BILL TO ABOLISH POSITION OF MAGISTRATE GRADE II

By Mary Karugaba

MPS MOVE TO EMPOWER MAGISTRATES WITH HIGHER FINES

PHOTO BY MIRIAM NAMUTEBI



Mao presenting the Magistrates Courts (Amendment) Bill, 2026 yesterday

In a bold move aimed at easing congestion in the High Court and empowering lower courts, the Government has tabled in Parliament a Bill proposing significant reforms in the magistrates' courts.

If passed into law, the Magistrates Courts (Amendment) Bill, 2026, will see an increase in the amount of fines handled by the magistrates' courts, expanded civil jurisdiction, and streamlined case transfers in the magistrates' system.

The Bill, presented by Justice Minister Norbert Mao, proposes to increase the civil jurisdiction of chief magistrates from cases worth sh50m to sh100m and magistrates' jurisdiction from sh20m to sh50m.

Mao argued that the Bill seeks to modernise the magistrates' courts system, which has remained largely unchanged for over a decade.

"The object of this Bill is to increase the pecuniary jurisdiction of magistrates' courts, enhance their powers to impose higher fines and ensure justice is delivered more efficiently," Mao said.

The Bill was sent to the committee on legal and parliamentary affairs for scrutiny. Speaker of Parliament Anita Among directed that the Bill should be handled expeditiously and the report brought back to Parliament next week.

According to Mao, the pecuniary jurisdiction of magistrates' courts has not been revised since 2007, when the Magistrates Courts (Amendment) Act, 2007 was enacted.

"At that time, chief magistrates could handle civil cases up to sh50m, while magistrates grade I were limited to sh20m. With inflation and the increased value of money, these limits are now grossly inadequate, forcing many cases that should be handled at the magistrate level to be escalated to the High Court, thereby contributing to backlog and delays," he said.

ABOLITION OF GRADE II MAGISTRATES

The Bill also seeks to formally abolish the position of magistrate grade II, which has already been removed from the Judiciary Service Structure.

"The Act has not been amended to reflect this change, so the Bill corrects this inconsistency. This is just a long-overdue adjustment," Mao explained.

STREAMLINING CASE TRANSFERS

Clause 11 of the Bill also introduces another critical provision, which is the empowerment of chief magistrates to withdraw and transfer cases to courts with competent jurisdiction, instead of dismissing them for lack of jurisdiction.

"Under the current system, if a case is filed in a court without jurisdiction, the only recourse is dismissal, which inconveniences litigants and wastes judicial resources. The amendment allows chief magistrates to transfer such cases to the High Court or other magistrates' courts, reducing delays and unnecessary costs," Mao noted.

He explained that, for example, a civil dispute that would traditionally be dismissed at a lower court will now be transferred to a chief magistrate or the High Court, enabling the case to continue from the point of transfer rather than starting anew.

TRANSITIONAL PROVISIONS

The Bill also contains transitional provisions to manage cases that were already pending in higher courts but would now fall under the expanded jurisdiction of magistrates.

Any such case can be transferred to a magistrates' court if the hearing has not yet begun, or if it is fair for the transfer to occur. This ensures continuity and fairness in ongoing litigation.

The pecuniary jurisdiction of magistrates' courts has not been revised since 2007.

The Bill proposes further multiple amendments of the sections of the Magistrates Courts Act, Cap. 19, including the appointment and powers of magistrates, repeal of outdated provisions and substitution of the term "magistrate grade I" with "magistrate" throughout the Act.

LAWYERS WELCOME REFORMS

The proposed amendments have received positive reactions from legal practitioners. Though lawyers welcomed the reform, noting that enhanced fines will also reduce the burden on higher courts, they said the magistrates will need to be skilled to exercise the new powers.

They said increased fines align the law with contemporary economic realities and reduce unnecessary pressure on the High Court.

Lawyer Elison Karuhanga said the reform will help in addressing the issue of case backlog in the High Courts.

Currently, the judiciary is grappling with a case backlog of more than 167,353 cases, according to the 2025 Judiciary National Court Case Census report.

Karuhanga said government needs to treat the problem of case backlog as a crisis and find more measures to resolve it.

He proposes that where judges are overwhelmed, senior lawyers should be appointed as judges on part time basis.

"Increasing the jurisdiction of the magistrates' court means the lower courts can now handle more cases that would otherwise be taken to High Court. Currently, High Court is logged with cases that have even taken over 15 years. There's no reason why a citizen should spend 15 years in Court over a matter. Citizens must have a fair trial with a speedy public hearing before an independent court or tribunal," Karuhanga argued.

Advocate Maclin Namutebi, however, cautions that implementation will require capacity building, including training magistrates to handle higher-value civil cases and manage more complex proceedings.

"Of course, this law reduces unnecessary pressure on the High Courts. However, we need to note that empowering magistrates is one thing; ensuring they have the resources and skills to exercise these powers effectively is another. Government should invest in skilling them to enable them to do their work effectively," she noted.

Dr Edward Amumpaire, a legal policy expert, said previously that magistrates had no choice but to escalate cases because they could not impose sufficient penalties.

"This amendment will empower them to handle a wider range of cases independently. If this is implemented, I tell you, it will be a game-changer for access to justice. It means ordinary citizens no longer have to pay for multiple filings just because of procedural technicalities," he said.

APPOINTMENTS

The Bill also outlines clear rules for the appointment and ranking of magistrates, a move aimed at strengthening the judicial system.

Under the new provision, the Chief Justice will determine the number of magistrates at each rank, in line with the approved structure of the Judicial Service. According to the Bill, magistrates will hold one of two ranks: Chief Magistrate or Magistrate.

"These changes are not cosmetic; they are fundamental reforms aimed at improving efficiency, fairness and accessibility of justice at the lower court level," minister Mao said.

"This Bill is about justice for all Ugandans. It recognises that magistrates are crucial in delivering timely and effective justice and it equips them with the tools to do so. Citizens should expect faster resolutions, fairer fines, and better access to the judicial system."