

ACTS SUPPLEMENT

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Act 1 Constitution (Amendment) Act 2018

THE CONSTITUTION (AMENDMENT) ACT, 2018

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THE CONSTITUTION (AMENDMENT) ACT, 2018.

An Act to amend the Constitution of the Republic of Uganda in accordance with articles 259 and 262 of the Constitution; to provide for the time within which to hold presidential, parliamentary and local government council elections; to provide for the term of Parliament; to provide for eligibility requirements for a person to be elected as President or District Chairperson; to increase the number of days within which to file and determine a presidential election petition; to increase the number of days within which the Electoral Commission is required to hold a fresh election where a presidential election is annulled; to provide for limits on the tenure of the President; to provide transitional provisions having regard to the amendments made; and for related matters.

DATE OF ASSENT: 27th December, 2017.

Date of Commencement: 5th January, 2018.

BE IT ENACTED by Parliament as follows:

**PART I—AMENDMENT OF CHAPTER FIVE OF THE CONSTITUTION—
REPRESENTATION OF THE PEOPLE.**

1. Amendment of article 61 of the Constitution.

Article 61 of the Constitution is amended—

- (a) by substituting for clause (2) the following—

“(2) The Electoral Commission shall hold presidential, general parliamentary and local government council elections within the first thirty days of the last one hundred and twenty two days before the expiration of the term of the President, Parliament or local government councils as the case may be.”;

- (b) in clause (3), by deleting the word “presidential”, appearing immediately after the word “hold”.

2. Amendment of article 77 of the Constitution.

Article 77 of the Constitution is amended in clause (3) by substituting for the word “five” appearing immediately before the word “years” the word “seven”.

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

3. Replacement of article 102 of the Constitution.

For article 102 of the Constitution, there is substituted the following—

“102. Qualifications and disqualifications of the President.

(1) A person is qualified for election as President if that person—

- (a) is a citizen of Uganda by birth;
- (b) is a registered voter; and
- (c) has completed a minimum formal education of Advanced Level standard or its equivalent.

(2) A person is not qualified for election as President if that person—

- (a) is of unsound mind;
- (b) is holding or acting in an office the functions of which involve a responsibility for or in connection with the conduct of an election;
- (c) is a traditional or cultural leader as defined in article 246(6) of this Constitution;
- (d) has been adjudged or otherwise declared bankrupt under any law in force in Uganda and has not been discharged;
- (e) is under a sentence of death or a sentence of imprisonment exceeding nine months imposed by any competent court without the option of a fine;
- (f) has, within seven years immediately preceding the election, been convicted by a competent court of an offence involving dishonesty or moral turpitude; or
- (g) has, within seven years immediately preceding the election, been convicted by a competent court of an offence under any law relating to elections conducted by the Electoral Commission.”

4. Amendment of article 104 of the Constitution.

Article 104 of the Constitution is amended by substituting for clauses (2), (3) and (6) the following—

“(2) A petition under clause (1) of this article shall be lodged in the Supreme Court registry within fifteen days after the declaration of the election results.

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

(6) Where an election is annulled, a fresh election shall be held within sixty days from the date of the annulment.”

5. Amendment of article 105 of the Constitution.

Article 105 of the Constitution is amended—

(a) by substituting for clause (2) the following—

“(2) A person shall not hold office as President for more than two terms.”;

(b) by inserting immediately after clause (2) the following—

“(2a) A bill for an Act of Parliament seeking to amend this clause and clause (2) of this article shall not be taken as passed unless—

(a) it is supported at the second and third reading in Parliament by not less than two thirds of all Members of Parliament; and

(b) has been referred to a decision of the people and approved by them in a referendum.”

PART III—AMENDMENT OF CHAPTER ELEVEN OF THE CONSTITUTION—LOCAL GOVERNMENT.

6. Amendment of article 181 of the Constitution.

Article 181 of the Constitution is amended in clause (4), by substituting for the word “five” appearing immediately before the word “years” the word “seven”.

7. Amendment of article 183 of the Constitution.

Article 183 of the Constitution is amended in clause (2) by repealing paragraph (b).

PART IV—AMENDMENT OF CHAPTER NINETEEN
OF THE CONSTITUTION—TRANSITIONAL PROVISIONS.

8. Replacement of article 289 of the Constitution.

Article 289 of the Constitution is amended by substituting for article 289 the following—

“289. Term of current Parliament.

Notwithstanding anything in this Constitution, the term of the Parliament in existence at the time this article comes into force, shall expire after seven years of its first sitting after the general elections.”

9. Insertion of new article 289A.

There is inserted, immediately after article 289, the following new article—

“289A. Application of Clause 2 of article 105.

Clause 2 of article 105 shall come into effect upon dissolution of the Parliament in existence at the commencement of this Act.”

10. Replacement of article 291 of the Constitution.

Article 291 of the Constitution is amended by substituting for article 291 the following—

“291. Term of current local government councils.

For the avoidance of doubt, the term of seven years prescribed for local government councils by clause (4) of article 181 of this Constitution shall apply to the term of the local government councils in existence at the commencement of this Act.”