

**ACTS SUPPLEMENT**

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**Act 19**      *Law Revision (Penalties in Criminal Matters)*      **2021**  
*(Miscellaneous Amendments) Act*

THE LAW REVISION (PENALTIES IN CRIMINAL MATTERS)  
(MISCELLANEOUS AMENDMENTS) ACT, 2021

ARRANGEMENT OF SECTIONS.

*Section*

1. Amendment of Cap. 120.
2. Amendment of Act No. 14 of 2002.
3. Amendment of Cap. 23.
4. Treatment of life imprisonment or imprisonment for life in any enactment.
5. Imposing a sentence of death.
6. Confirmation of death sentence.
7. Commuting of death sentences.
8. Issuance of sentencing guidelines.



**THE LAW REVISION (PENALTIES IN CRIMINAL MATTERS)  
(MISCELLANEOUS AMENDMENTS) ACT, 2021.**

**An Act to amend the Penal Code Act and the Anti-Terrorism Act, 2002 to remove the mandatory death penalty prescribed by these laws and to restrict the death penalty to the most serious crimes under those laws; to remove the restriction on mitigation in the case of convictions that carry a death penalty; to define life imprisonment or imprisonment for life; and to provide for related matters.**

DATE OF ASSENT: 4th April, 2019

*Date of Commencement:* 5th November, 2021

BE IT ENACTED by Parliament as follows:

**1. Amendment of Cap. 120.**

The Penal Code Act is amended—

- (a) in section 23 by substituting—
  - (i) in subsection (1), for “shall” the words “is liable to”;
  - (ii) in subsection (2), for “shall” the words “is liable to”;
  - (iii) in subsection (3), for “shall”, the words “is liable to”.

(b) by substituting for section 189, the following—

**“189. Punishment for murder.**

A person convicted of murder is liable to suffer death.”

- (c) in section 286 (2) by substituting for “sentenced to death” the words “liable to suffer death”;
- (d) in section 286(4) by deleting the words “unless the offender is sentenced to death.”;
- (e) in section 319 (2) by substituting for “sentenced to death” the words “liable to suffer death”.

**2. Amendment of Act No. 14 of 2002.**

The Anti-Terrorism Act, 2002 is amended in section 7(1) by substituting in paragraph (a) for “sentenced” the word “liable”.

**3. Amendment of Cap. 23.**

The Trial on Indictments Act is amended in section 98 by repealing the words “other than a sentence of death”.

**4. Treatment of life imprisonment or imprisonment for life in any enactment.**

(1) For purposes of any enactment prescribing life imprisonment or imprisonment for life, life imprisonment or imprisonment for life means imprisonment for the natural life of a person without the possibility of being released.

(2) Notwithstanding subsection (1), a person liable to imprisonment for life or life imprisonment may be sentenced for any shorter term of imprisonment not exceeding fifty years.

(3) When sentencing a person under subsections (1) and (2), Court may order the minimum term of imprisonment a person liable to imprisonment for life or life imprisonment may serve before he or she may be considered for parole or the imprisonment of such a person may be reduced on account of remissions earned.

**5. Imposing a sentence of death.**

The court may only pass a sentence of death in exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate.

**6. Confirmation of a sentence of death.**

(1) Where court passes a sentence of death on any person, the registrar of that court shall, where the convicted person does not appeal the sentence within the prescribed time, transmit to the Supreme Court a copy of the judgment and proceedings of that court within thirty days after the conviction for confirmation.

(2) The Supreme Court shall only confirm the sentence of death where it is satisfied that the circumstances of the case warrant the imposition of the death sentence.

(3) The Supreme Court shall, where it doesn't confirm the sentence, impose an appropriate sentence or make any other orders as it deems fit.

(4) Where the Supreme Court confirms the sentence of death, the registrar of the Supreme Court shall in accordance with article 121 (5) of the Constitution transmit to the Advisory Committee on the Prerogative of Mercy a written report of the case and its judgement.

(5) The Advisory Committee on the Prerogative of Mercy shall, within six months from the date of referral, consider and advise the President on whether the sentence of death should be carried out.

(6) The President may, acting on the advice of the Advisory Committee on the Prerogative of Mercy—

- (a) order for the carrying out of the sentence in the manner prescribed by court;
- (b) grant the convicted person a pardon, either free or subject to lawful conditions;
- (c) grant to the convicted person a respite, either for an indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;
- (d) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or
- (e) remit the whole or any part of any punishment imposed on the convicted person for such an offence.

(7) A sentence of death imposed by a court of judicature or a court or tribunal established under the Uganda People's Defense Forces Act, 2005 shall only be carried out after it has been confirmed by the highest appellate court and upon an order of the President issued under subsection (6) (a).

(8) In this section and in any other enactment, a reference to the highest appellate court shall be taken to be a reference to the Supreme Court.

## **7. Commuting of sentences of death.**

(1) A sentence of death confirmed by the Supreme Court may be carried out within three years of its confirmation.

(2) Where a sentence of death confirmed by the Supreme Court is not carried out within three years, the sentence shall be deemed to have been commuted to imprisonment for life.

(3) Where a death sentence is commuted to imprisonment for life, the convicted person shall be liable to imprisonment for fifty years.

### **8. Issuance of sentencing guidelines.**

(1) The Chief Justice shall, in exercise of powers conferred upon him or her by article 133 (1) (b) of the Constitution, issue orders and directions to guide the sentencing powers of judicial officers.

(2) The sentencing guidelines made under subsection (1) shall be laid before Parliament.

(3) Without limiting the general effect of subsection (1), the sentencing guidelines shall—

- (a) set out the purpose for which offenders may be sentenced or dealt with;
- (b) provide principles and guidelines to be applied by courts in sentencing;
- (c) provide sentence ranges and other means of dealing with offenders;
- (d) provide a mechanism for considering the interests of victims of crime and the community when sentencing; and
- (e) provide a mechanism that will promote uniformity, consistency and transparency in sentencing.

