



News Release

May 9, 2023

Use of marijuana not legalised by the Constitutional Court

The attention of the Judiciary has been drawn to different media articles claiming that the Constitutional Court in its judgment, in Constitutional Petition No.001 of 2017, delivered on May 5, 2023 legalized the use of marijuana.

This is to clarify that that is not the correct interpretation of the decision of the Constitutional Court as claimed in those articles.

It is indeed true that in 2015, the Parliament of Uganda passed The Narcotic Drugs and Psychotropic Substances (Control) Act (herein after referred to as the Act) which set the control of various drugs including marijuana and Catha edulis (Khat) locally known as “miraa” or “mairungi”.

The Act repealed sections 26, 29, 47, 49 and 60(1) (b) and (c) of the National Drug Policy and Authority Act which restricted the supply, possession, use and cultivation of narcotic substances. The Act created various offences for use and being in possession of the same substances without lawful excuse.

In 2017, Wakiso Miraa Growers and Dealers Association Limited filed Constitutional Petition No.0001 of 2017 in the Constitutional Court challenging the enactment of the Act.

The grounds of the petition included among others lack of quorum by Parliament during the passing of the Act.

In its finding, the Constitutional Court agreed with the Petitioners and declared the Act null and void for lack of quorum by Parliament in passing it.

The annulment of the Act does not invalidate the provisions of sections 26, 29, 47, 49 and 60 (1) (b) and (c) of the National Drug Policy and Authority Act, which is now the applicable law in regard to regulation and use of restricted substances. Therefore, the substances previously restricted under the National Drug Policy and Authority Act remain restricted.

It is however imperative to note that Parliament still reserves the power to legislate on the same subject should it find it necessary.

For now, it should be known that the Constitutional Court did not and has never legalized the use of the restricted drugs and/or substances under the impugned law.

Members of the public are therefore implored to observe the law.

ENQUIRIES

Karemani Jamson K., Public Relations Officer
Officer,
E: jkaremani@judiciary.go.ug

| **Sheila Wamboga**, Principal Communications
Officer,
E: swamboga@judiciary.go.ug