minister disinters, dissects or harms the dead body of any person or, being under a duty to cause the dead body of any person to be buried, fails to perform that duty, commits a misdemeanour.

109. Writing or uttering words with intent to wound religious feelings

Any person who, with the deliberate intention of wounding the religious feelings of any other person, writes any word, or any person who, with the like intention, utters any word or makes any sound in the hearing of any other person or makes any gesture or places any object in the sight of any other person, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

CHAPTER XIII—OFFENCES AGAINST MORALITY**110. Definition of rape**

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, commits the felony termed rape.

111. Punishment for rape

A person convicted of rape is liable to suffer death.

112. Attempt to commit rape

Any person who attempts to commit rape commits a felony and is liable, on conviction, to imprisonment for life.

113. Abduction

Any person, whether male or female, who—

- (a) with intent to marry or be married to or to have sexual intercourse with another person or to cause that person to marry, be married or have sexual intercourse, takes that other person away or detains him or her against his or her will; or
- (b) unlawfully takes another person under the age of eighteen years out of the custody of any of the parents or of any other person having lawful care or charge over that person,

commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

114. Elopement

(1) Any person who elopes with a married woman or entices or causes a married woman to elope with him commits an offence and is liable, on conviction, to a fine not exceeding twenty-four currency points or to imprisonment for a term not exceeding one year; and, in addition, the court shall order that person on first conviction to pay the aggrieved party compensation of three hundred currency points, and on a subsequent conviction compensation not exceeding six hundred currency points.

(2) Any female who elopes with a married man or entices or causes a married man to elope commits an offence and is liable on first conviction to imprisonment for a term not exceeding one year or to a fine not exceeding twenty-four currency points; and, in addition, the court shall order that person on first conviction to pay the aggrieved party compensation of three hundred currency points, and on a subsequent conviction compensation not exceeding six hundred currency points.

(3) Any person who agrees to elope with another person commits an offence and is liable on first conviction to a caution by the court and on a subsequent conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twelve currency points.

115. Indecent assaults, etc.

(I) Any person who unlawfully and indecently assaults any woman or girl commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

(2) It shall be no defence to a charge for an indecent assault on a girl under the age of eighteen years to prove that she consented to the act of indecency.

(3) Any person who, intending to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that that word or sound shall be heard, or that the gesture or object shall be seen by that woman or girl, or intrudes upon the privacy of that woman or girl, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

116. Defilement of persons under eighteen years of age

(1) Any person who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is liable, on conviction, to life imprisonment.

(2) Any person who attempts to perform a sexual act with another person who is below the age of eighteen years commits an offence and is liable, on conviction, to imprisonment for a term not exceeding eighteen years.

(3) Any person who performs a sexual act with another person who is below the age of eighteen years in any of the circumstances specified in subsection (4) commits a felony called aggravated defilement and is liable, on conviction by the High Court, to imprisonment for life.

(4) The circumstances referred to in subsection (3) are as follows—

- (a) where the person against whom the offence is committed is below the age of fourteen years;
- (b) where the offender is infected with Human Immunodeficiency Virus (HIV);
- (c) where the offender is a parent or guardian of or a person in authority over, the person against whom the offence is committed;
- (d) where the victim of the offence is a person with a disability; or
- (e) where the offender is a serial offender.

(5) Any person who attempts to perform a sexual act with another person below the age of eighteen years in any of the circumstances specified in subsection (4), commits an offence and is liable, on conviction, to imprisonment for life.

(6) Where a person is charged with the offence under this section, that person shall undergo a medical examination as to his or her Human Immunodeficiency Virus (HIV) status.

(7) In this section—

“disability” means a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation;

“serial offender” means a person who has a previous conviction for the offence of defilement or aggravated defilement;

“sexual act” means—

- (a) penetration of the vagina, mouth or anus, however slight, of any person by a sexual organ;

- (b) the unlawful use of any object or organ by a person on a sexual organ of another person;

“sexual organ” means a vagina or penis.

117. Child to child sex

(1) Where the offender in the case of any offence under section 116 is a child under the age of twelve years, the matter shall be dealt with as required by Part VI of the Children Act.

(2) Where an offence under section 116 is committed by a male child and a female child upon each other when each is not below the age of twelve

years, each of the offenders shall be dealt with as required by Part XII of the Children Act.

118. Payment of compensation to victims of defilement

- (1) Where a person is convicted of defilement or aggravated defilement

under section 116, the court may, in addition to any sentence imposed on the offender, order that the victim of the offence be paid compensation by the offender for any physical, sexual and psychological harm caused to the victim by the offence.

(2) The amount of compensation shall be determined by the court and the court shall take into account the extent of harm suffered by the victim of the offence, the degree of force used by the offender and the medical and other expenses incurred by the victim as a result of the offence.

119. Defilement of idiots or imbeciles¹

Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

120. Procuration

- (1) Any person who—
 - (a) procures or attempts to procure any girl or woman under the age of eighteen years to have unlawful carnal connection, either in Uganda or elsewhere, with any other person or persons;
 - (b) procures or attempts to procure any woman or girl to become, either in Uganda or elsewhere, a common prostitute;
 - (c) procures or attempts to procure any woman or girl to leave Uganda, with intent that she may become an inmate of or frequent a brothel elsewhere; or
 - (d) procures or attempts to procure any woman or girl to leave her usual place of abode in Uganda, such place not being a brothel,

with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either in Uganda or elsewhere, commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

(2) No person shall be convicted of any offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

121. Procuring defilement of women by threats, etc.

- (1) Any person who—
 - (a) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere;
 - (b) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere; or
 - (c) applies, administers to or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower her so as to enable any person to have unlawful carnal connection with that woman or girl,

commits a misdemeanour.

(2) No person shall be convicted of an offence under this section upon the evidence of one witness only, unless that witness is corroborated in some material particular by evidence implicating the accused.

122. Householder, etc. permitting defilement of girl under age of eighteen

Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control of the premises induces or knowingly suffers any girl under the age of eighteen years to resort to or be upon the premises for the purpose of being unlawfully and carnally known by any man, whether the carnal knowledge is intended to be with any particular man or generally, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

123. Detention with sexual intent

(1) Any person who unlawfully detains another person for the purpose of sexual intercourse commits an offence.

(2) Where a person is in any place or in a brothel for the purpose of having unlawful sexual intercourse, a person shall be deemed to have unlawfully detained that person if, with intent to induce him or her to remain in that place or brothel, that person withholds from the person detained any wearing apparel or other property belonging to the person detained or where wearing apparel has been lent or supplied by that person, that person in any manner threatens that other person if he or she takes away the wearing apparel.

(3) No legal proceedings, whether civil or criminal, shall be taken against any person unlawfully detained under this section for taking away or being found in possession of any wearing apparel as was necessary to enable that person to leave the place or brothel where the detention occurred.

(4) Any person convicted of an offence under subsection (1) or (2) is liable, on conviction, to imprisonment for a term of seven years.

(5) Where a person is detained in custody, any person having authority to detain or keep that person in custody and any inmate or other person who procures, participates in, compels, facilitates or has unlawful sexual intercourse with the person detained, commits an offence and is liable, on conviction, to suffer death.

124. Power of search

(1) If it appears to a magistrate, on information made before him or on oath by ~~any~~ person who, in the opinion of the magistrate, is acting *bona fide* in the interests of any other person, that there is reasonable cause to suspect that that person is unlawfully detained for immoral purposes in any place within the jurisdiction of that magistrate, the magistrate may issue a warrant authorising the person named in it to search for, and, when found, to keep in a place of safety the person unlawfully detained until he or she can be brought before a magistrate; and the magistrate before whom a person unlawfully detained is brought may cause that person to be delivered to his or her parents or guardian or to be dealt with as the circumstances may permit and require.

(2) A magistrate issuing a warrant under subsection (1) may, by that warrant or any other warrant, cause any person accused of unlawfully detaining a person to be apprehended and brought before a magistrate and proceedings to be taken for punishing that person according to law.

(3) A person shall be deemed to be unlawfully detained for immoral purposes if he or she is detained for the purpose of sexual intercourse or other sexual gratification with any particular person or generally.

(4) A person authorised by warrant under this section to search for a person unlawfully detained for immoral purposes may enter, if need be by force, any house, building or other place mentioned in the warrant, and may remove that person from that house, building or other place.

125. Person living on earnings of prostitution

(1) Every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

(2) Where a person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling his or her prostitution with any other person, or generally, that person shall, unless he or she shall satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

126. Brothels

Any person who keeps a house, room, set of rooms or place of any kind for purposes of prostitution commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

127. Definition of prostitute and prostitution

In this Code, “prostitute” means a person who, in public or elsewhere, regularly or habitually holds himself or herself out as available for sexual

intercourse or other sexual gratification for monetary or other material gain, and “prostitution” shall be construed accordingly.

128. Prohibition of prostitution

Any person who practises or engages in prostitution commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

129. Conspiracy to defile

Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her commits a felony and is liable, on conviction, to imprisonment for a term of three years.

130. Attempts to procure abortion

Any person who, with intent to procure the miscarriage of a woman whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

131. Procuring miscarriage

Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means, or permits any of those things or means to be administered to or used on her, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

132. Supplying drugs, etc. to procure abortion

Any person who unlawfully supplies to or procures for any person any thing, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, commits a felony and is liable, on conviction, to imprisonment for a term of three years.

133.Knowledge of age of female immaterial

Except as otherwise expressly stated, it is immaterial in the case of any of the offences committed with respect to a woman or girl under a specified age that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

134.Unnatural offences

Any person who—

- (a) has carnal knowledge of any person against the order of nature;
- (b) has carnal knowledge of an animal; or
- (c) permits a male person to have carnal knowledge of him or her

against the order of nature,

commits an offence and is liable, on conviction, to imprisonment for life.

135.Attempt to commit unnatural offences

Any person who attempts to commit any of the offences specified in section 134 commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

136.Indecent assaults on boys under eighteen

Any person who unlawfully and indecently assaults a boy under the age of eighteen years commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

137.Indecent practices

Any person who, whether in public or in private, commits any act of gross indecency with another person or procures another person to commit any act of gross indecency with him or her or attempts to procure the commission of any such act by any person with himself or herself or with another person, whether in public or in private, commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

138. Incest

(1) Any person who has sexual intercourse with another person with whom, to his or her knowledge, any of the following relationships exists—

mother	father
mother's daughter	father's son
daughter	son
father's mother	father's father
mother's mother	mother's father son's
son's daughter	son daughter's son
daughter sister	brother
wife's mother	husband's father
wife's daughter	husband's son
father's sister	father's brother
mother's sister	mother's brother
brother's daughter	brother's son sister's
sister's daughter	son
father's brother's daughter	father's brother's son
mother's sister's daughter	mother's sister's son
son's wife	daughter's husband
father's wife	mother's husband

commits an offence and is liable, on conviction, to imprisonment for a term of seven years or, if that other person is under the age of eighteen years of age, to imprisonment for life.

(2) It is immaterial that sexual intercourse took place with the consent of the other person.

(3) Where a person is convicted of an offence under this section in relation to a person under the age of twenty-one years, the court may divest the offender of all authority over that person, and if the offender is the guardian of that person the court may order the termination of the guardianship and appoint another person as guardian.

(4) The High Court may, at any time, vary or rescind an order made under subsection (3) by the appointment of any other person as a guardian or in any other respect.

139. Test of relationship

In section 138, the expressions “brother” and “sister” respectively include half-brother and half-sister, and the section shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

140. Consent to prosecution

No prosecution for an offence under section 138 shall be commenced without the sanction of the Director of Public Prosecutions.

CHAPTER XIV—OFFENCES RELATING TO MARRIAGE AND DOMESTIC OBLIGATIONS

141. Fraudulent pretence of marriage

Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and causes the woman to cohabit or have sexual intercourse with him in that belief commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

142. Bigamy

Any person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of its taking place during the life of the husband or wife commits a felony and is liable, on conviction, to imprisonment for a term of five years; except that this section shall not extend to any person whose marriage with a husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if the husband or wife, at the time of the subsequent marriage, shall have been continually absent from the person for the space of seven years, and shall not have been heard of by that person as being alive within that time.

143. Fraudulent marriage ceremony

Any person who dishonestly or with a fraudulent intention goes through the ceremony of marriage, knowing that he or she is not lawfully married,

commits a felony and is liable, on conviction, to imprisonment for a term of five years.

144. Desertion of children

Any person who, being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain that child, wilfully and without lawful or reasonable cause deserts the child and leaves the child without means of support, commits a misdemeanour.

145. Neglecting to provide food, etc. for children

Any person who, being the parent or guardian or any other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects, being able to do so, to provide sufficient food, clothes, bedding and other necessaries for the child, so as to injure the health of the child, commits a misdemeanour.

146. Master not providing for servants or apprentices

Any person who, being legally liable either as master or mistress to provide for any apprentice or servant necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the food, clothing or lodging, or unlawfully and maliciously does or causes to be done any bodily harm to the apprentice or servant so that the life of the apprentice or servant is endangered or that his or her health has been or is likely to be permanently injured, commits a misdemeanour.

147. Child stealing

- (1) Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of the child—
 - (a) forcibly or fraudulently takes or entices away, or detains the child; or
 - (b) receives or harbours the child, knowing the child to have been so taken or enticed away or detained,commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

(2)It is a defence to a charge of any of the offences defined in this section to prove that the accused person claimed in good faith a right to the possession of the child, or in the case of an illegitimate child, is the mother or claimed to be the father of the child.

CHAPTER XV—NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE

148. Common nuisance

(1) Any person who does an act not authorised by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance and is liable, on conviction, to imprisonment for a term of one year.

(2)It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that the act or omission facilitates the lawful exercise of rights by a part of the public may show that it is not a nuisance to any of the public.

149. Chain letters

(1) Any person who sends or causes to be sent any chain letter or who sends or receives any money or money's worth in connection with any chain letter commits a misdemeanour and is liable, on conviction, to a fine of twelve currency points or to imprisonment for a term of six months, or both.

(2)For the purposes of this section, “chain letter” means any one of a series of similar documents addressed by one person to another person requesting the person to whom it is addressed—

- (a) to send a similar letter to a specified number of other persons; or
- (b) to remit to a person or to an address specified in the letter money or money's worth.

150. Idle and disorderly persons

Any person who—

- (a) being a prostitute, behaves in a disorderly or indecent manner in any public place;

- (b) wanders or places himself or herself in any public place to beg or gather alms, or causes or procures or encourages any child to do so;
- (c) plays at any game of chance for money or money's worth in any public place;
- (d) publicly conducts himself or herself in a manner likely to cause a breach of the peace;
- (e) without lawful excuse, publicly does any indecent act;
- (f) in any public place solicits or loiters for immoral purposes; or
- (g) wanders about and endeavours by the exposure of wounds or deformation to obtain or gather alms,

shall be deemed an idle and disorderly person, and is liable, on conviction, to a fine not exceeding six currency points or to imprisonment for a term of three months, or both, but in the case of an offence contrary to paragraph (a), (e) or (f) that person is liable, on conviction, to imprisonment for a term of seven years.

151. Rogues and vagabonds

- (1) Every—
 - (a) person convicted of an offence under section 150 after having been previously convicted as an idle and disorderly person;
 - (b) person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence,

shall be deemed to be a rogue and vagabond, and commits a misdemeanour and is liable for the first offence to imprisonment for a term of six months, and for every subsequent offence to imprisonment for one year.

(2) Subsection (1)(b) shall not apply to collections made in any recognised building or place of religious worship.

152. Offences in relation to uniforms

(1) Any person who, not being a person serving in the armed forces of Uganda or in a police force in Uganda, or in any naval, military, air or police force or constabulary of any other Commonwealth country, wears without the permission of the Minister the uniform of any of those forces or any dress having the appearance of bearing any of the regimental or other distinctive marks of the uniform, commits an offence and is liable, on

conviction, to imprisonment for a term not exceeding seven years; except that nothing in this section shall prevent any person from wearing any uniform or dress in the course of a stage play performed in any place in which stage plays may lawfully be publicly performed, or in the course of a music hall or circus performance, or in the course of any *bona fide* military representation.

(2) Any person who unlawfully wears the uniform of any of the forces specified in subsection (1), or any dress having the appearance or bearing any of the regimental or other distinctive marks of that uniform, in a manner or in circumstances as to be likely to bring contempt on that uniform, or employs any other person to wear the uniform or dress, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

(3) Any person who, not being in the service of the Government or having previously received the written permission of the Minister so to do, imports or sells or has in his or her possession for sale any uniform specified in subsection (1), or the buttons or badges appropriate to the uniform, commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

(4) When any person is convicted of any offence under this section, the uniform, dress, button, badge or other thing in respect of which the offence has been committed shall be forfeited unless the Minister shall otherwise order.

153. Wearing of uniform declared to be for exclusive use of persons performing services in public interest

(1) The Minister may, upon the application of any persons who perform or who are members of any organisation which performs any service which in the opinion of the Minister is in the public interest, by statutory order declare that any uniform, badge, button or other distinctive mark used by those persons and described in the notice shall be for the exclusive use of those persons.

(2) Any person who, without the authority of the persons upon whose application an order under this section has been made, uses or wears any uniform, badge, button or other distinctive mark described in the order, or any uniform, badge, button or other distinctive mark so closely resembling it

as to lead to the belief that it is the uniform, badge, button or other distinctive mark so described, commits a misdemeanour; except that nothing in this section shall prevent any person from using or wearing any uniform, badge, button or other distinctive mark in the course of a stage play performed in any public place in which stage plays may lawfully be publicly performed, or in the course of a music hall or circus performance, if the uniform, badge, button or other distinctive mark is not used or worn in such a manner or in such circumstances as to bring it into contempt.

(3) Any person who, without the authority of the persons upon whose application an order under this section has been made, imports or sells or has in his or her possession for sale any uniform, badge, button or other distinctive mark described in the order, commits a misdemeanour.

(4) When a person is convicted of an offence under this section, the uniform, badge, button or other distinctive mark in respect of which the offence has been committed shall be forfeited unless the Minister shall otherwise order.

154. Negligent act likely to spread infection of disease

Any person who unlawfully or negligently does any act which is and which he or she knows or has reason to believe to be likely to spread the infection of any disease dangerous to life commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

155. Adulteration of food or drink

Any person who adulterates any article of food or drink so as to make the article noxious as food or drink, intending to sell that article as food or drink, or knowing it to be likely that it will be sold as food or drink, commits a misdemeanour.

156. Sale of noxious food or drink

Any person who sells or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason to believe that it is noxious as food or drink, commits a misdemeanour.

157. Adulteration of drugs

Any person who adulterates any drug or medical preparation in a manner that lessens the efficacy or changes the operation of the drug or medical preparation, or makes it noxious, intending that it shall be sold or used for or knowing it to be likely that it will be sold or used for any medicinal purpose, as if it had not undergone such adulteration, commits a misdemeanour.

158. Sale of adulterated drugs

Any person who, knowing any drug or medical preparation to have been adulterated in a manner that lessens its efficacy, changes its operation, or renders it noxious, sells the drug or medical preparation or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person who does not know of the adulteration, commits a misdemeanour.

159. Fouling water

Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render the water less fit for the purpose for which it is ordinarily used, commits a misdemeanour.

160. Fouling air

Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, commits a misdemeanour.

161. Offensive trades

Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in any places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits an offence and is liable to be punished, as for a common nuisance.

CHAPTER XVI—DEFAMATION

162. Definition of libel

Any person who, by print, writing, painting, effigy or by any means otherwise than solely by gestures, spoken words or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, commits the misdemeanour termed libel.

163. Definition of defamatory matter

(1) Defamatory matter is matter likely to injure the reputation of any person by exposing that person to hatred, contempt or ridicule, or likely to damage any person in his or her profession or trade by an injury to his or her reputation.

(2) It is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead.

(3) No prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Director of Public Prosecutions.

164. Definition of publication

(1) A person publishes a libel if he or she causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed to be so dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, that its defamatory meaning becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed, and it suffices if the meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances or partly by the one and partly by the other means.

165. Definition of unlawful publication

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter, unless—

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds mentioned in this Chapter.

166. Absolute privilege of defamatory matter

(1) The publication of defamatory matter is absolutely privileged, and no person shall in any circumstances be liable to punishment under this Code in respect of such publication, in any of the following cases—

- (a) if the matter is published by the President, the Government or Parliament;
- (b) if the matter is published in Parliament by the Government or by any member of that Parliament or by the Speaker;
- (c) if the matter is published by order of the President or the Government;
- (d) if the matter is published concerning a person subject to military, naval or air force discipline for the time being, and relates to his or her conduct as a person subject to that discipline, and is published by a person having authority over that person in respect of the conduct, and to a person having authority over him or her in respect of the conduct;
- (e) if the matter is published in the course of any judicial proceedings by a person taking part in them as a judge, magistrate, commissioner, advocate, assessor, juror, witness or party to the proceedings;
- (f) if the matter published is in fact a fair report of anything said, done or published in Parliament; or
- (g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter is true or false, and whether it is or is not known or believed to be false and whether it is or is not published in good faith; but nothing in this section shall exempt a person from any liability to punishment under any other Chapter of this Code or under any other written law in force in Uganda.

167. Conditional privilege of defamatory matter

The publication of defamatory matter is privileged if it is published in good faith and—

- (a) if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in publishing it;
- (b) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court; except that if the court prohibits the publication of anything said or shown before it, on the ground that it is immoral or blasphemous, the publication of the defamatory matter shall not be privileged;
- (c) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 166;
- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity or as to his or her personal character so far as it appears in such conduct;
- (e) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his or her personal character so far as it appears in such conduct;
- (f) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding or as to the character of any person so far as it appears in any conduct mentioned in this paragraph;
- (g) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made, or submitted by a person to the judgment of the public or as to the character of the person so far as it appears in the matter;
- (h) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he or

- she has authority, by contract or otherwise, over the other person or on the character of the other person, so far as it appears in the conduct;
- (i) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his or her conduct in any matter, or in respect of his or her character so far as it appears in the conduct, to any person having authority, by contract or otherwise, over that other person in respect of the conduct or matter, or having authority by law to inquire into or receive complaints respecting the conduct or matter; or
- (j) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it or of the person to whom it is published, or of a person in whom the person to whom it is published is interested.

168. Good faith defined

A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of section 167, if it is made to appear either—

- (a) that the matter was untrue and that he or she did not believe it to be true;
- (b) that the matter was untrue and that he or she published it without having taken reasonable care to ascertain whether the matter was true or false; or
- (c) that in publishing the matter, he or she acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he or she claims to be privileged.

169. Presumption as to good faith

If it is proved on behalf of the accused person that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself, or from the evidence given on behalf of the accused person or from evidence given on the part of the prosecution.

Division IV—Offences against person

CHAPTER XVII—MURDER AND MANSLAUGHTER

170. Manslaughter

(1) Any person who by an unlawful act or omission causes the death of another person commits the felony termed manslaughter.

(2) An unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

171. Murder

Any person who of malice aforethought causes the death of another person by an unlawful act or omission commits murder.

172. Punishment for murder

Any person convicted of murder is liable to suffer death.

173. Punishment for manslaughter

Any person who commits the felony of manslaughter is liable, on conviction, to imprisonment for life.

174. Malice aforethought

Malice aforethought shall be deemed to be established by evidence providing either of the following circumstances—

- (a) an intention to cause the death of any person, whether that person is the person actually killed or not; or
- (b) knowledge that the act or omission causing death will probably cause the death of some person, whether that person is the person actually killed or not, although the knowledge is accompanied by indifference whether death is caused or not, or by a wish that it may not be caused.

175. Killing on provocation

When a person who unlawfully kills another under circumstances which, but for this section, would constitute murder, does the act which causes death in the heat of passion caused by sudden provocation as defined in section 176, and before there is time for his or her passion to cool, he or she commits manslaughter only.

176. Provocation defined

(1) "Provocation" means and includes, except as stated in subsections (3), (4) and (5), any wrongful act or insult of such a nature as to be likely—

- (a) when done or offered to an ordinary person; or
- (b) when done or offered in the presence of an ordinary person to another person—

- (i) who is under his or her immediate care; or
- (ii) to whom he or she stands in a conjugal, parental, filial or fraternal relation, or in the relation of master and servant, to deprive him or her of the power of self-control and to induce him or her to commit an assault of the kind which the person charged committed upon the person by whom the act or insult is done or offered.

(2) When such an act or insult is done or offered by one person—

- (a) to another; or
- (b) in the presence of another to a person—

- (i) who is under the immediate care of that other; or
- (ii) to whom that other stands in any such relation as aforesaid, the former is said to give to that other provocation for an assault.

(3) A lawful act is not provocation to any person for an assault.

(4) An act which a person does in consequence of incitement given by another person in order to induce him or her to do the act and thereby to furnish an excuse for committing an assault is not provocation to that other person for an assault.

(5) An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

177. Diminished responsibility

(1) Where a person is found guilty of the murder or of being a party to the murder of another, and the court is satisfied that that person was suffering from such abnormality of mind, whether arising from a condition of arrested or retarded development of mind, or any inherent causes or induced by disease or injury, has substantially impaired his or her mental responsibility for his or her acts and omissions in doing or being a party to the murder, the court shall make a special finding to the effect that the accused person was guilty of murder but with diminished responsibility.

(2) On a charge of murder, it shall be for the defence to prove that the person charged was suffering from an abnormality of mind as is mentioned in subsection (1).

(3) Where a special finding is made under subsection (1), the person so convicted shall not be liable to suffer death but the court shall order him or her to be detained in safe custody; and section 151 of the Children Act shall apply as if the order had been made under that section.

(4) The fact that one party to a murder is by virtue of this section not liable to suffer death shall not affect the question where the other person to it shall be liable to suffer death.

178. Suicide pacts

(1) It shall be manslaughter and shall not be murder for a person acting in pursuance of a suicide pact between him or her and another person to kill the other or be a party to the other killing himself or herself or being killed by a third person.

(2) Where it is shown that a person charged with the murder of another person killed the other or was a party to the other's killing himself or herself or being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him or her and the other.

(3) For the purposes of this section, "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his or her own life, but nothing done

by a person who enters into a suicide pact shall be treated as done by him or her in pursuance of the pact unless it is done while he or she has the settled intention of dying in pursuance of the pact.

179. Causing death defined

A person is deemed to have caused the death of another person although his or her act is not the immediate or sole cause of death in any of the following cases—

- (a) if he or she inflicts bodily injury on another person in consequence of which that person undergoes surgical or medical treatment which causes death; in this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;
- (b) if he or she inflicts a bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his or her mode of living;
- (c) if by actual or threatened violence he or she causes another person to perform an act which causes the death of that other person, the act being a means of avoiding violence which in the circumstances would appear natural to the person whose death is so caused;
- (d) if by any act or omission he or she hastened the death of a person suffering under any disease or injury which, apart from the act or omission, would have caused death;
- (e) if his or her act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

180. When child deemed person

A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel string is severed or not.

181. Limitation as to time of death

(1) A person is not deemed to have killed another person if the death of that other person does not take place within a year and a day of the cause of death.

(2) The period in subsection (1) is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done, and when the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

(3) When the cause of death is in part an unlawful act and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

CHAPTER XVIII—DUTIES RELATING TO PRESERVATION OF LIFE AND HEALTH**182. Responsibility of person who has charge of another**

It is the duty of every person having charge of another who is unable by reason of age, sickness, mental illness, detention or any other cause to withdraw himself or herself from such charge and who is unable to provide himself or herself with the necessaries of life, whether the charge is undertaken under a contract, or is imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has charge, to provide for that other person the necessaries of life; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the other person by reason of any omission to perform that duty.

183. Duty of head of family

It is the duty of every person who, as head of a family, has charge of a child under the age of fourteen years, being a member of his or her household, to provide the necessaries of life for the child; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

184. Duty of masters

It is the duty of every person who, as master or mistress has contracted to provide necessary food, clothing or lodging for any servant or apprentice under the age of sixteen years to provide the same; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the servant or apprentice by reason of any omission to perform that duty.

185. Duty of persons doing dangerous acts

It is the duty of every person who, except in a case of necessity, undertakes to administer surgical or medical treatment to any other person, or to do any other lawful act which is or may be dangerous to human life or health, to have reasonable skill and to use reasonable care in doing the act; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of any person by reason of any omission to observe or perform that duty.

186. Duty of persons in charge of dangerous things

It is the duty of every person who has in his or her charge or under his or her control anything, whether living or inanimate, and whether moving or stationary, of a nature that in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered, to use reasonable care and take reasonable precautions to avoid the danger; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of any person by reason of any omission to perform that duty.

CHAPTER XIX—OFFENCES CONNECTED WITH MURDER AND SUICIDE**187. Attempt to murder**

Any person who—

- (a) attempts unlawfully to cause the death of another; or
- (b) with intent unlawfully to cause the death of another, does any act or omits to do any act, which it is his or her duty to do, the

act or omission being of such a nature as to be likely to endanger human life, commits a felony and is liable, on conviction, to imprisonment for life.

188. Attempt to murder by convict

Any person who, being under sentence of imprisonment for a term of three years or more, attempts to commit murder is liable, on conviction, to imprisonment for life.

189. Accessory after fact to murder

Any person who becomes an accessory after the fact to murder commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

190. Written threats to murder

Any person who, knowing the contents of the writing, directly or indirectly causes any person, to receive any writing threatening to kill any person commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

191. Conspiracy to murder

Any person who conspires with any other person to kill any person, whether such person is in Uganda or elsewhere, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

192. Aiding suicide

Any person who—

- (a) procures another person to kill himself or herself;
- (b) counsels another person to kill himself or herself and thereby induces him or her to do so; or
- (c) aids another person in killing himself or herself,

commits a felony and is liable, on conviction, to imprisonment for life.

193. Attempting suicide

Any person who attempts to kill himself or herself commits a misdemeanour.

194. Concealing birth of child

Any person who, when a woman is delivered of a child, endeavours by any secret disposition of the dead body of the child to conceal the birth, whether the child died before, at or after its birth, commits a misdemeanour.

195. Killing unborn child

Any person who, when a woman is about to be delivered of a child, prevents the child from being born alive by an act or omission of a nature that if the child had been born alive and had then died, he or she would be deemed to have unlawfully killed the child, commits a felony and is liable, on conviction, to imprisonment for life.

196. Infanticide

Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for the provisions of this section the offence would have amounted to murder, she commits the felony of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

CHAPTER XX—OFFENCES ENDANGERING LIFE OR HEALTH**197. Disabling in order to commit felony or misdemeanour**

Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, renders or attempts to render any person incapable of resistance, commits a felony and is liable, on conviction, to imprisonment for life.

198. Stupefying in order to commit felony or misdemeanour

Any person who, with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or misdemeanour, administers or attempts to administer any stupefying or overpowering drug or thing to any person commits a felony and is liable, on conviction, to imprisonment for life.

199. Acts intended to cause grievous harm or prevent arrest

Any person who, with intent to maim, disfigure or disable any person, or to do some grievous harm to any person or to resist or prevent the lawful arrest or detention of any person—

- (a) unlawfully wounds or does any grievous harm to any person by any means;
- (b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife or other dangerous or offensive weapon;
- (c) unlawfully causes any explosive substance to explode;
- (d) sends or delivers any explosive substance or other dangerous or noxious thing to any person;
- (e) causes any such substance or thing to be taken or received by any person;
- (f) puts any corrosive fluid or any destructive or explosive substance in any place; or
- (g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

commits a felony and is liable, on conviction, to imprisonment for life.

200. Preventing escape from wreck

Any person who unlawfully—

- (a) prevents or obstructs any person who is on board of or is escaping from a vessel which is in distress or wrecked, in his or her endeavours to save his or her life; or
- (b) obstructs any person in his or her endeavours to save the life of any person so situated,

commits a felony and is liable, on conviction, to imprisonment for life.

201. Intentionally endangering safety of persons travelling by railway

Any person who, with intent to injure or to endanger the safety of any person, whether a particular person or not, travelling by any railway—

- (a) places anything on the railway;
- (b) deals with the railway or with anything upon or near the railway in such a manner as to affect or endanger the free and safe use of the railway or the safety of that other person;
- (c) shoots or throws anything at, into or upon or causes anything to come into contact with any person or thing on the railway;
- (d) shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or
- (e) by any omission to do any act which it is his or her duty to do causes the safety of that other person to be endangered,

commits a felony and is liable, on conviction, to imprisonment for life.

202. Doing grievous harm

Any person who unlawfully does grievous harm to another person commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

203. Attempting to injure by explosive substances

Any person who, unlawfully and with intent to do any harm to another person, puts any explosive substance in any place commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

204. Maliciously administering poison with intent to harm

Any person who, unlawfully and with intent to injure or annoy another, causes any poison or noxious thing to be administered to or taken by any person and as a result endangers the life of that person or does him or her some grievous harm commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

205. Wounding and similar acts

Any person who—

- (a) unlawfully wounds another; or

(b) unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered to or taken by any person, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of three years.

206. Failure to supply necessities

Any person who, being charged with the duty of providing for another the necessities of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered, or his or her health is or is likely to be permanently injured, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of three years.

207. Surgical operation

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his or her benefit, or upon an unborn child for the preservation of the life of the mother, if the performance of the operation is reasonable, having regard to the state of the patient at the time, and to all the circumstances of the case.

208. Excess of force

Any person authorised by law or by the consent of the person injured by him or her to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

209. Consent

Notwithstanding section 208, consent by a person to the causing of his or her own death or his or her own maim does not affect the criminal responsibility of any person by whom the death or maim is caused.

CHAPTER XXI—CRIMINAL RECKLESSNESS AND NEGLIGENCE

210. Rash or negligent act causing death

Any person who, by any rash or negligent act not amounting to manslaughter, causes the death of another person is liable, on conviction, to a fine not

exceeding one hundred sixty-eight currency points or to imprisonment for a term not exceeding seven years, or both.

211. Specific rash and negligent acts

Any person who, in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person—

- (a) drives any vehicle or rides on any public way;
- (b) navigates or takes part in the navigation or working of any vessel;
- (c) does any act with fire or any combustible matter or omits to take precautions against any probable danger from any fire or any combustible matter in his or her possession;
- (d) omits to take precautions against any probable danger from any animal in his or her possession;
- (e) gives medical or surgical treatment to any person whom he or she has undertaken to treat;
- (f) dispenses, supplies, sells, administers or gives away any medicine or poisonous or dangerous matter;
- (g) does any act with respect to, or omits to take proper precautions against, any probable danger, from any machinery of which he or she is solely or partly in charge; or
- (h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his or her possession,

commits a misdemeanour.

212. Other rash and negligent acts

Any person who unlawfully does any act or omits to do any act which it is his or her duty to do, not being an act or omission specified in sections 210 and 211, by which act or omission harm is caused to any person, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of six months.

213. Dealing in poisonous substances in negligent manner

Any person who does with any poisonous substance any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take care with any poisonous substance in his or her possession as is sufficient to

guard against probable danger to human life from the poisonous substance, commits a misdemeanour and is liable, on conviction, to a fine of twelve currency points or to imprisonment for a term of six months.

214. Endangering safety of persons travelling by railway

Any person who, by any unlawful act or omission not specified in section 201, causes the safety of any person travelling by any railway to be endangered,

commits a misdemeanour.

215. Exhibition of false light, mark or buoy

Any person who exhibits any false light, mark or buoy intending or knowing it to be likely that the exhibition will mislead any navigator is liable, on conviction, to imprisonment for a term of seven years.

216. Conveying person by water for hire in unsafe vessel

Any person who knowingly or negligently conveys or causes to be conveyed for hire any person by water in any vessel, when that vessel is in such a state or is so loaded as to be unsafe, commits a misdemeanour.

217. Danger or obstruction in public way, etc.

Any person who, by doing any act or by omitting to take reasonable care with any property in his or her possession or under his or her charge, causes danger, obstruction or injury to any person in any public way or public line of navigation is liable to a fine.

CHAPTER XXII—ASSAULTS

218. Common assault

Any person who unlawfully assaults another commits a misdemeanour, and, if the assault is not committed in circumstances for which a greater punishment is provided in this Code, is liable, on conviction, to imprisonment for a term of one year.

219. Assaults causing actual bodily harm

Any person who commits an assault occasioning actual bodily harm commits a misdemeanour and is liable, on conviction, to imprisonment for a term of five years.

220. Assaults on persons protecting wreck

Any person who assaults and strikes or wounds any magistrate, officer or other person lawfully authorised in or on account of the execution of his or her duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded or cast on shore, or lying under water, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

221. Assaults punishable with two years' imprisonment

Any person who—

- (a) assaults any person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself or herself or of any other person for any offence;
- (b) assaults, resists or wilfully obstructs any police officer in the due execution of his or her duty, or any person acting in aid of that officer;
- (c) assaults any person in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or respecting any trade, business, or manufacture or respecting any person concerned or employed in any trade, business or manufacture;
- (d) assaults, resists or obstructs any person engaged in the lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taken under the process or distress; or
- (e) assaults any person on account of any act done by him or her in the execution of any duty imposed on him or her by law,

commits a misdemeanour, and is liable, on conviction to imprisonment for a term of two years.

CHAPTER XXIII—OFFENCES AGAINST LIBERTY**222. Definition of kidnapping from Uganda**

Any person who conveys any person beyond the limits of Uganda without the consent of that person or of some person legally authorised to consent on behalf of that person is said to kidnap that person from Uganda.

223. Definition of kidnapping from lawful guardianship

Any person who takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person suffering from mental illness, out of the keeping of the lawful guardian of that minor or person suffering from mental illness, without the consent of the guardian, is said to kidnap the minor or person from lawful guardianship.

224. Definition of abduction

Any person who by force compels, or by any deceitful means induces, any person to go from any place is said to abduct that person.

225. Punishment for kidnapping

Any person who kidnaps any person from Uganda or from lawful guardianship commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

226. Kidnapping or detaining with intent to murder, etc.

(1) Any person who by force or fraud kidnaps, abducts, takes away or detains any person against his or her will—

- (a) with intent that that person may be murdered or may be so disposed of as to be put in danger of being murdered;
- (b) with knowledge that that person will probably be murdered; or
- (c) with intent to procure a ransom or benefit for the liberation of that person from the danger of being murdered,

commits an offence and is liable, on conviction, to imprisonment for life.

(2) Where a person who is kidnapped or detained is not seen or heard of within a period of six months or more, the accused person shall be

presumed to have had the intention and knowledge stipulated in subsection (1)(a) and (b).

227.Kidnapping or abducting with intent to confine person

Any person who kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

228.Kidnapping or abducting in order to subject person to grievous harm, slavery, etc.

Any person who kidnaps or abducts any person in order that that person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous harm, slavery, or to the unnatural lust of any person, or knowing it to be likely that that person will be so subjected or disposed of, commits a felony and is liable, on conviction, to imprisonment for a term of fifteen years.

229.Wrongfully concealing or confining kidnapped or abducted person

Any person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines that person commits a felony and shall be punished in the same manner as if he or she had kidnapped or abducted the person with the same intention or knowledge, or for the same purpose, as that with or for which he or she conceals or detains the person in confinement.

230.Kidnapping or abducting child under fourteen years

Any person who kidnaps or abducts any child under the age of fourteen years with the intention of taking dishonestly any movable property from the person of that child commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

231.Wrongful confinement

Any person who wrongfully confines any other person commits a misdemeanour.

232. Buying, etc. of any person as slave

Any person who imports, exports, removes, buys, sells or disposes of any person as a slave, or accepts, receives or detains against his or her will any person as a slave, commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

233. Habitual dealing in slaves

Any person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony and is liable, on conviction, to imprisonment for a term of fifteen years.

234. Inducing person to give up himself or herself as slave

(1) Any person who induces another person to give up himself or herself as a slave commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

(2) Any person who attempts or conspires with another person to induce a person to give up himself or herself as a slave or who is an accessory commits a felony and is liable, on conviction, to imprisonment for a term of five years.

235. Unlawful compulsory labour

Any person who unlawfully compels any person to labour against the will of that person commits a misdemeanour.

*Division V—Offences relating to property***CHAPTER XXIV—THEFT****236. Things capable of being stolen**

(1) Every inanimate thing, which is the property of any person and which is movable, is capable of being stolen.

(2) Every inanimate thing which is the property of any person and which is capable of being made movable is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

(3) Every tame animal, whether tame by nature or wild by nature and tamed, which is the property of any person, is capable of being stolen.

(4) Animals wild by nature, of a kind which is not ordinarily found in a condition of natural liberty in Uganda, which are the property of any person and which are usually kept in a state of confinement, are capable of being stolen, whether they are actually in confinement or have escaped from confinement.

(5) Animals wild by nature, of a kind which is ordinarily found in a condition of natural liberty in Uganda, which are the property of any person, are capable of being stolen while they are in confinement and while they are being actually pursued after escaping from confinement, but not at any other time.

(6) An animal wild by nature is deemed to be in a state of confinement so long as it is in a den, cage, sty, tank or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

(7) Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

(8) Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

237. Definition of theft

(1) A person who fraudulently and without claim of right takes anything capable of being stolen, or who fraudulently converts to the use of any person other than the general or special owner of anything capable of being stolen, is said to steal that thing.

(2) Any person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he or she does so with any of the following intents—

- (a) an intent permanently to deprive the general or special owner of the thing;
- (b) an intent to use the thing as a pledge or security;
- (c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;
- (d) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion; or
- (e) in the case of money, an intent to use it at the will of the person who takes or converts it, although he or she may intend afterwards to repay the amount to the owner,

and “special owner” includes any person who has any charge or lien upon the thing in question or any right arising from or dependent upon holding possession of the thing in question.

(3) A person shall be taken to use money at his or her own will for the purposes of subsection (2)(e), if that person deliberately or recklessly exceeds the limits of authority allowed to him or her, or deliberately or recklessly disregards any rules of procedure, prescribed by the owner in respect of the money.

- (4) When a thing stolen is converted, it is immaterial—
- (a) whether it is taken for the purpose of conversion or whether it is at the time of the conversion in the possession of the person who converts it; or
 - (b) that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of it.

(5) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or converting the thing does not know who the owner is and believes on reasonable grounds that the owner cannot be discovered.

(6) A person shall not be deemed to take a thing unless he or she moves the thing or causes it to move.

(7) Without prejudice to the general effect of subsection (6), a person shall be taken to have moved money if that person moves or causes it to be moved from one account to another or otherwise out of the original account.

238. Special cases

(1) When a factor or agent pledges or gives a lien on any goods or document of title to goods entrusted to him or her for the purpose of sale or otherwise for any sum of money not greater than the amount due to him or her from his or her principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him or her for or on account of his or her principal, that dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to the orders of his or her master, takes from his or her possession any food in order that it may be given to an animal belonging to or in the possession of his or her master, that taking is not deemed to be theft.

239. Funds, etc. held under direction

When a person receives, either alone or jointly with another person, any money or valuable security or a power of attorney for the sale, mortgage, pledge or other disposition of any property, whether capable of being stolen or not, with a direction in either case that the money or any part of the money, or any other money received in exchange for it, or any part of the money, or the proceeds or any part of the proceeds of the security, or of the mortgage, pledge or other disposition, shall be applied to any purpose or paid to any person specified in the direction, the money and proceeds are deemed to be the property of the person from whom the money, security or power of attorney was received until the direction has been complied with.

240. Funds, etc. received by agents for sale

When a person receives, either alone or jointly with another person, any property from another on terms authorising or requiring him or her to sell it or to otherwise dispose of it and requiring him or her to pay or account for the proceeds of the property or any part of the proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or any other person, then the proceeds of the property, and anything received

in exchange for it, are deemed to be the property of the person from whom the property was received, until they have been disposed of in accordance with the terms on which the property was received, unless it is a part of those terms that the proceeds, if any, shall form an item in a debtor and creditor account between him or her and the person to whom he or she is to pay them or account for them, and that the relation of debtor and creditor only shall exist between them in respect of it.

241. Money received for another

When a person receives, either alone or jointly with another person, any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

242. Theft by persons having interest in thing stolen

When any person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he or she has a special property or interest in that thing, or that he or she is the owner of the thing taken or converted subject to some special property or interest of some other person in it, or that he or she is lessee of the thing, or that he or she is one of two or more joint owners of the thing, or that he or she is a director or officer of a corporation or company or society who are the owners of it.

243. Husband and wife

A person who, while a man and his wife are living together, procures either of them to deal with anything which is to his or her knowledge, the property of the other in a manner which would be theft if they were not married, is deemed to have stolen the thing and may be charged with theft.

244. General punishment for theft

Any person who steals anything capable of being stolen commits the felony called theft and is liable, unless owing to the circumstances of the theft or the nature of the thing stolen some other punishment is provided, to imprisonment for a term not exceeding ten years.

245. Stealing wills

If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable, on conviction, to imprisonment for a term of ten years.

246. Stealing postal matter, etc.

If the thing stolen is postal matter or any chattel, money or valuable security contained in any postal matter, the offender is liable, on conviction, to imprisonment for a term of ten years.

247. Stealing cattle

If the thing stolen is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, goat or pig, or the young of any of these animals, the offender is liable, on conviction, for a first offence to imprisonment for a term of seven years and for a subsequent offence to imprisonment for a term of fifteen years.

248. Stealing vehicle

If the thing stolen is a vehicle, the offender is liable, on conviction, to imprisonment for a term of seven years.

249. Cattle rustling

(1) Any person who—

(a) moves from a community where he or she is ordinarily resident to another community and steals or attempts to steal any cow, bull, ox, ram, ewe, wether, goat, pig, ass, mule, horse, mare, gelding or camel, or the young of any of these animal from that other community and who at the time of, or immediately before, or immediately after the time of the stealing or attempted stealing, uses or threatens to use a deadly weapon or causes death or grievous harm to any person;

(b) organises the stealing of the animals mentioned in the manner provided in that paragraph; or

(c) paragraph (a) without lawful excuse or authority, the proof of which shall be on him or her, is found in possession of any of the animals

mentioned in paragraph (a) which is proved to have been stolen in the manner provided in that paragraph, commits an offence termed cattle rustling and is liable, on conviction, to imprisonment for life.

(2) In this section, “deadly weapon” has the meaning assigned to it under section 267.

250. Stealing from person; stealing goods in transit, etc.

If a theft is committed in any of the following circumstances—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling house, and its value exceeds one hundred shillings, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling house;
- (c) if the thing is stolen from any kind of vessel or vehicle or place of deposit;
- (d) if the thing stolen is attached to or forms part of a railway;
- (e) if the thing is stolen from a public office in which it is deposited or kept; or
- (f) if the offender, in order to commit the offence, opens any locked room, box or other receptacle by means of a key or other instrument,

the offender is liable, on conviction, to imprisonment for a term of seven years.

251. Compensation

Where a person is convicted under section 18 or 19 of the Anti-Corruption Act or where a convicted person is sentenced under section 252, the court shall, in addition to the punishment provided there, order the person to pay by way of compensation to the aggrieved party, a sum which in the opinion of the court is just, having regard to the loss suffered by the aggrieved party; and the order shall be deemed to be a decree under section 25 of the Civil Procedure Act, and shall be executed in the manner provided under section 38 of that Act.

252. Stealing by agents, etc.

If the thing stolen is any of the following things—

- (a) property which has been received by the offender with a power of attorney for its disposition;
- (b) property which has been entrusted to the offender either alone or jointly with any other person for him or her to retain in safe custody or to apply it, pay or deliver it or any part of it or any proceeds of it for any purpose or to any person;
- (c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;
- (d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds of the valuable security should be applied to any purpose or paid to any person specified in the direction; or
- (e) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney for the disposition, the power of attorney having been received by the offender with a direction that the proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable, on conviction, to imprisonment for a term of fourteen years.

253. Stealing by tenants or lodgers

If the thing stolen is a fixture or chattel let to the offender to be used by him or her with a house or lodging, and its value exceeds one hundred shillings, he or she is liable, on conviction, to imprisonment for a term of seven years.

254. Stealing after previous conviction

If the offender, before committing the theft, had been convicted of a theft punishable under any of sections 244, 245, 246, 247, 248, 249, 250, 252 and 253, he or she is liable, on conviction, to imprisonment for a term of seven years.

255. Application of powers of Director of Public Prosecutions under certain sections of Anti-Corruption Act

The powers of the Director of Public Prosecutions under sections 36, 37, 38, 39 and 41 of the Anti-Corruption Act shall, with the necessary modifications,

apply to offences under sections 244 and 252 as they apply to offences under that Act, and the penalties prescribed in the applied sections shall apply accordingly.

256. Court to restrict disposal of assets or bank accounts of accused person

(1) Any court may, upon application by the Director of Public Prosecutions, issue an order placing restrictions as appear to the court to be reasonable, on the operation of any bank account of the accused person or a person suspected of having committed an offence or any person associated with the offence or on the disposal of any property of the accused person or the suspected person or a person associated with the offence or the suspected person for the purpose of ensuring the payment of compensation to any victim of the offence or otherwise for the purpose of preventing the dissipation of any money or other properties derived from or related to the offence.

(2) For the purposes of this section, the restriction on the operation of any bank account or disposal of property shall not exceed the withdrawal of an amount or disposal of property of a value that will be required to compensate the victim of the offence.

(3) The order imposing the restrictions shall be reviewed by the court every six months if still in force.

(4) The order shall, unless earlier revoked, expire six months after the death of the person against whom it was made.

(5) The Director of Public Prosecutions shall ensure that any order issued by a court under subsection (1) is served on the banker, or accused person or suspected person and any other person to whom the order relates.

(6) Any person who knowingly fails to comply with an order issued under this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment for a term not exceeding two years, or both.

(7) This section applies only in relation to an offence to which section 252 of this Act and sections 18 and 19 of Anti-Corruption Act relate.

(8) After conviction of the accused person the court may direct that any funds standing to the credit of the convicted person and also any property established to the satisfaction of the court to belong to that person be applied in payment of any compensation awarded by the court under section 251; and in the case of property other than money, the court may order the sale of the property and the proceeds to be applied in payment of the compensation.

(9) Any money remaining after the sale of any property and payment of compensation under subsection (8) shall be refunded to the convicted person.

(10) Any transfer of any property contrary to any restriction imposed under subsection (1) is void; and, in particular, the court may, by order, set aside any transaction aimed at defeating the purposes of subsection (8).

(11) Any person who obstructs the implementation of any order of a court under subsection (8) commits an offence and is liable, on conviction, to a fine not exceeding two hundred fifty currency points or to imprisonment for a term not exceeding five years, or both.

CHAPTER XXV—OFFENCES ALLIED TO STEALING

257. Concealing registers

Any person who, with intent to defraud, conceals or takes from its place of deposit any register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any such register which is required by law to be sent to any public office, commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

258. Concealing wills

Any person, who with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, commits a felony and is liable, on conviction, to imprisonment for a term of ten years.

259. Concealing deeds

Any person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land commits a felony and is liable, on conviction, to imprisonment for a term of three years.

260. Killing animal with intent to steal

Any person who kills any animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, commits an offence and is liable to the same punishment as if he or she had stolen the animal.

261. Severing with intent to steal

Any person who makes anything movable with intent to steal it commits an offence and is liable to the same punishment as if he or she had stolen the thing after it had become movable.

262. Fraudulent disposition of mortgaged goods

(1) Any person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, commits a misdemeanour.

(2) In this section, “mortgaged goods” includes any goods and chattels of any kind, and any animals, and any progeny of any animals, and any crops or produce of the soil, whether growing or severed, which are subject for the time being, by virtue of the provisions of any written law or of any written instrument, to a valid charge or lien by way of security for any debt or obligation.

263. Fraudulent dealing in minerals

Any person who takes, conceals or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

264. Fraudulent appropriation of power

Any person who fraudulently abstracts or diverts to his or her own use or to the use of any other person any mechanical, illuminating or electrical power derived from any machine, apparatus or substance, the property of another person, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

265. Unlawful use of vehicles, animals, etc.

Any person who, unlawfully and without any right, but not so as to be guilty of stealing, takes or converts to his or her own use or to the use of any other person, any draught or riding animal or any vehicle or cycle, however propelled, or any vessel, commits a misdemeanour and is liable, on conviction, to a fine of twelve currency points or to imprisonment for a term of six months, or both.

CHAPTER XXVI—ROBBERY AND EXTORTION**266. Definition of robbery**

Any person who steals anything and at or immediately before or immediately after the time of stealing it uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained commits the felony termed robbery.

267. Punishment for robbery

- (1) Any person who commits the felony of robbery is liable—
 - (a) on conviction by a magistrate's court, to imprisonment for a term of ten years;
 - (b) on conviction by the High Court, to imprisonment for life.

(2) Notwithstanding subsection (1)(b), where at the time of or immediately before or immediately after the time of the robbery, an offender is in possession of a deadly weapon, or causes death or grievous harm to any person, the offender or any other person jointly concerned in committing the robbery shall, on conviction by the High Court, be liable to suffer death.

- (3) In subsection (2), “deadly weapon” includes—
(a) (i) any instrument made or adapted for shooting, stabbing or cutting and any imitation of such an instrument;
(ii) any substance, which when used for offensive purposes is capable of causing death or grievous harm or is capable of inducing fear in a person that it is likely to cause death or grievous bodily harm; and
(b) any substance intended to render the victim of the offence unconscious.
- (4) Notwithstanding section 125 of the Trial on Indictments Act where a person is convicted of the felony of robbery the court shall, order the person convicted to pay such sum by way of compensation to any person to the prejudice of whom the robbery was committed, as in the opinion of the court is just having regard to the injury or loss suffered by such person, and any such order shall be deemed to be a decree and may be executed in the manner provided by the Civil Procedure Act.

268. Attempted robbery

(1) Any person who assaults any other person with intent to steal anything and at, immediately before or immediately after the assault, uses or threatens to use actual violence to any person or property in order to obtain the thing intended to be stolen or to prevent or overcome resistance to its being stolen, commits a felony.

- (2) Any person who commits a felony under this section is liable—
(a) on conviction by a magistrate’s court, to imprisonment for a term of seven years;
(b) on conviction by the High Court, to imprisonment for life.

269. Assault with intent to steal

Any person who assaults any person with intent to steal anything commits a felony and is liable, on conviction, to imprisonment for a term of five years.

270. Demanding property by written threats

Any person who, with intent to extort or gain anything from any person, and knowing the contents of the writing, causes any person to receive any

writing demanding anything from any person without reasonable or probable cause, and containing threats of any injury or detriment of any kind to be caused to any person, either by the offender or by any other person, if the demand is not complied with, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

271. Attempts at extortion by threats

- (1) Any person who, with intent to extort or gain anything from any person—
- (a) accuses or threatens to accuse any person of committing any felony or misdemeanour, or of offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of a felony or misdemeanour;
 - (b) threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or
 - (c) knowing the contents of the writing, causes any person to receive any writing containing any such accusation or threat as aforesaid, commits a felony, and if the accusation or threat of accusation is of—
 - (d) an offence for which the punishment of death or imprisonment for life may be inflicted;
 - (e) any of the offences defined in Chapter XIII of this Code, or an attempt to commit any of such offences;
 - (f) an assault with intent to have carnal knowledge of any person against the order of nature, or an unlawful and indecent assault upon a male person; or
 - (g) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences set out in this subsection,

the offender is liable, on conviction, to imprisonment for a term of fourteen years, and in any other case to imprisonment for a term of three years.

- (2) It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he or she is accused or threatened to be accused.

272. Procuring execution of deeds, etc. by threats

Any person who, with intent to defraud, and by means of any unlawful violence to, or restraint of, the person of another, or by means of any threat

of violence or restraint to be used to the person of another, or by means of accusing or threatening to accuse any person of committing any felony or misdemeanour, or by offering or making any solicitation or threat to any person as an inducement to commit or permit the commission of any offence, compels or induces any person—

- (a) to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security; or
- (b) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

273. Demanding property with menaces

Any person who, with intent to steal any valuable thing, demands it from any person with menaces or force, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

CHAPTER XXVII—BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

274. Definition of breaking and entering

(1) A person who breaks any part of a building, whether external or internal, or opens by unlocking, pulling, pushing, lifting or any other means any door, window, shutter, cellar flap or other thing, intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

(2) A person is deemed to enter a building as soon as any part of his or her body or any part of any instrument used by him or her is within the building.

(3) A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

275. Housebreaking and burglary

(1) Any person who—
(a) breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony in it; or
(b) having entered any building, tent or vessel used as a human dwelling with intent to commit a felony in it, or having committed a felony in any such building, tent or vessel, breaks out of it, commits the felony termed housebreaking and is liable, on conviction to imprisonment for a term of seven years.

(2) If the offence is committed in the night, it is termed burglary, and the offender is liable to imprisonment for a term of ten years.

276. Entering dwelling house with intent to commit felony

(1) Any person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony in it commits a felony and is liable, on conviction, to imprisonment for a term of five years.

(2) If the offence is committed in the night, the offender is liable to imprisonment for a term of seven years.

277. Breaking into building and committing felony

Any person who—

(a) breaks and enters a schoolhouse, shop, warehouse, store, office or counting house or a building which is adjacent to a dwelling house and occupied with it but is no part of it, or any building used as a place of worship, and commits a felony in it; or
(b) having committed a felony in a schoolhouse, shop, warehouse, store, office or counting house or in any other building mentioned in paragraph (a), breaks out of the building, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

278. Breaking into building with intent to commit felony

Any person who breaks and enters a schoolhouse, shop, warehouse, store, office or counting house, or a building which is adjacent to a dwelling house

and occupied with it but is no part of it, or any building used as a place of worship, with intent to commit a felony in it, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

279. Penalty in case of breaking, etc. by armed persons

When a person committing or attempting to commit an offence under section 275, 276, 277 or 278 is at the time of committing or attempting to commit such offence armed with a dangerous or offensive weapon, he or she is liable, on conviction, to imprisonment for a term of fourteen years.

280. Persons found, etc. with intent to commit felony

- (1) Any person who is found—
 - (a) armed with any dangerous or offensive weapon or instrument, and being so armed, with intent to break or enter any building, structure or curtilage and to commit a felony in it;
 - (b) having in his or her possession without lawful excuse, the proof of which lies on him or her, any housebreaking instrument;
 - (c) having his or her face masked or otherwise disguised, with intent to commit a felony;
 - (d) in any building, structure or curtilage during the night with intent to commit a felony in it;
 - (e) in any building, structure or curtilage during the day with intent to commit a felony in it, and having taken precautions to conceal his or her presence;
 - (f) by night wandering or moving about by whatever means and being armed with a dangerous or offensive weapon without lawful excuse, the proof of which lies on him or her,

commits an offence and is liable, on conviction, to imprisonment for a term of seven years.

- (2) Where a person who has been previously convicted of a felony relating to property is convicted of an offence under this section, he or she is liable, on conviction, to imprisonment for a term of ten years.

281. Persons found loitering, etc. with intent

- (1) Where three or more persons are found loitering, wandering, moving about or concealing themselves, while any of them is armed with an

article to which this section applies, with the intention of committing an offence relating to property or an offence against the person, every such person commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

(2) In a prosecution for an offence under this section, proof that the accused was so found and so armed shall be sufficient evidence that the accused had an intention to commit an offence relating to property or an offence against the person unless the accused gives an explanation of his or her conduct which satisfies the court that he or she had no such intention.

(3) This section applies to a dangerous or offensive weapon, an imitation firearm or a housebreaking instrument.

282. Criminal trespass

Any person enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person; or

(b) having lawfully entered into or upon such property remains there with intent to intimidate, insult or annoy any person or with intent to commit any offence,

commits the misdemeanour termed criminal trespass and is liable, on conviction, to imprisonment for a term of one year.

283. Forfeiture

Where any person is convicted of an offence under this Chapter, the court may order that any dangerous or offensive weapon or instrument of housebreaking carried or used in connection with the offence shall be forfeited to the Government.

CHAPTER XXVIII—FALSE PRETENCES

284. Definition of false pretence

Any representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a false pretence.

285. Obtaining goods by false pretences

Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, commits a felony and is liable, on conviction, to imprisonment for a term of five years.

286. Obtaining execution of security by false pretences

Any person who by any false pretence, and with intent to defraud, induces any person to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or to write any name or impress or affix any seal upon or to any paper or parchment in order that it may afterwards be made or be converted into or used or dealt with as a valuable security, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of five years.

287. Cheating

Any person who by means of any fraudulent trick or device obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he or she would have paid or delivered but for such trick or device, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of three years.

288. Obtaining credit, etc. by false pretences

Any person who incurs any debt or liability obtains credit by any false pretence or by means of any other fraud;

- (b) with intent to defraud his or her creditors or any of them, makes or causes to be made any gift, delivery or transfer of or any charge on his or her property; or
- (c) with intent to defraud his or her creditors or any of them, sells or removes any part of his or her property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him or her,

commits a misdemeanour.

289. Conspiracy to defraud

Any person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public or any person, whether a particular person or not, or to extort any property from any person, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of three years.

290. Frauds on sale or mortgage of property

Any person who, being a seller or mortgagor of any property, or being the advocate or agent of the seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him or her, and with intent to defraud—

- (a) conceals from the purchaser or mortgagee any instrument material to the title or any incumbrance;
- (b) falsifies any pedigree on which the title depends or may depend; or
- (c) makes any false statement as to the title offered or conceals any fact material to the title,

commits a misdemeanour and is liable, on conviction, to imprisonment for a term of two years.

291. Pretending to tell fortunes

Any person who for gain or reward undertakes to tell fortunes or pretends from his or her skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found commits a misdemeanour.

292. Obtaining registration, etc. by false pretence

Any person who wilfully procures or attempts to procure for himself or herself or for any other person any registration, licence or certificate under any law by any false pretence commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

293. False declaration for passport

Any person who makes a statement which is, to his or her knowledge, untrue for the purpose of procuring a passport, whether for himself or herself or for any other person, commits a misdemeanour.

CHAPTER XXIX—RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES**294. Receiving stolen property, etc.**

(1) Any person who receives or retains any chattel, money, valuable security or other property, knowing or having reason to believe that it had been feloniously stolen, taken, extorted, obtained or disposed of, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

(2) Any person who receives or retains any chattel, money, valuable security or other property, knowing or having reason to believe that it had been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour, commits a misdemeanour and is liable to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

(3) No person, except a person pleading guilty, shall be convicted of an offence under this section unless it shall first be proved that the property which is the subject matter of the charge has in fact been stolen or feloniously or unlawfully taken, extorted, obtained, converted or disposed of.

(4) Whenever any person is being proceeded against under any of the provisions of this section for receiving or retaining any property, for the purpose of proving guilty knowledge, there may be given in evidence at any stage of the proceedings—

- (a) the fact that other property stolen within the period of twelve months preceding the date of the offence charged, was found or had been in his or her possession;
- (b) the fact that within the five years preceding the date of the offence charged, he or she was convicted of any offence involving fraud or dishonesty; but this fact may not be proved unless—

- (i) seven days' notice in writing has been given to the offender that proof of the previous conviction is intended to be given; and
- (ii) evidence has been given that the property in respect of which the offender is being tried was found or had been in his or her possession, and

no evidence of the kind mentioned in this subsection may be given in any proceedings if there is included in the charge or indictment a count for any offence other than an offence under the provisions of this section.

295. Persons suspected of having or conveying stolen property

(1) When any police officer has stopped, searched or detained any vessel, boat, aircraft, vehicle or person under section 7 of the Criminal Procedure Code Act or searched any building, vessel, carriage, box, receptacle or place pursuant to a search warrant issued under section 70 of the Magistrates Courts Act and has seized anything which may reasonably be suspected of having been stolen or unlawfully obtained, and if the person in whose possession that thing was found does not give an account to the satisfaction of the court of how he or she came by it, the person commits a misdemeanour.

(2) For the purposes of subsection (1), a thing shall be deemed to be in the possession of a person if—

- (a) when found by a police officer acting under section 7 of the Criminal Procedure Code Act it is on the person of or being carried by the person or is part of his or her goods or luggage on a vessel, boat, aircraft or vehicle; or
- (b) when found by a police officer acting pursuant to a search warrant issued under section 70 of the Magistrates Courts Act it is in a part of a building in which the person resides, or which he or she occupies or is in a vessel, carriage, box, receptacle or place under his or her control.

296. Unlawful possession of Government stores

(1) The Minister may, by statutory instrument, give directions as to the marks which may be applied in or on any stores under the control of any branch or department, being the property of the Government.

(2) Any person who is charged with conveying or with having in his or her possession, or keeping in any building or place, whether open or enclosed, any stores so marked, which may be reasonably suspected of having been stolen or unlawfully obtained, and who does not give an account to the satisfaction of the court of how he or she came by the stores, commits a misdemeanour.

(3) For the purposes of this section—

“marks” includes mark or any part of a mark; and

“stores” includes all goods and chattels and any single store or article or part of the good or chattels.

297. Receiving goods stolen outside Uganda

Any person who, without lawful excuse, knowing or having reason to believe property to have been stolen or obtained in any way under such circumstances that if the act had been committed in Uganda the person committing it would have been guilty of a felony or misdemeanour, receives or has in his or her possession any property so stolen or obtained outside Uganda, commits an offence of the like degree, whether felony or misdemeanour, and is liable, on conviction, to imprisonment for a term of seven years.

298. Prohibition of exportation without licence

(1) The exportation or importation of goods from or into Uganda is prohibited except under licence granted by the Minister responsible and through such places of exit or entry as may be prescribed, for that purpose by the Minister responsible; except that no licence shall be required for the exportation or importation of any goods which are—

- (a) for the personal use of the person exporting or importing them; or
- (b) gifts,

and are in either case in a quantity reasonable for the respective purpose.

(2) In subsection (1), “Minister responsible” means the Minister to whom the functions under that subsection are assigned.

(3) An authorised officer shall not permit the exportation or importation of any goods in contravention of this section but shall in each case detain the goods being so exported or imported until he or she is satisfied that the appropriate licence has been obtained or any condition of the licence

has been obtained or fulfilled, and any officer who fails to comply with this subsection commits an offence and shall on conviction be sentenced to imprisonment for a term of not less than three years and not more than fourteen years and shall in addition pay a fine of not more than two hundred fifty currency points and in default in payment of the fine shall be sentenced to imprisonment for a further term of not more than two years.

(4) In subsection (3), “authorised officer” means a customs officer in respect of matters of customs, a police officer, a trade development officer, a chief appointed under the Local Governments Act or vigilante groups.

299. Smuggling

(1) Any person who exports or imports any goods from or into Uganda—

- (a) in contravention of section 298;
- (b) in such manner that the goods are—
 - (i) concealed in any way;
 - (ii) packed in any package, whether or not with other goods, in a manner calculated to deceive any authorised officer; or
 - (iii) contained in any package of which the entry or application for carriage out of or within Uganda does not correspond with such goods; or
- (c) in any manner by which he or she evades the control of customs over the exportation or importation,

commits the offence of smuggling and is liable, on conviction, to imprisonment for a term of not less than three years and not more than fourteen years and shall in addition pay a fine of not more than two hundred fifty currency points and in default in payment of the fine shall be sentenced to imprisonment for a further term of not more than two years.

(2) Notwithstanding subsection (1), where in the course of committing the offence of smuggling an offender is armed with, uses or threatens to use a deadly weapon or causes death or grievous harm to any person or authorised officer, the offender and any other person jointly concerned in committing the offence of smuggling shall, on conviction by the High Court, be liable to suffer death.

(3) In subsection (2), “deadly weapon” includes—

- (a) (i) an instrument made or adapted for shooting, stabbing or cutting, any imitation of such an instrument;
(ii) any substance,

which when used for offensive purposes is capable of causing death or grievous harm or is capable of inducing fear in a person that it is likely to cause death or grievous bodily harm; and

- (b) any substance intended to render the victim of the offence unconscious.

(4) Where a court convicts a person for smuggling under this section, the court shall, in addition to the penalty prescribed under that subsection, order the goods found to have been smuggled to be forfeited to the Government, as well as the vessel, vehicle or aircraft, if any, used in the commission of the offence, where that vessel, vehicle or aircraft, belongs to the offender or where its owner was privy to the offence; but a *bona fide* creditor of the accused person, in respect of the goods or vessel, vehicle or aircraft forfeited under this section, may, upon proof to the Minister responsible for finance of his or her interest in the goods, vessel, vehicle or aircraft be paid such part of the proceeds as the Minister may deem fit.

(5) For the avoidance of doubt, the payment by the Minister responsible for finance under subsection (4) shall be a good discharge of the accused to his or her creditor to the extent only of the actual amount paid without prejudice to any further obligations outstanding.

300. Possession of goods suspected to have been smuggled

Any person who is found in possession of property or goods reasonably suspected to have been smuggled into Uganda or about to be smuggled from Uganda in contravention of sections 298 and 299 commits an offence and is liable to the same penalties as are prescribed in section 299.

301. Attempting to smuggle

(1) Any person who transports any goods to a place within Uganda in such manner, towards a direction and in such quantity as to appear to be transporting the goods to a place outside Uganda in contravention of section 298 shall be presumed to be attempting to smuggle.

(2) When a vessel, vehicle, aircraft or other means of conveying or carrying transit goods in Uganda—

- (a) diverts, without reasonable cause, from its normal route;
- (b) off-loads the goods; or
- (c) loads other goods which were not in transit,

the owner or the person in charge of such vessel, vehicle, aircraft or other means of conveying shall be presumed to be attempting to smuggle.

(3) Any person convicted of the offence in this section is liable to the same penalties as are prescribed in section 299.

CHAPTER XXX—FRAUDS BY TRUSTEES AND PERSONS IN POSITION OF TRUST, AND FALSE ACCOUNTING

302. Fraudulent offences by directors and officers of corporations or companies

Any person who—

- (a) being a director or an officer of a corporation or company, receives or possesses himself or herself as director or officer of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and with intent to defraud, omits either to make a full and true entry of the property in the books and accounts of the corporation or company, or to cause or direct such an entry to be made in them; or
- (b) being a director, officer or member of a corporation or company, does any of the following acts with intent to defraud—
 - (i) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in the book, document or account, or is privy to any such act;
 - (ii) makes or is privy to making, any false entry in any book, document or account; or
 - (iii) omits, or is privy to omitting, any material particular from any book, document or account,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

303. False statements by officials of companies

Any person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written statement or account which, in any material particular, is to his or her knowledge false, with intent thereby to effect any of the following purposes—

- (a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;
- (b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for its benefit,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

*Division VI—Malicious injuries to property***CHAPTER XXXI—OFFENCES CAUSING INJURY TO PROPERTY****304. Arson**

Any person who wilfully and unlawfully sets fire to—

- (a) any building or structure, whether completed or not;
- (b) any vessel, whether completed or not;
- (c) any stack of cultivated vegetable produce, or of mineral or vegetable fuel; or
- (d) a mine, or the workings, fittings or appliances of a mine,

commits a felony and is liable, on conviction, to imprisonment for life.

305. Attempt to commit arson

Any person who—

- (a) attempts unlawfully to set fire to any such thing as is mentioned in section 304; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any thing as is mentioned in section 304 is likely to catch fire from it,

commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

306. Setting fire, etc. to crops and growing plants

Any person who wilfully and unlawfully sets fire to or otherwise destroys or damages—

- (a) a crop of cultivated produce, whether standing, picked or cut;
- (b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut; or
- (c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

307. Attempt to set fire to crops, etc.

Any person who—

- (a) attempts unlawfully to set fire to any thing as is mentioned in section 306; or
- (b) wilfully and unlawfully sets fire to anything which is so situated that any thing as is mentioned in section 306 is likely to catch fire from it,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

308. Prevention and control of fires

Any person who—

- (a) without the consent of the owner or occupier of any land, wilfully or negligently burns any crops, stubble, grass, trees, bush or herbage on the land;
- (b) leaves any fire which he or she may have lighted or used or authorised to be lighted or used in the open air before the fire is thoroughly extinguished; or
- (c) fails to prevent any fire lawfully lit by him or her on land occupied or owned by him or her, or lighted with his or her authority or consent, from extending on to the land of any other person or from causing damage to the property of any other person,

commits a misdemeanour.

309. Casting away ships

Any person who—

- (a) wilfully and unlawfully casts away or destroys any vessel, whether completed or not;
- (b) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or
- (c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for purposes of navigation, or exhibits any false light or signal,

commits a felony and is liable, on conviction, to imprisonment for life.

310. Attempt to cast away ships

Any person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or who attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

311. Injuring animals

(1) Any person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen commits an offence.

(2) If the animal in question is a horse, mare, gelding, ass, mule, camel, bull, cow, ox, goat, pig, ram, ewe, wether or ostrich, or the young of any of these animals, the offender commits a felony and is liable, on conviction, to imprisonment for a term of seven years; and in any other case the offender commits a misdemeanour.

312. Punishment for malicious injuries in general

(1) Any person who wilfully and unlawfully destroys or damages any property commits an offence and is liable, on conviction, if no other punishment is provided, to imprisonment for a term of five years.

(2) If the property in question is a dwelling house or a vessel, and the injury is caused by the explosion of any explosive substance, and if—

- (a) any person is in the dwelling house or vessel; or

- (b) the destruction or damage actually endangers the life of any person,

the offender commits a felony and is liable, on conviction, to imprisonment for life.

- (3) If the property in question—

- (a) is a bank or wall of a river, canal, aqueduct, reservoir or inland water, or work which appertains to a dock, reservoir or inland water, and the injury causes actual danger of inundation or damage to any land or building;
- (b) is a railway or is a bridge, viaduct or aqueduct which is constructed over a highway, railway or canal, or over which a railway, highway or canal passes, and the property is destroyed; or
- (c) being a railway, or being any such bridge, viaduct or aqueduct, is damaged, and the damage is done with intent to render the railway, bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under it, or any part of it, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable,

the offender commits a felony and is liable, on conviction, to imprisonment for life.

(4) If the property in question is a testamentary instrument, whether the testator is living or dead, or a register which is authorised or required by law to be kept for authenticating or recording the title to any property or for recording births, baptisms, marriages, deaths or burials, or a copy of any part of any register which is required by law to be sent to any public officer, the offender commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

(5) If the property in question is a vessel in distress, wrecked or stranded, or anything which belongs to the vessel, the offender commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

(6) If the property in question is any part of a railway or any work connected with a railway, the offender commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

- (7) If the property in question—

- (a) being a vessel, whether completed or not, is destroyed;

- (b) being a vessel, whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless;
- (c) is a light, beacon, buoy, mark or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation;
- (d) is a bank or wall of a river, canal, aqueduct, reservoir or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir or inland water, or which is used for the purposes of lading or unlading goods;
- (e) being a railway or being a bridge, viaduct or aqueduct which is constructed over a highway, railway or canal, or over which a highway, railway or canal passes, is damaged and the damage is done with intent to render the railway, bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable;
- (f) being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed;
- (g) being any thing, machine, implement or appliance, as referred to in paragraph (f), is damaged and the damage is done with intent to destroy the thing in question or to render it useless;
- (h) is a shaft or a passage of a mine, and the injury is done with intent to damage the mine or to obstruct its working;
- (i) is a machine, appliance, apparatus, building, erection, bridge or road, appertaining to or used with a mine, whether the thing in question is completed or not;
- (j) being a rope, chain or tackle of whatever material, which is used in a mine, or upon any way or work appertaining to or used with a mine, is destroyed;
- (k) being any rope, chain or tackle, as referred to in paragraph (j), is damaged, and the damage is done with intent to destroy the thing in question or to render it useless; or
- (l) is a well, or bore for water, or the dam, bank, wall or floodgate of a millpond or pool,

the offender commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

- (8) If the property in question is a document which is deposited or kept in a public office or which is evidence of title to any land or estate in land,

the offender commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

313. Attempt to destroy property by explosives

Any person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place commits a felony and is liable, on conviction, to imprisonment for a term of fourteen years.

314. Communicating infectious diseases to animals

Any person who wilfully and unlawfully causes, or is concerned in causing, or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

315. Removing boundary marks

Any person who wilfully and unlawfully and with intent to defraud removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land commits a felony and is liable, on conviction, to imprisonment for a term of three years.

316. Wilful damage, *etc.* to survey and boundary marks

Any person who—

- (a) wilfully removes, defaces or injures any survey mark or boundary mark which shall have been made or erected by or under the direction of any Government department or in the course of or for the purposes of a Government survey;
- (b) being under an obligation to maintain in repair any boundary mark made or erected, as provided in paragraph (a), neglects or refuses to repair it; or
- (c) wilfully removes, defaces or injures any survey mark erected by any person authorised or licensed by the Government to conduct survey operations or any mark erected by the holder of, or by an intending applicant for, any lease, licence or right under a written law relating to mines or minerals,

commits a misdemeanour and is liable, on conviction, to a fine of six currency points or to imprisonment for a term of three months, and may further be

ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act or neglect.

317. Penalties for damage, etc. to railway works

Any person who—

- (a) wilfully damages, injures or obstructs any work, way, road, building, turnstile, gate, toll bar, fence, weighing machine, engine, tender, carriage, wagon, truck, material or plant, acquired for or belonging to any railway works;
- (b) pulls up, removes, defaces or destroys or in any way interferes with any poles, stakes, flags, pegs, lines, marks or anything driven or placed in or upon the ground, trees, stones or buildings, or any other material, belonging to any railway works;
- (c) commits any nuisance or trespass in or upon any land, buildings or premises, acquired for or belonging to any railway works; or
- (d) wilfully molests, hinders or obstructs the officer in charge of any railway or his or her assistants or workers in the execution of any work done or to be done in reference to the construction or maintenance of the railway,

commits an offence and is liable, on conviction, to a fine of one hundred twenty currency points or to imprisonment for a term of five years.

318. Threats to burn, etc.

Any person who, knowing the contents of a letter or writing, sends, delivers, utters or directly or indirectly causes to be received, the letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any vessel, or to kill, maim or wound any cattle, commits a felony and is liable, on conviction, to imprisonment for a term often years.

Division VII—Forgery, coining, counterfeiting and similar offences

CHAPTER XXXII—DEFINITIONS

319. Forgery

Forgery is the making of a false document with intent to defraud or to deceive.

320. Document

In this division of this Code, “document” does not include a trademark or any other sign used in connection with articles of commerce though they may be written or printed.

321. Bank note and currency note

In this division of this Code, “bank note” and “currency note” include any notes, by whatever name called, which are legal tender in the country in which they are issued.

322. Making false document

A person makes a false document who—

- (a) makes a document purporting to be what in fact it is not;
- (b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;
- (c) introduces into a document without authority while it is being drawn up a matter which if the matter had been authorised would have altered the effect of the document;
- (d) signs a document—
 - (i) in the name of any person without his or her authority whether the name is or is not the same as that of the person signing;
 - (ii) in the name of any fictitious person alleged to exist, whether the fictitious person is or is not alleged to be of the same name as the person signing;
 - (iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person;
 - (iv) in the name of a person personated by the person signing the document,

if the effect of the instrument depends upon the identity between the person signing the document and the person whom he or she professes to be.

323. Intent to defraud

An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person, ascertained or unascertained, capable of being defrauded by it, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent the person from being defrauded in fact, nor by the fact that he or she had, or thought he or she had, a right to the thing to be obtained by the false document.

CHAPTER XXXIII—PUNISHMENT FOR FORGERY**324. General punishment for forgery**

Any person who forges any document commits an offence which, unless otherwise stated, is a felony and is liable, on conviction, unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided, to imprisonment for a term of three years.

325. Forgery of wills, etc.

(1) Any person who forges any will, document of title to land, judicial record, power of attorney, bank note, currency note, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker is liable, on conviction, to imprisonment for life.

(2) The court may, in addition, order that the forged document referred to in subsection (1) shall be forfeited to the Government.

326. Forgery of judicial or official document

Any person who forges any judicial or official document is liable, on conviction, to imprisonment for a term of ten years.

327. Forgery of and other offences in relation to stamps

Any person who—

- (a) forges any stamp, whether impressed or adhesive, used for the purposes of revenue or accounting by a Government department;

- (b) without lawful excuse, the proof of which shall lie upon him or her, makes or has knowingly in his or her possession any die or instrument capable of making the impression of any such stamp;
- (c) fraudulently cuts, tears in any way or removes from any material any stamp used for purposes of revenue or accounting by the Government, with intent that another use shall be made of the stamp or any part of it;
- (d) fraudulently mutilates any stamp referred to in paragraph (c) with intent that another use shall be made of the stamp;
- (e) fraudulently fixes or places upon any material or upon any stamp referred to in paragraph (d) any stamp or part of a stamp which whether fraudulently or not, has been cut, torn or in any way been removed from any other material or out of or from any other stamp;
- (f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing written on it with the intent that another use shall be made of the stamp upon such material; or
- (g) knowingly and without lawful excuse, the proof of which shall lie upon him or her, has in his or her possession, any stamp or part of a stamp which has been fraudulently cut, torn or in any way been removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

is liable, on conviction, to imprisonment for a term of seven years.

328. Uttering false documents

Any person who knowingly and fraudulently utters a false document commits an offence of the same kind and is liable to the same punishment as if he or she had forged the thing in question.

329. Uttering cancelled or exhausted documents

Any person who knowingly utters, as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by effluxion of time or by death, or by the happening of any other event,

commits an offence of the same kind and is liable to the same punishment as if he or she had forged the document.

330. Procuring execution of documents by false pretences

Any person who by means of any false and fraudulent representation as to the nature, content or operation of a document, procures another to sign or execute the document commits an offence of the same kind and is liable to the same punishment as if he or she had forged the document.

331. Obliterating crossings on cheques

Any person who, with intent to defraud—

- (a) obliterates, adds to or alters the crossing on a cheque; or
- (b) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to or altered,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

332. Making documents without authority

Any person who, with intent to defraud or to deceive—

- (a) without lawful authority or excuse, makes, signs or executes, for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or
- (b) knowingly utters any document or writing so made, signed or executed by another person,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

333. Demanding property upon forged testamentary instruments

A person who procures the delivery or payment to himself or herself or to any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument, knowing the testamentary instrument to have been forged, or upon or by virtue of any probate or letters of administration obtained by false evidence, knowing the grant to have been so obtained, commits an offence of the same kind and is liable to the same punishment as if he or she had forged the document by virtue of which he or she procures the delivery or payment.

334. Purchasing forged bank or currency notes

Any person who, without lawful authority or excuse, the proof of which lies on him or her, imports into Uganda or purchases or receives from any person, or has in his or her possession, a forged bank note or currency note, whether filled up or in blank, knowing it to be forged, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

335. Falsifying warrant for money payable under public authority

Any person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

336. Falsification of register

Any person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry, which in any material particular is to his or her knowledge false, to be made in the register or record, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

337. Sending false certificate of marriage to registrar

Any person who signs or transmits to a person authorised by law to register marriages, a certificate of marriage, or any document purporting to be a certificate of marriage, which in any material particular is to his or her knowledge false, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

338. False statements for registers of births, deaths and marriages

Any person who knowingly and with intent to procure the same to be inserted in a register of births, deaths or marriages makes any false statement touching any matter required by law to be registered in the register, commits a felony and is liable, on conviction, to imprisonment for a term of three years.

CHAPTER XXXIV—OFFENCES RELATING TO COIN AND BANK AND CURRENCY NOTES

339. Definitions

In this Chapter—

“coin” includes any coin coined in any Government mint or lawfully current by virtue of any written law or otherwise in Uganda, and any coin of a foreign sovereign or State;

“counterfeit coin” means a coin not genuine but resembling or apparently intended to resemble or pass for a genuine coin, and includes a genuine coin prepared or altered so as to pass for a coin of a higher denomination.

340. Counterfeiting coin

Any person who makes or begins to make any counterfeit coin commits a felony and is liable, on conviction, to imprisonment for life.

341. Preparations for coining

Any person who—

- (a) gilds or silvers any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit coin;
- (b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that the counterfeit coin shall be made from it; or
- (c) without lawful authority or excuse, the proof of which lies on him or her—
 - (i) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing;
 - (ii) brings or receives into Uganda any counterfeit coin, knowing it to be counterfeit;
 - (iii) makes or mends, or begins or prepares to make or mend, or has in his or her possession, or disposes of any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side of a coin, knowing the same to be a stamp or mould or to be so adapted;

- (iv) makes or mends or begins or prepares to make or mend, or has in his or her possession, or disposes of any tool, instrument or machine which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended; or
- (v) makes or mends or begins or prepares to make or mend, or has in his or her possession, or disposes of any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, knowing that the press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

commits a felony and is liable, on conviction, to imprisonment for life.

342. Making or having in possession paper or implements for forgery

Any person who, without lawful authority or excuse, the proof of which lies on him or her—

- (a) makes, uses or knowingly has in his or her custody or possession any paper intended to resemble and pass as a special paper such as is provided and used for making any bank note or currency note;
- (b) makes, uses or knowingly has in his or her custody or possession any frame, mould or instrument for making any paper or for producing in or on any paper any words, figures, letters, marks, lines or devices peculiar to and used in or on the paper;
- (c) engraves or in any way makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print of which resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any bank note or currency note;
- (d) uses or knowingly has in his or her custody or possession any plate, wood, stone or other material, upon which any words, figures, letters, marks, lines or devices have been engraved or in any way made as aforesaid; or
- (e) uses or knowingly has in his or her custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in any way made as aforesaid,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

343. Clipping

Any person who deals with any coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as coin commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

344. Melting down of currency

(1) Any person who melts down, breaks up, defaces by stamping thereon any name, word or mark or uses otherwise than as currency any silver coin current for the time being in Uganda commits a misdemeanour and is liable, on conviction, to a fine not exceeding twelve currency points or to imprisonment for a term of six months, or both; except that any officer of the Government or the manager of any bank who receives during the performance of his or her duties any coin which he or she has reasonable ground for believing to be counterfeit coin shall impound the coin and transmit it to the treasury officer of accounts, who may cut, deface or destroy it with or without compensation, as he or she thinks fit, if in his or her opinion it is counterfeit.

(2) The decision of the treasury officer of accounts that a coin is counterfeit and that compensation should be granted or withheld shall be final, and no person shall be entitled to claim, and no proceedings or action shall be brought against the treasury officer of accounts or the Government in respect of any loss or damage suffered by reason of such impounding and cutting, defacing or destruction.

345. Possession of clippings

Any person who unlawfully has in his or her possession or who disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, commits a felony and is liable, on conviction, to imprisonment for a term of seven years.

346. Uttering counterfeit coin

Any person who utters any counterfeit coin, knowing it to be counterfeit commits a misdemeanour.

347. Repeated uttering

Any person who—

- (a) utters any counterfeit coin, knowing it to be counterfeit, and at the time of the uttering has in his or her possession any other counterfeit coin;
- (b) utters any counterfeit coin, knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing, utters any other counterfeit coin, knowing it to be counterfeit; or
- (c) receives, obtains or has in his or her possession any counterfeit coin, knowing it to be counterfeit, with intent to utter it,

commits a felony and is liable, on conviction, to imprisonment for a term of three years.

348. Uttering metal or coin not current as coin

(1) Any person who, with intent to defraud, utters as and for coin any metal or piece of metal commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

(2) Any person who, with intent to defraud, utters as and for coin lawfully current in Uganda by virtue of any written law or otherwise, any coin not so lawfully current commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

349. Exporting counterfeit coin

Any person who, without lawful authority or excuse, the proof of which lies on him or her, exports or puts on board of a vessel or vehicle of any kind, for the purpose of being exported from Uganda, any counterfeit coin, knowing it to be counterfeit, commits a misdemeanour.

350. Selling articles bearing designs in imitation of currency

Any person who, without lawful authority or excuse, the proof of which lies upon him or her, sells or offers or exposes for sale any article which bears a design in imitation of any currency or bank note or coin in current use in Uganda or elsewhere commits an offence and is liable, on conviction, to imprisonment for a term of five years.

351. Forfeiture

When any person is convicted of an offence under this Chapter or Chapter XXXIII, the court shall order the forfeiture to the Government of any forged bank note or currency note or of any counterfeit coin or any stamp, mould, tool, instrument, machine, press or any coin, bullion or metal or any article bearing a design in imitation of any currency note, bank note or coin used or employed in the commission of the offence.

CHAPTER XXXV—COUNTERFEIT STAMPS**352. Possession of die used for purpose of making stamps**

Any person who, without lawful authority or excuse, the proof of which lies on him or her—

- (a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his or her possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue in Uganda or in any part of the Commonwealth, or in any foreign country or capable of producing in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose;
- (b) knowingly has in his or her possession or disposes of any paper or other material which has on it the impression of any die, plate or instrument, or any paper which has on it or in it any words, figures, letters, marks or lines as specified in paragraph (a);

- (c) fraudulently, and with intent that use may be made of any stamp as specified in paragraph (a), or of any part of it, removes the stamp from any material in any way;
- (d) fraudulently, and with intent that use may be made of any part of a stamp, mutilates the stamp;
- (e) fraudulently fixes or places upon any material or upon any stamp, any stamp or part of a stamp which has been in any way removed from any other material, or out of or from any other stamp;
- (f) fraudulently, and with intent that use may be made of any stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from any material anything written on it;
- (g) knowingly has in his or her possession or disposes of anything obtained or prepared by any unlawful act as specified in paragraph (a); or
- (h) fraudulently, or with intent to cause loss to the Government, uses for any purpose a stamp issued by the Government for the purposes of revenue which he or she knows to have been used before,

commits a felony and is liable, on conviction, to imprisonment for a term of seven years, and any die, plate, instrument, paper or other thing as specified in paragraph (a) which is found in his or her possession shall be forfeited to the Government.

353. Paper and dies for postage stamps

- (1) Any person who, without lawful authority or excuse, the proof of which lies on him or her—
 - (a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his or her possession, or disposes of any imitation or representation on paper or any other material, of any stamp used for denoting any rate of postage of Uganda, or of any part of the Commonwealth, or of any foreign country; or
 - (b) makes or mends, or begins or prepares to make or mend, or uses, or has in his or her possession, or disposes of any die, plate, instrument or material for making any such imitation or representation, commits a misdemeanour; and any stamps, and any other things as specified in this section, which are found in his or her possession shall be forfeited to the Government.

(2) For the purposes of this section, a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in that country until the contrary is shown.

CHAPTER XXXVI—PERSONATION

354. Personation in general

(1) Any person who, with intent to defraud any person, falsely represents himself or herself to be some other person, living or dead, commits a misdemeanour.

(2) If the representation is that the offender is a person entitled by will or operation of law to any specific property, and he or she commits the offence to obtain that property or possession of it, he or she is liable, on conviction, to imprisonment for a term of seven years.

355. Falsely acknowledging deeds, recognisances, etc.

Any person who, without lawful authority or excuse, the proof of which lies on him or her, makes in the name of any other person, before any court or person lawfully authorised to take such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, commits a misdemeanour.

356. Personation of person named in certificate

(1) Any person who utters any document which has been issued by lawful authority to another person, and by which that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, and falsely represents himself or herself to be the person named in the document, commits an offence of the same kind and is liable to the same punishment as if he or she had forged the document.

(2) Any person who, being a person to whom any document has been issued by lawful authority by which he or she is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or

business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that that other person may represent himself or herself to be the person named in the document, commits a misdemeanour.

357. Personation of person named in testimonial of character

(1) Any person who, for the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of one year.

(2) Any person who, being a person to whom a document mentioned in subsection (1) has been given, gives, sells or lends the document to another person with the intent that that other person may utter the document for the purpose of obtaining any employment, commits a misdemeanour.

CHAPTER XXXVII—CHEQUES

358. Issue of false cheques

(1) Any person, including a public officer in relation to public funds, who—

- (a) without reasonable excuse, proof of which shall be on him or her, issues any cheque drawn on any bank where there is no account against which the cheque is drawn;
- (b) issues any cheque in respect of any account with any bank when he or she has no reasonable ground, proof of which shall be on him or her, to believe that there are funds in the account to pay the amount specified on the cheque within the normal course of banking business; or
- (c) with intent to defraud stops the payment of or countermands any cheque previously issued by him or her,

commits an offence and is liable, on conviction, to a fine not exceeding double the amount represented on the cheque or to imprisonment for a term not exceeding five years, or both.

(2) A person does not commit an offence by virtue of subsection (1) (b) in respect of a cheque which is presented for payment later than three months after the date specified on the cheque for payment.

(3) Where a person is convicted of an offence by virtue of subsection (1)(c), the court may, if satisfied that there are adequate funds in the account of that person in respect of which the cheque in question was issued to meet the amount specified on the cheque, order the bank in question to honour the cheque; and any bank which complies with such an order shall not be liable to any claim in respect of that act.

(4) In this section—

- (a) “cheque” and “issue” shall have the same meanings as assigned to them by the Bills of Exchange Act; and
- (b) a reference to the issue of a cheque includes a reference to the issue of a cheque to the Government.

Division VIII—Attempts and conspiracies to commit crimes, and accessories after fact

CHAPTER XXXVIII—ATTEMPTS

359. Attempt defined

(1) When a person, intending to commit an offence, begins to put his or her intention into execution by means adapted to its fulfilment, and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence, he or she is deemed to attempt to commit the offence.

(2) It is immaterial—

- (a) except so far as regards punishment, whether the offender does all that is necessary on his or her part for completing the commission of the offence, or whether the complete fulfilment of his or her intention is prevented by circumstances independent of his or her will, or whether the offender desists of his or her own motion from the further prosecution of his or her intention;
- (b) that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

360. Attempts to commit offences

Any person who attempts to commit a felony or a misdemeanour commits an offence, which unless otherwise stated, is a misdemeanour.

361. Punishment of attempts to commit certain felonies

Any person who attempts to commit a felony of such a kind that a person convicted of it is liable to the punishment of death or to imprisonment for a term of fourteen years or more, with or without other punishment, commits a felony and is liable, if no other punishment is provided, to imprisonment for a term of seven years.

362. Neglect to prevent felony

Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion of the felony, commits a misdemeanour.

CHAPTER XXXIX—CONSPIRACIES**363. Conspiracy to commit felony**

Any person who conspires with another to commit any felony, or to do any act in any part of the world which if done in Uganda would be a felony and which is an offence under the laws in force in the place where it is proposed to be done, commits a felony and is liable, on conviction, if no other punishment is provided, to imprisonment for a term of seven years, or if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for a term of seven years, then to such lesser punishment.

364. Conspiracy to commit misdemeanour

Any person who conspires with another to commit a misdemeanour, or to do any act in any part of the world which if done in Uganda would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done, commits a misdemeanour and is liable, on conviction, to imprisonment for a term of five years.

365. Other conspiracies

Any person who conspires with another to effect any of the following purposes—

- (a) to prevent or defeat the execution or enforcement of any written law;

- (b) to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person;
 - (c) to prevent or obstruct the free and lawful disposition of any property by its owner for its fair value;
 - (d) to injure any person in his or her trade or profession;
 - (e) to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his or her part , the free and lawful exercise by any person of his or her trade, profession or occupation;
 - (f) to effect any unlawful purpose; or
 - (g) to effect any lawful purpose by any unlawful means,
- commits a misdemeanour and is liable, on conviction, to imprisonment for a term of five years.

CHAPTER XL—ACCESSORIES AFTER FACT

366. Definition of accessories after fact

(1) A person who receives or assists another who is, to his or her knowledge, guilty of an offence, in order to enable him or her to escape punishment, becomes an accessory after the fact to the offence.

(2) A wife does not become an accessory after the fact to an offence of which her husband is guilty by receiving or assisting him in order to enable him to escape punishment; or by receiving or assisting, in her husband's presence and by his authority, another person who is guilty of an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment; nor does a husband become an accessory after the fact to an offence of which his wife is guilty by receiving or assisting her in order to enable her to escape punishment.

367. Punishment of accessories after fact to felonies

Any person who, becomes an accessory after the fact to a felony commits a felony, and is liable, on conviction, if no other punishment is provided, to imprisonment for a term of three years.

368. Punishment of accessories after fact to misdemeanours

Any person who, becomes an accessory after the fact to a misdemeanour, is guilty of a misdemeanour.

369. Power to amend Schedule

The Minister responsible for finance may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

SCHEDULE

Sections 1, 369

Currency Point

A currency point is equivalent to twenty thousand shillings.

Revisers' notes: The Constitutional Court in *Centre for Health, Human Rights and Development (CE 'HURD) and Iga Daniel versus Attorney General, Constitutional Petition No.64 of 2011* declared that the words "idiots" and "imbeciles" that appear in section 119 of the Penal Code Act contravene Articles 20, 21(1), (2), (3), 23, 24 and 35 of the Constitution by reason of their being derogatory, dehumanising and degrading. The Court accordingly struck out the words from the section.

History: Cap. 106 (Revised Edition, 1964); Act 1/1966; Act 7 /1966, s.12; Act 20/1966; Act 24/1966; Act 7 /1967, s.11; Act 12/1968; S.I. 135/1968, s.2; Act 8/1970, s.30; Act 29/1970; Decree 11/1971; Decree 9/1972; Decree 4/1973; Decree 4/1974; Decree 26/1974; Decree 14/1976; Statute 3/1980; Act 9/1984; Statute 5/1987; Statute 9/1988; Statute 4A/1990; L.N. 4/1991; Statute 6/1996, s.114; Act 3/1998; Cap. 120 (Revised Edition, 2000); Act 14/2002; s.32; Act 8/2007; Act 6/2009; Act 17/2010; Act 1/2014; Act 19/2021; Act 17/2023

Cross References

Constitution

Anti-Corruption Act, Cap. 116

Bills of Exchange Act, Cap. 281

Children Act, Cap. 62

Civil Procedure Act, Cap. 282

Criminal Procedure Code Act, Cap. 122

Financial Institutions Act, Cap. 57

Insurance Act, Cap. 191

Labour Unions Act, Cap. 228

Local Governments Act, Cap. 138

Magistrates Courts Act, Cap. 19

Press and Journalist Act, Cap. 100

Trial on Indictments Act, Cap. 25