

**STATUTORY INSTRUMENTS SUPPLEMENT**  
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**S T A T U T O R Y I N S T R U M E N T S**

**2019 No. 48.**

**THE INSURANCE APPEALS TRIBUNAL REGULATIONS, 2019**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

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## SCHEDULES

# S T A T U T O R Y I N S T R U M E N T S

2019 No. 48.

**The Insurance Appeals Tribunal Regulations, 2019**  
*(Under section 137(7) of the Insurance Act, No. 6 of 2017)*

IN EXERCISE of the powers conferred upon the Minister responsible for finance by section 137 (7) of the Insurance Act, these Regulations are made this 25th day of June, 2019.

**1. Title**

These Regulations may be cited as the Insurance Appeals Tribunal Regulations, 2019.

**2. Interpretation**

In these Regulations, unless the context requires otherwise—

“Act” means the Insurance Act;

“Authority” means the Insurance Regulatory Authority of Uganda;

“Chairperson” means the chairperson of the Tribunal;

“Tribunal” means the Insurance Appeals Tribunal.

**3. Appointment of members of the Tribunal**

(1) The Minister shall appoint the members of the Tribunal and shall appoint one of the members to be the chairperson of the Tribunal.

(2) The chairperson of the Tribunal shall be a person qualified to be a judge of the High Court and shall be appointed in consultation with the Judicial Service Commission.

(3) The person to be appointed a member of the Tribunal shall be a person who is an associate of the Chartered Insurance Institute (UK) or of an institute of equivalent status, an advocate or a chartered

accountant, and shall have professional experience in the respective discipline of at least 15 years.

(4) A person does not qualify to be appointed as the chairperson or a member of the Tribunal unless that person—

- (a) is of high moral character and proven integrity;
- (b) has not been convicted of an offence of moral integrity;
- (c) is of sound mind; and
- (d) has not been declared bankrupt.

#### **4. Tenure of office of members of Tribunal**

(1) The chairperson and the members of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for one further term.

(2) The chairperson and the members of the Tribunal shall hold office on such other terms and conditions as the Minister may determine.

(3) The Chairperson or a member may be removed from office for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) professional misconduct;
- (c) incompetence;
- (d) abuse of office;
- (e) corruption;
- (f) being declared bankrupt; or
- (g) conviction for an offence, in Uganda or elsewhere, where the penalty for the offence is imprisonment for more than six months or an equivalent punishment.

(4) The chairperson or a member of the Tribunal may resign his or her office by notice, in writing, to the Minister.

## **5. Registrar of the Tribunal**

(1) The Tribunal shall have a registrar who shall be a person qualified to be a registrar of the High Court.

(2) The registrar shall be appointed by the Tribunal in consultation with the Judicial Service Commission and the Tribunal may appoint other officers and employees as may be necessary for the effective discharge of the functions of the Tribunal.

(3) The registrar shall be in charge of the registry of the Tribunal and shall be responsible for maintaining the register of the Tribunal and keeping the records of the Tribunal and performing such other functions necessary for the proper functioning of the Tribunal.

## **6. Arrangement of business**

For the purposes of performing the functions of the Tribunal, the chairperson of the Tribunal shall—

- (a) arrange the business of the Tribunal;
- (b) determine the place at which the Tribunal may sit; and
- (c) subject to these Regulations, determine the procedure of the Tribunal and the procedure of a particular matter.

## **7. Constitution of the Tribunal**

(1) The Tribunal shall be constituted for proceedings by at least three members of the Tribunal.

(2) The chairperson of the Tribunal shall preside over the proceedings of the Tribunal and in the absence of the chairperson, the members present shall elect from amongst themselves a person to preside over the proceedings.

(3) Where a member of the Tribunal has an interest in the matter before the Tribunal, that may conflict with the proper performance of the functions of the member, the member shall disclose the interest to the other members and the parties to the proceedings.

(4) Where a member discloses an interest under subregulation (3), the member shall not take part in the proceedings or exercise any powers in relation to the application before the Tribunal, except where the parties to the proceedings give their consent.

(5) Where a member is not available to participate in the proceedings, under subregulation (3), or is not for any other reason available to take part in the proceedings—

- (a) if the parties to the proceedings agree, the proceedings shall be conducted by the Tribunal constituted by the remaining two members: or
- (b) if the parties do not agree, the matter shall be referred to the High Court.

## **8. Powers of the Tribunal**

In performing its functions, the Tribunal shall have power to—

- (a) take evidence on oath;
- (b) proceed in the absence of a party who has had reasonable notice of the proceedings;
- (c) adjourn the hearing of the proceedings;
- (d) make an order as to costs against any party, which shall be enforceable like an order of the High Court; and
- (e) examine any witness who is outside Uganda.

## **9. Filing of an application**

(1) A person who is aggrieved by a decision of the Authority shall appeal to the Tribunal by submitting an application to the Tribunal, accompanied by the decision against which the appeal is filed and a non refundable fee specified in Schedule 1 to these Regulations.

(2) An application to the Tribunal may be submitted electronically.

(3) An application shall be submitted to the Tribunal within one month from the date the Authority communicates its decision to the person who appeals to the Tribunal.

(4) An application shall clearly state the reasons for the appeal and shall be dated and signed by the applicant or a representative of the applicant.

(5) The application to the Tribunal shall be in the format in Form IAT 1 in Schedule 2 to these Regulations.

## **10. Receipt of application**

(1) The Registrar shall, on behalf of the Tribunal, acknowledge receipt of an application by signing and stamping each copy of the application.

(2) The duplicate, triplicate and quadruplicate copies of the application shall be returned to be served on the respondent by the applicant.

## **11. Service on the respondent**

(1) An applicant shall, within five working days after receipt of an application by the Tribunal serve the respondent with the application.

(2) The applicant shall effect service of an application on the respondent by delivering to the respondent the duplicate, triplicate and quadruplicate copies of the application and the respondent shall accept service by signing and dating the application and returning the duplicate and quadruplicate copies to the applicant.

## **12. Lodging of material documents**

(1) The respondent shall not later than fifteen days of being served with an application under regulation 11, cause to be lodged with the Tribunal, Form IAT 2 in Schedule 2 to these Regulations.

(2) The Form IAT 2 shall be accompanied with two copies of—

- (a) the decision of the Authority;
- (b) where applicable, the statement of the reasons for the decision by the Authority; and

- (c) any documents in the possession of the Authority, which are necessary for the review of the decision of the Authority by the Tribunal.

(3) The Tribunal may using Form IAT 3 in Schedule 2 to these Regulations, serve on a party to the proceedings, a Notice requesting for any document which may be required by the Tribunal for the purposes of the proceedings.

(4) The party served with a Notice under subregulation (3) shall acknowledge receipt of the Notice by signing and stamping a copy of the Notice which shall be returned to the Tribunal and which shall be proof of service of the Notice.

### **13. Register of applications**

(1) The registrar shall maintain a register of the applications received which shall indicate—

- (a) the number of the application;
- (b) the date on which the application is filed;
- (c) the name and address of the applicant;
- (d) a brief description of the decision of the Authority giving rise to the appeal;
- (e) the documents received from the parties, including those requested for by the Tribunal;
- (f) the date of the decision or order of the Tribunal and the particulars of the remedy given by the Tribunal; and
- (g) the date and particulars of execution of the decision or order of the Tribunal.

(2) The registrar shall maintain a file for every application which shall contain—

- (a) the particulars of the application;



- (b) the notice of the decision;
- (c) a statement of the reasons for the decision;
- (d) a list of all the material documents including those requested for by the Tribunal;
- (e) the record of the proceedings and the evidence given by the parties and their witnesses;
- (f) the submissions of the parties; and
- (g) the decision of the Tribunal.

#### **14. Notices to parties**

(1) The hearing date for an application shall be fixed by the Tribunal.

(2) Where a hearing date is not fixed with the consent of the parties, the Tribunal shall give all the parties to an application a notice of hearing of not less than fourteen working days.

(3) The notice of hearing of an application shall be in the format in Form IAT 4 in Schedule 2 to these Regulations.

#### **15. Summoning witnesses**

(1) The Tribunal shall, where required, issue summons requiring the attendance of a witness at the time and place specified in the summons.

(2) The witness summons shall be in the format in Form IAT 5 in Schedule 2 to these Regulations.

(3) A notice or summons issued by the Tribunal shall be dated, signed and affixed with the seal of the Tribunal.

#### **16. Summons to produce documents**

At any time before the hearing or after the Tribunal issues a hearing notice, a party to the hearing may on application to the Tribunal, obtain summons for a witness whose attendance to produce a document or any other thing named in the summons may be required.

## **17. Mode of service**

(1) A notice or summons issued under these Regulations, which require to be served shall be served by an officer of the Tribunal or any other person authorised to effect service by the Tribunal.

(2) A notice or summons which requires service shall, where practicable, be served personally on the person named in the notice or summons, by delivering or tendering to that person the duplicate copy of the notice or summons.

(3) A person upon whom a notice or summons is served shall acknowledge receipt of the notice or summons by signing or putting his or her mark on the original copy of the notice or summons, which shall be returned to the Tribunal.

(4) Where a person on whom a notice or summons is served refuses to acknowledge receipt of notice or summons, the person who effects service of the notice of summons shall record the refusal on the notice or summons.

(5) Where it is not practicable or possible to effect service of a notice or summons in the manner prescribed under this regulation, service of the summons or notice may be made by—

- (a) affixing the duplicate copy of the notice or summons to the gate or the main door of the residence of the person named in the notice or summons or by affixing the duplicate copy in a conspicuous place in the office or place of work of the person named in the notice or summons;
- (b) leaving the duplicate copy of the notice or summons at the residence of the person named in the notice or summons, with an adult person who resides or works at the residence;  
or
- (c) publishing the particulars of the notice or summons in a newspaper that is circulated in the area where the person

who is summoned resides and affixing a copy of the notice or summons in a conspicuous place in the office of the Tribunal.

(6) A notice or summons served on an advocate or a representative or an agent of a party, by registered post or by leaving it at the chambers of the advocate, or at the office or ordinary residence of the representative or agent of the party, shall be presumed to be duly communicated and made known to the party whom the advocate, representative or agent represents and, unless the Tribunal otherwise directs, shall be effectual for all purposes as if it had been served on the party in person.

### **18. Nonappearance of the respondent**

Where, on the date fixed for the hearing of an application, the applicant appears but the respondent does not appear, the Tribunal may, if satisfied that the notice or summons was served on the respondent, proceed to hear the application.

### **19. Non appearance of the applicant**

(1) Where, on the date fixed for the hearing of an application, the respondent appears but the applicant does not appear, the Tribunal may dismiss the application.

(2) Where the Tribunal dismisses an application under subregulation (1), the applicant may within thirty days, apply to the Tribunal to reinstate the application.

### **20. Amendment of pleadings**

A party may at any time before the final submission by the party, make an oral application to the Tribunal to amend the pleadings of the party.

### **21. Recording of evidence**

(1) The parties to the proceedings and their witnesses may give evidence orally and where the parties give evidence orally, the evidence shall be recorded by the Tribunal and the record of evidence shall be signed by the members of the Tribunal.

(2) Where the Tribunal directs, evidence may be given in chief by witness statements, and where evidence is given in chief, the witness who gives the evidence shall be cross-examined on it by the other party to the proceedings.

## **22. Hearing procedure**

(1) The Tribunal shall hear the applicant and the witnesses of the applicant and the respondent shall be given an opportunity to cross-examine the applicant and the witnesses seriatim, as they give evidence.

(2) The applicant and the witnesses of the applicant shall have a right to re-examination.

(3) At the close of the case of the applicant, the Tribunal shall hear the respondent and the witnesses of the respondent using the procedure in subregulations (1) and (2).

(4) The parties may make oral or written submissions, as the Tribunal shall direct.

(5) The Tribunal may at any time put questions to either party or to any witness and may, at its discretion, call additional evidence which it may deem necessary for further clarification of an issue raised at a hearing.

## **23. Representation**

A party to proceedings before the Tribunal may appear in person or may be represented.

## **24. Expert witnesses**

(1) Where the Tribunal has to form an opinion upon an issue that requires expert skill or knowledge, the Tribunal shall engage an expert with skill and knowledge on the issue, to be an expert witness in the matter before the Tribunal.

(2) The Tribunal shall bear the expenses of the expert witness.

## **25. Adjournment of proceedings**

The Tribunal may, at any time, adjourn the hearing and where the hearing is adjourned, the Tribunal shall fix a date for the further hearing and shall cause a hearing notice to be served on the respondent.

## **26. Decision of the Tribunal**

(1) After concluding the hearing of the evidence and the submissions of the parties, the Tribunal shall, in writing, within two months after the appeal is made to the Tribunal, make a decision on the application.

(2) The decision shall be read out to the parties and a copy of the decision, duly certified and signed by the members of the Tribunal who heard the application, shall be served on each party to the application.

(3) A decision of the Tribunal shall indicate—

- (a) the nature of the application;
- (b) a summary of all the relevant evidence produced at the hearing and the reasons for rejecting or accepting the evidence;
- (c) the reasons for the decision; and
- (d) an order to costs and the relief or remedy, if any, to which the applicant is entitled.

## **27. Appeal to the High Court**

(1) A party to the proceedings before the Tribunal who is aggrieved by the decisions of the Tribunal may, within thirty days after being notified of the decision of the Tribunal or within such further time as the High Court may allow, lodge a notice of appeal with the High Court.

(2) The party that intends to appeal against a decision of the Tribunal shall serve a copy of the notice of appeal on the other party to the proceedings before the Tribunal.

(3) An appeal to the High Court may be made on questions of law only, and the notice of appeal shall state the question of law that forms the appeal.

**28. Application fees**

The fees payable for filing applications under these regulations are prescribed in Schedule 1 of these Regulations.

**29. Application of the Rules of Practice and Procedure of the High Court**

Where necessary, the rules of practice and procedure of the High Court shall with the necessary modifications apply to the proceedings of the Tribunal.

## SCHEDULES

### SCHEDULE 1

*Regulations 9 (1) and 28*

#### APPLICATION FEES

	<b>Value of subject matter</b>	<b>Fee payable</b>
(a)	Pecuniary value of up to 2,500,000/= Uganda shillings	60,000/= Uganda shillings
(b)	Pecuniary value of 2,500,001/= to 5,000,000/= Uganda shillings	80,000/= Uganda shillings
(c)	Pecuniary value of 5,000,001/= to 7,500,000/= Uganda shillings	100,000/= Uganda shillings
(d)	Pecuniary value of 7,500,001/= to 10,000,000/= Uganda shillings	120,000/= Uganda shillings
(e)	Pecuniary value of 10,000,001/= to 25,000,000/= Uganda shillings	140,000/= Uganda shillings
(f)	Pecuniary value of 25,000,001/= to 50,000,000/= Uganda shillings	160,000/= Uganda shillings
(g)	Pecuniary value of 50,000,001/= to 100,000,000/= Uganda shillings	200,000/= Uganda shillings
(h)	Pecuniary value of 100,000,001/= to 500,000,000/= Uganda shillings	300,000/= Uganda shillings
(i)	Pecuniary value of more than 500,000,000/= Uganda shillings	400,000/= Uganda shillings
(j)	Fees for application where the subject matter of the application does not have a pecuniary value	90,000/= Uganda shillings

**SCHEDULE 2**

*Regulation 9 (5)*

**INSURANCE APPEALS TRIBUNAL**

**FORM IAT.1**

**APPLICATION TO TRIBUNAL**

*(To be filled in quadruplicate)*

In the Insurance Appeals Tribunal at .....

Application no.....

In the matter of

.....  
APPELLANT

AND

.....  
RESPONDENT

**1. Particulars of applicant**

- (a) Name.....
- (b) Nature of business.....
- (c) Postal address.....
- (d) Physical address of appellant: Plot No. .... Street.....
- (e) Village.....Trading Centre/Town/City.....
- (f) Telephone No. ....Fax No. ....Email.....



**2. Statement of facts and reasons in support of application**  
*(If space provided is not adequate, attach as many additional pages as needed for the statement)*

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

**3. State remedy and relief sought**

.....  
.....  
.....

**4. List of books, documents or things to be produced before the Tribunal if any, (Give brief description of each)**

.....  
.....  
.....

**5. Names of witnesses, if any, and their addresses**

.....  
.....  
.....  
.....

---

Dated this ..... day of.....

.....  
*Signature of applicant/Advocate for the  
applicant/agent of applicant*

**(FOR OFFICIAL USE ONLY)**

**6. By Tribunal**

Date of filing of application.....  
Signature.....  
Name of the officer.....  
Official stamp of Tribunal.....

**ACKNOWLEDGEMENT SCHEDULE**

**7. By respondent**

Petition no. ....IAT...../20.....

**PARTIES**

Service a copy of application on respondent

*Date*.....

*Signature*.....

**NOTE**

**Part 7 of this form to be detached and returned to the Tribunal as proof of service.**

**INSURANCE APPEALS TRIBUNAL**

**Form IAT.2**

**LODGING OF MATERIAL DOCUMENTS BY THE RESPONDENT**  
*(To be filled in duplicate)*

In the Insurance Appeals Tribunal at .....

Application No. ....

In the matter of

.....  
*Appellant*

AND

.....  
*Respondent*

Pursuant to Regulation 9 of the Insurance Appeals Tribunal Regulations, I hereby lodge with the Tribunal two copies of each of the following:—

- (a) the notice of the decision of the Authority;
- (b) a statement of the reasons for the decision of the Authority;
- (c) other documents (give brief description of each)

.....  
.....  
.....  
.....

*(if the space provided is not sufficient, use separate sheet)*

Date on which copy of application was served on respondent

.....

Official stamp.....

Signature of Chief Executive Officer .....

Date.....

**INSURANCE APPEALS TRIBUNAL**

**Form IAT.3**

**NOTICE TO LODGE SPECIFIED DOCUMENTS**

In the Insurance Appeals Tribunal at.....

Application No.....

In the matter of

.....  
*Appellant*

AND

.....  
*Respondent*

TO: .....  
.....

Take notice that you are required to lodge with the Tribunal on or before the.....day of.....year.....the following documents or things, which, in the opinion of the Tribunal, are in your possession or under your control-

*(Given brief description of each document)*

.....  
.....  
.....

Given under my hand and seal of the Tribunal this.....day of.....year.....

.....  
*For Tribunal*

**INSURANCE APPEALS TRIBUNAL**

**Form IAT. 4**

**NOTICE TO PARTIES TO APPEAR**

In the Insurance Appeals Tribunal at.....

Application No. ....

In the matter of

.....  
*Appellant*

AND

.....  
*Respondent*

TO:

.....  
.....  
.....  
.....  
.....

Take notice that the above application will be heard by the Tribunal on the.....day of ..... year ..... at ..... o'clock in the forenoon/afternoon.

You are accordingly required to appear before the Tribunal and bring your witnesses with you.

If no appearance is made by you or any person authorized by you to act on your behalf, the application may be heard and decided in your absence.

.....  
*For Tribunal*

**INSURANCE APPEALS TRIBUNAL**

**Form IAT.5**

**WITNESS SUMMONS**

In the Insurance Appeals Tribunal at .....

Application No. ....

In the matter of

.....  
*Appellant*

AND

.....  
*Respondent*

TO:

.....  
.....  
.....  
.....  
.....

Whereas your attendance is required as a witness on behalf of the.....during the hearing of the above application, you are by this summons required to appear before this Tribunal on the..... day of.....year.....at..... o'clock in the forenoon/afternoon and to bring with you or send the following books, documents or things to the Tribunal—

.....  
.....  
.....  
.....

Given under my hand and seal of the Tribunal this..... day of  
..... year.....

.....  
*For Tribunal.*

Acknowledgement of service of summons

Name and signature .....

Address.....

Date and time.....

**ENG. DR. GABRIEL AJEDRA GADISON ARIDRU (MP)**  
*Minister of State, Finance, Planning & Economic  
Development (General Duties) also holding the  
portfolio of Minister Finance, Planning &  
Economic Development.*