**ATTORNEY-GENERAL V RWANYARARE AND OTHERS**

**Division:** Supreme Court of Uganda at Mengo

**Date of Judgment:** 21 April 2004

**Case Number:** 2/03

**Before:** Odoki CJ, Oder, Tsekooko, Karokora, Mulenga, Kanyeihamba

and Kato JJSC

**Sourced by:** LawAfrica

**Summarised by:** M Kibanga

*[1] Statute law – Act of Parliament – When an Act of Parliament comes into force – When an Act of*

*Parliament breaches the Constitution – What determines the date of commencement of a statute.*

**Editor’s Summary**

The Parliament of Uganda enacted the Political Parties and Organizations Act and the President assented it on 2 May 2002. It was *gazetted* on 17 July 2002. The respondents felt aggrieved by the Act and filed a constitutional petition seeking *inter alia* a declaration that it was inconsistent with the Constitution.

The Attorney-General filed an answer but raised a point of law as regards the competence of the petition, arguing that the petition had been filed out of time. The Constitutional Court dismissed the objection on the ground that the petition was filed on 31 July 2002 and was within time, hence competent, the attorney-General then appealed to the Supreme Court.

**Held** – An act becomes operational either on a date specified by the Act itself or upon notification in the

Uganda *Gazette*. In the present case, the date of commencement is different from the date of assent. An

Act that has not come into force cannot violate the Constitution. The petition was filed within time.

Appeal was dismissed.

**No cases**