

Uganda

## Magistrates Courts Act

### Chapter 16

Legislation as at 31 December 2023

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# Uganda

## Magistrates Courts Act

### Chapter 16

Commenced on 22 January 1971

*[This is the version of this document at 31 December 2023.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Amended by [Magistrates' Courts \(Amendment\) Act, 2007 \(Act 7 of 2007\)](#) on 17 August 2007]*

*[Amended by [Persons with Disabilities Act, 2020 \(Act 3 of 2020\)](#) on 14 February 2020]*

*[Amended by [Law Revision \(Miscellaneous Amendments\) Act, 2023 \(Act 17 of 2023\)](#) on 28 July 2023]*

**An Act to give effect to the provisions of the Constitution relating to the judiciary; to provide for judicial review and for related matters.**

*[Act 13/1970; [Decree 17/1971](#), s. 1; [Decree 25/1971](#), s. 3; [Decree 26/1971](#), s. 142; [Decree 27/1971](#); S.I.18/1971; S.I.90/1971; [Decree 11/1972](#); [Decree 18/1978](#); [Statute 15/1980](#); S.I. 81/1983; S.I. 4/1984; Act 4/1985; S.I. 51/1987; [Statute 6/1990](#); [Statute 6/1996](#), s. 114; [Statute 13/1996](#), s. 49; Act 10/1998; Cap. 16 (Revised Edition, 2000); Act 13/2006; Act 7/2007; Act 14/2008; Act 3/2020; Act 17/2023]*

## Part I – General

### 1. Interpretation

In this Act, unless the context otherwise requires—

“**applied law**” means the United Kingdom Acts, the application of which is continued by section 52;

“**Parliament**” has the meaning assigned to it in the Constitution;

“**rules of court**” means rules of court made or continued in force under this Act.

### 2. Order of precedence of judges

The order of precedence among the justices of the Supreme Court, the justices of the Court of Appeal and the judges of the High Court shall be as follows—

- (a) the Chief Justice shall take precedence over all justices of the Supreme Court and the justices of the Court of Appeal and judges of the High Court; the Deputy Chief Justice shall take precedence immediately after the Chief Justice, and the Principal Judge shall take precedence immediately after the Deputy Chief Justice;
- (b) the justices of the Supreme Court shall take precedence immediately after the Principal Judge and among themselves, according to the priority of the dates on which they respectively took office as justices of the Supreme Court;
- (c) the justices of the Court of Appeal shall take precedence immediately after the justices of the Supreme Court and among themselves, according to the priority of the dates on which they respectively took office as justices of the Court of Appeal;
- (d) the judges of the High Court shall take precedence immediately after the justices of the Court of Appeal and among themselves, according to the priority of the dates on which they respectively took and subscribed the judicial oath as judges of the High Court;

- (e) where in accordance with paragraph (b), (c) or (d) of this section there is equality of precedence in respect of two or more judges, precedence among them shall be determined according to age, a person higher in age taking precedence over a person lower in age.

## **Part II – Supreme Court of Uganda**

### **3. Supreme Court of Uganda**

The Supreme Court shall consist of—

- (a) the Chief Justice; and
- (b) ten justices of the Supreme Court.

### **4. Jurisdiction of Supreme Court**

An appeal shall lie to the Supreme Court from such decisions of the Court of Appeal as are prescribed by the Constitution, this Act or any other law.

### **5. Appeals to Supreme Court in criminal matters**

- (1) In criminal matters, in the case of an offence punishable by a sentence of death, an appeal shall lie to the Supreme Court as follows—
  - (a) where the Court of Appeal has confirmed a conviction and sentence of death passed by the High Court, the accused may appeal as of right to the Supreme Court on a matter of law or mixed law and fact;
  - (b) where the High Court has acquitted an accused person, but the Court of Appeal has reversed that judgment and ordered the conviction of the accused, the accused may appeal to the Supreme Court as of right on a matter of law or mixed law and fact;
  - (c) where the High Court has convicted an accused person, but the Court of Appeal has reversed the conviction and ordered the acquittal of the accused, the Director of Public Prosecutions may appeal as of right to the Supreme Court for a declaratory judgment on a matter of law or mixed law and fact;
  - (d) where the Court of Appeal has confirmed the acquittal of an accused by the High Court, the Director of Public Prosecutions may appeal to the Supreme Court for a declaratory judgment on a matter of law of great public importance.
- (2) Subsection (1) shall apply with necessary modifications to an appeal to the Supreme Court from a conviction and sentence or acquittal in the case of an offence not punishable by a sentence of death, in respect of convictions and acquittals by the High Court and the Court of Appeal, except that in any such case, an appeal shall lie on a matter of law only.
- (3) In the case of an appeal against a sentence and an order, other than one fixed by law, the accused person may appeal to the Supreme Court against the sentence or order, on a matter of law, not including the severity of the sentence.
- (4) Where the Supreme Court varies a conviction by reducing the offence to a lesser offence, thereby necessitating a variation of sentence or any order, including the imposition of a statutory order, the Supreme Court shall impose such term of imprisonment or fine, or both, and make any such order as is prescribed by law.
- (5) Where the appeal emanates from a judgment of the chief magistrate or a magistrate grade I in the exercise of his or her original jurisdiction, and either the accused person or the Director of Public Prosecutions has appealed to the High Court and the Court of Appeal, the accused or the Director of Public Prosecutions may lodge a third appeal to the Supreme Court, with the certificate of the Court

of Appeal that the matter raises a question of law of great public or general importance or if the Supreme Court, in its overall duty to see that justice is done, considers that the appeal should be heard, except that in such a third appeal by the Director of Public Prosecutions, the Supreme Court shall only give a declaratory judgment.

- (6) Where a person under the age of eighteen years is subject to the order of the Minister, having been found guilty of an offence punishable by a sentence of death, and the Court of Appeal has confirmed that order, that person may appeal as of right to the Supreme Court on a matter of law.
- (7) If the Court of Appeal has acquitted the person referred to in subsection (6), there shall be no further appeal.
- (8) No appeal shall be allowed in the case of any person who has pleaded guilty in his or her trial by the High Court, the chief magistrate or a magistrate grade I and has been convicted on the plea, except as to the legality of the plea or to the extent or legality of the sentence.
- (9) Subject to this section, the Supreme Court may, in an appeal under this section, confirm, vary or reverse the conviction and sentence appealed against or confirm or reverse the acquittal of the accused person.
- (10) A declaratory judgment under this section shall not operate to reverse any acquittal but shall thereafter be binding upon all courts subordinate to the Supreme Court in the same manner as an ordinary judgment of that court.
- (11) Section 130(4) and (5) of the Trial on Indictments Act shall, with necessary modifications, apply to the Supreme Court.

## **6. Appeals to Supreme Court in civil matters**

- (1) An appeal shall lie as of right to the Supreme Court where the Court of Appeal confirms, varies or reverses a judgment or order, including an interlocutory order given by the High Court in the exercise of its original jurisdiction and either confirmed, varied or reversed by the Court of Appeal.
- (2) Where an appeal emanates from a judgment or order of a chief magistrate or a magistrate grade I in the exercise of his or her original jurisdiction, but not including an interlocutory matter, a party aggrieved may lodge a third appeal to the Supreme Court on the certificate of the Court of Appeal that the appeal concerns a matter of law of great public or general importance, or if the Supreme Court considers in its overall duty to see that justice is done, that the appeal should be heard.

## **7. Supreme Court to have powers of Court of original jurisdiction**

For the purposes of hearing and determining an appeal, the Supreme Court shall have all the powers, authority and jurisdiction vested under any written law in the court from the exercise of the original jurisdiction of which the appeal originally emanated.

## **8. Powers of single justice of Supreme Court**

- (1) A single justice of the Supreme Court may exercise any power vested in the Supreme Court in any interlocutory cause or matter before the Supreme Court.
- (2) Any person dissatisfied with the decision of a single justice in the exercise of a power under subsection (1) is entitled to have the matter determined by a bench of three justices of the Supreme Court which may confirm, vary or reverse the decision.

## **Part III – Court of Appeal of Uganda**

### **9. Court of Appeal of Uganda**

The Court of Appeal of Uganda shall consist of—

- (a) the Deputy Chief Justice; and
- (b) thirty four Justices of the Court of Appeal.

### **10. Jurisdiction of Court of Appeal**

An appeal shall lie to the Court of Appeal from decisions of the High Court prescribed by the Constitution, this Act or any other law.

### **11. Court of Appeal to have powers of Court of original jurisdiction**

For the purpose of hearing and determining an appeal, the Court of Appeal shall have all the powers, authority and jurisdiction vested under any written law in the court from the exercise of the original jurisdiction of which the appeal originally emanated.

### **12. Powers of single justice of Court of Appeal**

- (1) A single justice of the Court of Appeal may exercise any power vested in the Court of Appeal in any interlocutory cause or matter before the Court of Appeal.
- (2) Any person dissatisfied with the decision of a single justice of the Court of Appeal in the exercise of any power under subsection (1) shall be entitled to have the matter determined by a bench of three justices of the Court of Appeal which may confirm, vary or reverse the decision.

## **Part IV – High Court of Uganda**

### **13. High Court of Uganda**

The High Court of Uganda shall consist of—

- (a) the Principal Judge; and
- (b) twenty-five judges of the High Court or such higher number of judges of the High Court as may be prescribed by Parliament by resolution.

### **14. Jurisdiction of High Court**

- (1) The High Court shall, subject to the Constitution, have unlimited original jurisdiction in all matters and such appellate and other jurisdiction as may be conferred on it by the Constitution or this Act or any other law.
- (2) Subject to the Constitution and this Act, the jurisdiction of the High Court shall be exercised—
  - (a) in conformity with the written law, including any law in force immediately before the commencement of this Act;
  - (b) subject to any written law and insofar as the written law does not extend or apply, in conformity with—
    - (i) the common law and the doctrines of equity;
    - (ii) any established and current custom or usage; and

- (iii) the powers vested in, and the procedure and practice observed by, the High Court immediately before the commencement of this Act insofar as any such jurisdiction is consistent with the provisions of this Act; and
  - (c) where no express law or rule is applicable to any matter in issue before the High Court, in conformity with the principles of justice, equity and good conscience.
- (3) The applied law, the common law and the doctrines of equity shall be in force only insofar as the circumstances of Uganda and of its peoples permit, and subject to such qualifications as circumstances may render necessary.
- (4) Subject to subsection (2), in every cause or matter before the High Court, the rules of equity and the rules of common law shall be administered concurrently; and if there is a conflict or variance between the rules of equity and the rules of common law with reference to the same subject, the rules of equity shall prevail.
- (5) For the purposes of this section, the expressions “common law” and “doctrines of equity” mean those parts of the law of Uganda, other than the written law, the applied law or the customary law, observed and administered by the High Court as the common law and the doctrines of equity respectively.

## 15. Customary law

- (1) Nothing in this Act shall deprive the High Court of the right to observe or enforce the observance of, or shall deprive any person of the benefit of, any existing custom, which is not repugnant to natural justice, equity and good conscience and not incompatible either directly or by necessary implication with any written law.
- (2) No party to a suit shall be entitled to claim the benefit of any custom if it appears from express contract or from the nature of the transaction out of which the suit or question has arisen, that the party agreed that his or her obligations in connection with the transaction shall be regulated exclusively by law, other than by customary law.

## 16. Appellate jurisdiction of High Court

- (1) Subject to the Constitution, this Act and any other law, the High Court shall have jurisdiction to hear and determine appeals which lie to it by virtue of any enactment from decisions of magistrates courts and other subordinate courts in the exercise of their original or appellate jurisdiction.
- (2) The High Court shall determine any questions of law referred to it by way of case stated by a magistrate in accordance with any enactment.

## 17. Supervision of magistrates courts

- (1) The High Court shall exercise general powers of supervision over magistrates courts.
- (2) With regard to its own procedures and those of the magistrates courts, the High Court shall exercise its inherent powers—
  - (a) to prevent abuse of process of the court by curtailing delays in trials and delivery of judgment, including the power to limit and discontinue delayed prosecutions;
  - (b) to make orders for expeditious trials; and
  - (c) to ensure that substantive justice shall be administered without undue regard to technicalities.

### *Sittings, circuits, etc. of High Court*



**18. Continuous sitting of High Court**

Subject to Article 138(2) of the Constitution and this Act and to rules of court, such number of judges of the High Court as may be requisite having regard to the business to be disposed of, shall, so far as is reasonably practicable and subject to vacations, sit continuously for the trial of civil and criminal causes.

**19. High Court circuits**

- (1) The High Court shall hold sessions in various areas of Uganda to be designated High Court circuits for the trial of civil and criminal causes and for the disposal of other legal business pending at such time and place as the Chief Justice may, in consultation with the Principal Judge, appoint.
- (2) For the purposes of this section, the Chief Justice may, by statutory instrument, declare any area to be a High Court circuit.

**20. Distribution of business in High Court**

- (1) Subject to Article 141 of the Constitution, the Principal Judge may determine the distribution of business before the High Court among the judges and may assign any judicial duty to any judge and shall, in doing so, take into account Article 28 of the Constitution.
- (2) Subject to any written law, every proceeding in the High Court shall, so far as is practicable and convenient, be heard and disposed of by a single judge; and proceedings in any action subsequent to the final judgment or order shall, so far as is practicable and convenient, be taken before the judge before whom the trial or hearing took place.

**21. Sittings in court or in chambers**

- (1) A judge may, subject to the provisions of any written law, exercise in court or in chambers any part of the jurisdiction vested in the High Court in any cause or matter.
- (2) Subject to this Act, with respect to appeals in matters of practice and procedure, every order made by a judge in chambers, other than an order relating to costs, may, upon notice, be set aside or discharged by the judge sitting in court.

**Part V – Provisions relating to certain trials****22. Trial of admiralty offences**

Where any person is charged with any offence committed on any vessel registered in Uganda upon the sea or any other waters outside the jurisdiction of the High Court, any public officer and the High Court shall have and exercise the same authority and jurisdiction for inquiring into, trying and determining such offence as by the law of Uganda would have been exercised if the offence had been committed upon any waters situated within Uganda.

**23. Death following injuries inflicted at sea**

- (1) Where any person dies in Uganda as a result of injuries inflicted on him or her upon the sea or upon waters outside the jurisdiction of the High Court, every offence committed in respect of any such case may be inquired into, tried, determined and punished in Uganda in the same manner and in all respects as if the offence had been wholly committed in Uganda.
- (2) Where any person is charged with any offence in respect of the death of any person who dies in circumstances described in subsection (1), the offence shall be taken, for the purposes of this Act, to have been wholly committed upon the sea or upon such other waters referred to in subsection (1).

**24. Proctor for state**

- (1) Where a petition for nullity of marriage or divorce has been filed in the High Court—
  - (a) the High Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Attorney General who may personally or by any other counsel argue before the High Court any question in relation to the matter which the High Court deems to be necessary or expedient to have fully argued; and
  - (b) any person may, at any time before the decree *nisi* is made absolute, give information to the Attorney General of any matter material to the determination of the case; and the Attorney General may thereupon take such steps as he or she may consider necessary or expedient.
- (2) Where, in consequence of any information, the Attorney General is satisfied that any party to a petition for nullity of marriage or divorce is or has been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, the Attorney General may, with the leave of the High Court, intervene and subpoena witnesses to prove the alleged collusion.

**25. Relief from re-entry or forfeiture for non-payment of rent**

- (1) Where a lessor is proceeding, by action or otherwise, to enforce a right of re-entry or forfeiture for non-payment of rent, the lessee, his or her executors, administrators or assignees may, in the lessor's action or in an action brought by himself or herself, apply to the High Court for relief.
- (2) The High Court may, under subsection (1)—
  - (a) grant any relief it considers fit on such terms as to costs, expenses, damages, compensation, penalty or otherwise, including the granting of an injunction to restrain any future non-payment of rent, as it thinks fit; or
  - (b) refuse the relief sought as it thinks fit.
- (3) Where relief is granted under this section, the lessee, his or her executors, administrators or assignees shall hold the demised property according to the terms of the lease without necessity of a new lease.
- (4) The High Court may, after judgment in any action for a right of reentry or forfeiture, grant relief from forfeiture on application made in that behalf within six months from the date of the execution of judgment by the lessee, his or her executor, administrator or assignee on such terms and conditions as to payment of rent and costs or otherwise as it may impose.

***Inquiries and trials by referees, etc. and arbitrators*****26. References to referees**

- (1) The High Court may, in accordance with rules of court, refer to an official or special referee for inquiry and report any question arising in any cause or matter, other than in a criminal proceeding.
- (2) The report of an official or special referee may be adopted wholly or partly by the High Court and if so adopted, may be enforced as a judgment or order of the High Court.

**27. Trial by referee or arbitrator**

Where in any cause or matter, other than a criminal proceeding—

- (a) all the parties interested who are not under disability consent;
- (b) the cause or matter requires any prolonged examination of documents or any scientific or legal investigation which cannot, in the opinion of the High Court, conveniently be conducted by the High Court through its ordinary officers; or

- (c) the question in dispute consists wholly or partly of accounts, the High Court may, at any time, order the whole cause or matter or any question of fact arising in it to be tried before a special referee or arbitrator agreed to by the parties or before an official referee or an officer of the High Court.

## **28. Powers of referees and arbitrators**

In all cases of reference to a referee or arbitrator under this Act, the referee or arbitrator shall be deemed to be an officer of the High Court and, subject to rules of court, shall have such powers and conduct the reference in such manner as the High Court may direct.

## **29. Statement of case pending arbitration**

A referee or arbitrator may, at any stage of the proceedings under a reference, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the High Court any question of law arising in the proceedings before him or her.

## **30. Power of court to impose terms as to costs**

An order made under this Act relating to inquiries and trials by reference may be made on such terms as to costs as the High Court thinks fit.

## **31. Remuneration of referees and arbitrators**

The remuneration to be paid to a special referee or arbitrator to whom any matter is referred under an order of the High Court under this Act shall be determined by the High Court.

## **32. Application of Act to Government**

Nothing in this Act relating to inquiries and trials by referees or arbitrators shall—

- (a) empower the High Court to order any proceedings to which the Government is a party or any question in any such proceedings to be tried before any referee, arbitrator or officer of the High Court without the consent of the Attorney General; or
- (b) affect the law as to costs payable by the Government.

## **Part VI – Provisions relating to life imprisonment and sentence of death**

## **33. Treatment of life imprisonment or imprisonment for life in any enactment**

- (1) For purposes of any enactment prescribing life imprisonment or imprisonment for life, life imprisonment or imprisonment for life means imprisonment for the natural life of a person without the possibility of being released.
- (2) Notwithstanding subsection (1), a person liable to imprisonment for life or life imprisonment may be sentenced for any shorter term of imprisonment not exceeding fifty years.
- (3) When sentencing a person under this section, Court may order the minimum term of imprisonment a person liable to imprisonment for life or life imprisonment may serve before he or she may be considered for parole or that the imprisonment of such a person may be reduced on account of remissions earned.

## **34. Imposing a sentence of death**

The High Court may only pass a sentence of death in exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate.

### 35. Confirmation of a sentence of death

- (1) Where the High Court passes a sentence of death on any person, the registrar shall, where the convicted person does not appeal the sentence within the prescribed time, transmit to the Supreme Court a copy of the judgment and the proceedings of that court, within thirty days after the conviction, for confirmation.
- (2) The Supreme Court shall only confirm the sentence of death where it is satisfied that the circumstances of the case warrant the imposition of the death sentence.
- (3) Where the Supreme Court does not confirm the sentence, it shall impose an appropriate sentence or make any other orders as it deems fit.
- (4) Where the Supreme Court confirms the sentence of death, the registrar of the Supreme Court shall, in accordance with Article 121(5) of the Constitution, transmit to the Advisory Committee on the Prerogative of Mercy a written report of the case and its judgment.
- (5) The Advisory Committee on the Prerogative of Mercy shall, within six months from the date of referral, consider and advise the President on whether the sentence of death should be carried out.
- (6) The President may, acting on the advice of the Advisory Committee on the Prerogative of Mercy—
  - (a) order for the carrying out of the sentence in the manner prescribed by court;
  - (b) grant the convicted person a pardon, either free or subject to lawful conditions;
  - (c) grant to the convicted person a respite, either for an indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;
  - (d) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or
  - (e) remit the whole or any part of any punishment imposed on the convicted person for such an offence.
- (7) A sentence of death imposed by a court of judicature or a court or tribunal established under the Uganda Peoples' Defence Forces Act shall only be carried out after it has been confirmed by the Supreme Court and upon an order of the President issued under subsection (6)(a).

### 36. Commuting of sentences of death

- (1) A sentence of death confirmed by the Supreme Court may be carried out within three years of its confirmation.
- (2) Where a sentence of death confirmed by the Supreme Court is not carried out within three years, the sentence shall be deemed to have been commuted to imprisonment for life.
- (3) Where a death sentence is commuted to imprisonment for life, the convicted person shall be liable to imprisonment for fifty years.

## Part VII – Remedies

### 37. General provisions as to remedies

The High Court shall, in the exercise of the jurisdiction vested in it by the Constitution, this Act or any written law, grant absolutely or on such terms and conditions as it thinks just, all such remedies as any of the parties to a cause or matter is entitled to in respect of any legal or equitable claim properly brought before it so that, as far as possible, all matters in controversy between the parties may be completely and finally determined and all multiplicities of legal proceedings concerning any of those matters avoided.

### 38. Prerogative writ of *habeas corpus*

The High Court—

- (a) may, at any time, where a person is deprived of his or her personal liberty otherwise than in execution of a lawful sentence (or order) imposed on that person by a competent court, upon complaint being made to the High Court by or on behalf of that person and if it appears by affidavit made in support of the complaint that there is a reasonable ground for the complaint, award under the seal of the court a writ of *habeas corpus ad subjiciendum* directed to the person in whose custody the person deprived of liberty is; and when the return is made, the judge before whom the writ is returnable shall inquire into the truth of the facts set out in the affidavit and may make any order as the justice of the case requires; and
- (b) may award a writ of *habeas corpus ad testificandum* or *habeas corpus ad respondendum* for bringing up any prisoner detained in any prison before any court, a court martial, an official or special referee, an arbitrator or any commissioners acting under the authority of any commission from the President for trial or, as the case may be, to be examined touching any matter to be inquired into by or pending before a court, a court martial, an official or special referee, an arbitrator or the commissioners.

### 39. Appeal for *habeas corpus*

A person aggrieved by an order made under section 34 may appeal from the decision to the Court of Appeal within thirty days after the making of the order appealed from, whether the order has been made in the exercise of the civil or criminal jurisdiction of the High Court.

### 40. Judicial review

- (1) The High Court may, upon application for judicial review, grant any one or more of the following reliefs in a civil or criminal matter—
  - (a) an order of mandamus, requiring any act to be done;
  - (b) an order of prohibition, prohibiting any proceedings or matter;
  - (c) an order of certiorari, removing any proceedings or matter into the High Court;
  - (d) an injunction to restrain a person from acting in any office in which he or she is not entitled to act; or
  - (e) a declaration or injunction not being an injunction referred to in paragraph (d).
- (2) The court may upon any application for judicial review, in addition to or *in lieu* of any of the reliefs specified in subsection (1), award damages.
- (3) The High Court may grant an application for a declaration or an injunction under subsection (1)(e) if it considers that, having regard to—
  - (a) the nature of the matters in respect of which relief may be granted by way of an order of mandamus, prohibition or certiorari;
  - (b) the nature of the persons and bodies against whom relief may be granted by way of an order referred to in paragraph (a); and
  - (c) all the circumstances of the case, it would be just and convenient for the declaration or injunction to be granted on an application for judicial review.
- (4) On an application for judicial review as mentioned in subsection (1), any relief may be claimed as an alternative or in addition to any other relief so mentioned, if it arises out of or relates to or is connected with the same matter.

- (5) An order of mandamus, prohibition or certiorari shall not be made in any case in which the High Court is empowered by the exercise of the powers of review or revision contained in this or any other enactment, to make an order having the like effect as the order applied for or where the order applied for would be rendered unnecessary.
- (6) A return shall not be made to any order made under this section and no pleadings in prohibition shall be allowed, and subject to any right of appeal, the order shall be final.
- (7) An application for judicial review shall be made promptly and in any case within three months from the date when the ground of the application arose, unless the court has good reason for extending the period within which the application shall be made.

#### **41. *Mandamus, etc. by interlocutory order***

- (1) The High Court may grant an order of mandamus or an injunction or appoint a receiver by an interlocutory order in all cases in which it appears to the High Court to be just or convenient to do so.
- (2) An order may be made under this section unconditionally or on such terms and conditions as the High Court thinks just.

#### **42. Injunctions**

- (1) The High Court shall have power to grant an injunction to restrain any person from doing any act as may be specified by the High Court.
- (2) Where an injunction is granted restraining any person from acting in any office in which he or she is not entitled to act, the High Court may declare the office to be vacant.
- (3) Where before, at or after the hearing of any cause or matter, an application is made for an injunction to prevent a threatened or apprehended waste or trespass, an injunction may be granted, if the High Court thinks fit—
  - (a) whether or not the person against whom the injunction is sought is in possession under any claim of title or claims a right to do the act sought to be restrained under any colour of title; and
  - (b) whether the estates claimed by the parties or any of the parties are legal or equitable.

### **Part VIII – Practice and procedure of Courts**

#### **43. Practice and procedure**

- (1) The jurisdiction vested in the High Court by the Constitution, this Act or by any other enactment shall be exercised in accordance with the practice and procedure provided by this or any other enactment or by such rules and orders of the court as may be made or existing under this Act or any other enactment.
- (2) Where in any case no procedure is laid down for the High Court by any written law or by practice, the court may, in its discretion, adopt a procedure justifiable by the circumstances of the case.

#### **44. Rules Committee**

- (1) There shall be a Rules Committee consisting of—
  - (a) the Chief Justice as Chairperson;
  - (b) the Attorney General;
  - (c) the Deputy Chief Justice;

- (d) the Principal Judge;
  - (e) two other members who shall be practising advocates representing the Uganda Law Society, nominated by that society; and
  - (f) the Director of the Law Development Centre.
- (2) The Rules Committee may regulate its own procedure.

#### 45. Functions of Rules Committee

- (1) The Rules Committee may, by statutory instrument, make rules for regulating the practice and procedure of the Supreme Court, the Court of Appeal and the High Court of Uganda and for all other courts in Uganda subordinate to the High Court.
- (2) Without prejudice to the general application of subsection (1), the Rules Committee may make rules of court under that subsection for—
- (a) regulating the sittings of the High Court and of its judges in court or in chambers;
  - (b) regulating vacations and hearings during vacations by judges of the High Court of all such applications as may be required to be immediately or promptly heard;
  - (c) prescribing what part of the business which may be transacted or the jurisdiction which may be exercised by judges of the High Court may be transacted or exercised by registrars or other officers of the court;
  - (d) regulating the issue, signature, service, and enforcement of service, of summonses, notices, warrants and other processes;
  - (e) regulating and prescribing the method of pleading, practice and procedure of the court, including all matters connected with forms to be used and fees to be paid;
  - (f) regulating the procedure in suits by way of counterclaim and valuation of such suits for the purposes of jurisdiction;
  - (g) regulating the consolidation of suits, appeals and other proceedings;
  - (h) regulating the means by which particular facts may be proved in or in connection with, or at any stage of, any proceedings in the High Court and the mode in which all particular facts may be given in or in connection with, or at any stage of, any such proceedings;
  - (i) prescribing forms and the manner of keeping, and the custody, disposal or destruction of court records, including records of evidence in court, archives and exhibits;
  - (j) regulating the procedure in claims by a defendant for contribution or indemnity against any person, whether a party to the suit or not;
  - (k) regulating the summary procedure for the recovery of debts, liquidated damages or immovable property;
  - (l) regulating the procedure of originating summons;
  - (m) regulating the procedure for the grant of probate and letters of administration and for securing the due administration of estates, including requiring the filing of accounts by administrators of estates;
  - (n) regulating the ascertainment of values of estates;
  - (o) regulating the payment, receipt, accounting and custody of fines, fees and deposits received by the court;
  - (p) regulating and prescribing the scales of fees and allowances or expenses payable to parties, witnesses, assessors, interpreters and other persons engaged in proceedings before the court;

- (q) regulating the procedure in garnishee and charging orders, either in addition to or in substitution for the attachment and sale of property;
  - (r) regulating and prescribing the procedure of appeals to the High Court or transfers of proceedings from magistrates courts to the High Court or from the High Court to magistrates courts;
  - (s) regulating any matter relating to the cost of proceedings in the High Court;
  - (t) regulating the arrest of absconding debtors and the giving of security for their release;
  - (u) regulating or prescribing the maintenance and custody, while under attachment, of livestock and other movable property, the fees payable for such maintenance and custody, the sale of such livestock and property and proceeds of the sale;
  - (v) regulating and prescribing the functions of officers of the court;
  - (w) prescribing and regulating the appointment and functions of court brokers and other agents of the court, their fees and expenses;
  - (x) regulating and prescribing the duties and procedure of referees and arbitrators; and
  - (y) regulating anything for the purpose of carrying into effect the provisions and principles of this Act in relation to the courts.
- (3) Rules made under this section relating to fees, charges, allowances and other financial matters shall be made only with the concurrence of the Minister responsible for finance.
- (4) Rules of court made under this section shall apply to all proceedings by or against the State.
- (5) An instrument made under this section shall be laid before Parliament and be subject to annulment by Parliament and shall cease to have effect when so annulled but without prejudice to anything done under it or the making of a further instrument.

#### **46. Chief Justice to make rules of court relating to prerogative orders**

- (1) The Chief Justice may by statutory instrument make rules of court—
- (a) prescribing the procedure to be followed in applications and awards of a writ of *habeas corpus* under section 38;
  - (b) prescribing the procedures and fees payable on documents filed or issued in cases where an order of mandamus, prohibition or certiorari is sought;
  - (c) requiring, except in such cases as may be specified in the rules, that leave shall be obtained before an application is made for any order referred to in paragraph (b); and
  - (d) requiring that where leave is obtained, no relief shall be granted and no ground relied upon, except with the leave of the court, other than the relief and grounds specified when the application for leave was made.
- (2) Rules made under subsection (1) may provide that applications for an order of mandamus, prohibition or certiorari shall, in specified proceedings, be made within six months or such shorter period as may be prescribed after the act or omission to which the application for leave relates.

#### **47. Chief Justice to issue sentencing guidelines**

- (1) The Chief Justice shall, in exercise of powers conferred upon him or her by Article 133(1)(b) of the Constitution, issue sentencing guidelines for judicial officers.
- (2) Without limiting the general effect of subsection (1), the sentencing guidelines shall—
- (a) set out the purpose for which offenders may be sentenced or dealt with;



- (b) provide the principles and guidelines to be applied by courts in sentencing;
  - (c) provide ranges of sentences and other means of dealing with offenders;
  - (d) provide a mechanism for considering the interests of victims of crime and the community when sentencing; and
  - (e) provide a mechanism that promotes uniformity, consistency and transparency in sentencing.
- (3) The sentencing guidelines made under subsection (1) shall be laid before Parliament.

## **Part IX – Miscellaneous**

### **48. Officers of courts**

- (1) There shall be such officers of the courts of judicature as may be necessary for the performance of any special duties in connection with the business of the courts of judicature, and such officers shall include the chief registrar, registrars, deputy registrars and assistant registrars.
- (2) Subject to Article 133 of the Constitution, the officers of the courts of judicature shall perform such duties as may be assigned to them under the rules of court and shall be subject to the general direction and supervision of the Chief Justice.

### **49. Seals of Supreme Court, Court of Appeal and High Court**

- (1) As required by Article 8 of the Constitution, the seals of the Supreme Court and the High Court in use immediately before the coming into force of the Constitution shall continue in use for the Supreme Court and the High Court respectively.
- (2) There shall be a Court of Appeal seal bearing the style of the court and such device as the Deputy Chief Justice may, in consultation with the Chief Justice, approve.
- (3) The Chief Justice shall be the custodian of the Supreme Court seal and may—
  - (a) assign the custody of the Supreme Court seal or a duplicate of it to the Deputy Chief Justice or a justice of the Supreme Court;
  - (b) give directions, subject to this section, as to the manner in which the Supreme Court seal shall be kept and used.
- (4) The Deputy Chief Justice shall be the custodian of the Court of Appeal seal and may—
  - (a) assign the custody of that seal or a duplicate of it to a justice of the Court of Appeal; and
  - (b) give directions, subject to this section, as to the manner in which the seal shall be kept and used.
- (5) The Principal Judge shall be the custodian of the High Court seal and may—
  - (a) assign the custody of the High Court seal or a duplicate of it to a judge of the High Court; and
  - (b) give directions, subject to this section, as to the manner in which the seal shall be kept and used.
- (6) Any seal to which this section relates shall be used for all purposes for which it may be required under any written law.
- (7) Nothing in this section shall affect the validity of any documents lawfully sealed before the coming into force of this Act.

**50. Process and execution**

- (1) The process of the Supreme Court, the Court of Appeal and the High Court in the exercise of their jurisdiction under this Act and of any other jurisdiction conferred upon them shall run throughout Uganda.
- (2) Any order or judgment of the Supreme Court or the Court of Appeal given in the exercise of their jurisdiction under this Act, may be executed and enforced as if it were an order or a judgment of the High Court.

**51. Protection of judicial officers**

- (1) A judge or commission or other person acting judicially shall not be liable to be sued in any civil court for any act done or ordered to be done by that person in the discharge of his or her or its judicial functions, whether or not within the limits of his or her or its jurisdiction.
- (2) An officer of the court or other person bonded to execute any order or warrant of any judge or person referred to in subsection (1) acting judicially shall not be liable to be sued in any civil court in respect of any lawful or authorised act done in the execution of any such order or warrant.

**52. Certain Acts of the United Kingdom to continue to apply**

- (1) The provisions of the Acts of the Parliament of the United Kingdom specified in Part I of Schedule 1 to this Act as amended prior to the 1st day of August, 1902, shall continue to apply to and have effect within Uganda subject to the adaptations and modifications set out in Part II of that Schedule.
- (2) The provisions of the Statute of the Parliament of the United Kingdom specified in Part I of Schedule 2 to this Act shall apply to the High Court subject to the modifications and adaptations set out in Part II of that Schedule.

**Schedule 1 (Section 52(1))****Certain Acts of the United Kingdom to Continue to apply****Part I**

Session and chapter	Short title	Provisions which apply
12 and 13 Viet. c. 96.	Admiralty Offences (Colonial) Act, 1849	The whole Act
37 and 38 Viet. c. 94.	Conveyancing (Scotland) Act, 1874	Section 51
57 and 58 Viet. c. 60.	Merchant Shipping Act, 1894	PART XIII

## Part II

The provisions set out in this Schedule shall apply to Uganda as if there were substituted for the references in them to—

- (a) a British Colony or Possession, references to Uganda;
- (b) the Government of a British Colony or Possession, references to the Minister;
- (c) a Superior or Supreme Court, a Magistrate or Justice of the Peace of a British Colony or Possession and in the case of the Conveyancing (Scotland) Act, 1874, to a Court of Probate in a Colony, references to the High Court.

## Schedule 2 (Section 52(2))

### Adaptation of United Kingdom Statute in application to Uganda.

#### Part I

Session and chapter	Short title	Provisions which apply
53 and 54 Viet. c. 27.	Colonial Courts of Admiralty Act, 1890.	Sections 2(2), (3) and (4) (other than paragraph (c) of the proviso to subsection (3), 5, 6 and 16(3)).

#### Part II

1. The provisions of the Colonial Courts of Admiralty Act, 1890, specified in Part I of this Schedule shall apply as if Uganda were referred to in them in place of a British Possession and as if the High Court were referred to in place of Colonial Admiralty.
2. Paragraph (b) of the proviso to section 2(3) shall have effect as if the High Court had been duly authorised to exercise jurisdiction under the Naval Prize Act, 1864, and otherwise in relation to prize.
3. Section 6 shall have effect subject to this Act