

# Penal Code Act 1950 (Ch 120)

## CHAPTER 120

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## CHAPTER 120

### THE PENAL CODE ACT.

*Commencement:* 15 June, 1950.

#### **An Act to establish a code of criminal law.**

### CHAPTER I—PRELIMINARY.

#### **1.**

#### **General rule of construction.**

This Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in it 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.

#### **2.**

#### **Interpretation.**

In this Code, unless the context otherwise requires—

“Code” means this Penal Code;

“court” means a court of competent jurisdiction;

“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; (g) “harm” means any bodily hurt, disease or disorder

whether

permanent or temporary; (h) "husband" means husband of a monogamous marriage; (i) "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; (j) "knowingly", used in connection with any term denoting uttering

or using, implies knowledge of the character of the thing uttered or used; (k) "local authority" means a local authority established under any written law; (l) "maim" means the destruction or permanent disabling of any external or internal organ, membrane or sense; (m) "Minister" means Attorney General; (n) "misdemeanour" means any offence which is not a felony; (o) "money" includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money; (p) "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; (q) "night" or "nighttime" means the interval between half-past six o'clock in the evening and half-past six o'clock in the morning; (r) "oath" includes affirmation or declaration; (s) "offence" is an act, attempt or omission punishable by law; (t) "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; (u) "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—

(i) 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;

(ii) any office to which a person is appointed or nominated by any written law;

(iii) 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 (i) or

(ii) of this definition; or (iv) 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— (v) a justice of the peace; (vi) a member of a commission of inquiry appointed under or in

pursuance of any written law; (vii) any person employed to execute any process of a court; (viii) all persons belonging to the armed forces of Uganda; (ix) all persons in the employment of the Government or the

administration of a district;  
(x) 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;

(xi) a person in the employ of an urban authority;

(v) "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;

(w) "property" includes everything animate or inanimate capable of

being the subject of ownership; (x) "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; (y) "public body" has the meaning assigned to it under section 1 of the Prevention of Corruption Act; (z) "publicly", when applied to acts done, means either—

(i) 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 (ii) 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;

(aa) "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;

(bb) "public way" includes any highway, marketplace, square, street, bridge or other way which is lawfully used by the public;

(cc) "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;

(dd) "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;

(ee) "vehicle" includes any kind of bicycle or tricycle;

(ff) "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;

(gg) "wife" means wife of a monogamous marriage;

(hh) "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.

### **3. Saving of certain laws.**

Nothing in this Code shall affect—

the liability, trial or punishment of a person for an offence against any other written law in force in Uganda other than this Code;

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;

the power of any court to punish a person for contempt of such court;

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;

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

any of the written laws for the time being in force for the government of the armed forces of Uganda or any 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 THE CODE.

### **4. Extent of jurisdiction of courts.**

The jurisdiction of the courts of Uganda for the purposes of this Code extends to every place within Uganda.

Notwithstanding subsection (1), the courts of Uganda shall have jurisdiction to try offences created under sections 23, 24, 25, 26, 27 and 28 committed outside Uganda by a Uganda citizen or person ordinarily resident in Uganda.

For the avoidance of doubt, the offences referred to in subsection (2) committed outside Uganda by a Ugandan 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 the 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.**

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.

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.

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.**

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.

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.**

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

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—

the state of intoxication was caused without his or her consent by the malicious or negligent act of another person; or

the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

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 Court Act relating to insanity shall apply.

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.

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—

for the use of force in the defence of person and property; and

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—

every person who actually does the act or makes the omission which constitutes the offence;

every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

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 an offence.**

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 to imprisonment for ten years.

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, he or she is liable to a term of imprisonment 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.

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 to a term of imprisonment 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 period not exceeding two years.

### **23. Treason and offences against the State.**

(1) Any person who—

levies war against the Republic of Uganda;

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;

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;

aids or abets another person in the commission of the foregoing acts, or becomes an accessory before or after the fact to any of the foregoing acts or conceals any of those acts, commits an offence and shall suffer death.

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

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

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 shall suffer death.

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

to incite any person to commit an act of mutiny or any treacherous or mutinous act; or

to incite any such person to make or endeavour to make a mutinous assembly, commits an offence and is liable 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 to suffer death.

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

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

wilfully throws any matter or substance at or upon the person of the President;

wilfully strikes the person of the President; or

(c) assaults or wrongfully restrains the person of the President, commits an offence and is liable to imprisonment for life.

*Division I—Offences against public order.*

**CHAPTER VI—TREASON AND OFFENCES AGAINST THE 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. Terrorism.**

Any person who engages in or carries out acts of terrorism commits an offence and is liable to imprisonment for life.

Any person who aids, finances, harbours or in any other way renders support to any other person, knowing or having reason to believe that such support will be applied or used for or in connection with the commission, preparation or instigation of acts of terrorism, commits an offence and is liable to imprisonment for life.

Any person who either—

belongs or professes to belong to a terrorist organisation; or

solicits or invites financial or other support for a terrorist organisation or knowingly makes or receives any contribution in money or otherwise to the resources of a terrorist organisation, commits an offence and is liable to imprisonment for ten years; except that a person belonging to a terrorist organisation shall not be guilty of an offence under this subsection by reason of belonging to the organisation if he or she shows that he or she became a member when it was not a terrorist organisation and that he or she has not since he or she became a member taken part in any of its activities at any time while it was a terrorist organisation.

Without prejudice to the right to adduce evidence in rebuttal, any person who imports, sells, distributes, manufactures or is in possession of any firearm, explosives or ammunition without a valid licence or reasonable excuse shall be deemed to be engaged in acts of terrorism.

The Minister responsible for internal security may, with the prior approval of the Cabinet, declare any organisation engaged in or carrying out acts of terrorism to be a terrorist organisation for the purposes of this section.

In this section, “terrorism” means the use of violence or a threat of the use of violence with intent to promote or achieve political ends in an unlawful manner and includes the use of violence or a threat of the use of violence calculated to put the public in such fear as may cause discontent against the Government.

### **27. 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.

### **28. Time within which to commence prosecution.**

No person shall be tried for an offence under section 23, except an offence under section 23(1)(b), 24, 25 or 27, unless the prosecution is commenced within five years after the commission of the offence.

### **29. Aiding soldiers or policemen in acts of mutiny.**

Any person who—

aids, abets or is accessory to any act of mutiny by; or

incites to sedition or to disobedience to any lawful order given by a superior officer, any noncommissioned officer or member of the armed forces of Uganda or any police officer commits an offence and is liable to imprisonment for a term not exceeding five years.

### **30. Inducing soldiers or policemen to desert.**

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

procures or persuades or attempts to procure or persuade to desert;

aids, abets or is accessory to the desertion of; or

having reason to believe he or she is a deserter, harbours or aids in concealing, any noncommissioned officer or member of the armed forces of Uganda or any police officer commits an offence and is liable to imprisonment for a term not exceeding five years.

### **31. Aiding prisoners of war to escape.**

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 is liable on conviction to imprisonment for life.

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.

### **32. 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.

### **33. Interpretation of import, publication, etc.**

For the purposes of sections 34, 35, 36, 38, 39, 40, 42, 43 and 44—

- (a) “import” includes—
- (i) to bring into Uganda; and
  - (ii) 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;

“seditious publication” means a publication having a seditious intention.

### **34. Power to prohibit importation of publications, etc.**

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 publications, the same or any subsequent order may relate to all or any of the past or future issues of a periodical publication.

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.

**35. Offences in relation to publications, the 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 34, or any extract from such publication, commits an offence and is liable for a first offence to imprisonment for two years or to a fine not exceeding two thousand shillings or to both such imprisonment and fine, and for a subsequent offence to imprisonment for 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 34, or any extract from such publication, commits an offence and is liable for a first offence to imprisonment for one year or to a fine not exceeding one thousand shillings or to both such imprisonment and fine, and for a subsequent offence to imprisonment for two years; and such publication or extract from it shall be forfeited to the Government.

**36. Delivery of prohibited publications.**

(1) Any person—

to whom any publication, the importation of which has been prohibited under section 34, 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

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.

Any person who contravenes any provision of subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand shillings or to both such imprisonment and fine.

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.

**37. Publication of information prejudicial to security.**

(1) A 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—

endanger the safety of any military installations, equipment or supplies or of the members of the armed forces of Uganda;

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.

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.

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

### **38. Power to examine packages.**

(1) Any of the following officers—

any police officer not below the rank of inspector;

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 35 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 such publication or extract from it is found in such 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 forthwith be arrested and proceeded against for the commission of an offence under section 35 or 36, as the case may be.

### **39. Seditious intention.**

(1) A seditious intention shall be an intention—

to bring into hatred or contempt or to excite disaffection against the person of the President, the Government as by law established or the Constitution;

to excite any person to attempt to procure the alteration, otherwise than by lawful means, of any matter in state as by law established;

to bring into hatred or contempt or to excite disaffection against the administration of justice;

to subvert or promote the subversion of the Government or the administration of a district.

(2) For the purposes of this section, an act, speech or publication shall not be deemed to be seditious by reason only that it intends—

to show that the Government has been misled or mistaken in any of its measures;

to point out errors or defects in the Government or the Constitution or in legislation or in the administration of justice with a view to remedying such errors or defects;

to persuade any person to attempt to procure by lawful means the alteration of any matter as by law established.

(3) For the purposes of this section, in determining whether the intention with which any act was done, any words were spoken or any document was published was or was not seditious, every person shall 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 was conducting himself or herself.

#### **40. Seditious offences.**

(1) (a)

(b)

Any person who—

does or attempts to do or makes any preparation to do, or conspires with any person to do, any act with a seditious intention;  
utters any words with a seditious intention;

prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

imports any seditious publication, unless he or she has no reason to believe, the proof of which shall lie on him or her, that it is seditious,  
commits an offence and is liable on first conviction to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand shillings or to both such imprisonment and fine, and for a subsequent conviction to imprisonment for a term not exceeding seven years.

Any person who, without lawful excuse, has in his or her possession any seditious publication commits an offence and is liable on first conviction to imprisonment for a term not exceeding three years or to a fine not exceeding thirty thousand shillings or to both such imprisonment and fine, and on a subsequent conviction to imprisonment for five years.

Any publication in respect of a conviction under subsection (1) or (2) shall be forfeited to the Government.

It shall be a defence to a charge under subsection (2) that if the person charged did not know that the publication was seditious when it came into his or her possession, he or she did, as soon as the nature of the publication became known to him or her, deliver the publication to the nearest administrative officer or to the officer in charge of the nearest police station.

#### **41. Promoting sectarianism.**

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

degrade, revile or expose to hatred or contempt;

create alienation or despondency of;

raise discontent or disaffection among; or

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 42, 43 and 44 shall apply to a charge under subsection (1).

#### **42. Power of courts to confiscate printing machines and prohibit publication.**

When any person is convicted of printing a seditious publication, 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.

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 seditious publication 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.

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.

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 seditious publication was printed.

For the purposes of this section, "printing machine" includes all the machines and type used in producing or reproducing the seditious publication.

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—

the machine or any part of it to be removed; or

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.

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.

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 period not exceeding three years.

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 period not exceeding three years.

#### **43. Legal proceedings.**

(1) No prosecution for an offence under section 40 shall be begun except within six months after the offence is committed; except that where a person—

commits such an offence from outside Uganda; or

leaves Uganda within six months of committing such an offence, then the prosecution for the offence may be begun 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) A person shall not be prosecuted for an offence under section 40 without the written consent of the Director of Public Prosecutions.

#### **44. Evidence.**

No person shall be convicted of an offence under section 40 on the uncorroborated testimony of one witness.

#### **45. Unlawful oaths.**

Any person who—

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

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

#### **46. 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 or seditious 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 engagement; or  
(b) takes any such oath or engagement, not being compelled to do so, commits a felony and is liable to imprisonment for seven years.

#### **47. Limitations on compulsion as a defence to unlawful oath or engagement.**

A person who takes any such oath or engagement as is mentioned in section 45 or 46 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 such 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.

#### **48. Unlawful drilling.**

(1) Any person who—

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;

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 to imprisonment for 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 to imprisonment for a term not exceeding five years.

#### **49. Wrongfully inducing a 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—

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;

bringing the economic life of Uganda into jeopardy; or

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 action—

abstaining from buying goods from or selling goods to any person or class of person;

abstaining from buying or selling any goods or class of goods;

abstaining from entering or approaching or dealing at any premises at which any person or class of person carries on trade or business;

abstaining from dealing with any person or class of person in the course of his or her trade or business;

(h) abstaining from using or providing any service or class of

service; (i) 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—

by word of mouth publicly; or

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 period not exceeding six months.

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.

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

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 charged so, 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 so 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.

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

For the purpose of this section, “publication” has the meaning given to it by section 33, and a person shall be deemed to make a publication if he or she prints, publishes, sells, offers for sale, distributes or reproduces it.

#### **50. Publication of false news.**

Any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace commits a misdemeanour.

It shall be a defence to a charge under subsection (1) if the accused proves that prior to publication, he or she took such measures to verify the accuracy of such statement, rumour or report as to lead him or her reasonably to believe that it was true.

#### **51. 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—

to do any acts calculated to bring death or physical injury to any person or to any class or community of persons; or

to do any acts calculated to lead to destruction or damage to any property, commits an offence and is liable to imprisonment for three years.

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

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

#### **52. 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 49(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 period 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.

### **53. 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 such prince, potentate, ambassador or dignitary belongs, commits a misdemeanour.

### **54. Foreign enlistment.**

Any 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 such preparation or fitting-out, or assists in it, or is employed in any capacity in such expedition;

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 such foreign State;

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;

who, being the master or owner of any vessel, knowingly either takes on board, or engages to take on board or has on board such vessel any illegally enlisted person; or

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 aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, is not liable to any of the penalties specified in this section in respect of such 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 such vessel, and furnishes such 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 Minister; and (ii) he or she gives such security, and takes and permits to be taken such other measures, if any, as the Minister may prescribe for ensuring that such vessel shall not be dispatched, delivered or removed without the licence of the President until the termination of such war as aforesaid.

### **55. 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.

**56. Unlawful society.**

A society means any combination of two or more persons whether the society is known by any name or not.

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

if prior to the 1st 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

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—

having, subject to section 61(5), any of the same office bearers as the unlawful society;

having a name similar to that of the unlawful society; or

having substantially the same membership as the unlawful society, such society shall be deemed to be an unlawful society.

**57. Managing unlawful society.**

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

#### **58. Offences in relation to an unlawful society.**

Any person who—

is or holds himself or herself out as being a member of an unlawful society;

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

utters any speech or prints, publishes, sells, offers or exposes for sale or distributes any publication as defined by section 33, 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 to imprisonment for a period not exceeding three years.

#### **59. Restrictions on office bearers.**

Subject to section 61(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 56(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.

Any person who contravenes subsection (1) commits an offence and is liable to imprisonment for a period not exceeding two years.

#### **60. 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, chairman, deputy

chairman, secretary or treasurer of such society;

is a member of the committee or governing or executive body of the society; or

holds in that society any office or position analogous to any office or position specified in this section.

#### **61. Miscellaneous provisions relating to unlawful societies.**

A prosecution for an offence under section 57, 58 or 59 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 any such 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.

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—

shows that any person is reputed to be a member of such society;

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

shows that by repute such society is in existence.

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.

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.

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.

#### **62. Powers in relation to unlawful societies.**

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 therein and search such 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.

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

#### **63. 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—

the property of the society within Uganda shall forthwith vest in an officer appointed by the Minister;

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 such surplus assets;

such scheme, when submitted for approval, may be amended by the Minister in such way as he or she shall think proper in the circumstances of the case;

the approval of the Minister to such scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by him or her, and upon this being done, the surplus assets,

the subject of the scheme, shall be held by such officer upon the terms and to the purposes thereby prescribed;

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 the realisation thereof.

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 him or her shall seem expedient.

Subsection (1) shall not apply to any property seized at any time under section 62.

#### **64. Forfeiture of insignia, etc.**

Subject to section 63, 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.

#### **65. Definition of unlawful assembly and riot.**

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 such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

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).

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.

#### **66. Punishment for unlawful assembly.**

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

#### **67. Punishment for riot.**

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

#### **68. 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 such form as he or she thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

#### **69. 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.

#### **70. 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 to imprisonment for five years.

#### **71. Preventing or obstructing the making of proclamation.**

Any person who forcibly prevents or obstructs any person making a proclamation under section 68 commits a felony and is liable to imprisonment for 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 to imprisonment for five years.

#### **72. 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 commits a felony and each of them is liable to imprisonment for life.

#### **73. Rioters injuring buildings, machinery, etc.**

Any persons who, being riotously assembled together, unlawfully damage any of the things mentioned in section 72 commits a felony, and each of them is liable to imprisonment for seven years.

#### **74. Riotously preventing or hindering the 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.

#### **75. Going armed in certain places.**

Any person who carries a dangerous or offensive weapon—

at any public gathering; or

in any place where intoxicating liquor is normally or is being consumed, commits an offence and on first conviction is liable to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand shillings or to both such imprisonment and fine; and on any subsequent conviction, the offender is liable on conviction to a term of imprisonment not exceeding five years or to a fine not exceeding fifty thousand shillings or to both such imprisonment

and fine.

**76. 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 to imprisonment for five years.

**77. Forcible entry.**

Any person who, in order to take possession thereof, enters on any lands or tenements in a violent manner, whether such 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 lands or tenements of his or her own, but which are in the custody of his or her servant or bailiff, does not commit the offence of forcible entry.

**78. Forcible detainer.**

Any person who, being in actual possession of land without colour of 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.

**79. Affray.**

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

**80. Challenge to fight a duel.**

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

**81. 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 to imprisonment for a period not exceeding four years.

**82. Watching and besetting.**

(1) Any person who watches or besets—

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 thereat; or

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 to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment; except that this section shall not apply to any watching or besetting which is lawful under the provisions of any law relating to trade unions or trade disputes.

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

### **83. Incitement to violence.**

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.

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.

### **84. Assembling for the 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 to imprisonment for five years.

*Division II—Offences against the administration of lawful authority.*

## **CHAPTER IX—CORRUPTION AND THE ABUSE OF OFFICE.**

### **85. Officers charged with administration of property of a special character, etc.**

Any person who, being employed in the public service and being charged by virtue of that employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in any such property, manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business in which he or she has such interest or with respect to the conduct of any person in relation thereto commits a misdemeanour and is liable to imprisonment for one year.

### **86. False claims by officials.**

Any person who, being employed in the public service in such a capacity as to require him or her or to enable him or her to furnish returns or statements touching any sum payable or claimed to be payable to himself or herself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement touching any such matter which is, to his or her knowledge, false in any material particular, commits a misdemeanour.

### **87. Abuse of office.**

(1) A person who, being employed in a public body or a company in which the Government has shares, does or directs to be done an arbitrary act prejudicial to the interests of his or her employer or of any other person, in abuse of the authority of his or her office, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) Where a person is convicted of an offence under subsection (1) and the act constituting the offence was done for the purposes of gain, the court shall, in addition to any other penalty it may impose, order that anything received as a consequence of the act be forfeited to the Government.

### **88. Consent of the Director of Public Prosecutions.**

A person shall not be prosecuted for an offence under section 85, 86 or 87 without the written consent of the Director of Public Prosecutions.

### **89. False certificates by public officers.**

Any person who, being authorised or required by law to give any certificate touching any matter by virtue whereof the rights of any person may be prejudicially affected, gives a certificate which is, to his or her knowledge, false in any material particular commits a misdemeanour.

### **90. Unauthorised administration of oaths.**

Any person who administers an oath or takes a solemn declaration or affirmation or affidavit, touching any matter with respect to which he or she has not by law any authority to do so commits a misdemeanour and is liable to imprisonment for one year; except that this section shall not apply to an oath, declaration, affirmation or affidavit administered by or taken before a magistrate or a justice of the peace in any matter relating to the preservation of the peace or the punishment of offences or relating to inquiries respecting sudden deaths, nor to an oath, declaration, affirmation or affidavit administered or taken for some purpose which is lawful under the laws of another country, or for the purpose of giving validity to an instrument in writing which is intended to be used in another country.

### **91. False assumption of authority.**

Any person who—

not being a judicial officer, assumes to act as a judicial officer;

without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or

represents himself or herself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when he or she is not, and knows that he or she is not, in fact, so authorised, commits a misdemeanour.

### **92. Personating public officers.**

Any person who—

personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his or her employment; or

falsely represents himself or herself to be a person employed in the public service and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment, commits a misdemeanour and is liable to imprisonment for three years.

### **93. Threat of injury to persons employed in public service.**

Whoever holds out any threat of injury to any person employed in the public service or to any person in whom he or she believes that person employed in the public service to be interested, for the purpose of inducing that person employed in the public service to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such person employed in the public service, commits a misdemeanour.

## **CHAPTER X—OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE.**

### **94. 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; (iv) the person who gives the testimony is a competent witness

or not, or whether the testimony is admissible in the

proceeding or not; (b) 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.

### **95. Contradictory statements.**

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 ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

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).

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

In this section, "statement" includes a statement of evidence given during a criminal proceeding and certified by a magistrate.

#### **96. 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.

#### **97. Punishment of perjury.**

Any person who commits perjury or suborns perjury is liable to imprisonment for seven years.

#### **98. 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.

#### **99. 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 to imprisonment for seven years.

#### **100. 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.

#### **101. 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 such person as a witness, commits a misdemeanour.

#### **102. 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 intent thereby to prevent it from being used in evidence, commits an offence and is liable to imprisonment for a term not exceeding seven years.

#### **103. Conspiracy to defeat justice and interference with witnesses.**

Any person who—

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;

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 so appearing and giving evidence, or endeavours to do so; or

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 to imprisonment for a term not exceeding five years.

#### **104. 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 any other person upon any agreement or understanding that he or she will compound or conceal a felony, or will abstain from, discontinue or delay a prosecution for a felony, or will withhold any evidence thereof, commits a misdemeanour.

#### **105. 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 him or her, 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.

#### **106. Advertisements for stolen property.**

Any person who—

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 such property will not be seized or molested;

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 so paid or advanced, or any other sum of money or reward for the return of such property; or

(c) prints or publishes any such offer, commits a misdemeanour.

### **107. Offences relating to judicial proceedings.**

(1) Any person who—

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

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 such proceeding is being had or taken, after the witnesses have been ordered to leave such room;

causes an obstruction or disturbance in the course of a judicial proceeding;

while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority of any person before whom such proceeding is being had or taken;

publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;

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 such evidence;

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 such proceeding is being had or taken, commits a misdemeanour.

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 one thousand shillings or in default of payment to imprisonment for a period not exceeding one month.

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 XI—RESCUES, ESCAPES AND OBSTRUCTING OFFICERS OF COURT**

### **OF LAW.**

### **108. Rescue.**

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

who is under sentence of death or imprisonment for life, or charged with an offence punishable with death or imprisonment for life, commits a felony and is liable to imprisonment for life;

who is imprisoned on a charge or under sentence for any offence other than those specified in subsection (1)(a) commits a felony and is liable to imprisonment for seven years; and

in any other case, commits a misdemeanour.

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

### **109. Escape.**

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

### **110. Aiding prisoners to escape.**

Any person who—

aids a prisoner in escaping or attempting to escape from lawful custody; or

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 to imprisonment for seven years.

### **111. 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 such property, commits a felony and is liable to imprisonment for three years.

### **112. 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 to imprisonment for one year.

## **CHAPTER XII—MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY.**

### **113. Frauds and breaches of trust by person employed in the 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.

### **114. Neglect of duty.**

(1) A 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 such 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.

#### **115. 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 thereby to cause, or knowing it to be likely that he or she will thereby cause, any person employed in the public service—

to do or omit anything which the person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him or her;

to use the lawful power of the person employed in the public service to the injury or annoyance of any person; or

to devote his or her time and services to the investigation of such information, commits a misdemeanour.

#### **116. 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, unless it appears from such written law that it was the intention of the legislature to provide some other penalty for such disobedience, to imprisonment for two years.

#### **117. 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 such disobedience, to imprisonment for two years.

*Division III—Offences injurious to the public in general.* CHAPTER XIII—OFFENCES RELATING TO RELIGION.

#### **118. 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 thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to its religion, commits a misdemeanour.

#### **119. 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.

#### **120. 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 thereby, 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.

**121. 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 such duty, commits a misdemeanour.

**122. 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 to imprisonment for one year.

CHAPTER XIV—OFFENCES AGAINST MORALITY.

**123. 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.

**124. Punishment for rape.**

A person convicted of rape is liable to suffer death.

**125. Attempt to commit rape.**

Any person who attempts to commit rape commits a felony and is liable to imprisonment for life with or without corporal punishment.

**126. Abduction.**

Any person, whether male or female, who—

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

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 to imprisonment for seven years.

**127. 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 imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred shillings; and, in addition, the court shall order any such person on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings.

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 twelve months or to a fine not exceeding two hundred shillings; and, in addition, the court shall order any such person on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings.

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 six hundred shillings.

### **128. Indecent assaults, etc.**

Any person who unlawfully and indecently assaults any woman or girl commits a felony and is liable to imprisonment for fourteen years, with or without corporal punishment.

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.

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 such word or sound shall be heard, or that such gesture or object shall be seen by such woman or girl, or intrudes upon the privacy of such woman or girl, commits a misdemeanour and is liable to imprisonment for one year.

### **129. Defilement of girl under the age of eighteen.**

(1) Any person who unlawfully has sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to suffer death.

(2) Any person who attempts to have unlawful sexual intercourse with a girl under the age of eighteen years commits an offence and is liable to imprisonment for eighteen years, with or without corporal punishment.

### **130. Defilement of idiots or imbeciles.**

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 to imprisonment for fourteen years.

### **131. Procuration.**

(1) Any person who—

procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection, either in Uganda or elsewhere, with any other person or persons;

procures or attempts to procure any woman or girl to become, either in Uganda or elsewhere, a common prostitute;

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

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 to imprisonment for 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.

### **132. Procuring defilement of women by threats, etc.**

(1) Any person who—

by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in Uganda or elsewhere;

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 thereby 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.

### **133. Householder, etc. permitting defilement of girl under the 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 such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, commits a felony and is liable to imprisonment for five years.

### **134. Detention with sexual intent.**

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

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, such 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, such person in any manner threatens that other person if he or she takes away the wearing apparel.

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.

A person convicted of an offence under subsection (1) or (3) is liable to imprisonment for seven years.

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 to suffer death.

### **135. Power of search.**

If it appears to a magistrate, on information made before him or her 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 up to the parents or guardian or otherwise dealt with as the circumstances may permit and require.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such person to be apprehended and brought before a magistrate and proceedings to be taken for punishing that person according to law.

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

Any 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 it.

### **136. 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 to imprisonment for 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.

### **137. 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 to imprisonment for seven years.

### **138. 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.

**139. Prohibition of prostitution.**

Any person who practises or engages in prostitution commits an offence and is liable to imprisonment for seven years.

**140. 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 to imprisonment for three years.

**141. 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 to imprisonment for fourteen years.

**142. 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 such things or means to be administered to or used on her, commits a felony and is liable to imprisonment for seven years.

**143. 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 to imprisonment for three years.

**144. 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.

**145. Unnatural offences.**

Any person who—

has carnal knowledge of any person against the order of nature;

has carnal knowledge of an animal; or

permits a male person to have carnal knowledge of him or her against the order of nature, commits an offence and is liable to imprisonment for life.

**146. Attempt to commit unnatural offences.**

Any person who attempts to commit any of the offences specified in section 145 commits a felony and is liable to imprisonment for seven years.

**147. 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 to imprisonment for fourteen years, with or without corporal punishment.

**148. 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 to imprisonment for seven years.

**149. 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 daughter son's son

daughter's daughter daughter's son

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 daughter sister's 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 to imprisonment for seven years or, if that other person is under the age of eighteen years of age, to imprisonment for life.

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

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 such person the court may order the termination of the guardianship and appoint another person as guardian.

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.

#### **150. Test of relationship.**

In section 149, 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.

#### **151. Consent to prosecution.**

No prosecution for an offence under section 149 shall be commenced without the sanction of the Director of Public Prosecutions.

### CHAPTER XV—OFFENCES RELATING TO MARRIAGE AND DOMESTIC

#### OBLIGATIONS.

#### **152. 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 to cohabit or have sexual intercourse with him in that belief commits a felony and is liable to imprisonment for ten years.

#### **153. 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 such husband or wife commits a felony and is liable to imprisonment for five years; except that this section shall not extend to any person whose marriage with such 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 such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

#### **154. Adultery.**

Any man who has sexual intercourse with any married woman not being his wife commits adultery and is liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred shillings; and, in addition, the court shall order any such man on first conviction to pay the aggrieved party compensation of six hundred shillings, and on a subsequent conviction compensation not exceeding twelve hundred shillings as may be so ordered.

Any married woman who has sexual intercourse with any man not being her husband commits adultery 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.

#### **155. 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 thereby lawfully married, commits a felony and is liable to imprisonment for five years.

#### **156. 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 such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, commits a misdemeanour.

#### **157. Neglecting to provide food, etc. for children.**

Any person who, being the parent or guardian or 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 such child, so as thereby to injure the health of the child, commits a misdemeanour.

#### **158. 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 same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his or her health has been or is likely to be permanently injured, commits a misdemeanour.

#### **159. 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 such child—

forcibly or fraudulently takes or entices away, or detains the child; or

receives or harbours the child, knowing it to have been so taken or enticed away or detained, commits a felony and is liable to imprisonment for 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 its mother or claimed to be its father.

## CHAPTER XVI—NUISANCES AND OFFENCES AGAINST HEALTH AND

### CONVENIENCE.

#### **160. Common nuisance.**

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 to imprisonment for one year.

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 it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

#### **161. Gaming houses.**

Any person being the owner or occupier, or having the use of, any house, room or place, who shall open, keep or use it for the purpose of unlawful gaming being carried on in it, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit it to be opened, kept or used by any other person for that purpose, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for that purpose, is said to keep a common gaming house.

In this section, “unlawful gaming” means any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed, or against whom the other players stake, play or bet.

Any person who keeps a common gaming house commits a misdemeanour.

Any person other than the persons mentioned in subsection (1) who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming, and commits a misdemeanour and is liable to a fine of one thousand shillings for the first offence, and for each subsequent offence to a fine of three thousand shillings or to imprisonment for three months or to both such fine and imprisonment.

#### **162. Gaming machines.**

Any person who imports or has in his or her possession any machine or other contrivance for the purpose of gaming commits a misdemeanour and is liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

#### **163. Betting houses.**

(1) Any house, room or place which is used for any of the following purposes—

(a) for the purpose of bets being made in it between persons resorting to the place and—  
(i) the owner, occupier or keeper of the place, or any person

using the place; (ii) any person procured or employed by or acting for or on behalf of any such owner, occupier or keeper, or person using the place; or any person having the care or management, or in any manner conducting the business, of the place; or

(b) for the purpose of any money or other property being paid or received there by or on behalf of any such owner, occupier or keeper, or person using the place, as, or for the consideration—  
(i) for an assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race or other race, fight, game, sport or exercise; or (ii) for securing the paying or giving by some other person of any money or other property on any such event or contingency, is called a common betting house.

Any person who, being the owner or occupier of any house, room or place, knowingly and wilfully permits it to be opened, kept or used as a common betting house by another person or who has the use or management, or assists in conducting the business, of a common betting house, commits a misdemeanour and is liable to imprisonment for one year.

Nothing in this section shall render illegal the use of a totalisator on any occasion approved by the Inspector General of Police.

For the purpose of subsection (3), “totalisator” means and includes the instrument, machine or contrivance commonly known as the totalisator, and any other instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons to make bets with one another on the like principles.

**164. Keeper of premises defined.**

Any person who appears, acts or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms or place as is mentioned in sections 161 and 163 is to be taken to be the keeper thereof, whether he or she is or is not the real keeper.

**165. Chain letters.**

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 to imprisonment for six months or to a fine of four thousand shillings or to both such imprisonment and fine.

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—

to send a similar letter to a specified number of other persons; and

to remit to a person or to an address specified in the letter money or money’s worth.

**166. Traffic in obscene publications.**

(1) Any person who—

for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces or has in his or her possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or any other obscene objects, or any other object tending to corrupt morals;

for any of the purposes above-mentioned imports, conveys or exports, or causes to be imported, conveyed or exported, any such matters or things, or in any manner puts any of them in circulation;

carries on or takes part in any business, whether public or private, concerned with any such matters or things, or deals in any such matters or things in any manner, or distributes any of them, or exhibits any of them publicly or makes a business of lending any of them;

advertises or makes known by any means with a view to assisting

the circulation of, or traffic in, any such matters or things, that a person is engaged in any of the acts referred to in this section, or advertises or makes known how, or from whom, any such matters or things can be procured either directly or indirectly; or (e) publicly exhibits any indecent show or performance or any show or performance tending to corrupt morals, commits a misdemeanour and is liable to imprisonment for two years or to a fine of two thousand shillings.

If, in respect of any of the offences specified in subsection (1)(a), (b), (c) or (d), any constituent element of the offence is committed in Uganda, that commission shall be sufficient to render the person accused of the offence triable for it in Uganda.

A court, on convicting any person of an offence against this section, may order to be destroyed any matter or thing made, possessed or used for the purpose of that offence.

A court may, on the application of the Director of Public Prosecutions, a state attorney, a public prosecutor or a superintendent of police, order the destruction of any obscene matter or thing to which this section relates, whether any person may or may not have been convicted under the provisions of this section in respect of such obscene matter or thing.

### **167. Idle and disorderly persons.**

Any person who—

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

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;

plays at any game of chance for money or money's worth in any public place;

publicly conducts himself or herself in a manner likely to cause a breach of the peace;

without lawful excuse, publicly does any indecent act;

in any public place solicits or loiters for immoral purposes;

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 imprisonment for three months or to a fine not exceeding three thousand shillings or to both such fine and imprisonment, but in the case of an offence contrary to paragraph (a), (e) or (f) that person is liable to imprisonment for seven years.

#### **168. Rogues and vagabonds.**

(1) Every—

person convicted of an offence under section 167 after having been previously convicted as an idle and disorderly person;

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;

suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself or herself; and

person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose, shall be deemed to be a rogue and vagabond, and commits a misdemeanour and is liable for the first offence to imprisonment for 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.

#### **169. 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 such uniform, commits an offence and is liable 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.

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

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 such uniform as aforesaid, or the buttons or badges appropriate thereto, commits an offence and is liable to imprisonment for a term not exceeding seven years.

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.

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

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

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 the same as to lead to the belief that it is a 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 such 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.

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.

When any person is convicted of any 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.

**171. 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 to imprisonment for seven years.

**172. 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.

**173. 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 the same is noxious as food or drink, commits a misdemeanour.

**174. Adulteration of drugs.**

Any person who adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make 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.

**175. Sale of adulterated drugs.**

Any person who, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same 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 not knowing of the adulteration, commits a misdemeanour.

**176. Fouling water.**

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

**177. 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.

**178. Offensive trades.**

Any person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such 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 XVII—DEFAMATION.

**179. 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.

**180. Definition of defamatory matter.**

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.

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.

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

**181. Definition of publication.**

A person publishes a libel if he 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 the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

It is not necessary for libel that a defamatory meaning should be directly or completely expressed, and it suffices if such 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.

### **182. Definition of unlawful publication.**

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

the matter is true and it was for the public benefit that it should be published; or

it is privileged on one of the grounds mentioned in this Chapter.

### **183. 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—

if the matter is published by the President, the Government or Parliament;

if the matter is published in Parliament by the Government or by any member of that Parliament or by the Speaker;

if the matter is published by order of the President or the Government;

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 such discipline, and is published by some person having authority over him or her in respect of such conduct, and to some person having authority over him or her in respect of such conduct;

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;

if the matter published is in fact a fair report of anything said, done or published in Parliament; or

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.

### **184. Conditional privilege of defamatory matter.**

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

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 so publishing it;

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

sedition, immoral or blasphemous, the publication thereof shall not be privileged;

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 183;

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;

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;

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 such conduct as mentioned in this paragraph;

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 therein;

(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 such 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 such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such 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 some person in whom the person to whom it is published is interested.

**185. 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 184, if it is made to appear either—

that the matter was untrue and that he or she did not believe it to be true;

that the matter was untrue and that he or she published it without having taken reasonable care to ascertain whether it was true or false; or

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.

**186. 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 the person.*

CHAPTER XVIII—MURDER AND MANSLAUGHTER.

**187. Manslaughter.**

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

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.

**188. Murder.**

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

**189. Punishment of murder.**

Any person convicted of murder shall be sentenced to death.

**190. Punishment of manslaughter.**

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

**191. Malice aforethought.**

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

an intention to cause the death of any person, whether such person is the person actually killed or not; or

knowledge that the act or omission causing death will probably cause the death of some person, whether such person is the person actually killed or not, although such knowledge is accompanied by indifference whether death is caused or not, or by a wish that it may not be caused.

**192. 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 193, and before there is time for his or her passion to cool, he or she commits manslaughter only.

### **193. Provocation defined.**

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

when done or offered to an ordinary person; or

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—

to another; or

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.

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

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.

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.

### **194. Diminished responsibility.**

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 he or she 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, as 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 was guilty of murder but with diminished responsibility.

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

Where a special finding is made under subsection (1), the court shall not sentence the person convicted to death but shall order him or her to be detained in safe custody; and section 105 of the Trial on Indictments 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 be sentenced to death shall not affect the question whether any other party to it shall be sentenced to death.

#### **195. Suicide pacts.**

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 to kill the other or be a party to the other killing himself or herself or being killed by a third person.

Where it is shown that a person charged with the murder of another 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.

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.

#### **196. 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;

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;

if by actual or threatened violence he or she causes such other person to perform an act which causes the death of such person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;

if by any act or omission he or she hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;

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.

#### **197. When child deemed a 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.

#### **198. Limitation as to time of death.**

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

Such period 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.

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 XIX —DUTIES RELATING TO THE PRESERVATION OF LIFE AND

### HEALTH.

#### **199. 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, unsoundness of mind, 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 such 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.

#### **200. 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 such 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.

#### **201. 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.

#### **202. 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 such 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.

#### **203. 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 such 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 such 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 XX—OFFENCES CONNECTED WITH MURDER AND SUICIDE.

### **204. Attempt to murder.**

Any person who—

attempts unlawfully to cause the death of another; or

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

### **205. Attempt to murder by convict.**

Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder is liable to imprisonment for life, with or without corporal punishment.

### **206. Accessory after the fact to murder.**

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

### **207. 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 to imprisonment for seven years.

### **208. 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 to imprisonment for fourteen years.

### **209. Aiding suicide.**

Any person who—

procures another to kill himself or herself;

counsels another to kill himself or herself and thereby induces him or her to do so; or  
(c) aids another in killing himself or herself,  
commits a felony and is liable to imprisonment for life.

### **210. Attempting suicide.**

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

### **211. 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.

**212. 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 any act or omission of such 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 to imprisonment for life.

**213. 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 XXI—OFFENCES ENDANGERING LIFE OR HEALTH.

**214. 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 to imprisonment for life.

**215. 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 to imprisonment for life.

**216. 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—

unlawfully wounds or does any grievous harm to any person by any means;

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;

unlawfully causes any explosive substance to explode;

sends or delivers any explosive substance or other dangerous or noxious thing to any person;

causes any such substance or thing to be taken or received by any person;

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 to imprisonment for life.

#### **217. Preventing escape from wreck.**

Any person who unlawfully—

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

obstructs any person in his or her endeavours to save the life of any person so situated, commits a felony and is liable to imprisonment for life.

#### **218. 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—

places anything on the railway;

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 any such person;

shoots or throws anything at, into or upon or causes anything to come into contact with any person or thing on the railway;

shows any light or signal, or in any way deals with any existing light or signal, upon or near the railway; or

by any omission to do any act which it is his or her duty to do causes the safety of any such person to be endangered,  
commits a felony and is liable to imprisonment for life.

#### **219. Doing grievous harm.**

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

#### **220. Attempting to injure by explosive substances.**

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

#### **221. 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 thereby endangers his or her life or does him or her some grievous harm commits a felony and is liable to imprisonment for fourteen years.

## **222. Wounding and similar acts.**

Any person who—

unlawfully wounds another; or

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 to imprisonment for three years.

## **223. 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 to imprisonment for three years.

## **224. 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 mother's life, if the performance of the operation is reasonable, having regard to the patient's state at the time, and to all the circumstances of the case.

## **225. 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.

## **226. Consent.**

Notwithstanding section 225, 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 such death or maim is caused.

## **CHAPTER XXII—CRIMINAL RECKLESSNESS AND NEGLIGENCE.**

### **227. 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 to imprisonment for a term not exceeding seven years or to a fine not exceeding seventy thousand shillings or to both such imprisonment and fine.

### **228. 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—

drives any vehicle or rides on any public way;

navigates, or takes part in the navigation or working of any vessel;

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;

omits to take precautions against any probable danger from any animal in his or her possession;

gives medical or surgical treatment to any person whom he or she has undertaken to treat;

dispenses, supplies, sells, administers or gives away any medicine or poisonous or dangerous matter;

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.

**229. 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 227 and 228, by which act or omission harm is caused to any person, commits a misdemeanour and is liable to imprisonment for six months.

**230. 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 such care with any poisonous substance in his or her possession as is sufficient to guard against probable danger to human life from such poisonous substance, commits a misdemeanour and is liable to imprisonment for six months or to a fine of two thousand shillings.

**231. Endangering safety of persons travelling by railway.**

Any person who, by any unlawful act or omission not specified in section 218, causes the safety of any person travelling by any railway to be endangered, commits a misdemeanour.

**232. 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 such exhibition will mislead any navigator is liable to imprisonment for seven years.

**233. 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 so loaded as to be unsafe, commits a misdemeanour.

**234. 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.

### **235. 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 to imprisonment for one year.

### **236. Assaults causing actual bodily harm.**

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

### **237. 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 to imprisonment for seven years.

### **238. Assaults punishable with two years' imprisonment.**

Any person who—

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;

assaults, resists or wilfully obstructs any police officer in the due execution of his or her duty, or any person acting in aid of such officer;

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 therein;

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 such process or distress; or

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.

## **CHAPTER XXIV —OFFENCES AGAINST LIBERTY.**

### **239. 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.

### **240. 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 of unsound mind, out of the keeping of the lawful guardian of

that minor or person of unsound mind, without the consent of the guardian, is said to kidnap the minor or person from lawful guardianship.

**241. 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.

**242. Punishment for kidnapping.**

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

**243. 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—

with intent that such person may be murdered or may be so disposed of as to be put in danger of being murdered;

with knowledge that such person will probably be murdered; or

with intent to procure a ransom or benefit for the liberation of such a person from the danger of being murdered,  
commits an offence and is liable on conviction to suffer death.

(2) Where a person so kidnapped or detained is thereafter 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).

**244. 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 to imprisonment for ten years.

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

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

**246. 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.

**247. 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 such child commits a felony and is liable to imprisonment for ten years.

**248. Wrongful confinement.**

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

**249. Buying, etc. of any person as a slave.**

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

**250. Habitual dealing in slaves.**

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

**251. Inducing a person to give up himself or herself as a slave.**

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 ten years.

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

**252. 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 XXV—THEFT.

**253. Things capable of being stolen.**

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

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.

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.

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.

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.

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.

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

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

#### **254. Definition of theft.**

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

A 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—

an intent permanently to deprive the general or special owner of the thing of it;

an intent to use the thing as a pledge or security;

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;

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;

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.

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.

When a thing stolen is converted, it is immaterial—

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;

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.

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 is the owner and believes on reasonable grounds that the owner cannot be discovered.

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

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.

### **255. 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, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his or her master's orders, 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.

### **256. 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 such money or any part thereof, or any other money received in exchange for it, or any part thereof, or the proceeds or any part of the proceeds of such security, or of such mortgage, pledge or other disposition, shall be applied to any purpose or paid to any person specified in the direction, such 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.

### **257. 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 otherwise dispose of it and requiring him or her to pay or account for the proceeds of the property or any part of such proceeds, or to deliver anything received in exchange for the property to the person from whom it is received, or some other person, then the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the property was so 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 thereof.

**258. 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.

**259. Theft by persons having an interest in the 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.

**260. 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.

**261. 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 not exceeding ten years.

**262. Stealing wills.**

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

**263. 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 to imprisonment for ten years.

**264. 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 such animal, the offender is liable on conviction for a first offence to imprisonment for seven years and for a subsequent offence to imprisonment for fifteen years.

**265. Stealing vehicle.**

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

**266. Cattle rustling.**

(1) Any person who—

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 such 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;

organises the stealing of the animals mentioned in paragraph (a) of this subsection in the manner provided in that paragraph; or

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) of this subsection 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 286.

### **267. Stealing from the person; stealing goods in transit, etc.**

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

if the thing is stolen from the person of another;

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;

if the thing is stolen from any kind of vessel or vehicle or place of deposit;

if the thing stolen is attached to or forms part of a railway;

if the thing is stolen from a public office in which it is deposited or kept;

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 to imprisonment for seven years.

### **268. Embezzlement.**

Any person who being—

an employee, servant or officer of the Government or public body;

a director, officer or employee of a company or corporation;

a clerk or servant employed by any person, association or religious or other organisation;

(d) a member of an association or religious or other organisation, steals any chattel, money or valuable security—

being the property of his or her employer, association, company, corporation, person or religious or other organisation;

received or taken into possession by him or her for or on account of his or her employer, association, company, corporation, person or religious or other organisation; or  
(g) to which he or she has access by virtue of his or her office,  
commits the offence of embezzlement and shall on conviction be sentenced to imprisonment for not less than three years and not more than fourteen years.

### **269. Causing financial loss.**

(1) Any person employed by the Government, a bank, a credit institution, an insurance company or public body, who in the performance of his or her duties, does any act or omits to do any act knowing or having reason to believe that such act or omission will cause financial loss to the Government, bank, credit institution, insurance company, public body or customer of a bank or credit institution commits the offence of causing financial loss and is liable on conviction to a term of imprisonment of not less than three years and not more than fourteen years.

(2) In this section—

“bank” and “credit institution” have the meanings assigned to them by the Financial Institutions Act;

“insurance company” means an insurance company within the meaning of section 4 of the Insurance Act; and

“public body” has the meaning assigned to it by section 1 of the Prevention of Corruption Act.

### **270. Compensation.**

Where a person is convicted under section 268 or 269 or where a convicted person is sentenced under section 271, the court shall, in addition to the punishment provided there, order such person to pay by way of compensation to the aggrieved party, such sum as in the opinion of the court is just, having regard to the loss suffered by the aggrieved party; and such 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.

### **271. Stealing by agents, etc.**

If the thing stolen is any of the following things—

property which has been received by the offender with a power of attorney for its disposition;

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, pay or deliver it or any part of it or any proceeds of it for any purpose or to any person;

property which has been received by the offender either alone or jointly with any other person for or on account of any other person;

the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;

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 such disposition, such power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction, the offender is liable to imprisonment for fourteen years.

#### **272. 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 to imprisonment for seven years.

#### **273. Stealing after previous conviction.**

If the offender, before committing the theft, had been convicted of a theft punishable under any of sections 261 to 269, 271 and 272, he or she is liable to imprisonment for seven years.

#### **274. Application of Director of Public Prosecution's powers under certain sections of the Prevention of Corruption Act.**

The powers of the Director of Public Prosecutions under sections 16 to 20 of the Prevention of Corruption Act shall, with the necessary modifications, apply to offences under sections 261, 268, 269 and 271 as they apply to offences under that Act, and the penalties prescribed in the applied sections shall apply accordingly.

#### **275. Court to restrict disposal of assets or bank accounts of accused.**

Any court may, upon application by the Director of Public Prosecutions, issue an order placing such 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 any such 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 monies or other properties derived from or related to the offence.

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.

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

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

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.

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 five million shillings or imprisonment not exceeding two years or both.

This section applies only in relation to an offence to which sections 268 and 269 or 271 relate.

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 270; 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.

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

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).

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 five million shillings or to imprisonment not exceeding five years or to both.

## CHAPTER XXVI —OFFENCES ALLIED TO STEALING.

### **276. 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 to imprisonment for ten years.

### **277. 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 to imprisonment for ten years.

### **278. 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 to imprisonment for three years.

### **279. 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.

### **280. 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.

**281. 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.

**282. 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 to imprisonment for five years.

**283. 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 to imprisonment for five years.

**284. Unlawful use of vehicles, animals, etc.**

Any person who, unlawfully and without colour of 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 to imprisonment for six months or to a fine of one thousand shillings or to both such imprisonment and such fine.

CHAPTER XXVII—ROBBERY AND EXTORTION.

**285. 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.

**286. Punishment for robbery.**

(1) Any person who commits the felony of robbery is liable—

on conviction by a magistrate's court, to imprisonment for ten years;

on conviction by the High Court, to imprisonment for life.

Notwithstanding subsection (1)(b), where at the time of, or immediately before, or immediately after the time of the robbery, an offender uses or threatens to use a deadly weapon or causes death or

grievous harm to any person, such offender and any other person jointly concerned in committing such robbery shall, on conviction by the High Court, be sentenced to death.

In subsection (2), “deadly weapon” includes any instrument made or adapted for shooting, stabbing or cutting and any instrument which, when used for offensive purposes, is likely to cause death.

Notwithstanding section 126 of the Trial on Indictments Act, where a person is convicted of the felony of robbery the court shall, unless the offender is sentenced to death, 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.

### **287. Attempted robbery.**

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.

Any person who commits a felony under this section is liable—

on conviction by a magistrate’s court, to imprisonment for seven years;

on conviction by the High Court, to imprisonment for life.

### **288. Corporal punishment.**

Without prejudice to anything contained in any written law, any person who is sentenced to a term of imprisonment under section 286 or 287 shall, in addition, be sentenced to corporal punishment.

### **289. Assault with intent to steal.**

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

### **290. 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 any other person, if the demand is not complied with, commits a felony and is liable to imprisonment for fourteen years.

### **291. Attempts at extortion by threats.**

(1) Any person who, with intent to extort or gain anything from any person—

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;

threatens that any person shall be accused by any other person of any felony or misdemeanour, or of any such act; or

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—

an offence for which the punishment of death or imprisonment for life may be inflicted;

any of the offences defined in Chapter XIV of this Code, or an attempt to commit any of such offences;

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 to imprisonment for fourteen years, and in any other case to imprisonment for 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.

#### **292. 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—

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 be afterwards made or converted into or used or dealt with as a valuable security, commits a felony and is liable to imprisonment for fourteen years.

#### **293. 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 to imprisonment for five years.

### **CHAPTER XXVIII—BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES.**

#### **294. 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.

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.

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.

**295. Housebreaking and burglary.**

(1) Any person who—

breaks and enters any building, tent or vessel used as a human dwelling with intent to commit a felony in it; or

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 to imprisonment for seven years.

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

**296. Entering dwelling house with intent to commit felony.**

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 to imprisonment for five years.

If the offence is committed in the night, the offender is liable to imprisonment for seven years.

**297. 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 such other building as mentioned in paragraph (a), breaks out of the building, commits a felony and is liable to imprisonment for seven years.

**298. 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 to imprisonment for five years.

**299. Penalty in case of breaking, etc. by armed persons.**

When a person committing or attempting to commit an offence under section 295, 296, 297 or 298 is at the time of committing or attempting to commit such offence armed with a dangerous or offensive weapon, he or she is liable to imprisonment for fourteen years.

### **300. Persons found, etc. with intent to commit felony.**

(1) Any person who is found—

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;

having in his or her possession without lawful excuse, the proof of which lies on him or her, any housebreaking instrument;

having his or her face masked or otherwise disguised, with intent to commit a felony;

in any building, structure or curtilage by night with intent to commit a felony in it;

in any building, structure or curtilage by day with intent to commit a felony in it, and having taken precautions to conceal his or her presence;

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 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 shall be liable on conviction to imprisonment for ten years.

### **301. Persons found loitering, etc. with intent.**

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 to imprisonment for seven years.

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.

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

### **302. Criminal trespass.**

Any person who—

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

having lawfully entered into or upon such property remains there with intent thereby to intimidate, insult or annoy any person or with intent to commit any offence, commits the misdemeanour termed criminal trespass and is liable to imprisonment for one year.

### **303. Forfeiture.**

When 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 any such offence shall be forfeited to the Government.

## CHAPTER XXIX —FALSE PRETENCES.

### **304. 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.

### **305. 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 to imprisonment for five years.

### **306. Obtaining execution of a 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 be afterwards made or converted into or used or dealt with as a valuable security, commits a misdemeanour and is liable to imprisonment for five years.

### **307. 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 to imprisonment for three years.

### **308. Obtaining credit, etc. by false pretences.**

Any person who—

in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud;

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.

### **309. 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 to imprisonment for three years.

### **310. 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 any such 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—

conceals from the purchaser or mortgagee any instrument material to the title or any incumbrance;

falsifies any pedigree on which the title depends or may depend; or

makes any false statement as to the title offered or conceals any fact material to the title, commits a misdemeanour and is liable to imprisonment for two years.

### **311. 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.

### **312. Obtaining registration, etc. by false pretence.**

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

### **313. 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 XXX —RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES.**

### **314. Receiving stolen property, etc.**

Any person who receives or retains any chattel, money, valuable security or other property, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, commits a felony and is liable to imprisonment for fourteen years.

Any person who receives or retains any chattel, money, valuable security or other property, knowing or having reason to believe the same to have 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.

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.

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—

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;

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 such 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.

### **315. Persons suspected of having or conveying stolen property.**

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 69](#) 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.

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

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 such person or is part of his or her goods or luggage on a vessel, boat, aircraft or vehicle; or

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 such person resides, or which he or she occupies or is in a vessel, carriage, box, receptacle or place under his or her control.

### **316. Unlawful possession of Government stores.**

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, and being the property of the Government.

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 thereof.

### **317. Receiving goods stolen outside Uganda.**

Any person who, without lawful excuse, knowing or having reason to believe the same 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 to imprisonment for seven years.

### **318. 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, from time to time, 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.

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

The customs posts in existence immediately before the 11th January 1980 shall, for the purpose of subsection (1), be deemed to be the prescribed places of exit or entry for the time being.

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 such 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 of not less than three years and not more than fourteen years and shall in addition pay a fine of not more than five million shillings and in default thereof shall be sentenced to a further term of imprisonment of not more than two years.

(5) In subsection (4), “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.

### **319. Smuggling.**

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

in contravention of section 318;

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; (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 such exportation or importation, commits the offence of smuggling and is liable on conviction to a term of imprisonment of not less than three years and not more than fourteen years and shall in addition pay a fine of not more than five million shillings and in default thereof shall be sentenced to a further term of imprisonment 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 sentenced to death.

In subsection (2), “deadly weapon” includes any instrument made or adapted for shooting, stabbing or cutting and any instrument which, when used for offensive purposes, is likely to cause death.

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 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.

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 so paid without prejudice to any further obligations outstanding.

### **320. 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 318 and 319 commits an offence and is liable to the same penalties as are prescribed in section 319.

### **321. Attempting to smuggle.**

Any person who transports any goods to a place within Uganda in such manner, towards such direction and in such quantity as to appear to be transporting such goods to a place outside Uganda in contravention of section 318 shall be presumed to be attempting to smuggle.

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

diverts, without reasonable cause, from its normal route;

off-loads the goods; or

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 319.

## CHAPTER XXXI —FRAUDS BY TRUSTEES AND PERSONS IN A POSITION OF TRUST, AND FALSE ACCOUNTING.

### **322. Fraudulent disposal of trust property.**

Any person who, being a trustee of any property, destroys the property with intent to defraud, or, with intent to defraud, converts the property to any use not authorised by the trust, commits a felony and is liable to imprisonment for seven years.

For the purposes of this section, the term trustee means the following persons and no others—

trustees upon express trusts created by a deed, will or instrument in writing, whether for a public or private or charitable purpose;

trustees appointed by or under the authority of a written law for any such purpose;

persons upon whom the duties of any such trust as aforesaid devolve;

executors and administrators.

### **323. Fraudulent offences by directors and officers of corporations or companies.**

Any person who—

being a director or officer of a corporation or company, receives or possesses himself or herself as such 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

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 any such book, document or account, or is privy to any such act;

(ii) makes or is privy to making, any false entry in any such

book, document or account; or (iii) omits, or is privy to omitting, any material particular from any such book, document or account, commits a felony and is liable to imprisonment for seven years.

### **324. 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—

to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not;

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 to imprisonment for seven years.

### **325. Fraudulent false accounting.**

Any person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the following acts with intent to defraud—

destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his or her employer, or has been received by him or her on account of his or her employer, or any entry in any such book, document or account, or is privy to any such act;

makes, or is privy to making, any false entry in any such book, document or account; or

omits or is privy to omitting, any material particular from any such book, document or account, commits a felony and is liable to imprisonment for seven years.

### **326. False accounting by public officer.**

Any person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or her or entrusted to his or her care, or of any balance of money or property in his or her possession or under his or her control, commits a misdemeanour.

## *Division VI—Malicious injuries to property.*

### **CHAPTER XXXII—OFFENCES CAUSING INJURY TO PROPERTY.**

#### **327. Arson.**

Any person who wilfully and unlawfully sets fire to—

any building or structure, whether completed or not;

any vessel, whether completed or not;

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 to imprisonment for life.

#### **328. Attempt to commit arson.**

Any person who—

attempts unlawfully to set fire to any such thing as is mentioned in section 327; or

wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 327 is likely to catch fire from it,  
commits a felony and is liable to imprisonment for fourteen years.

### **329. Setting fire, etc. to crops and growing plants.**

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

a crop of cultivated produce, whether standing, picked or cut;

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

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.

### **330. Attempt to set fire to crops, etc.**

Any person who—

attempts unlawfully to set fire to any such thing as is mentioned in section 329; or

wilfully and unlawfully sets fire to anything which is so situated that any such thing as is mentioned in section 329 is likely to catch fire from it,  
commits a felony and is liable to imprisonment for seven years.

### **331. Prevention and control of fires.**

Any person who—

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;

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

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.

### **332. Casting away ships.**

Any person who—

wilfully and unlawfully casts away or destroys any vessel, whether completed or not;

wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

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 to imprisonment for life.

**333. Attempt to cast away ships.**

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

**334. Injuring animals.**

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

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 such animal, the offender commits a felony and is liable to imprisonment for seven years; and in any other case the offender commits a misdemeanour.

**335. Punishment for malicious injuries in general.**

Any person who wilfully and unlawfully destroys or damages any property commits an offence and is liable, if no other punishment is provided, to imprisonment for five years.

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—

any person is in the dwelling house or vessel; or

the destruction or damage actually endangers the life of any person, the offender commits a felony and is liable to imprisonment for life.

(3) If the property in question—

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;

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

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 the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable, the offender commits a felony and is liable to imprisonment for life.

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

such register which is required by law to be sent to any public officer, the offender commits a felony and is liable to imprisonment for fourteen years.

If the property in question is a vessel in distress, wrecked or stranded, or anything which belongs to such vessel, the offender commits a felony and is liable to imprisonment for seven years.

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 to imprisonment for fourteen years.

If the property in question—

being a vessel, whether completed or not, is destroyed;

being a vessel, whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless;

is a light, beacon, buoy, mark or signal, used for the purposes of navigation, or for the guidance of persons engaged in navigation;

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 unloading goods;

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;

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 such thing, machine, implement or appliance, as

referred to in paragraph (f) of this subsection, 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 such rope, chain or tackle, as referred to in paragraph

(j) of this subsection, 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 to imprisonment for 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 to imprisonment for seven years.

### **336. 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 to imprisonment for fourteen years.

### **337. 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 to imprisonment for seven years.

### **338. 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 to imprisonment for three years.

### **339. Wilful damage, etc. to survey and boundary marks.**

Any person who—

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;

being under an obligation to maintain in repair any boundary mark made or erected, as provided in paragraph (a) of this section, neglects or refuses to repair it; or

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 to imprisonment for three months or to a fine of four hundred shillings, 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.

### **340. Penalties for damage, etc. to railway works.**

Any person who—

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;

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;

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 workmen in the execution of any work done or to be done in reference to the construction or maintenance of any such railway, commits an offence and is liable to imprisonment for five years or to a fine of fifty thousand shillings.

### **341. Threats to burn, etc.**

Any person who, knowing the contents of it, sends, delivers, utters or directly or indirectly causes to be received, any 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 to imprisonment for ten years.

*Division VII—Forgery, coining, counterfeiting and similar offences.*

## CHAPTER XXXIII—DEFINITIONS.

### **342. Forgery.**

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

### **343. 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.

### **344. 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.

### **345. Making a false document.**

Any person makes a false document who—

(a) makes a document purporting to be what in fact it is not;

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;

introduces into a document without authority while it is being drawn up matter which if it had been authorised would have altered the effect of the document;

signs a document— (i) in the name of any person without his or her authority

whether such 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.

#### **346. 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 such 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 XXXIV—PUNISHMENT FOR FORGERY.

#### **347. General punishment for forgery.**

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

#### **348. Forgery of wills, etc.**

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 to imprisonment for life.

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

#### **349. Forgery of judicial or official document.**

Any person who forges any judicial or official document is liable to imprisonment for ten years.

#### **350. Forgery of and other offences in relation to stamps.**

Any person who—

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

without lawful excuse, the proof whereof 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;

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;

fraudulently mutilates any stamp referred to in paragraph (c) of this section with intent that another use shall be made of the stamp;

fraudulently fixes or places upon any material or upon any stamp referred to in paragraph (d) of this section any stamp or part of a stamp which whether fraudulently or not has been cut, torn or in any way removed from any other material or out of or from any other stamp;

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

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 otherwise 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 to imprisonment for seven years.

### **351. 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.

### **352. 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.

### **353. 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.

### **354. Obliterating crossings on cheques.**

Any person who, with intent to defraud—

obliterates, adds to or alters the crossing on a cheque; or

knowingly utters a crossed cheque, the crossing on which has been obliterated, added to or altered, commits a felony and is liable to imprisonment for seven years.

**355. Making documents without authority.**

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

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

knowingly utters any document or writing so made, signed or executed by another person, commits a felony and is liable to imprisonment for seven years.

**356. Demanding property upon forged testamentary instruments.**

Any person who procures the delivery or payment to himself or herself or 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 or thing by virtue of which he or she procures the delivery or payment.

**357. 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 to imprisonment for seven years.

**358. 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 to imprisonment for seven years.

**359. 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 to imprisonment for seven years.

**360. 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 to imprisonment for seven years.

**361. 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 any such register, commits a felony and is liable to imprisonment for three years.

## CHAPTER XXXV—OFFENCES RELATING TO COIN AND BANK AND

### CURRENCY NOTES.

#### **362. 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, or in any part of the Commonwealth, 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.

#### **363. Counterfeiting coin.**

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

#### **364. 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;

makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it; or

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 such 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 to imprisonment for life.

### **365. 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—

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;

makes, uses or knowingly has in his or her custody or possession any frame, mould or instrument for making such paper or for

producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper;

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;

uses or knowingly has in his or her custody or possession any plate, wood, stone or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in any way made as aforesaid; or

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 to imprisonment for seven years.

### **366. 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 to imprisonment for seven years.

### **367. Melting down of currency.**

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 to imprisonment for six months or to a fine not exceeding two thousand shillings or to both such imprisonment and fine; 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 such 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.

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.

**368. Possession of clippings.**

Any person who unlawfully has in his or her possession or 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 to imprisonment for seven years.

**369. Uttering counterfeit coin.**

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

**370. Repeated uttering.**

Any person who—

utters any counterfeit coin, knowing it to be counterfeit, and at the time of such uttering has in his or her possession any other counterfeit coin;

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

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 to imprisonment for three years.

**371. Uttering metal or coin not current as coin.**

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

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 to imprisonment for one year.

**372. 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.

**373. 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 to imprisonment for five years.

**374. Forfeiture.**

When any person is convicted of an offence under this Chapter or Chapter XXXIV, 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 any such offence.

## CHAPTER XXXVI—COUNTERFEIT STAMPS.

### **375. 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;

knowingly has in his or her possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it any such words, figures, letters, marks or lines as aforesaid;

fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way;

fraudulently, and with intent that use may be made of any part of such stamp, mutilates the stamp;

fraudulently fixes or places upon any material or upon any such 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;

fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from such material anything written on it;

knowingly has in his or her possession or disposes of anything obtained or prepared by any such unlawful act as aforesaid; 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 to imprisonment for seven years, and any die, plate, instrument, paper or other thing as aforesaid which is found in his or her possession shall be forfeited to the Government.

### **376. Paper and dies for postage stamps.**

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

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

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 such things as aforesaid, 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 XXXVII—COUNTERFEITING TRADEMARKS.

### **377. Trademarks defined.**

A trademark is—

a mark lawfully used by any person to denote any chattel to be an article or thing of the manufacture, workmanship, production or merchandise of such person or to be an article or thing of any peculiar or particular description made or sold by such person;

any mark or sign which in pursuance of any law in force for the time being relating to registered designs is to be put or placed upon or attached to any chattel or article during the existence or continuance of any copyright or other sole right acquired under such law.

### **378. Counterfeiting trademarks.**

Any person who with intent to defraud or to enable another to defraud any person does any of the following things—

(a) (b)

forges or counterfeits any trademark;

applies any trademark, or any forged or counterfeit trademark, to

any chattel or article not being the merchandise of any person

whose trademark is so forged or counterfeited;

(c)

applies any trademark or any forged or counterfeit trademark to

any chattel or article not being the particular or peculiar

description of merchandise denoted or intended to be denoted by

such trademark or by such forged or counterfeit trademark;

(d)

applies any trademark or any forged or counterfeit trademark to

anything intended for any purpose of trade or manufacture, or in,

on or with which any chattel or article is intended to be sold, or

is sold or offered or exposed for sale;  
(e)

encloses or places any chattel or article in, upon, under or with

anything to which any trademark has been falsely applied, or to

which any forged or counterfeit trademark has been applied;

applies or attaches any chattel or article to any case, cover, reel, ticket, label or other thing to which any trademark has been falsely applied, or to which any false or counterfeit trademark has been applied;

encloses, places or attaches any chattel or article in, upon, under, with or to any thing having on it any trademark of any other person,  
commits a misdemeanour.

### **379. Selling goods marked with a counterfeit trademark.**

Any person who sells or exposes, or has in possession for sale or any purpose of trade or manufacture, any goods or things, with a counterfeit trademark affixed to or impressed upon them or to or upon any case, package or other receptacle in which the goods are contained, unless he or she proves that, having taken all reasonable precautions against committing an offence against this section, he or she had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, commits a misdemeanour.

### **380. Forfeiture of goods marked with counterfeit trademark.**

All chattels, articles or instruments—

to which a counterfeit trademark has been applied;

which have been enclosed, or placed or attached contrary to any of the provisions of section 378 or 379; or

(c) which have been used for applying a counterfeit trademark,  
shall be forfeited.

## CHAPTER XXXVIII—PERSONATION.

### **381. Personation in general.**

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.

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 to imprisonment for seven years.

**382. 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.

**383. Personation of a person named in a certificate.**

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.

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.

**384. Personation of a person named in a testimonial of character.**

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 to imprisonment for one year.

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

CHAPTER XXXIX —CHEQUES.

**385. Issue of false cheques.**

(1) who— (a)

Any person, including a public officer in relation to public funds,

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;

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

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 not exceeding five years or to both.

No person commits 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.

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.

In this section—

“cheque” and “issue” shall have the same meaning as assigned to them by the Bills of Exchange Act; and

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 the fact.*

## CHAPTER XL—ATTEMPTS.

### **386. Attempt defined.**

When a person, intending to commit an offence, begins to put his or her intention into execution by means adapted to its fulfillment, and manifests his or her intention by some overt act, but does not fulfill his or her intention to such an extent as to commit the offence, he or she is deemed to attempt to commit the offence.

It is immaterial—

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 fulfillment 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;

that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

### **387. 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.

### **388. 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 imprisonment for a period of fourteen years or upwards, with or without other punishment, commits a felony and is liable, if no other punishment is provided, to imprisonment for seven years.

### **389. 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 XLI —CONSPIRACIES.

### **390. 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, if no other punishment is provided, to imprisonment for seven years, or if the greatest punishment to which a person convicted of the felony in question is liable is less than imprisonment for seven years, then to such lesser punishment.

### **391. 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 to imprisonment for five years.

### **392. Other conspiracies.**

Any person who conspires with another to effect any of the following purposes—

to prevent or defeat the execution or enforcement of any written law;

to cause any injury to the person or reputation of any person, or to depreciate the value of any property of any person;

to prevent or obstruct the free and lawful disposition of any property by its owner for its fair value;

to injure any person in his or her trade or profession;

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;

to effect any unlawful purpose; or

(g) to effect any lawful purpose by any unlawful means, commits a misdemeanour and is liable to imprisonment for five years.

## CHAPTER XLII —ACCESSORIES AFTER THE FACT.

### **393. Definition of accessories after the fact.**

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.

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.

**394. Punishment of accessories after the fact to felonies.**

Any person who, becomes an accessory after the fact to a felony commits a felony, and is liable, if no other punishment is provided, to imprisonment for three years.

**395. Punishment of accessories after the fact to misdemeanours.**

Any person who, becomes an accessory after the fact to a misdemeanour, is guilty of a misdemeanour.

**History:** Cap. 106; 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; Act 3/1998.

**Cross References**

Bills of Exchange Act, Cap. 68. Civil Procedure Act, Cap. 71. Criminal Procedure Code Act, Cap. 116.  
Financial Institutions Act, Cap. 54.  
Insurance Act, Cap. 213.  
Local Governments Act, Cap. 243.  
[Magistrates Courts Act, Cap. 16.](#)  
Press and Journalist Act, Cap. 105.  
Prevention of Corruption Act, Cap. 121.  
Trade Unions Act, Cap. 223.  
Trial on Indictments Act, Cap. 23.