MEMORANDUM
ON THE MAGISTRATES' COURTS (AMENDMENT) BILL, 2026

Submitted to the Committee on Legal and Parliamentary Affairs

Parliament of the Republic of Uganda

Submitted by the Uganda Law Society

Date: 18 March 2026

Prepared by:
Judiciary Affairs Committee
Uganda Law Society

1. INTRODUCTION

The Uganda Law Society ("**ULS**" or the "**Society**") is established under the Uganda Law Society Act and represents members of the legal profession in Uganda. Among its statutory objects is the promotion of the administration of justice and the improvement of the law.

The Magistrates Courts (Amendment) Bill, 2026 (the "**Bill**") is of considerable constitutional and institutional importance. Magistrates courts are the primary point of entry into the formal justice system for most Ugandans. They determine the overwhelming volume of everyday disputes affecting citizens across the country. Therefore, magistrates courts play a central role in access to justice, timely dispute resolution, and public confidence in the administration of justice. Accordingly, amendments affecting the structure, jurisdiction and powers of magistrates courts have direct implications for justice delivery at the grassroots.

The significance of the Bill is further reinforced by the workload already borne by the lower courts. The lower bench carries one of the largest share of the national caseload and backlog.

The FY 2022/23 performance data reported that Magistrates Grade I recorded the highest disposal of 134,583 cases, while Chief Magistrates completed 35,108 cases, and expressly attributed the Grade I performance in part to their higher staffing level. Likewise, the FY 2023/24 Judiciary reporting highlighted that the highest number of pending and backlog cases was at Chief Magistrates' Courts.

The 2025 National Court Case Census found that, after the High Court, the heaviest concentrations of pending caseload and backlog are at Chief Magistrates' Courts and Magistrate Grade I Courts. It also recorded a judicial-officer-to-pending-cases ratio in Magistrates' Courts of 1:267 and a judicial-officer-to-backlog ratio of 1:210, underscoring the operational strain under which the lower bench works.

For the above reasons, any reform of the Magistrates Courts Act must be assessed not only as a matter of statutory tidying-up, but also in light of the practical demands already placed on subordinate courts and the need to strengthen their capacity to dispose of cases efficiently, fairly and independently.

The Judiciary Affairs Committee of the Uganda Law Society is mandated, among other things, to review legislative proposals affecting the judicial system and to provide technical advice to the ULS Council. The Committee has reviewed the Bill and advised Council accordingly. This memorandum sets out the Society's comments and recommendations.

2. EXECUTIVE SUMMARY

The ULS respectfully submits this memorandum on the Bill, 2026. The ULS supports the Bill's general objective of reforming the Magistrates Courts Act, removing obsolete provisions, expanding subordinate-court jurisdiction, and improving the legal framework within which magistrates' courts operate. These are important reforms because magistrates' courts remain the foundation of Uganda's justice system and any effective programme of judicial reform must strengthen them in a manner that promotes access to justice, efficiency and constitutional fidelity.

The ULS supports those clauses that remove spent references to magistrate grade II, align court administration with the present constitutional and statutory structure of the Judiciary, and enlarge the civil jurisdiction of subordinate courts so as to reduce unnecessary recourse to the High Court.

However, the ULS also proposes amendment of the criminal jurisdiction provisions under section 161 so as to vest chief magistrates with jurisdiction to try offences punishable by death, except treason and terrorism, and to vest senior principal magistrates and principal magistrates with jurisdiction to try offences punishable by life imprisonment.

The Society nevertheless recommends important refinements in five areas.

First, the Bill should not retain a compressed two-rank lower bench consisting only of Chief Magistrate and Magistrate. Uganda's lower bench already operates in practice through differentiated cadres, and the law should reflect that institutional reality. The Society therefore recommends a ranked magistracy comprising Chief Magistrate, Senior Principal Magistrate, Principal Magistrate, Senior Magistrate and Magistrate. This would better support judicial career progression, internal coherence, retention of experienced judicial officers, and a more rational allocation of responsibility within the magistracy.

Second, the legislation should move toward a rank-sensitive qualification framework. Entry into the magistracy should not rest only on formal academic and professional enrolment requirements, but should reflect meaningful legal experience appropriate to the office. Likewise, higher ranks within the lower bench should correspond to progressively greater experience, responsibility and institutional seniority. The law should therefore either provide those thresholds directly or expressly guide the Judicial Service Commission in prescribing them.

Third, the ULS supports expansion of civil pecuniary jurisdiction, but recommends that the increase be distributed across the ranked magistracy rather than conferred in an undifferentiated way. In the Society's view, pecuniary jurisdiction should track judicial experience and institutional seniority, so that more complex and higher-value disputes are handled by more senior judicial officers. A tiered jurisdictional model would strengthen subordinate courts while preserving a rational relationship between rank, experience and adjudicative responsibility.

Fourth, the ULS proposes amendment of the criminal jurisdiction provisions so as to vest chief magistrates with jurisdiction to try offences punishable by death, except treason and terrorism, and to vest senior principal magistrates and principal magistrates with jurisdiction to try offences punishable by life imprisonment. In the Society's view, that reform should be accompanied by abolition of committal proceedings, including for matters that remain triable by the High Court, so as to reduce remand periods, ease prison congestion, avoid duplicative delay, and allow criminal cases to proceed more directly to the court that will try them.

Fifth, the ULS does not support clause 11 in its present form. The Bill is justified in seeking to prevent injustice, delay and needless expense where a matter is filed in a court that lacks jurisdiction and would otherwise have to be dismissed. That remedial purpose is sound. However, proposed section 217A is drafted too broadly. As framed, it would permit a chief magistrate's court to withdraw and reassign pending suits, appeals and other proceedings in a manner that goes beyond curing jurisdictional defects and risks administrative interference with live adjudication. That is inconsistent with the constitutional principle of judicial independence reflected in Article 128. The

Society therefore recommends that clause 11 be substantially redrafted so that the transfer power is confined strictly to cases where the originating magistrate's court lacks pecuniary, subject-matter or territorial jurisdiction, and so that no general power of withdrawal or reassignment of proceedings properly pending before another magistrate is created.

Subject to those revisions, the Society considers the Bill to be a constructive and timely step toward strengthening subordinate courts and improving access to justice.

3. CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK

The Society's position is informed by the constitutional principles governing the administration of justice.

Article 126 of the Constitution requires that judicial power be exercised in conformity with the law and with the values, norms and aspirations of the people. It further requires, among other things, that justice shall be done to all irrespective of status, that justice shall not be delayed, and that substantive justice shall be administered without undue regard to technicalities.

Article 128 of the Constitution guarantees judicial independence and prohibits interference with courts and judicial officers in the exercise of their judicial functions. Any amendment affecting the structure of subordinate courts must therefore be designed in a manner that strengthens, rather than compromises, adjudicative independence.

4. CLAUSE-BY-CLAUSE COMMENTARY

4.1. Clause 1 — Repeal of section 1(2)(a) and (c)

The ULS supports clause 1, which removes obsolete provisions and aligns the Act with the revised statutory scheme.

This amendment aligns the principal Act with the current Judiciary Service structure under the Administration of the Judiciary Act (the "**AJA**") enacted under Article 150(1) of the Constitution. The AJA abolished the judicial offices of magistrate grade II and III.

Recommendation: ULS supports the clause as proposed.

4.2. Clause 2 - Designation of Magisterial Areas

Clause 2 empowers the Chief Justice to designate magisterial areas and magistrates courts by statutory instrument. This gives the Judiciary flexibility to respond to changes in population, geography and case distribution and is consistent with orderly court administration. The current law, which vests such powers in the Minister, sits uneasily with Article 133 of the Constitution, under which the administration of the Judiciary falls within the authority of the Chief Justice.

Recommendation: ULS supports the clause as proposed.

4.3. Clause 3 - Establishment and Style of Magistrates Courts

Cause 1 repeals section 3 of the principal Act, which places the establishment and style of magistrates courts in the hands of the Minister of Justice, yet under Article 133 of the Constitution, administration of the Judiciary falls within the authority of the Chief Justice.

Recommendation: ULS supports the clause as proposed.

4.4. Clause 4 - Appointment and Structure of the Magistracy

The Bill abolishes the office of magistrate grade II and retains only the ranks of chief magistrate and magistrate. The Uganda Law Society supports the removal of obsolete statutory references to magistrate grade II.

However, the Society does not support the retention of a bare two-tier structure. In the Society's view, the Bill should be amended to establish a ranked magistracy comprising: Chief Magistrate; Senior Principal Magistrate; Principal Magistrate; Senior Magistrate; and Magistrate.

This model is not foreign to Uganda's institutional reality. The **Judicial Officers' List as at February 2, 2026** shows that the existing lower bench is already comprised of chief magistrates, senior principal magistrates grade I, principal magistrates grade I, senior magistrates grade I, and magistrates grade I.[1] The problem is that the Bill moves in the opposite direction by collapsing rather than rationalising those distinctions. The proposed legislation should therefore recognise and organise what practice has already created.

Kenya offers the clearest and most relevant comparator. Section 5 of the Kenyan Magistrates' Courts Act provides for a magistrate's court presided over by a Chief Magistrate, Senior Principal Magistrate, Principal Magistrate, Senior Resident Magistrate, or Resident Magistrate.[2] The Act then aligns civil pecuniary jurisdiction to those ranks: twenty million shillings for a Chief Magistrate, fifteen million for a Senior Principal Magistrate, ten million for a Principal Magistrate, seven million for a Senior Resident Magistrate, and five million for a Resident Magistrate, with power in the Chief Justice to revise those limits for inflation and prevailing economic conditions.[3]

Tanzania also demonstrates the value of differentiated lower-court structures. The Tanzanian Magistrates' Courts Act recognises multiple magistrate levels, including primary court magistrates, district magistrates and resident magistrates, and provides for resident magistrates-in-charge to perform supervisory, administrative and judicial functions in each region.[4]

The foregoing shows that East African systems already use differentiated subordinate-court layers and designated supervisory judicial officers to manage complexity, geography and administration.

[1]The Judicial Officers' List as at February 2, 2026 https://judiciary.go.ug/files/downloads/Judicial%20Officers%20List%20as%20at%20February%202%202026.pdf (Accessed on March 18, 2026)
[2] Magistrates' Courts Act, Cap 10, s.2 and 5.
[3] Magistrates' Courts Act, Cap 10, s.7.
[4] Magistrates' Courts Act, Cap 11, s 2.

A ranked structure of this kind is also preferable from the perspective of judicial career development, retention of experienced judicial officers, and coherent internal supervision within the magistracy. The present practical operation of the lower bench already reflects differentiated levels of responsibility. The legislation should therefore organise those gradations coherently rather than collapsing them.

The ULS further recommends that the Act should provide a framework for minimum qualification thresholds corresponding to rank, whether by direct provision or by express legislative guidance to the JSC.

Currently, the JSC adverts only require basic qualification of Bachelor of Laws and a Post Graduate Diploma in Legal Practice, with no work experience is required for magistrates grade 1.[5] For Chief Magistrate, the JSC adverts require the same basic qualification with work experience. In addition the applicant must have served as a Senior Principal Magistrate Grade I for at least two years, a Principal Magistrate Grade I for at least **three years**, a Senior Magistrate Grade I for at least **four years**, or a Magistrate Grade I for at least **eight years**, or alternatively must have accumulated at least **eight years** of relevant legal experience as an associate in private practice or in a comparable legal role within a reputable organisation, institution, or law firm.[6] There is no room for legal academics and candidates from ministries, departments and agencies of Government.

Recommendation: ULS supports clause 4 subject to amendment to recognise the ranks of Senior Principal Magistrate, Principal Magistrate and Senior Magistrate between Chief Magistrate and Magistrate, and to ensure consequential harmonisation of the Act, rules and forms.

4.5. Clause 5—Repeal of section 8 on appointment of Chief Registrars of Magistrates Courts

Clause 5 repeals section 8 of the principal Act, which provides for appointment of chief registrars of magistrates courts. This office is not provided for under the AJA.

Recommendation: ULS supports the clause as proposed.

4.6. Clause 6—Repeal of section 161(1)(c)

Clause 6 repeals section 161(1)(c) of the principal Act, which provides for criminal jurisdiction of magistrates grade II.

However, the ULS proposes that section 161(1) should also be amended to:

(a) vest the chief magistrate with jurisdiction to try offences in respect of which the maximum penalty is death, except treason and terrorism;

(b) vest the senior principle magistrate and principal magistrate to try offences in respect of which the maximum penalty is life imprisonment.

[5] See minimum qualifications of applicants for the post of Magistrates Grade 1 in JSC External Advert No 2 of 2024.
[6] See minimum qualifications of applicants for the post of Chief Magistrates in JSC External Advert No 2 of 2024 and 1 of 2025.

Justification for Expansion of Criminal Jurisdiction

The proposed expansion of the criminal jurisdiction of magistrates' courts is justified by the persistent structural challenges affecting the administration of criminal justice in Uganda, particularly the prolonged remand of capital offenders and resulting prison congestion. A significant proportion of accused persons charged with capital offences remain on remand for extended periods pending trial before the High Court, whose criminal jurisdiction is presently exercised largely through periodic and resource-intensive sessions. This model has contributed to case backlogs, delayed trials, and overcrowding in custodial facilities.

By contrast, magistrates' courts operate on a continuous, day-to-day basis, with established infrastructure across the country capable of supporting regular and expeditious hearings. Vesting Chief Magistrates with jurisdiction to try offences punishable by death (excluding treason and terrorism), and Senior Principal Magistrates and Principal Magistrates with jurisdiction over offences punishable by life imprisonment, would introduce a more accessible and responsive trial forum for serious offences.

The proposed reform would have several immediate and systemic benefits. First, it would significantly reduce remand periods by enabling earlier commencement and completion of trials. Secondly, it would alleviate prison congestion, which is closely linked to delays in disposing of capital cases. Thirdly, it would reduce the financial and administrative burden associated with High Court criminal sessions, which require substantial logistical coordination and are limited in frequency. Finally, it would enable the High Court to reallocate judicial time toward appellate and complex matters, thereby improving overall efficiency within the justice system.

The proposed expansion of the criminal jurisdiction of magistrates courts is further justified by the Constitutional Court's decision in ***Bonafacio Mulugga & Others v Attorney General***, Constitution Petition No. 17 of 2015, where the Court held that detention for periods ranging from three to six years after committal to the High Court, but without trial, was inconsistent with Articles 23(1), 28(1), 28(3) and 44(c) of the Constitution. The Court made clear that lawful custody and the availability of bail do not answer the constitutional requirement of a speedy trial, and that once an accused has been committed for trial, the matter must proceed without unreasonable delay.

The decision in ***Bonafacio*** exposes a structural weakness in the present arrangement under which the gravest offences are concentrated in the High Court and commonly await periodic, resource-intensive sessions.

Expanding jurisdiction to vest chief magistrates with power to try death-penalty offences other than treason and terrorism, and senior principal magistrates and principal magistrates with power to try life-imprisonment offences, would constitute a legitimate legislative response to the unconstitutional delay identified in ***Bonafacio***, by enabling continuous trials in courts that sit daily, reducing remand periods and prison congestion, lowering the cost of High Court criminal sessions, and freeing the High Court to focus on appellate and other complex work.

In sum, the proposal reflects a pragmatic reallocation of jurisdiction designed to align judicial capacity with caseload realities, enhance access to justice, and promote the constitutional imperative of a fair and expeditious trial.

Abolition of Commital Procedings

The proposed expansion of the criminal jurisdiction of magistrates courts should be accompanied by the abolition of committal proceedings altogether, including in respect of offences that remain triable by the High Court.

Committal proceedings are a legacy duplicative procedural stage. They ought to serve as a preliminary screening process in the magistrates court, but with with no corresponding benefit in Uganda, except contributing to delayed trials, case back-logs and abuse of process.

If Parliament is now reforming criminal jurisdiction in order to reduce remand periods, decongest prisons, and lessen dependence on periodic High Court sessions, it would be both incomplete and counter productiuve to retain a procedural mechanism that itself delays the commencement of trial.

For offences brought within the enlarged jurisdiction of chief magistrates, senior principal magistrates and principal magistrates, committal would become unnecessary. The more coherent legislative response is therefore to combine expanded magistrates' jurisdiction with abolition of committal proceedings altogether, so that cases proceed directly to the court that will try them.

For offences that remain exclusively triable by the High Court, the preferable model is direct transmission or arraignment before the High Court, rather than retention of an intermediate committal stage.

Justification for abolition of commital proceedings

Committal proceedings cause are opresive as they cause delayed disposal of criminal trials and amount to and an abuse of court process. In ***Shabahuria Matia v Uganda***,[7] the High Court (*Egonda Ntende J*, as he then was) found that the unexplained delay of three years and nine months, without the accused being committed for trial, while bearing the very grave charge of murder on his head was so oppressive as to amout to abuse of process, warranting the extreme step of ordering a stay of prosecution.

Kenyan courts have explained that, before the 2003 reforms, committal proceedings were an elaborate process requiring the prosecution to compile witness statements and exhibits for scrutiny by a magistrate before an accused could be sent to the High Court, and that this process, together with mandatory assessor trials, caused unreasonable delay in the hearing and conclusion of murder trials, which led to abolition of the committal requirement by the Criminal Law (Amendment) Act No. 5 of 2003.[8]

[7] *Shabahuria Matia v Uganda*, Criminal Revision Cause No. MSK 000 CR of 1999 [1999] UGHC

[8] *Charles Henry Nyaoke v Cabinet Secretary*, *Ministry of Interior & 4 others* [2020] KEHC 1311 (KLR), especially paras 94–96 (describing the pre-2003 committal regime as elaborate and delay-producing); *Collins Elim Lemukol v Republic* [2009] KECA 84 (KLR) (stating that the committal procedure was repealed by the Criminal Law (Amendment) Act No 5 of 2003, which came into operation on 25 July 2003).

In England and Wales, committal hearings were likewise progressively abolished because they were regarded as an unnecessary procedural stage that could slow the justice process down significantly, with the Ministry of Justice stating that abolition would remove around 60,000 hearings each year.[9]

Northern Ireland reform materials similarly record that committal was criticised as providing minimal value while contributing to delay and burdening victims and witnesses, and that direct committal was pursued as a means of improving efficiency and reducing avoidable delay.[10]

Recommendation: ULS supports the repeal of section 161(1)(c), proposes to amend the cause to incorporate the expansion of criminal jrisidiction of magisteates courts under sectin 161, and correspondigly abolish commital proceedings under section 168.

4.7. Clause 7 - Related Operational Powers

The ULS similarly supports clause 7 in principle. However, the ULS recommends that the distribution of those powers should be revised so that it aligns with the proposed structure of the lower bench. If Parliament adopts a ranked magistracy, the operative provisions should not leave those ranks without corresponding jurisdiction.

The ULS therefore recommends that clause 7 be revised so that the powers conferred thereunder are expressly distributed among the respective ranks of the magistracy in a manner consistent with institutional seniority and judicial experience.

Recommendation: support subject to readjustment to reflect the proposed ranked structure.

4.8. Clause 8 - Change of length of sentence requiring confirmation by the High Court

The ULS notes that the explanatory materials do not sufficiently set out the policy basis for the proposed change from two years to six years.

A change of that magnitude may be justified, but the memorandum accompanying the Bill should make clear why the change is necessary, what practical difficulty it is intended to cure, and whether the chosen period of six years is proportionate to the problem identified.

In the absence of a clearer policy explanation, the ULS is unable to express an unqualified view in favour of the amendment.

Nevertheless, the ULS notes that due to case backlog at the High Court, there is delay by the High Court to confirm sentences. In most cases the confirmation happens long after the convict has served the sentence. In the Society's view, the aggrieved convict should instead proceed through the ordinary appellate process.

[9] Ministry of Justice, 'Faster justice as unnecessary committal hearings are abolished' (28 May 2013); see also Crime and Disorder Act 1998, s 51 and the Criminal Justice Act 2003 reforms replacing committal with sending procedures.

[10] Northern Ireland Assembly Research and Information Service, Criminal Justice (Committal Reform) Bill (2020).

Recommendation: At the minimum, the policy basis for retaining or modifying the confirmation regime should be expressly justified. Parliament may also wish to consider whether routine confirmation should, in due course, be replaced by the ordinary appellate process, while preserving the right to challenge the sentence before the High Court.

However, in case Parliament is persuaded to amend section 161(a) as proposed, the requirement for confirmation of sentence should apply to death and life sentences passed by the Chief Magistrate and the Senior Principal Magistrate.

4.9. Clause 9 – repeal of section 204(1)(b)

Clause 6 repeals section 161(1)(c) of the principal Act, which provides for criminal appeals from the decision of a magistrate grade II.

Recommendation: ULS supports the clause as proposed.

4.10. Clause 10 - Expansion of Civil Pecuniary Jurisdiction

The ULS supports expansion of the civil pecuniary jurisdiction of magistrates' courts. The proposed revision will reduce unnecessary recourse to the High Court and allow a greater volume of civil disputes to be resolved closer to court users. This reform should improve access to justice, reduce delay, and make better use of judicial capacity at the subordinate court level.

However, the ULS considers that an ambitious enhancement of pecuniary jurisdiction is necessary if a substantial volume of land, commercial and other civil disputes is to be resolved closer to court users and if pressure on the High Court is to be reduced in any meaningful way. Many urban and peri-urban land disputes already exceed thresholds proposed in the Bill, and meaningful backlog reduction will require transfer of a larger class of disputes from the High Court to subordinate courts.

The ULS therefore recommends that the jurisdictional expansion should be distributed across the ranked structure proposed above. In the Society's view, a rational model would be as follows:

Rank of Magistrate	Pecuniary Jurisdiction
Chief Magistrate	UGX 300 million
Senior Principal Magistrate	UGX 150 million
Principal Magistrate	UGX 100 million
Senior Magistrate	UGX 50 million
Magistrate	UGX 25 million

See Kenya Comparison

Rank of Magistrate	Limit in KSh	Approx. UGX Equivalent
Chief Magistrate	KSh 20,000,000	UGX 600,000,000
Senior Principal Magistrate	KSh 15,000,000	UGX 450,000,000
Principal Magistrate	KSh 10,000,000	UGX 300,000,000
Senior Resident Magistrate	KSh 7,000,000	UGX 210,000,000
Resident Magistrate	KSh 5,000,000	UGX 150,000,000

The rationale is that more senior judicial officers within the magistracy are institutionally better placed to adjudicate higher-value and more complex civil disputes. Intermediate ranks should exercise intermediate levels of jurisdiction commensurate with their experience and responsibility. Newly appointed judicial officers should exercise substantial but appropriately limited pecuniary jurisdiction at the entry level of judicial service.

This tiered approach would strengthen the magistracy while maintaining a rational relationship between pecuniary jurisdiction, seniority and judicial experience. It would also permit future legislative or regulatory refinement without disturbing the basic architecture of the Act.

Improvement of welfare and working conditions

The ULS considers that jurisdictional reform without corresponding welfare and logistical support risks increasing exposure to workload pressure, security threats, risk of corruption and burnout, thereby undermining both judicial effectiveness and judicial independence. In that regard, the Committee should consider recommending complementary executive and administrative measures on salary enhancement, transport, fuel facilitation and security support for higher grade magistrates.

Recommendation: ULS supports clause 10 subject to amendment to reflect a rank-based distribution of pecuniary civil jurisdiction and subject to commensurate staffing, administrative support and improved salary and working conditions to enable implementation.

4.11. Clause 11 - Proposed Insertion of Section 217A

Clause 11 is justifiable only in part. The Bill's memorandum explains that the proposed insertion of section 217A is intended to address the present problem. Under the current law, where a suit is filed in a magistrates court which lacks jurisdiction in a civil matter, the only practical recourse is dismissal, hence causing delay, hardship and expense. Clause 217 seeks to create a narrow case-preservation mechanism that avoids dismissal merely because a matter has been filed in the wrong court.

The ULS supports that limited remedial purpose. However, in the Society's view, the transfer power should not be confined to cases in which a matter has been filed in a magistrate's court whereas the High Court is the proper forum. It should also extend to cases in which the originating magistrate's court lacks territorial jurisdiction. Sections 211 to 214 of the Magistrates Courts Act make clear that

the place of suing is part of the statutory framework governing the lawful institution and continuation of civil proceedings. If the purpose of clause 11 is to prevent injustice, delay and needless expense arising from dismissal and refiling where a court cannot lawfully proceed, that purpose applies equally to territorial defects as it does to pecuniary or subject-matter defects.

The ULS does not support the much broader wording of proposed section 217A(1)(b). As presently drafted, section 217(A)(b) is not confined to cases where the subordinate magistrate lacks jurisdiction. Instead, it empowers a chief magistrate's court to withdraw any suit, appeal or other proceeding pending before a magistrate and then determine it, transfer it to the High Court, transfer it to another magistrate, or return it to the same magistrate. On its face, this vests in the chief magistrate a broad power of vertical and horizontal reassignment of live judicial proceedings within the magistracy.

That breadth power creates serious concerns.

1. **First**, unlike section 217, the proposed section 217A does not consistently tie the transfer power to a receiving court of competent jurisdiction. Yet sections 206 to 216 are built on a careful statutory distribution of jurisdiction by value, subject matter and venue. A transfer provision should operate within that structure, not above it.

2. **Second**, section 217A would vest in a chief magistrate a power resembling a subordinate version of section 217, but without the same constitutional position and supervisory character that justify the High Court's withdrawal power. Stated differently, the proposed section 217A allows one subordinate court level to remove proceedings from another judicial officer. That risks becoming a mechanism by which pending cases are reallocated for reasons not tied to jurisdiction

3. **Third**, because the proposed provision extends to "suit, appeal or other proceeding", it reaches well beyond the specific civil-jurisdiction problem identified in the memorandum of the Bill.

The ULS therefore does not support clause 11 in its present form. It should be redrafted so that the power is available only where the originating magistrate's court lacks jurisdiction and so that no general power of withdrawal, call-up, determination or reassignment is conferred over proceedings properly pending before another magistrate.

Accordingly, the ULS recommends deletion of the present text of section 217A and substitution with the following narrower provision:

> "**217A — Power of chief magistrates court to transfer civil proceedings**
>
> **(1) Where, in any civil suit or proceeding pending before a magistrate's court, it appears to that court that it lacks jurisdiction or territorial jurisdiction to hear and determine the matter, the chief magistrate's court may, on application by a party or on its own motion and after giving the parties an opportunity to be heard, order that the matter be transferred to—**

(a) the High Court, where the matter does not fall within the jurisdiction of a chief magistrates court; or

(b) another magistrate's court having jurisdiction to hear and determine the matter.

(2) Nothing in this section shall be construed as validating any step taken by a court which had no jurisdiction to hear and determine the matter, except that the filing of the suit or proceeding and the order of transfer shall remain effective for the purpose of transmission to the proper court.

(3) Nothing in this section shall be construed as conferring on a chief magistrate's court a general power to withdraw, call for, determine or reassign proceedings properly pending before another magistrate's court except for the purpose of effecting a transfer under subsection (1) where the originating court lacks jurisdiction or territorial jurisdiction."

Recommendation: ULS opposes clause 11 in present form and supports it only if substantially redrafted.

However, the ULS further notes that any transitional arrangements arising from the enlargement of the pecuniary jurisdiction of magistrates courts should be framed and administered with sufficient precision to avoid the practical difficulties that followed the transfer of land matters from the former land tribunals to the magistrates' courts. That experience showed that a broad movement of cases, without clear statutory criteria, proper case screening, adequate records management, and structured transitional arrangements, may produce delay, backlog, increased expense to litigants, and uncertainty as to the court properly seized of the matter.

For that reason, the enhancement of magistrates' jurisdiction should not trigger any automatic or indiscriminate transfer of pending cases from the High Court to subordinate courts. In particular, matters already at an advanced stage of hearing, including part-heard matters, should remain before the High Court, notwithstanding that they may fall within the newly enlarged pecuniary limits of a magistrate's court. Any transfer should be limited to cases at an early stage, and only where such transfer will promote efficiency without causing prejudice, duplication, or additional hardship to the parties.

4.12. Clauses 12-15 – repeal of provisions relating to magistrates grade II

Clauses 12-15 repeal sections 218(2), 219(1)(b), 227(2), and Schedules 2 and 3 of the principal Act, which make reference to magistrates grade II.

The ULS supports the repeal of obsolete provisions and schedules following removal the of magistrate grade II.

Recommendation: ULS supports the clause as proposed.

4.13. Clause 16 - Consequential Amendments

The ULS supports the repeal of obsolete provisions and schedules following removal of magistrate grade II, subject to technical review by Parliamentary Counsel to ensure that no operative provision is inadvertently removed.

However, ULS has recommended ranked structure of Chief Magistrate, Senior Principal Magistrate, Principal Magistrate, Senior Magistrate and Magistrate. If the Bill is amended to recognise a fuller internal hierarchy, the consequential provisions must reflect that architecture consistently throughout the Act and any related schedules, forms or cross-references.

Recommendation: support, subject to consequential amendment to align with the recommended ranked structure.

4.14. Clause 17 - Transitional Provisions

The Uganda Law Society supports clause 17. It ensures that the benefits of the expanded jurisdiction are realised promptly and not merely prospectively.

Transitional provisions are particularly important where jurisdictional thresholds are revised and where pending matters may need to be redistributed in order to take practical advantage of the new framework.

That said, the experience with the transfer of land disputes from Land Tribunals to magistrates courts shows that lack of clear guidance will cause further delay and injustice. Therefore, the implementation of transfer of cases from High Court to magistrates courts should be guided by clear administrative directions from the Judiciary in order to minimise confusion, protect part-heard matters, and ensure consistency in treatment across magisterial areas. Cases that have already advanced in hearing should not be transferred.

Recommendation: support as proposed, with implementation guidance through Judiciary practice directions. Cases that have already advanced in hearing should not be transferred.

5. CONCLUSION

The ULS supports the Magistrates Courts (Amendment) Bill, 2026, subject to targeted revisions and implementation measures.

In particular, the ULS support for expanded civil pecuniary jurisdiction coupled with adequate staffing and welfare support; clarification and possible reform of the confirmation regime applicable to certain sentences imposed by magistrates; and substantial redrafting of clause 11 so that any transfer power is limited strictly to cases of want of jurisdiction and does not create a framework capable of undermining judicial independence.

The transfer of cases from the High Court should be guided by clear administrative directions from the Judiciary in order to minimise confusion, protect part-heard matters, and ensure consistency in treatment across magisterial areas.

The ULS further recommends that the Committee expressly recognise that enlargement of magistrates' jurisdiction should be accompanied by corresponding measures on welfare, transport,

housing, fuel and security facilitation, especially for magistrates who are likely to absorb a large share of any devolved caseload from the High Court.

Subject to those revisions, the Bill would represent an important and constructive step in strengthening subordinate courts and improving access to justice.

6. SIGNATURE AND ENDORSEMENT

Submitted by
Uganda Law Society

Approved by

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Chairperson
Judiciary Affairs Committee
Uganda Law Society

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President
Uganda Law Society

Date: 18 March 2026

ANNEX I - SUMMARY OF RECOMMENDATIONS

Clause	Position	Rationale	Recommended Action
Clause 1	Support	Removes obsolete references to magistrate grade II and aligns the Act with the current judicial structure under the Administration of the Judiciary Act.	Retain as drafted.
Clause 2	Support	Power to designate magisterial areas and magistrates' courts properly belongs to the Chief Justice as part of judicial administration.	Retain as drafted.
Clause 3	Support	Aligns establishment and style of magistrates' courts with the constitutional position that administration of the Judiciary falls under the Chief Justice.	Retain as drafted.
Clause 4	Support	ULS supports removal of obsolete references to magistrate grade II, but does not support retaining a bare two-rank structure.	Amend clause 4 to recognise a ranked magistracy and ensure consequential harmonisation.
Clause 5	Support	Repeals a provision on magistrates' court registrars that no longer reflects the present judicial structure.	Retain as drafted.
Clause 6	Support	Removes obsolete criminal-jurisdiction provisions tied to magistrate grade II.	Amend the cause to incorporate the expansion of criminal jrisidiction of magisteates courts under sectin 161, and cosequently abolish commital proceedings under section 168.
Clause 7	Support subject to readjustment	Supported in principle, but powers should be distributed consistently across the ranked magistracy.	Revise clause 7 to align powers with the proposed ranked structure.
Clause 8	Clarification required	The policy basis for changing confirmation period is unclear.	Minister should clarify rationale before enactment.

Clause	Position	Rationale	Recommended Action
			Parliament may also wish to consider whether routine confirmation should, in due course, be replaced by the ordinary appellate process, while preserving the right to challenge sentence before the High Court. Confirmation of sentence should apply to death and life sentences passed by the Chief Magistrate and the Senior Principal Magistrate if section 161(1) is amended as proposed by the ULS.
Clause 9	Support	Repeals obsolete appeal provisions relating to magistrate grade II under section 161(1)(c).	Retain as drafted, subject to consistency review with clauses 7 and 8, and the Society's proposed amendment of section 161(1).
Clause 10	Support subject to amendment	Supports expansion of civil pecuniary jurisdiction, but recommends distribution across ranks.	Retain as drafted, while ensuring corresponding staffing and administrative support.
Clause 11	Oppose in present form; support only if redrafted	Proposed section 217A is overly broad and risks administrative interference with adjudication.	Substitute a narrow transfer provision limited to jurisdictional defects.
Clause 12	Support	Repeals obsolete statutory references.	Retain as drafted.
Clause 13	Support	Removes obsolete statutory references following abolition of magistrate grade II.	Retain as drafted.
Clause 14	Support	Repeals obsolete statutory references.	Retain as drafted.
Clause 15	Support	Repeals obsolete schedules.	Retain as drafted.
Clause 16	Support subject to consequential amendment	Consequential amendments must reflect the ranked structure.	Retain as drafted, subject to technical review by Parliamentary Counsel to ensure that no operative

Clause	Position	Rationale	Recommended Action
			provision is inadvertently removed.
Clause 17	Support	Transitional provisions are necessary to ensure that the benefit of the expanded jurisdiction is realised promptly and not merely prospectively.	Retain as drafted, with Judiciary practice directions to guide treatment of pending and part-heard matters.