

THE JUDICATURE ACT.

Statutory Instrument 13—13.

**The Judicature (Interpretation of the Constitution) (Procedure) Rules
(Modification) Directions.**

Arrangement of Paragraphs.

Paragraph

1. Citation.
2. Interpretation.
3. Modification of the Judicature (Interpretation of the Constitution) (Procedure) Rules.

Schedule

Schedule The Judicature (Interpretation of the
Constitution) (Procedure) Rules.

THE JUDICATURE ACT.

Statutory Instrument 13—13.

The Judicature (Interpretation of the Constitution) (Procedure) Rules (Modification) Directions.

(Under section 48(1)(c) of the Act.)

1. Citation.

These Directions may be cited as the Judicature (Interpretation of the Constitution) (Procedure) Rules (Modification) Directions.

2. Interpretation.

These Directions shall apply to the constitutional court in the exercise of its jurisdiction under article 137(5) of the Constitution, where the matter comes before the court by reference from another court.

3. Modification of the Judicature (Interpretation of the Constitution) (Procedure) Rules.

The Judicature (Interpretation of the Constitution) (Procedure) Rules are modified in accordance with these Directions so as to read as set out in the Schedule to these Directions.

Schedule.

para. 3.

The Judicature (Interpretation of the Constitution) (Procedure) Rules.

1. Citation.

These Rules may be cited as the Judicature (Interpretation of the Constitution) (Procedure) Rules.

2. Interpretation.

In these Rules, unless the context otherwise requires—

- (a) “Constitution” means the 1995 Constitution of Uganda;
- (b) “court” means the constitutional court as provided by article 137 of the Constitution;
- (c) “original court” means a court of law other than a field court martial, hearing proceedings in the course of which a question as to the interpretation of the Constitution has arisen;
- (d) “reference” means a reference of a question of law as to the interpretation of the Constitution under article 137(5) of the Constitution.

3. Manner of making reference to court.

(1) Where a reference to the court regarding any question as to the interpretation of the Constitution is to be made, the original court shall submit the reference in terms of the form specified in the Schedule to these Rules, stating the specific questions or issues to be answered or resolved by the court.

(2) The registrar of the original court shall submit to the court eight copies of the reference, and the reference shall be accompanied by a copy of the record of the proceedings of the original court.

4. Service of reference.

Where the court receives the reference from the registrar of the original court, the registrar of the court shall serve the reference on all parties to the proceedings in which the question of law has arisen and on the Attorney General, and the addresses for service shall be as given by the parties in the

proceedings in the original court.

5. Notice for directions.

At the time of the service of the reference, the registrar of the court shall give notice to all parties and to the Attorney General of the date for their attendance on the court for directions on the following matters—

- (a) whether the questions or issues set out in the reference should be amended;
- (b) whether at the hearing of the issues, apart from arguments of law, there is need for oral or affidavit evidence; except that the court may, of its own motion call such evidence as will assist it in determining the real issues arising out of the reference;
- (c) whether legal argument shall be written or oral, or both, and at what date legal authorities should be disclosed before trial; and
- (d) the date of the hearing and the proposed length of the hearing which shall be within twenty-one days or as soon thereafter as may be practicable.

6. Decision to be remitted to original court.

The decision of the court or the decision of the Supreme Court, if there has been an appeal from the decision of the court, shall be remitted to the original court which made the reference, and the original court shall decide the matter before it in accordance with the decision of the court or of the Supreme Court.

7. Civil Procedure Act, etc. to apply.

(1) Subject to these Rules, the Civil Procedure Act and the rules made under it shall apply in relation to proceedings before the court as they apply to suits in the High Court, but with such modifications as may be necessary.

(2) For the purpose of appeals against a decision of the court, the Judicature (Supreme Court) Rules shall apply with such modifications as may be necessary.

Schedule to the Schedule.

rule 3.

Form.

Reference to the Constitutional Court in the Constitutional Court of
Uganda.

The Judicature (Interpretation of the Constitution) (Procedure) Rules.

The reference of the Hon. Justice _____ of the
_____ court/the _____ court sitting at _____
in Civil Suit/Criminal Case No. _____ of _____.

1. The original court being of opinion that a substantial question of law as to the interpretation of the Constitution has arisen in the above proceedings.

2. The question or issues are—

(Here state the question or issues)

1. _____
2. _____
3. _____

3. The original court desires the constitutional court to determine the question or issues in order to dispose of the above suit/case/*or* _____, the plaintiff, *or* _____, the defendant, *or* both parties requested the court to refer the above question(s) or issue(s) in order that the original court may dispose of the above suit/case.

Dated this _____ day of _____, 20 _____

Judge/Magistrate of the _____ Court

Name(s) of the plaintiff(s), or name(s) of the plaintiff's advocate(s) and address(es) for service.

Signed

Name(s) of the defendant(s) or name of the defendant's advocate(s) and address(es) for service.

Signed

Name(s) of the accused person or the name of the accused's advocate and address for service.

Signed

History: L.N. 3/1996.

Cross References

Civil Procedure Act, Cap. 71.

Constitution of 1995.

Judicature (Interpretation of the Constitution) (Procedure) Rules, S.I. 13-12.

Judicature (Supreme Court) Rules, S.I. 13-11.
