

LEGAL NOTICE SUPPLEMENT

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Legal Notice No. 5 of 1996.

**CONSTITUTION  
COMMERCIAL COURT (PRACTICE)  
DIRECTIONS, 1996**

In exercise of the powers conferred on the Chief Justice by clause (1) (a) of article 133 of the Constitution, these Directions are issued this 20th day of June, 1996.

1. These Directions may be cited as the Commercial Court (Practice) Directions, 1996.

Title.

2. (1) With effect from 1st July, 1996 the four Divisions of the High Court will include a Commercial Division, in order to address the issue of putting in place effective measures for streamlining the machinery for Judicial resolution of commercial disputes.

Commercial Court.

(2) In the furtherance of the work of the Commercial Division, it has been decided to establish, a Commercial Court, capable of delivering to the commercial community an efficient, expeditious and cost-effective mode of adjudicating disputes that affect directly and significantly the economic, commercial and financial life of Uganda.

3. Initially,

Composition of Commercial Court

(a) the Commercial Court will comprise one full-time Commercial Judge, who will be assisted by a part-time Judge;

(b) the day to day administrative management of the business of the Commercial Court, including the preparation of the Court's cause list, will be under the head of the Commercial Court; who will be assisted by the Registrar (Commercial);

(c) the Commercial Court will be located in the High Court Building at Kampala.

Jurisdiction  
of the  
Commercial  
Court

4. (1) The business of the Commercial Court shall comprise all actions arising out of or connected with any relationship of a commercial or business nature, whether contractual or not, and to include, but not be limited to—

(a) the supply or exchange of goods and services;

(b) banking, negotiable instruments, international credit and similar financial services;

(c) insurance, reinsurance;

(d) the operation of stock and foreign exchange markets;

(e) the carriage of goods (by water, land, and air);

(f) foreign judgments and commercial arbitration questions.

(2) In the event of any doubt as to whether a matter is commercial or not, the Registrar at the outset or the Commercial Judge during the course of the action, will have power to resolve differences of opinion.

Procedure  
and practice  
of the  
Commercial  
Court

5. (1) The ordinary Rules of the High Court will apply to all Commercial actions, subject to the clarifications set forth in this Practice Direction.

(2) The procedure in, and progress of a commercial action shall be under the direct control of the Commercial Judge who will, to the extent possible, be proactive.

6. (1) At the discretion of the Commercial Judge a preliminary hearing may be held.

Preliminary hearing

(2) The preliminary hearing will aim at achieving a serious discussion of the issues in the cause, and the steps necessary to resolve them. Counsel appearing at the hearing will be expected to be aware of the issues and the principal contentions on each side, and to be in a position to inform the Court of them. In the event, the Court may direct that no further pleading is required.

(3) The Court will seek to set realistic time-limits for the hearing. Once established, those time-limits will be expected to be adhered to and extension will only be granted in special circumstances.

(4) The Commercial Judge, at this stage will deal with all interlocutory matters.

(5) Preliminary hearings will normally be heard in Chambers.

7. Failure by a party to comply in a timely manner with any order made by the Commercial Judge in a Commercial action shall entitle the Judge, at his own instance, to refuse to extend any period of compliance with an order of the Court; or to dismiss the action or counter-claim, in whole or in part; or to award costs -as the Judge thinks fit.

Non-compliance of parties.

8. Arrangements will, to the greatest extent possible, be made to ensure that the same judge presides at all appearances of a Commercial action. Parties are expected to arrange for their Counsel or other authorised representative to be available and to appear at the Court hearings.

General.

S.W.W. WAMBUZI,  
*Chief Justice.*