THE RUBLIC OF UGANDA

COURT OF APPEAL

ELECTION APPEAL NO. 7 OF 2006

(Appeal from the decision of the High Court of Uganda sitting at Mbale (Muhanguzi; Ag, J.) dated July 23, 2006 arising from Election Petition No. 18 of 2006)

(CORAM: OKELLO, TWINOMUJUNI AND BY AMU GISH A, JJ.A)

VERSES

Election Petitions—Bribery—Bribery during elections—Proof of bribery—Section 147 of Local Government Act—Bribery must be proved to satisfaction of Court before election can be nullified This was an Election Appeal from the Judgement of the High Court of Uganda sitting at Mbale. On March 10, 2006, Kabwangasi Sub-County in Pallisa District held its elections for Local Council 111 as part of the National Elections of 2006. The appellant and second respondents were nominated as candidates for the office of the chairperson.

The first respondent declared the second respondent as the winner of those elections. The appellant contested the results but his petition was dismissed. The appellant then filed an appeal contending that non-compliance affected the results substantially. He alleged bribery, that the affidavits were wrongly rejected and that the learned trial Judge erred in disallowing the application for amendment.

HELD:

Section 147 of the Local Government Act is to the effect that any person who with intent either before or during election, either directly or indirectly influences another person to vote or to refrain from voting for any candidate or gives, provides or causes to be given any money gift or other consideration

to another person to influence that person's voting, commits an illegal practice of the offence of bribery. In the instant case, bribery was not proved to the satisfaction of the Court.

Appeal dismissed with costs here and Courts below.

Dated this 8th day of December 2006

OKELLO, JA

TWINOMUJUNI, JA

BYAMUGISHA, JA

Legislation considered:

Civil Procedure Act, Cap 71, Section 100 Local Government Act, Cap 243, Sections 139 (c), 147 Oaths Act, Cap 19

Cases cited:

Beoco Ltd *Vs* Alfa Laval Co. Ltd [1994] 4 ALLER 464 Central Kenya Ltd *Vs* Trust Bank Ltd [2002] 2 EA 367

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JlDBaua Ltd Vs Didar Singh [1961] EA 282

PKizza-Besigye *Vs* Electoral Commission and Museveni Kaguta, Election Petition [No. I of 2001 •m Bakery *Vs* Castelino [1958] EA 461 lo Transport Services (Bus) Ltd *Vs* Martin Adala Obene, Civil Appeal No. 4 of 1994 fciyatta National Hospital *Vs* Kenya Commercial Bank [2003] EA 528 Ijieads *Vs* Steeds 22 QBD 337 at 42

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