

CHAPTER 63

THE IMMIGRATION ACT.

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CHAPTER 63

THE IMMIGRATION ACT.

Commencement: 2 April, 1969; 1
May, 1970.

An Act to consolidate and amend the law regulating immigration into Uganda and for other purposes incidental to and connected therewith.

Interpretation.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “appointed member” means a member of the board appointed by the President under section 2(1);
- (b) “board” means the National Citizenship and Immigration Board established under section 2;
- (c) “chairperson” means the chairperson of the board;
- (d) “commissioner” means the commissioner established under section 5;
- (e) “destitute person” means a person who is, in the opinion of the commissioner of immigration, incapable of supporting himself or herself and his or her dependents, if any;
- (f) “document of identity” means a document establishing the nationality and identity of the holder for the time being in force issued or renewed by the government of the State of which the holder is a subject or citizen or some other valid document of identity satisfactorily establishing the holder’s nationality and identity;
- (g) “entry permit” means a permit granted under section 12;
- (h) “functions” includes powers and duties;
- (i) “Minister” means the Minister to whom functions under this Act
are assigned; (j) “pass” means a pass granted pursuant to section 22.

Immigration control.

2. National Citizenship and Immigration Board.

(1) There shall be a National Citizenship and Immigration Board which shall consist of a chairperson and not less than four other persons appointed by the President with the approval of Parliament.

(2) Each member of the board shall be a person of high moral character and proven integrity.

(3) A member of the board shall hold office for a period of two years and shall be eligible for reappointment.

(4) Any member of the board may resign his or her office by writing under his or her hand addressed to the Minister or may be removed from office by the Minister for failure or inability to discharge the functions of his or her office.

(5) Subject to subsections (3) and (4), a member of the board shall hold office upon such terms and conditions, including remuneration, as the Minister may determine.

(6) The commissioner for immigration shall be the secretary to the board, but not a member of the board, and shall perform such functions as may be assigned to him or her by the board.

(7) This Act and any other enactment relating to immigration, other than the Constitution, shall have effect with such modifications as may be necessary to give effect to subsection (1).

3. Functions of the board.

- (1) The functions of the board shall include—
- (a) registering and issuing national identity cards to citizens;
 - (b) issuing Uganda passports and other travel documents;
 - (c) granting and cancelling citizenship by registration and naturalisation;
 - (d) granting and cancelling immigration permits; and
 - (e) registering and issuing identity cards to aliens.

(2) The functions of the board set out in subsection (1)(a), (b) and (d) may be decentralised to the district level.

(3) It shall be the duty of the board—

- (a) to determine whether or not an entry permit shall be granted to any person under this Act;
- (b) to determine any question under this Act or any regulation made under the Act, which may be referred to it by the Minister;
- (c) to perform such other functions as may be imposed upon it by or under this Act.

(4) A person aggrieved by the decision of the board made under this section may, within one month of the date he or she is notified of the decision, or within such additional time as the Minister may allow, appeal to the Minister, and the decision of the Minister thereon shall be final and shall not be questioned in any court.

4. Meetings of the board.

(1) The board shall meet for the discharge of its functions under this Act at least once in every month at such place and time as the chairperson shall appoint.

(2) In the absence of the chairperson the Permanent Secretary, Ministry of Internal Affairs shall act as chairperson, and in the absence of both the chairperson and the Permanent Secretary, a member of the board nominated by the Minister shall preside.

(3) The quorum at any meeting of the board shall be five.

(4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members of the board present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote.

(5) Except as is provided in this section, the board may regulate its own procedure.

(6) Nothing done by the board shall be treated as invalid by reason of a deficiency in the number of its members provided any such action is subsequently ratified by the board.

5. Immigration officers.

There shall be a commissioner for immigration, principal immigration officers, senior and other immigration officers as may be considered

(1) For the purpose of exercising his or her functions under this Act, an immigration officer may—

necessary for better carrying out the provisions of this Act.

6. Powers and duties of immigration officers, etc.

without a search warrant, enter upon and search any ship, aircraft,

(a) train or vehicle in Uganda;

interrogate any person whom he or she reasonably believes—

(b)(i) is about to enter or leave Uganda;

(ii) is a prohibited immigrant; or

(iii) is able to give any information regarding any infringement

or suspected infringement of this Act or any regulations made under this Act; require any person who desires to

(c) enter Uganda— (i) to make and sign a declaration in such form as may be

prescribed by regulations made under this Act; (ii) to

submit himself or herself to a medical examination by a

medical practitioner appointed by the Minister responsible for health;

(d) require the person in charge of a ship, aircraft, train or vehicle arriving from or leaving for any place outside Uganda to furnish a list in duplicate, signed by him or her, of the names of all persons in his or her ship, aircraft, train or vehicle;

(e) if there is reasonable cause to suspect that any person has contravened any of the provisions of this Act or that his or her presence in Uganda is unlawful, and, if in order to prevent the purposes of this Act from being defeated it is necessary to arrest that person immediately, arrest the person without a warrant, and the provisions of section 17 of the Criminal Procedure Code Act shall apply to the arrest;

(f) enter upon any premises during reasonable hours and investigate any matter relating to immigration.

(2) An immigration officer may require any person—

(a) to declare whether or not he or she is carrying or conveying any

documents; (b) to produce to the officer any documents which he or she is carrying or conveying, and may search any person and any baggage belonging to that person or under his or her control, in order to ascertain whether that person is carrying or conveying any documents and may examine and detain for such time as the immigration officer thinks proper for the purpose of examination, any documents produced to him or her or found on the search.

(3) An immigration officer may in writing require any person to attend at his or her office and to furnish to that officer such information, documents and other particulars as are necessary for the purposes of determining whether that person should be permitted to remain in Uganda.

(4) The powers conferred upon an immigration officer by subsection (2) may be exercised by a police officer.

7. Inspectors and investigators.

The commissioner for immigration may designate such number of immigration officers to be immigration inspectors and investigators as he or she may deem necessary for the purposes of this Act.

8. Protection of immigration officers.

No matter or thing done by any immigration officer shall, if it is done bona fide for the purposes of executing any provisions of this Act or any regulation made under this Act, subject the immigration officer or any person acting by his or her directions to any civil liability.

9. Minister's powers of direction.

The Minister may, subject to this Act, give directions of a general or specific nature to the board or any immigration officer, and the board or immigration officer shall comply with any such direction.

Immigrants.

10. Prohibited immigrants.

(1) The following persons are prohibited immigrants and their entry

into or presence within Uganda shall be unlawful except in accordance with this Act—

- (a) a destitute person;
- (b) a person suffering from mental disorder or a mental defective;
- (c) any person who— (i) refuses to submit to a medical examination after having been required so to do under section 6; (ii) is certified, by a medical practitioner appointed for the purpose by the Minister, to be suffering from a contagious or infectious disease which makes his or her presence in Uganda dangerous to the community;
- (d) any prostitute or any person who is living, or who, prior to entering Uganda, was living on the earnings of prostitution;
- (e) any person against whom there is in force an order of deportation from Uganda made under this Act or any other law;
- (f) any person whose presence in or entry into Uganda is, or at the time of his or her entry was, unlawful under this Act or any other law for the time being in force;
- (g) any person who has not in his or her possession a valid passport issued to him or her by or on behalf of the government of the State of which he or she is a subject or citizen or a valid passport or document of identity issued to him or her by an authority recognised by the Government, that document being complete and having endorsed on it all particulars, endorsements and visas required from time to time by the government or authority issuing the document and by the Government;
- (h) a person who in consequence of information received from the government of any State, or any other source deemed reliable by the Minister or the commissioner for immigration is declared by the Minister or the commissioner for immigration to be an undesirable immigrant; but every declaration of the commissioner for immigration under this paragraph shall be subject to confirmation or otherwise by the Minister, whose decision shall be final;
- (i) any person who, not having received a free pardon, has been convicted in any country of murder, or any offence for which a sentence of imprisonment has been passed for any term, and who by reason of the circumstances connected with the conviction is declared by the Minister to be an undesirable immigrant; except that this paragraph shall not apply to offences of a political character not involving moral turpitude;

(j) any person who is a subject or citizen of any country with which Uganda is at war; and (k) the children, if under eighteen years of age, and dependents of a prohibited immigrant.

(2) The burden of proof that any person is not a prohibited immigrant shall lie upon that person.

11. Entry into Uganda.

(1) Subject to subsection (2), no person shall enter or remain in Uganda unless he or she is in possession of a valid entry permit, certificate of residence or pass issued to him or her under or by virtue of this Act.

(2) This section shall not apply to such persons or class of persons as the Minister may, by statutory order, declare.

(3) No person who is not a citizen of Uganda shall be issued with any entry permit or pass referred to in subsection (1) unless he or she is in possession of a valid travel document, that is to say, a passport, emergency certificate, certificate of identity or conventional travel document.

Entry permit and certificate of residence.

12. Entry permit.

(1) There shall be the classes of entry permit specified in the First Schedule to this Act.

(2) Where a person, other than a prohibited immigrant, has made application in the prescribed manner for an entry permit of a particular class, and has satisfied the board that he or she belongs to that class and that the conditions specified in the Schedule in relation to that class are fulfilled, the board may, at its discretion, issue an entry permit of that class to that person.

(3) Notwithstanding subsection (2), the board shall not issue any entry permit to any person unless it is satisfied that the engagement in the employment by that person or the purposes for which the entry permit is granted—

- (a) shall be of benefit to Uganda or part of Uganda; and
- (b) shall not be to the prejudice of the inhabitants generally of

Uganda.

(4) Subject to subsection (3), any entry permit, when issued, shall be valid for five years and thereafter may be renewable for a period of three years whenever it expires.

(5) The commissioner for immigration may at any time cancel any entry permit, and the person aggrieved by the cancellation may appeal to the Minister.

13. Certificate of residence.

(1) The board may, with the approval of the Minister, grant to any person upon application in the prescribed manner, a certificate of residence, which shall entitle the person to remain in Uganda for such period as the Minister may determine.

(2) Notwithstanding subsection (1), the Minister may, where the public interest so requires, grant a certificate of residence or cancel at any time any certificate of residence granted under this section.

(3) The application referred to in subsection (1) shall be in the form set down in the Second Schedule.

14. Registers.

(1) The commissioner of immigration shall maintain a register in the prescribed form, in which shall be entered the names and such particulars as the Minister may direct of every person to whom an entry permit, a certificate of residence or pass is granted under this Act.

(2) For the purposes of discharging its functions under this Act, the board may at any time call for and inspect any register maintained under this section.

15. Production of entry permit, etc.

(1) Any person who remains in Uganda shall carry his or her entry permit, certificate of residence or pass and, on being so required by an immigration or police officer, produce it for examination.

(2) Any person who contravenes any provision of this section commits an offence and is liable on conviction to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

16. Restrictions for noncitizens.

(1) No person who is not a citizen of Uganda and is not in possession of a valid entry permit, certificate of residence or pass issued to him or her under this Act shall—

- (a) be issued with a trade or industrial licence;
- (b) be employed in a parastatal or private body;
- (c) be employed in the public service;
- (d) be employed by a private person; or
- (e) enter into a private enterprise.

(2) Any person who—

- (a) not being a citizen of Uganda engages in any employment, occupation, trade, business or profession, whether or not for gain, in contravention of subsection (1);
- (b) employs any person, whether or not for gain, who he or she knows or has reasonable cause to believe is contravening paragraph (a) of this subsection;
- (c) issues a trading, business, industrial or professional licence to any person who he or she knows or has reasonable cause to believe is contravening subsection (1),

commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Deportation.

17. Deportation orders.

(1) The Minister may in writing under his or her hand order any prohibited immigrant, or any person whose presence within Uganda is, under this Act, unlawful, to be deported from and remain out of Uganda, either indefinitely or for such period of time as may be specified in the order.

(2) An order made under this section shall be carried into effect in such manner as the Minister may direct.

(3) A person against whom a deportation order has been made may, if the Minister so directs, while awaiting deportation and while being conveyed to the place of departure, be kept in custody, and while so kept shall be deemed to be in lawful custody.

(4) If any person is brought before a court by an immigration officer or a police officer and the court is informed that an application for a deportation order in respect of that person has been made, the court may direct that the person be detained in custody for any period not exceeding fourteen days.

(5) A deportation order may at any time be varied or revoked by a further order in writing by the Minister.

(6) Notwithstanding the Interpretation Act, it shall not be necessary for a deportation order to be published in the Gazette.

18. Place of deportation.

A person against whom a deportation order has been made shall be deported to the place he or she came from, or with the approval of the Minister, to some place in the country to which he or she belongs, or to any place to which he or she consents to be deported, provided that the government of such last-mentioned place consents to receive him or her.

19. Arrest of deportees in transit from other countries.

(1) Any person who, having been deported from another country, enters Uganda in transit to his or her destination may be arrested without warrant by any immigration or police officer and may be detained in custody until arrangements are made for the continuation of his or her journey.

(2) Any person detained under this section shall be deemed to be in lawful custody.

(3) A person in charge of a ship, aircraft, train or vehicle leaving for any place outside Uganda shall, if required by an immigration officer, receive on board the ship, aircraft, train or vehicle a person who is detained under this section and shall, on due payment being made, afford that person passage and accommodation for his or her onward journey to his or her destination.

20. Repatriation.

(1) When any citizen of Uganda not being a refugee is for his or her own fault or misconduct repatriated from abroad, the person shall, within twelve months, pay to the Government of Uganda all the expenses incurred by the Government in the process of his or her repatriation.

(2) Where any person affected by subsection (1) fails to pay the expenses within the prescribed period, the Government shall apply to a court for the expenses it incurred and on being certified, the court shall order that the expenses be recovered from the person, and the order shall be deemed to be a decree and will be executed in the manner provided by the Civil Procedure Act.

Miscellaneous.

21. Offences and penalties.

- (1) A person who—
- (a) fails to answer any lawful or reasonable question put to him or her by any immigration officer or knowingly answers the question untruthfully;
 - (b) whether within or without Uganda, knowingly makes any false declaration, return or statement for the purpose of obtaining or assisting another person to obtain any permit, certificate or pass under this Act;
 - (c) alters any permit, certificate or pass issued under this Act;
 - (d) obstructs or impedes any immigration officer in the exercise of his or her duty;
 - (e) misleads any immigration officer seeking, in the exercise of his or her duty, information in relation to any matter;
 - (f) knowingly uses or has in his or her possession any forged or irregular document of identity, passport, permit, pass or other document or any passport or document on which any visa or endorsement has been forged, or any document of identity, passport, certificate, permit, pass or other document which has been altered or issued without lawful authority;
 - (g) fails to furnish any list or information required to be furnished by him or her under section 6;
 - (h) unlawfully enters or is unlawfully present within Uganda in

contravention of this Act or any regulations made under this Act;

(i) except as otherwise permitted by this Act, remains in Uganda after the expiration or cancellation of any permit, pass, certificate or other authority issued to him or her under this Act or any regulations made under this Act; (j) contravenes any term or condition subject to which any permit, certificate or pass has been issued to him or her under this Act or any regulations made under this Act; or (k) contravenes any other provision of, or any order or direction made or given under, this Act or any regulations made under this Act, commits an offence and is liable on conviction, where no other penalty is provided under this Act, to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and where any person is convicted of an offence under paragraph (b) or (c) of this subsection the court may, in addition to any penalty imposed for the offence, cancel any permit, certificate or pass in respect of which the offence was committed.

(2) Any person who, having been deported from or ordered to leave Uganda under the provisions of this Act or any other written law, returns to Uganda without the permission of the Minister, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding three years or to both such fine and imprisonment, and may, notwithstanding the conviction and on the expiration of the sentence of imprisonment, if any, imposed upon him or her, be deported again under section 18.

(3) Where any prohibited immigrant enters Uganda from any ship, aircraft or vehicle, whether or not with the knowledge of the owner, agent or person in charge of it, the owner, agent or person in charge commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings, and the ship, aircraft or vehicle may, by order of the court, be detained until provision has been made by the owner, agent or person in charge, as the case may be, to the satisfaction of an immigration officer for the conveyance out of Uganda of the prohibited immigrant; except that this subsection shall not apply in any case where the prohibited immigrant has been granted a permit or pass to enter Uganda under this Act, or any regulations made under this Act.

(4) Where any fine is imposed under this Act upon any owner, agent

or person in charge of any ship, aircraft or vehicle, the ship, aircraft or vehicle may, by order of the court, be detained until the fine has been paid, and the court may when imposing any such fine order execution against the ship, aircraft or vehicle in satisfaction of the fine.

- (5) Any person who—
 - (a) engages in any employment, occupation, trade, business or profession, whether or not for gain, without being in possession of an entry permit granted in relation thereto; or
 - (b) employs any person, whether or not for gain, whom he or she knows or has reasonable cause to believe is committing an offence under paragraph (a) of this subsection,

commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(6) In any proceedings for an offence under this section a person shall be deemed to know the contents of any declaration, return or statement which he or she has signed or marked, whether he or she has read the declaration, return or statement or not, if he or she knows the nature of the document.

22. Regulations.

The Minister may make regulations for all or any of the following purposes—

- (a) prescribing the place where, and the manner in which application to enter Uganda shall be made;
- (b) prescribing the places and times at or between which entry into Uganda may be made and the procedure to be followed by persons entering or leaving Uganda;
- (c) providing for the terms and conditions subject to which an entry permit or a certificate of residence may be granted or cancelled;
- (d) providing for classes of passes entitling persons to enter and remain temporarily in Uganda, the terms and conditions of issue and cancellation and the authority which may issue or cancel the passes;
- (e) prescribing the deposit or security, if any, to be made or given by or in respect of any person granted a permit, certificate or pass under this Act or the regulations;
- (f) prescribing the fees to be charged upon the issue or renewal of any permit, certificate or pass under this Act or the regulations;

- (g) providing for the payment and recovery of any expenses incurred by the Government in connection with the detention, maintenance, medical treatment and deportation of prohibited immigrants;
- (h) prescribing the information to be furnished and the returns to be made by employers with respect to the persons employed by them, including, in particular, information as to citizenship, nature of employment, qualifications and experience of such persons, and as to training schemes;
- (i) prescribing the forms to be used for the purposes of this Act;
- (j) prescribing anything which is required to be prescribed under the provisions of this Act; and
- (k) generally for better carrying into effect the purposes and provisions of this Act.

23. Application.

(1) Subject to section 20 and this section, this Act shall not apply to citizens of Uganda.

(2) An immigration officer may exercise any of the powers conferred upon him or her by or under this Act in relation to a person who is a citizen of Uganda insofar as the exercise of any such power is necessary to determine the status of that person as such.

(3) A person who is a citizen of Uganda shall be liable to be proceeded against, convicted and punished—

- (a) for an offence under this Act in respect of any obstruction of, or otherwise in relation to the exercise of his or her powers by, an immigration officer under this Act;
- (b) for an offence under this Act in relation to a person to whom this Act applies generally; or
- (c) for failure to comply with any requirement prescribed under section 22(h).

(4) Where, for the purposes of this Act, there is a question whether a person is a citizen of Uganda, the burden of proof shall lie upon that person.

SCHEDULES

First Schedule.

s. 12.

Classes of entry permit.

Class A:

A person in the service of the Government, Makerere University, United Nations Organisation or any other institution or agency approved by the Minister.

Class B:

A person intending to engage on his or her own account in the business of agriculture or animal husbandry in Uganda who satisfies the board that—

- (a) he or she has acquired, or received permission to acquire, an interest in land of an area commensurate with and suitable for the type of business he or she proposes to undertake in Uganda; and
- (b) he or she has in his or her own right and at his or her full and free disposition such sum as may be prescribed by the Minister in respect of any class of agriculture or animal husbandry.

Class C:

A person intending to engage on his or her own account in prospecting for minerals or mining in Uganda who satisfies the board that—

- (a) he or she is in possession of, or will be able to obtain, any licence that may be necessary to enable him or her to engage in prospecting or mining; and
- (b) he or she has in his or her own right and at his or her full and free disposition such sum as may be prescribed by the Minister in respect of any particular type of prospecting or mining.

Class D:

A person intending to carry on a trade, business or profession, other than a prescribed profession, on his or her own account, or as a partner in a firm, in Uganda, who satisfies the board that—

- (a) if a licence is required to enable him or her to engage in the trade, business or profession, he or she is in possession of that licence

- or will be able to obtain one; and
- (b) he or she has in his or her own right and at his or her full and free disposition such sum as may be prescribed by the Minister in respect of any particular class of such trade, business or profession.

Class E:

A person intending to engage in manufacture on his or her own account in Uganda who satisfies the board that—

- (a) if a licence is required to enable him or her to engage in the manufacture which he or she intends to carry on, he or she is in possession of such licence or will be able to obtain one;
- (b) he or she has in his or her own right and at his or her full and free disposition such sum as may be prescribed by the Minister in respect of any particular class of manufacture.

Class F:

A member of a prescribed profession who intends to practise such profession in Uganda who satisfies the board that—

- (a) he or she is in possession of such qualifications as may be prescribed; and
- (b) he or she is in possession of sufficient capital or assured income to enable him or her to give effect to his or her intention.

Class G:

A person who satisfies the board that he or she has been offered and has accepted employment.

Form.

Republic of Uganda

Application for Certificate of Residence.
The Immigration Act.

The Secretary Immigration
Control Board P.O. Box 7165
Kampala

1. Full names of applicant _____
2. Address in Uganda _____
3. Sex _____
4. Profession, occupation _____
5. Married, single _____
6. Place of birth _____
7. Date of birth _____ Country _____
8. Height _____
9. Colour of eyes _____
10. Colour of hair _____
11. Complexion of skin: white/yellow, light
brown/brown/dark brown/black (*tick where applicable*) _____
12. Nationality of origin _____
13. Present nationality or national status _____
14. Maiden name of applicant if married woman _____
15. Passport/travel document no. _____
Place of issue _____
Date of issue _____
By whom issued _____
16. How long have you been living in Uganda? _____
17. Income and source _____
18. Particulars of property in Uganda _____
Type of property and location _____

19. Full names of wife or wives _____

20. Maiden names of wife or wives _____

21. If applicant a married woman, full names and address of husband _____

22. Particulars of children (if any):

Name	Sex	Date of birth	Place of birth

23. Particulars of other dependents:

Name	Sex	Date of birth	Relation to applicant

24. Years in respect of which income tax has been paid _____

25. Other relevant information applicant wants to give _____

26. Period applied for _____

27. Names and addresses of two referees _____

28. I solemnly declare that the statements I have made in this form are true to the best of my knowledge and belief.

Date

Signature

N.B.—Evidence to support declaration made above, e.g. birth certificate, passport, income tax receipts, etc. must be produced for examination.

FOR OFFICIAL USE.

I certify that I have checked the documents produced and that the information given by the applicant is correct.

Date

Signature

Board's recommendation.

Date

Chairperson

Minister's decision.

D__e

Signatu__e

Minister's decision communicated to applicant on _____.

D__e

Signatu__e

History: Act 19/1969; S.I. 7/1970; Decree 11/1974; Act 1/1984; Statute 12/1996.

Cross References

Civil Procedure Act, Cap. 71.
Constitution of 1995. Criminal Procedure
Code Act, Cap. 116. Interpretation Act,
Cap. 3.