

Uganda

Civil Procedure and Limitation (Miscellaneous Provisions) Act Chapter 283

Legislation as at 8 July 2011

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PDF created on 1 November 2024 at 14:34.

Collection last checked for updates: 31 December 2000.

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FRBR URI: /akn/ug/act/1969/20/eng@2011-07-08

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Civil Procedure and Limitation (Miscellaneous Provisions) Act (Chapter 283)

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Uganda

Civil Procedure and Limitation (Miscellaneous Provisions) Act

Chapter 283

Commenced on 28 April 1969

[This is the version of this document as it was from 8 July 2011 to 21 June 2012.]

[Note: The version of the Act as at 31 December 2023 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 [Civil Procedure and Limitation \(Miscellaneous Provisions\) Act \(Amendment of Schedule 3\) Order, 2002 \(Statutory Instrument 49 of 2002\)](#) on 19 July 2002]

[Amended by [Civil Procedure and Limitation \(Miscellaneous Provisions\) Act \(Amendment of Third Schedule\) Order, 2010 \(Statutory Instrument 35 of 2010\)](#) on 17 September 2010]

[Amended by [Civil Procedure and Limitation \(Miscellaneous Provisions\) Act \(Amendment of Third Schedule\) Order, 2011 \(Statutory Instrument 34 of 2011\)](#) on 8 July 2011]

An Act to provide for the giving of notice before certain suits are instituted; for the limitation of certain actions; for the protection against actions of persons acting in the execution of public duties and for purposes incidental to or connected with the matters aforesaid.

1. Interpretation

- (1) In this Act, unless the context otherwise requires—
 - (a) “**local authority**” means a local council within the meaning of the Local Governments Act;
 - (b) “**scheduled corporation**” means a corporation mentioned in the Third Schedule to this Act.
- (2) For the purposes of this Act, a person shall be deemed to be under a disability while he or she is an infant, or of unsound mind.
- (3) For the purposes of subsection (2), but without prejudice to the generality of that subsection, a person shall be conclusively presumed to be of unsound mind while he or she is detained in pursuance of any enactment authorising the detention of persons of unsound mind or criminal lunatics.

2. Notice prior to suing

- (1) After the coming into force of this Act, notwithstanding the provisions of any other written law, no suit shall lie or be instituted against—
 - (a) the Government;
 - (b) a local authority; or
 - (c) a scheduled corporation, until the expiration of forty-five days after written notice has been delivered to or left at the office of the person specified in the First Schedule to this Act, stating the name, description and place of residence of the intending plaintiff, the name of the court in which it is intended the suit be instituted, the facts constituting the cause of action and when it arose, the relief that will be claimed and, so far as the circumstances admit, the value of the subject matter of the intended suit.

- (2) The written notice required by this section shall be in the form set out in the Second Schedule to this Act, and every plaint subsequently filed shall contain a statement that such notice has been delivered or left in accordance with the provisions of this section.

3. Limitation of certain actions

- (1) No action founded on tort shall be brought against—
 - (a) the Government;
 - (b) a local authority; or
 - (c) a scheduled corporation, after the expiration of two years from the date on which the cause of action arose.
- (2) No action founded on contract shall be brought against the Government or against a local authority after the expiration of three years from the date on which the cause of action arose.

4. Actions against public officers

Where, after the commencement of this Act, any action, prosecution or other proceeding is commenced against any person for any act done in pursuance or execution or intended execution of any Act or other written law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such act or other written law, duty or authority, the action, prosecution or proceeding shall not lie or be instituted unless it is instituted within six months after the act, neglect or default complained of, or in the case of a continuance of injury or damage, within three months after the ceasing of the injury or damage.

5. Extension of limitation period in case of disability

If on the date when any right of action accrued for which a period of limitation is prescribed by this Act the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of twelve months from the date when the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period of limitation has expired; except that—

- (a) this section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims;
- (b) when a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person;
- (c) no action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he or she claims;
- (d) this section shall not apply to any suit to recover a penalty or forfeiture, or sum by way thereof, by virtue of any enactment, except where the action is brought by an aggrieved party.

6. Postponement of limitation period in case of fraud or mistake

- (1) Where, in the case of any action for which a period of limitation is prescribed by this Act, either—
 - (a) the action is based upon the fraud of the defendant or his or her agent or of any person through whom he or she claims or his or her agent;
 - (b) the right of action is concealed by the fraud of any such person as is mentioned in paragraph (a) of this section; or

- (c) the action is for relief from the consequence of a mistake, the period of limitation shall not begin to run until the plaintiff has discovered the fraud or the mistake, or could with reasonable diligence have discovered it.
- (2) Notwithstanding subsection (1), nothing in this section shall enable any action to be brought to recover, or enforce any charge against, or set aside any transaction affecting, any property which—
- (a) in the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that any fraud had been committed; or
- (b) in the case of mistake, has been purchased for valuable consideration, subsequently to the transaction in which the mistake was made, by a person who did not know or have reason to believe that the mistake had been made.

7. Minister's power to vary, etc Schedules

The Minister may, by statutory order—

- (a) vary any item in the First Schedule to this Act;
- (b) alter the form set out in the Second Schedule to this Act; and
- (c) delete any item from or add any item to the Third Schedule to this Act.

8. Effect of adding or deleting items from the Third Schedule

Where the Minister makes a statutory order in the exercise of his or her powers under [section 7](#) in respect of the Third Schedule to the Act, the following provisions shall have effect—

- (a) if an item is added to the Schedule, and immediately before the commencement of the order the time for bringing any proceedings had not already expired under any law relating to limitation of actions then in force, and the bringing of the proceedings is barred by this Act, the proceedings may be instituted before the expiration of twelve months from the commencement of the order; but nothing in this section shall enable any proceedings to be instituted where the time for bringing the proceedings would have expired apart from this Act;
- (b) if any item is deleted from the Schedule, the deletion shall not enable any action to be brought which was barred by this Act before the making of the statutory order.

First Schedule (Section 2(1))

Person at or to whose office notice to be delivered or sent

| Intended defendant | Person at or to whose office notice to be delivered or sent |
|------------------------|---|
| The Government | Attorney General |
| A local administration | Chief administrative officer |
| A municipal council | Town clerk of the council |

| Intended defendant | Person at or to whose office notice to be delivered or sent |
|-------------------------|---|
| A scheduled corporation | Secretary of the corporation |

Second Schedule (Section 2(2))

Notice to intended Defendant

Under section 2 of the Civil Procedure and Limitation (Miscellaneous Provisions) Act

In the matter of an intended suit,

Between

(name) _____, Plaintiff

and

(name) _____, Defendant

Take notice that _____ (name and description of intending plaintiff) of _____ (address) intends to institute a suit against _____ (name and description of intended defendant) in the _____ court at (specify court) by which he/she will seek _____ (state nature of relief that will be sought).

The facts constituting the cause of action, which arose on _____ (date) are as follows—(state them briefly, in numbered paragraphs).

The value of the subject matter of the intended suit is _____ (state appropriate value insofar as the case admits).

Dated this ____ day of _____, 20 ____.

(Signature of intending Plaintiff or his her Advocate)

Third Schedule (Sections 6, 8)

Scheduled corporations

| Name of corporation | Act under which established |
|---------------------------------------|-----------------------------|
| 1. Allied Health Professional Council | Cap. 268 |

| Name of corporation | Act under which established |
|---|---------------------------------|
| 2. Architects Registration Board | Cap. 269 |
| 3. Bank of Uganda | Cap. 51 |
| 4. Capital Markets Authority | Cap. 84 |
| 5. Civil Aviation Authority | Cap. 354 |
| 6. Cotton Development Organisation | Cap. 30 |
| 7. Dairy Development Authority | Cap. 85 |
| 8. District Land Board | Cap. 227 |
| 9. Electoral Commission | Cap. 140 |
| 10. Hotel and Tourism Training Institute | Cap. 128 |
| 11. Institute of Certified Public Accountants of Uganda | Cap. 266 |
| 12. Institute of Teacher Education, Kyambogo | Statute 14/1993 |
| 13. Islamic University of Uganda | Cap. 131 |
| 14. Law Development Centre | Cap. 132 |
| 15. Makerere University | Act 32/1970 |
| 16. Management Training and Advisory Centre | Cap. 134 |
| 17. Mbarara University of Science and Technology | Statute 9/1991 |
| 18. Medical and Dental Practitioners Council | Cap. 272 |
| 19. National Agricultural Research Organisation | Cap. 205 |
| 20. National Conference (The) | Cap. 261 |
| 21. National Council for Children | Cap. 60 |

| Name of corporation | Act under which established |
|---|-----------------------------|
| 22. National Council of Sports | Cap. 48 |
| 23. National Drug Authority | Cap. 206 |
| 24. National Enterprises Corporation | Cap. 312 |
| 25. National Environmental Management Authority | Cap. 153 |
| 26. National Medical Stores | Cap. 207 |
| 27. National Social Security Fund | Cap. 222 |
| 28. National Women's Council | Cap. 318 |
| 29. National Youth Council | Cap. 319 |
| 30. Nonperforming Assets Recovery Trust | Cap. 95 |
| 31. Nurses and Midwives Council | Cap. 274 |
| 32. Parliamentary Commission | Cap. 257 |
| 33. Public Libraries Board | Cap. 136 |
| 34. Trustees of Nakivubo War Memorial Stadium Trust | Cap. 47 |
| 35. Trustees of the National Cultural Centre | Cap. 50 |
| 36. Trustees of the Uganda Foundation for the Blind | Cap. 58 |
| 37. Uganda AIDS Commission | Cap. 208 |
| 38. Uganda Bureau of Statistics | Cap. 310 |
| 39. Uganda Coffee Development Authority | Cap. 325 |
| 40. Uganda Communications Commission | Cap. 106 |
| 41. Uganda Development Bank | Cap. 56 |

| Name of corporation | Act under which established |
|---|-----------------------------------|
| 42. Uganda Development Corporation Limited | Cap. 326 |
| 43. Uganda Export Promotion Board | Cap. 102 |
| 44. Uganda Insurance Commission | Cap. 213 |
| 45. Uganda Investment Authority (Investment Code) | Cap. 92 |
| 46. Uganda Land Commission | Constitution of 1995 |
| 47. Uganda Management Institute | Statute 6/1992 |
| 48. Uganda National Council for Science and Technology | Cap. 209 |
| 49. Uganda National Institute of Special Education | Cap. 138 |
| 50. Uganda Oil Board | Cap. 328 |
| 51. Uganda Registration Services Bureau | Cap. 210 |
| 52. Uganda Revenue Authority | Cap. 196 |
| 53. Uganda Tea Authority | Cap. 36 |
| 54. Uganda Tea Growers Corporation | Cap. 37 |
| 55. Uganda Tourist Board | Cap. 333 |
| 56. Uganda Trypanosomiasis Control Council | Cap. 211 |
| 57. Uganda Veterans Assistance Board | Cap. 212 |
| 58. Uganda Wildlife Authority | Cap. 200 |
| 59. Uganda Wildlife Training Institute | Cap. 139 |
| 60. Electricity Regulatory Authority (ERA) <i>[item 60 inserted by section 2 of Statutory Instrument 49 of 2002]</i> | Act No. 6 of 1999 |

| Name of corporation | Act under which established |
|--|-----------------------------------|
| 61. National Forestry Authority (NFA) <i>[item 61 inserted by section 2 of Statutory Instrument 35 of 2010]</i> | Act No. 8 of 2003 |
| 62. Kampala Capital City Authority <i>[item 62 inserted by section 2 of Statutory Instrument 34 of 2011]</i> | Act No. 1 of 2011 |