

# THE CONSTITUTION (AMENDMENT) BILL, 2016

## MEMORANDUM

### **1. Object of the Bill**

The object of the Bill is to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution; to remove the limits on the tenure of the members of the Electoral Commission; to increase the period for the adjudication of Presidential election petitions; to increase the retirement age for Justices and Judges; and for related matters.

### **2. Provisions of the Bill**

#### PART I- AMENDMENT OF CHAPTER FIVE OF THE CONSTITUTION – REPRESENTATION OF THE PEOPLE

Clause 1 of the Bill seeks to amend article 60 (3) of the Constitution to remove the limits on the tenure of the members of the Independent Electoral Commission. Currently, the members of the Commission may only serve for two terms.

**PART II- AMENDMENT OF CHAPTER SEVEN OF THE  
CONSTITUTION - THE EXECUTIVE**

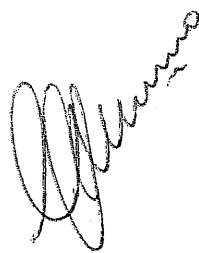
Clause 2 of the Bill seeks to amend article 104 of the Constitution to permit any other legal person other than a candidate to challenge the validity of a Presidential election and increase the period for filing and adjudication of a presidential election petition.

**PART III – AMENDMENT OF CHAPTER EIGHT OF THE  
CONSTITUTION - THE JUDICIARY**

Clauses 3 of the Bill seeks to amend article 144 of the Constitution to increase the retirement age for Judges from seventy to seventy five years in the case of Justices of the Supreme Court and the Court of Appeal from sixty five to seventy five years in the case of Judges of the High Court.

**3. Procedure for amendment of the Constitution**

The procedure for amendment of all the provisions proposed to be amended by this Bill is that prescribed by article 262 (Amendment by Parliament) of the Constitution namely: approval at second and third readings of Parliament by not less than two thirds of all members of Parliament.



**KAFEERO SSEKITOLEKO, MP**

*Member of Parliament for Nakifuma County*

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ARRANGEMENT OF CLAUSES.

*Clause*

PART I- AMENDMENT OF CHAPTER FIVE OF THE  
CONSTITUTION – REPRESENTATION OF THE PEOPLE.

1. Amendment of article 60 of the Constitution.

PART II - AMENDMENT OF CHAPTER SEVEN OF THE  
CONSTITUTION - THE EXECUTIVE.

2. Amendment of article 104 of the Constitution.

PART III – AMENDMENT OF CHAPTER EIGHT OF THE  
CONSTITUTION - THE JUDICIARY

3. Amendment of article 144 of the Constitution.

A Bill for an Act

ENTITLED

**THE CONSTITUTION (AMENDMENT) ACT, 2016**

**An Act to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution; to remove the limits on the tenure of the members of the Electoral Commission; to increase the period for the adjudication of Presidential election petitions; to increase the retirement age for Justices and Judges; and for related matters.**

BE IT ENACTED by Parliament as follows:

**PART I- AMENDMENT OF CHAPTER FIVE OF THE  
CONSTITUTION – REPRESENTATION OF THE PEOPLE**

**1. Amendment of article 60 of the Constitution**

Article 60 of the Constitution is amended-

(a) by substituting for clause (3) the following-

“(3) The members of the commission shall hold office for seven years and shall be eligible for reappointment”.

(b) by deleting clause (4).

**PART II – AMENDMENT OF CHAPTER SEVEN OF THE  
CONSTITUTION – THE EXECUTIVE**

**2. Amendment of Article 104 of the Constitution**

Article 104 of the Constitution is amended-

(a) in clause (1) by inserting the words "political party or organization or voter" after the words "aggrieved candidate"

(b) in clause (2) by substituting for the entire clause the following-

"(2) A petition under clause (1) of this Article shall be lodged in the Supreme Court registry within **thirty** days after the declaration of the election results.

(c) in clause (3) by substituting for the entire clause the following-

"(3) The Supreme Court shall inquire into and determine the petition expeditiously and shall declare its findings not later than **forty-five** days from the date the petition is filed."

### PART III – AMENDMENT OF CHAPTER EIGHT OF THE CONSTITUTION - THE JUDICIARY

#### **3. Amendment of article 144 of the Constitution**

Article 144 of the Constitution is amended-

(a) In clause (1)(a) by substituting for "seventy years" the words "seventy five years"; and

(b) In clause (1)(b) by substituting for "sixty five years" the words "seventy five years"

