



Courts of Judicature

JUDICIARY STAFF HANDBOOK

FIRST EDITION

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Acknowledgments:

The Africa Centre for Research and Legal Studies (ACRELS) was contracted by strengthening the Judiciary Project (Danida) in collaboration with the Judiciary to produce a comprehensive handbook for the Uganda Judiciary. The handbook is intended to provide first hand information to staff, court users, investors as well as the public about the Judiciary, its role and functions in the delivery of services to the people of Uganda.

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CHAPTER ONE

BACKGROUND

1.1 Introduction: The Judiciary is the third arm of Government, under the doctrine of separation of powers. The other two are the legislature, which makes the law and the Executive, which enforces the law. The Judiciary is Constitutionally supposed to: Administer justice through resolving disputes between citizen and citizen and between the State and citizens; Interpret the Constitution and the laws of Uganda; Promote the rule of law and to contribute to the maintenance of order in society; Protect human rights of individuals and groups; Initiate, develop and implement training programmes for the development of the Judiciary staff; Contribute to the enforcement of Law and Order; Enroll and license advocates; license and discipline Court Brokers; Keep custody of Laws enacted as well as disseminate legal literature; Receive government revenue accruing from Courts; and Introduce modalities for out of court dispute resolution mechanisms to reduce the burden of cases on the courts.

This places the Judiciary at the heart of the system of justice, to settle disputes between individuals and or organizations and to conduct trials when violations of law are presented. Accordingly article 126 (2) of the Constitution of the Republic of Uganda spells out the following five principles to be followed in the administration of justice namely: Justice shall be done to all irrespective of their social or economic status; Justice shall not be delayed; Adequate compensation shall be awarded to victims of wrong; Reconciliation between parties shall be promoted; and Substantive justice shall be administered without undue regard to technicalities.

Under the doctrine of separation of powers, Parliament is the arm of Government, which makes laws to be implemented by the judiciary. In that regard, Parliament determines the establishment of courts sub-ordinate to the High Court and may determine to increase the number of judges and justices to sit in the Supreme, Appeal/Constitutional and High Courts above the constitutionally defined minimums. Parliament is also entrusted to make provisions for the jurisdiction and procedures of those courts. In addition, Parliament makes laws providing for the structures, procedures and functions of the Judiciary. Aware that the Judiciary is independent and not controlled by any person or authority, Parliament can only make provisions for the jurisdiction and procedure of courts and decide on the number of judges.

The Uganda Judiciary has undergone tremendous changes since the turn of the last century to the present time. In that regard, following the enactment of the 1995 Constitution, the Judiciary structure has been redefined to consist of the following Courts: Supreme Court; Court of Appeal/Constitutional Court; High Court; Chief Magistrates Court; Grade I Magistrate's Court; Grade II Magistrate's Court; the Local Council Courts; Family Courts; Children Courts and Land Tribunals.

The Judiciary is faced with many challenges brought about by social-economic, environmental, political, technological, global changes in addition to those emanating from the 1995 Constitution changes. To meet these challenges the judiciary has redefined its mission statement and core values and articulated a new vision on which the future trajectory of the organization is based. This resulted in a new Strategic Plan covering the period 2002/3 to 2006/7, which describes the strategic objectives that has guided the Courts of Judicature in the delivery of high quality judicial services during the first decade of the 21st century and beyond. During that period, the Judiciary's mission statement was:

To develop and administer an efficient and effective judicial system, accessible to all people in Uganda, respectful of their traditions, mindful of their aspirations, serving them without bias or discrimination, fear or favour.

The Uganda Judiciary's new Mission Statement for the period 2006/7-2010/11 is:

To disperse justice to all people in Uganda, through timely adjudication of disputes without discrimination.

1.2 Historical Background: When Britain assumed control of Uganda, the judicial system consisted of a number of local authorities, tribal chiefs, and kin group elders, who worked primarily to enforce local customary law. Islamic law was also practiced in areas of northern Uganda. Uganda became a British Protectorate in 1894. The British Order-In-Council of 1902 introduced the English Legal System. This legislation established her Majesty's High Court of Uganda and declared the law to be applied by the courts namely, the common law, the doctrines of equity, statutes of general application in force in England at the time and native law as long as it was not repugnant to natural justice, morality and good conscience, or in conflict with the written law.

Thus the legal system of Uganda is based on English common law. The applicable laws include statutory law, case law, common law, doctrines of equity, and customary law. Statutory law takes precedence, and customary law is only applicable in the absence of relevant statutory or case law. A dual system of courts was also introduced. There were central government courts, which exercised jurisdiction over all persons and in particular non-Africans. Professional lawyers from the colonial legal service and administrative officers staffed these courts. Alongside these courts, there were established native courts to administer native law between natives. Chiefs and tribal elders manned these courts.

In 1904 the Legal Practitioners Rules were made to govern the legal profession in Uganda. The rules determined who was entitled to practice in the courts, prescribed the procedure for admission and enrollment, and provided for the disciplinary control of lawyers and professional conduct rules. The first lawyers to be entitled to practice in Uganda under the rules were Barristers and Solicitors from England, Scotland and Ireland, and Pleaders from India. Unqualified persons known as *Native Vekeels* were also allowed to represent natives where the number of Pleaders was insufficient. The rules introduced a fused profession in Uganda as it was in India. The distinction between the Barristers and Solicitors, which obtained in England, was abandoned, as it would not be maintained with Pleaders from India, and *Native Vekeels*.

In 1911 and 1913, the rules were amended to expand the categories of those who would practice in Uganda. These included the Attorney General and his assistant, and Advocates admitted to practice in other dominions, commonwealth countries, or self-governing colonies of the British Empire. To enrich the fusion of the profession all lawyers admitted to practice were to be called *Advocates* of the High Court of Uganda. The Advocates were excluded from appearing in the native courts because it was feared they might introduce complications in what was a fairly and roughly ready form of justice. It was not until Uganda attained independence in 1962 and the process of integration of the courts and legal system was completed in 1964, that the dual court system was abolished and a uniform system of courts established, with all courts administering the same law and having jurisdiction over all persons. After this integration, Advocates were permitted to appear up to the present day.

1.3 Purpose of the Handbook: Arising out of the need to improve planning and management systems of the Judiciary, one of the key aspects is ensuring that judicial officers and staff have easy access to key information about matters relating to its operations. This information is critical for internal users in understanding their roles better and executing them in the context of the overall operation of the Judiciary. The handbook would also empower courts and staff around the country to provide a more informed, faster and more streamlined service to the public.

1.3.1 Objective: The overall objective of the handbook therefore is to enhance the knowledge and information about the judiciary, and also enable judicial officers execute the functions of the Judiciary which include to:

- Hear, consider and judge cases and dispose them quickly and fairly in accordance to the law;
- Interpret and apply the constitutional and other laws of Uganda;
- Protect the rights of an individual and provide remedies in the event;
- Formulate and implement policies regarding operations and management of the judiciary;
- Initiate, develop, and implement training programmes for the development of Judiciary staff;
- Contribute to the enforcement of law and order; enrolling, licensing and disciplining court brokers;
- Keep custody of laws enacted as well as disseminating legal literature;
- Receive government revenue accruing from courts;
- Introduce modalities for out of court dispute resolution mechanisms (ADR) to reduce cases on court.

CHAPTER TWO:

COURTS OF JUDICATURE:

2.1 Introduction: The Constitution (Art. 126) provides for the distribution of powers and functions to maintain separation and effective checks and balances as essential means of ensuring effective democracy and the ultimate sovereignty of the people. The Doctrine of separation of powers is applied to the three main arms of State: the Executive; the Legislature; and the Judiciary. The Judiciary's day-to-day work and its current operations is to perform its core functions. At the same time, it strives to improve its performance through development. In that regard, justice must be delivered, case-by-case and whatever the nature of the case in a fair and timely manner otherwise it is not justice.

The Uganda Judiciary is composed of Courts of Judicature, which include: The Supreme Court; The Court of Appeal/Constitutional Court; The High Court; Magistrates' Courts; and such subordinate courts including Qadhis Courts for marriage, divorce, inheritance of property and guardianship, as prescribed by Parliament. The Uganda Judiciary also has supervisory or other powers over other judicial and quasi-judicial institutions, including: The Local Council Courts; Land Tribunals; Family and Children Courts, and other institutions from which appeals are lodged to the High Court. The High Court is decentralized to twelve High Court stations up country, and one within greater Kampala, and the Magistrates Courts are located throughout Uganda.

2.2 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 is as follows: The Chief Justice takes 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 takes precedence immediately after the Chief Justice, and the Principal Judge takes precedence immediately after the Deputy Chief Justice.

The Justices of the Supreme Court 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.

The Justices of the Court of Appeal 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.

The Judges of the High Court 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.

Where there is equality of precedence in respect of two or more judges, precedence among them is determined according to age, a person higher in age taking precedence over a person lower in age.

2.3 The Supreme Court of Uganda:



The Supreme Court consists of the Chief Justice; and six justices of the Supreme Court or such higher number of justices of the Supreme Court as Parliament may by resolution prescribe. An appeal lies to the Supreme Court from such decisions of the Court of Appeal as are prescribed by the Constitution, the Judicature Act or any other law. For the purposes of hearing and determining an appeal, the Supreme Court has 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. 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. Any person dissatisfied with the decision of a single justice in the exercise of a power under the above paragraph 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.

2.4 The Court of Appeal of Uganda:



The Court of Appeal of Uganda consists of the Deputy Chief Justice; and seven justices of the Court of Appeal or such higher number of justices of the Court of Appeal as Parliament may by resolution prescribe. An appeal lies to the Court of Appeal from decisions of the High Court as may be prescribed by the Constitution, Judicature Act or any other law. For the purpose of hearing and determining an appeal, the Court of Appeal has 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. 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. Any person dissatisfied with the decision of a single justice in the exercise of a power under the above paragraph is 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.

High Court of Uganda:



The High Court of Uganda consists of the Principal Judge and 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. The High Court has unlimited original jurisdiction in all matters and such appellate and other jurisdiction as may be conferred on it by the Constitution or any other law. In addition, the High Court has 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. The High Court also exercises general powers of supervision over magistrates' courts.

2.6 High Court circuits:



The High Court holds sessions in various areas of Uganda to be designated High Court circuits for the trial of civil and criminal cases 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. The Chief Justice may, by statutory instrument, declare any area to be a High Court circuit. The Principal Judge determines the distribution of business before the High Court among the judges and assigns any judicial duty to any judge and in doing so, takes into account provisions of the Constitution. Every proceeding in the High Court as far as is practicable and convenient is heard and disposed of by a single judge. A judge may, exercise in court or in chambers any part of the jurisdiction vested in the High Court in any cause or matter.

References to referees: 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. 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. Where in any cause or matter, other than a criminal proceeding all the parties interested who are not under disability consent; 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 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.

Protection of judicial officers: A judge or commission or other person acting judicially is not 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/her or its judicial functions whether or not within the limits of his/her or its jurisdiction. An officer of the court or other person bonded to execute any order or warrant of any judge or person acting judicially is not liable to be sued in any civil court in respect of any lawful or authorized act done in the execution of any such order or warrant.

Eligibility for Pension: When a justice of the Supreme Court or a justice of the Court of Appeal or a judge of the High Court is appointed on pensionable terms, he/she becomes eligible for pension on completion of one year of service or in accordance with the Pensions Act, whichever is sooner.

Magistrates Courts:



The Minister in consultation with the Chief Justice, by statutory instrument designates Magistrates' Courts to be known as the Magistrate's Court for the area in respect of which it has jurisdiction. Magistrates are of the following grades: Chief Magistrate; Magistrate Grade I; and Magistrate Grade II. The powers and jurisdiction of a magistrate are determined by the grade of his or her appointment and the powers and jurisdiction conferred upon that grade by any written law in force. A Magistrates' Court is deemed duly constituted when presided over by anyone Magistrate lawfully empowered to adjudicate in the Court. Every magistrate appointed is deemed to have been appointed to, and has jurisdiction in, each and every magisterial area. However, the Chief Justice may assign him to any particular magisterial area or to a part of any magisterial area. A magistrate's court may be held at any place within the local limits of its jurisdiction; or if it appears to the Chief Justice that the interests of justice so require, may be held, with the written authorization of the Chief Justice, at a place outside the local limits of its jurisdiction designated in the authorization, and shall be held in such building as the Chief Justice may, from time to time, assign as the courthouse.

2.7.1 Criminal jurisdiction of magistrates: A magistrate's court presided over by a chief magistrate may try any offence other than an offence in respect of which the maximum penalty is death; a Magistrate Grade I may try any offence other than an offence in respect of which the maximum penalty is death or imprisonment for life; a magistrate grade II may try any offence under, and has jurisdiction to administer and enforce any of the provisions of, any written law other than the offences and provisions specified in the First Schedule to the magistrate's court Act.

Plea: After the charge has been read, the accused takes a plea. That is say whether he/she admits the charge or not. An accused that appears before court must be informed of the right to apply for bail. Bail may be granted with or without sureties.

Consideration for granting bail: In deciding whether bail should be granted or not, the Court takes into account the following matters: The nature (type or kind) of the accusation (crime); The gravity (seriousness) of the offence and the severity (harshness) of the punishment in case of conviction; The antecedents (criminal history) of the accused if known; Whether the applicant has a permanent home within the area of the court's jurisdiction; and Whether the applicant/accused is likely to interfere with any of the witnesses for the prosecution or the evidence to be put in support of the charge.

Objections to Bail: Normally prosecution will object to bail stating some of the above grounds. However, bail cannot be denied as a form of punishment. Cash bail is not to be so high as to make it almost impossible for the accused to raise the money. At the same time, it should not be so low as to defeat the purpose for which it was meant. Where incriminating evidence has been adduced the accused may not be granted bail. This is because an accused that knows that he/she has no chance of winning the case is more likely to abscond. The reasons for refusing bail must be given and the applicant informed of the right to apply to the Chief Magistrate or High Court. Instead of depositing money with court, an accused may be required to deposit a specific article or property. Where a lower Court refuses bail, a Chief Magistrate of the area can direct release of the accused on bail. Any accused person denied bail by a Magistrates Court may be released by the High Court. In addition, the High court can reduce the amount required for any bail bond if it is too much.

Period of Remand: Where an accused person is remanded in respect of a capital offence (punishable by death) he/she stays in prison for 365 days before he/she can be released on bail. An accused remanded for any other offence stays on remand for a period of 120 days.

Mandatory bail: On the expiry of the 365 days or the 120 days as the case may be, the Court before which an accused appears must release him/her on bail except: If the accused has been committed to the High Court for trial. If the Court is satisfied that it is necessary for the protection of the public then

the accused should not be released from prison. But even at this stage the accused's release on bail is not automatic. The court has to lay down certain conditions, which the accused has to fulfill before release. The court still has discretion to refuse bail if the accused cannot satisfy the conditions laid down. Even where a person has been on remand for longer than the statutory period, court may still refuse to release him on bail if she/he has previously dishonored bail conditions or if she/he has no fixed place of abode.

Capital offences: (Offences which are punishable by death): The High Court may refuse to grant bail to an accused charged with a capital offence e.g. murder, rape, robbery with violence, acts of terrorism, unless he/she proves exceptional circumstances. Exceptional circumstances mean any of the following: Grave illness certified by a medical officer of the prison or other institution or place where the accused is held, and which cannot be adequately treated while the accused is in custody.

Transfer of cases to chief magistrate: If, in the course of any trial before a magistrate's court presided over by a magistrate, other than a chief magistrate, the evidence indicates that the case is one which should be tried by some other magistrate, he or she stops further proceedings and submits the case with a brief report on it to the chief magistrate having jurisdiction.

Power of chief magistrate to transfer cases: A Chief Magistrate may transfer any case of which he/she has taken cognizance for trial to another magistrate holding a court empowered to try the case within the magisterial area of the jurisdiction of the Chief Magistrate; and direct or empower any Magistrate who has taken cognizance of any case, and whether evidence has been taken in such case or not, to transfer the case to himself/herself or to any other specified Magistrate within the magisterial area of the Chief Magistrate's jurisdiction, who is competent to try the accused person, and any such case is disposed of accordingly.

Power of magistrates to remand for lack of jurisdiction: Where a charge has been brought against a person in a court having no jurisdiction to try the offence with which he or she is charged, the magistrate remands the accused person in custody to appear before a court having jurisdiction to try that offence.

Power to transfer cases to superior court: If a person is charged with an offence before a magistrate's court and it appears to the Director of Public Prosecutions (DPP) at any stage of the proceedings that the case is one that ought to be tried by a court superior to that magistrate's court, the magistrate will, on application made by or on behalf of the DPP before the close of the case for the prosecution, stop further proceedings and remand the accused person in custody to appear before a superior court.

Committal for sentence: Where a court presided over by a Magistrate Grade I or II convicts a person of any offence and on obtaining information about his or her character and antecedents the court is of the opinion that they are such that greater punishment should be inflicted for the offence than the court has power to inflict, the court may, instead of dealing with him or her in any other manner, commit him or her in custody to a court presided over by a chief magistrate having jurisdiction for sentence. The chief magistrate may if he or she considers the conviction is improper or illegal forward the record of proceedings to the High Court, notwithstanding any such committal, and postpone passing sentence pending the decision of the High Court and may, pending that decision, release the offender on bail or remand him or her in custody as he or she thinks fit.

Where a court presided over by a chief magistrate convicts a person of any offence and on obtaining information about his or her character and antecedents the court is of the opinion that they are such that greater punishment is inflicted for the offence than the court has power to inflict, the court may,

instead of dealing with him or her in any other manner, commit him or her in custody to the High Court for sentence.

Sentencing powers of magistrates: On conviction the following have effect: a Chief Magistrate may pass any sentence authorized by law; a Magistrate Grade I may pass a sentence of imprisonment for a period not exceeding ten years or a fine not exceeding one million shillings or both such imprisonment and fine; a Magistrate Grade II may pass a sentence of imprisonment for a period not exceeding three years or a fine not exceeding five hundred thousand shillings or both such imprisonment and fine. A magistrate's court may on conviction make any order, which is authorized by any written law to make.

Fines: Where a fine is imposed by a magistrate's court under any law, in fixing the amount of the fine, the court takes into consideration among other things, the means of the offender so far as the court knows them. In the absence of express provisions relating to the fine in any such law, the following provisions apply:

- where no sum is expressed to which the fine may extend, the amount of the fine which may be imposed is unlimited, but is not excessive;
- in the case of an offence punishable with a fine or a period of imprisonment, the imposition of a fine or a period of imprisonment is a matter for the discretion of the court;
- in the case of an offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment, and in every case of an offence punishable with a fine only in which the offender is sentenced to a fine, the court passing sentence may in its discretion;
 - direct by its sentence that in default of payment of the fine the offender suffers imprisonment for a certain period, which imprisonment is in addition to any other imprisonment to which he or she may have been sentenced or to which he or she may be liable under a commutation of sentence;
 - also issue a warrant for the levy of the amount on the immovable and movable property of the offender by distress and sale under warrant;
 - except that if the sentence directs that in default of payment of the fine the offender is imprisoned, and
 - if the offender has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing it considers it necessary to do so.
- the period of imprisonment ordered by a court in respect of the nonpayment of any sum of money adjudged to be paid by a conviction or in respect of the default of a sufficient distress to satisfy any such sum is such term as in the opinion of the court satisfies the justice of the case, but shall not exceed in any case the maximum fixed by the scale.
- the imprisonment which is imposed in default of payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

Amount	Maximum period
Not exceeding shs. 2000	7 days
Exceeding shs. 2000 but not Exceeding shs. 10,000	1 month
Exceeding shs. 10,000 but not Exceeding shs. 40,000	6 weeks
Exceeding shs. 40,000 but not exceeding shs. 100,000	3 months
Exceeding shs. 100,000	12 months

Committal for trial by High Court:



When a person is charged in a magistrate's court with an offence to be tried by the High Court, the DPP files in the magistrate's court an indictment and a summary of the case signed by him or her or by an officer authorized by him or her in that behalf acting in accordance with his or her general or special instructions. The summary of the case contains such particulars as are necessary to give the accused person reasonable information as to the nature of the offence with which he or she is charged.

When a person charged with an offence to be tried by the High Court appears before a magistrate and the DPP has complied with the provisions of the magistrates' court Act, the magistrate will give the accused person a copy of the indictment together with the summary of the case; read out the indictment and the summary of the case and explain to the accused person the nature of the accusation against him or her in a language he or she understands; inform him or her that he or she is not required

to plead to the indictment and commit the accused person for trial by the High Court; and transmit to the registrar of the High Court copies of the indictment and of the summary of the case.

If a person committed for trial by the High Court is on bail granted by any court, without prejudice to his or her right to apply to the High Court for bail, the bail lapses, and the magistrate remands him or her in custody pending his or her trial.

Offences to be committed to High Court: It is at the discretion of the DPP to decide which offences are to be proceeded with before the High Court or to be tried by a magistrate's court. Trial by the High Court of an offence committed to that court cannot be refused merely on the ground that a magistrate's court has jurisdiction to try the offence.

Trial with Assessors: Assessors are analogous to expert witness and in principle the opinion of an assessor is substantially on the same footing as the opinion evidence of expert witness. Provision was made by the legislature for Europeans to administer justice in foreign land. They were deficient in their knowledge of the customs and habits of the parties and witnesses appearing before them. They were also deficient in judging their demeanor in the witness box. Having the benefit of the opinion of two or more respectable natives of the land as assessors possessing such knowledge and judgment was the principle underlying the institution of assessors.

The function of assessors appears, therefore, to be two fold: the duty to assess and advise. In the first instance, they assess or weigh the evidence as a whole and decide whether the accused is guilty or not in the light of their special knowledge as to the habits, customs, modes of thought and language of the particular society from which the accused comes. The reason being that assessors are peculiarly qualified to judge the probability of the story told not only by a witness but also by the accused, and may detect in his/her demeanor what may escape the presiding judge. Secondly, assessors have the duty of advising the judge on matters upon which they have special knowledge and give their view in abstract of what the particular custom is in the circumstances under review.

All trials before the High Court are with the aid of assessors, whose number must be two or more. Although the court may decide on any number of assessors at a particular trial provided it is not below two, the practice in the High Court has always been to restrict it to two assessors. Assessors must be sworn in after the accused has pleaded to the indictment. Before assessors are sworn, the accused or his/her advocate and the advocate for the prosecution have the right to challenge the propriety of the choice of a particular assessor. They can do so on the following grounds: Presumed or actual partiality; Competence; Criminal record; and Language of the court.

2.7.2 Civil jurisdiction of magistrates: A Civil Matter is a matter relating to private rights and remedies that are sought by action or suit, as separate from criminal proceedings. In Civil matters, the person who has a complaint against someone else is known as the Plaintiff. He/She files a Plaint (statement of claim). The Suit should be filed in a Court, which has the Jurisdiction to hear the matter. A person against whom a claim is brought is known as a defendant. The jurisdiction of magistrates presiding over magistrates' courts for the trial and determination of causes and matters of a civil nature is as follows: a Chief Magistrate has jurisdiction where the value of the subject matter in dispute does not exceed five million shillings and has unlimited jurisdiction in disputes relating to conversion, damage to property or trespass; a Magistrate Grade I has jurisdiction where the value of the subject matter does not exceed two million shillings; and a Magistrate Grade II has jurisdiction where the value of the subject matter in dispute does not exceed five hundred thousand shillings. Where only civil customary law governs the cause or matter of a civil nature, the jurisdiction of a chief magistrate and a Magistrate Grade I is unlimited.

Whenever for the purposes of jurisdiction or court fees it is necessary to estimate the value of the subject matter of a suit capable of a money valuation, the plaintiff in the plaint, fixes the amount at which he or she values the subject matter of the suit. But if the court thinks the relief sought is wrongly valued, the court fixes the value and returns the plaint for amendment. In any suit where it is impossible to estimate the subject matter at a money value in which, a declaration of ownership of any money or property is made, no decree is issued for an amount on the claim exceeding the pecuniary limits of the ordinary jurisdiction of the court passing the decree.

Fees paid upon filing a Plaint: Before a Plaint can be accepted as properly filed in the Court; the Plaintiff is required to pay filing fees. These fees are paid at the Court to the cashier of the Court who issues a receipt to the person paying the fees. The Fees vary from case to case depending on the subject matter of the case and the monetary value of the claim. Court clerks usually assess the fees and they are guided by a fees schedule. *A copy of the Fees Schedule is attached as Appendix 1.*

Trial with Assessors in Magistrates' Courts: In the hearing of any suit, the magistrate may, if s/he deems it fit, and at the request of either party in suits involving land disputes, divorce proceedings in a customary marriage, custody of children under customary law or recovery of dowry, summon to his/her assistance two assessors. The Chief Magistrate of the area in consultation with each sub-county chief of the area of each court appoints a panel of assessors, at least seven from each sub-county. Their sub-county executive committees should have nominated all those appointed. From among them, any two may assist the magistrate in hearing any suit. The panel is subject to review from time to time, and in any case, once a year.

At the commencement of the hearing, each assessor takes an oath impartially to advise the court to the best of his/her knowledge, skill and ability on the issues pending before the court. Either party to the suit or his/her advocate may, before an assessor is sworn or at any other time before the actual hearing of the suit commences, in court challenge the assessors on any of the following grounds: Presumed or actual partiality or vested interest in the suit; Physical incapacity such as minority, old age, deafness, blindness or other infirmity; and General character, conduct and reputation in the community where the assessor lives. The assessor challenged may respond to the challenge in court by giving an explanation or answer to it on oath. The court gives the benefit of any doubt to the party raising the challenge. Where the court upholds a challenge against an assessor, the assessor is abandoned and another one summoned by the magistrate, before the hearing of the suit commences.

2.8 The Scheduling Conference: Before hearing of the case, the Judge is required by law to hold a mandatory scheduling conference within twenty-eight (28) days from the date when the last reply was filed in Court. However, the Court is empowered to extend this time where sufficient reasons are given. The scheduling conference is used for resolving procedural and evidential matters, making trial arrangements and ensuring that the parties have complied with requirements of going for mediation or tried out other Alternative Dispute Resolution Methods. As agreements may be reached at the Scheduling Conference, the Judges require that other than the Advocates retained in the cases, the parties or the representatives of the parties who can make binding decisions, attend the Scheduling Conference

2.9 The Local Council Courts: The Local Council Courts (LC) are not part of the Courts of Judicature, but are created by law. They are created by the Resistance Council Committees (Judicial Powers Statue, 1988). Under this Statue the High Court has powers to supervise the Local Council Courts. Parties appeal to the Chief Magistrate from the decisions of the LC III Courts. Not less than 5 members duly constitute the court. All sittings of the court are presided over by the chairperson and in his/her absence the vice-chairperson. In the absence of both, the members elect a member among them

to chair. Where a quorum cannot be realized, a member from that area is co-opted on the court to realize a quorum.

Matters before the court are determined by consensus and if there is no consensus, decisions are determined by a majority of members present. In case of equality of votes, the chairperson has a casting vote. The court may summon experts to give evidence and where necessary it also summons witnesses to appear before it. Records of proceedings are kept in writing. The court hears every case expeditiously and is impartial with both sides. It sits in the open unless when hearing matters of domestic relations. All hearings are conducted during daytime.

LC courts have jurisdiction to handle matters of: A civil nature such as debts, contracts, trespass, conversion and or damage to property where the value of the subject matter does not exceed shs. 5,000; Matters of a civil nature which are purely governed by customary law, e.g. customary tenure, marital status of women, identifying and naming of a customary heir, paternity of children, etc; and Matters arising out of infringement of by-laws made by local governments.

LC Courts are courts of first instance in land matters. In matters regarding conversion/damage to property, trespass and civil disputes governed by customary law, their jurisdiction is not restricted by the monetary value of the disputed subject matter. However, if the compensation awarded is above Shs. 5,000/=, the matter is referred to the Chief Magistrate's Court for execution. In addition to the jurisdiction provided above, all causes and matters of a civil nature concerning children are dealt with by the village executive committee court where the child resides or where the cause of action arises.

A village executive committee also has criminal jurisdiction to try a child for any of the following offences: affray, common assault, actual bodily harm, theft, criminal trespass, and malicious damage to property. The village executive committee court is the court of first instance in respect of the criminal offences involving children. In that regard, a village executive committee court may, notwithstanding any penalty prescribed by the Penal Code Act in respect of the offences specified above make an order for any of the following reliefs: reconciliation; compensation; restitution; apology; and caution. In addition the court may make a guidance order under which the child is required to submit himself or herself to the guidance, supervision, advice and assistance of a person designated by the court.

Every suit is instituted in a court within the local limits of whose jurisdiction the defendant at the time of the commencement of the suit actually resides; or where the cause of action wholly or in part arises. In case of a dispute over immovable property, a suit is instituted in a court within the local limits of whose jurisdiction the property is situated. Every suit is instituted in the court of the lowest grade competent to try and determine it. A case is instituted by stating orally or in writing to the Chairperson the nature of the claim against the defendant and the relief sought. The claimant signs every claim, but if made orally, it is reduced into writing by the Chairperson or his/her representative and signed by the Chairperson and the claimant.

The Local Council Courts can award the following remedies: Reconciliation; Declaration; Compensation; Restitution; Costs; Apology; Attachment and Sale and for infringement of by-laws the court may impose a fine or any other penalty authorized by the bye-law. If a party is not satisfied with the decision of the local council court, he/she can appeal to: LC II (Parish Court) if dissatisfied with the decision of LCI; LC III (Sub-county Court) if dissatisfied with the decision of LC II; The Chief Magistrate Court if dissatisfied with the decision of LC III; and to the High Court with leave of the Chief Magistrate if dissatisfied with the decision of Chief Magistrate Court.

2.10 Family and Children Court:



The family and children courts are established in every district and any other lower government unit as designated by Chief Justice by notice in the Gazette under the Children Statute. A magistrate not below the Grade of Magistrate II presides over the family and children court. A family and children court has powers to hear and try criminal charges against a child and applications relating to childcare and protection. In addition, the court exercises any other jurisdiction conferred on it by the Children's Statute or any other written law. The procedure of the court in all matters is in accordance with rules of court made by the Rules Committee for the purpose, but subject to the following: the court sits as often as necessary; proceedings are held in camera; proceedings are as informal as possible and by inquiry rather than by exposing the child to adversarial procedures; parents or guardians of the child are present whenever possible; the child has a right to legal representation; and the right to appeal is explained to the child. Apart from members and officers of the court, only the following persons may at the discretion of the court attend any sitting of a court: parties to the case before the court, their advocates, witnesses and other persons directly concerned in the case; parents or guardians of the child; a probation and social welfare officer; and any other person whom the court authorizes to be present.

Bail: Where a child appears before a court charged with any offence, the magistrate or person presiding over the court inquires into the case and unless there is a serious danger to the child, releases the child on bail, on a court bond or on the child's own recognizance with sureties, preferably the child's parents or guardians who are bound on a court bond, not cash. If bail is not granted, the court records the reasons for refusal and informs the applicant of his or her right to apply for bail to a chief magistrate's court or to the High Court.

Remand: Where a child is not released on bail, the court makes an order remanding or committing him or her in custody in a remand home to be named in the order, situated in the same area as the court making the order. If there is no remand home within a reasonable distance of the court, the court makes an order as to the detention of the child in a place of safe custody as it deems fit. A place of safe custody is a place, which the court considers, fit to provide good care for the child and assures that the child is brought to court when required and does not associate with any adult detainee. Before making an order remanding or committing a child in custody, the court ascertains that there is a place readily available. Remand in custody does not exceed six months in the case of an offence punishable by death; or three months in the case of any other offence. No child is remanded in custody in an adult prison. Whenever possible, the court considers alternatives to remand such as close supervision or placement with a fit person on the recommendation of a probation and social welfare officer.

Orders of the court: A court has power to make any of the following orders where the charges have been admitted or proved against a child: absolute discharge; caution; conditional discharge for not more than twelve months; binding the child over to be of good behaviour for a maximum of twelve months; compensation, restitution or fine, taking into consideration the means of the child so far as they are known to the court but an order of detention is not made in default of payment of a fine; probation order in accordance with the Probation Act for not more than twelve months, with such conditions as may be included as recommended by the probation and social welfare officer but a probation order will not require a child to reside in a remand home; and detention for a maximum of three months for a child under sixteen years of age and a maximum of twelve months for a child above sixteen years of age and in the case of an offence punishable by death, three years in respect of any child.

Duration of cases: Where the case of a child appearing before a family and children court is not completed within three months after the child's plea has been taken, the case is dismissed, and the child is not liable to any further proceedings for the same offence. Where, owing to its seriousness, a

court superior hears a case to the family and children court, the maximum period of remand for a child is six months, after which the child is released on bail.

Children in the High Court: A child is tried in the High Court for an offence with which the child is jointly charged with a person over eighteen years of age and for which only the High Court has jurisdiction. Where a child is tried jointly with an adult in the High Court, the child is remitted to the family and children court for an appropriate order to be made if the offence is proved against the child. In any proceedings before the High Court in which a child is involved, the High Court has due regard to the child's age and to the provisions of the law relating to the procedure of trials involving children.

Appeals: An appeal lies in a case involving the trial of a child from a village executive committee court to a parish and sub county executive committee court; a sub county executive committee court to a family and children court; a family and children court to a chief magistrate's court; a chief magistrate's court to the High Court; the High Court to the Court of Appeal; and the Court of Appeal to the Supreme Court.

2.11 Land Tribunals: The Constitution and the Land Tribunals Statute provide for the establishment and jurisdiction of Land Tribunals. The Land Tribunals came into being in 2001, and started work in August 2002. They were set up and managed as a project under the Land Tenure Reform Project in the Ministry of Water, Lands and Environment. Eighteen circuit centre offices were set up first in Mukono, Masaka, Lira, Kabarole, Kampala, Kabale, Mityana, Gulu, Mbale, Moroto, Jinja, Arua, Luwero, Soroti, Moyo, Hoima, Tororo and Mbarara. Each circuit Tribunal is headed by a Chairperson and has two members, all appointed by the Chief Justice on advice from the Judicial Service Commission. They were appointed on five-year renewable contracts. The Chairpersons are full time while the members are part time. The other Tribunal staff are Administrative Secretary, Steno Secretary, Records Assistant, office Attendant and Driver. The Public Service Commission appoints them on permanent and pensionable terms. Each circuit Chairperson rotates in three or five Districts. Other Tribunals Offices have been set up in other Districts and members appointed.

The Land (Amendment) Act, 2004 (Act I of 2004) transferred all assets, liabilities and monies for the operation of Land Tribunals and the office of the Registrar of Land Tribunals to the Secretary to the Judiciary. The general powers of supervision over Land Tribunals were also transferred to the Chief Registrar. The Land Tribunals have jurisdiction to determine disputes relating to the grant, lease, repossession, transfer, or acquisition of land by individuals, the commission, or other authority with responsibility relating to land. To determine disputes as the Court of first instance in all land matters where the subject matter does not exceed two thousand five hundred currency points (Ug. Shs. 50,000,000/=); and to determine any other dispute relating to land under the Act.

In the exercise of jurisdiction over land matters a District Land Tribunal has the power to grant decrees of specific performance, issue injunctions and make such orders and give such decisions against the operation of any action, notice, order, decree, or declaration made by any official or any Board or the Commission. It may grant relief and make all orders or give decisions on such conditions as to expenses, damages, compensation or any other relevant matter as it considers fit. However, a District Land Tribunal cannot make an order for cancellation of entries in a certificate of title and vesting title, but has to refer such cases to the High court for the necessary consequential orders.

The Relationship between the Land Tribunals and the Courts: The Parish or wards Executive Committee Courts are the Courts of first instance in respect of land disputes. Every suit is instituted in the Court of the lowest grade competent to try and determine it. In case of a dispute over immovable property, a suit is instituted in a court within the local limits of whose jurisdiction the property is situate. Appeals from the Parish or ward Executive Committee Courts go to the Sub County or

Division Executive Committee courts. Appeals on Land Matters from Division or sub county Executive Committee Courts lie to the respective District Land Tribunal, and from the latter to the High court. An appeal lies from the judgments and orders of a sub county executive Committee Court to a Chief Magistrate's Court in other cases. The general powers of supervision over Magistrates Courts conferred upon the High Court by the Judicature Act are exercised by the High Court over the Executive committee courts.

The general powers of supervision over Land Tribunals and the office of the Registrar of Land Tribunals are exercised by the Chief Registrar of the High Court. There is no supervisory or monitoring linkage between LCII and LC III Courts and the District Land Tribunals. Since appeals on land matters from Division or sub county Executive Committee Courts lie to the District Land Tribunals, a Chief Magistrate may not feel concerned to call for and examine the record of proceedings in a land dispute before an LC II or LC III court. Yet he or she could do so in other cases where appeals still lie to a Chief Magistrate's Court. An appeal lies from the decision of a District Land Tribunal to the High Court. An appeal from the decision of a district land tribunal in exercise of its appellate jurisdiction also lies to the High Court.

CHAPTER THREE

QUASI -JUDICIAL INSTITUTIONS:

3.1 Introduction: Quasi - Judicial refers to the exercise of powers or functions that resemble those of a court or a judge. It is a term applied to the action, discretion, e.t.c. of public administrative officers or bodies that are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. Quasi - Judicial power is the power of an administrative agency to adjudicate the rights of persons before it. Quasi - Judicial institutions (tribunals) have certain characteristic, which often gives them advantages over the courts. These are cheapness, accessibility, and freedom from technicality, expedition and expert knowledge of their particular subject. It is because of these advantages that Parliament, once it has decided that certain decisions ought not to be made by normal executive or departmental processes, often entrusts them to tribunals rather than to ordinary courts.

3.2 Non - Performing Assets Recovery Trust (NPART): The tribunal consists of a Chairperson who is a person holding or who has previously held office or is qualified to be appointed as a justice of the Court of Appeal, appointed by the Minister after consultation with the Chief Justice; and two other persons appointed by the Minister. The tribunal in the exercise of its jurisdiction has all the powers of the High Court and for that purpose, the civil procedure rules applicable to a civil action before the High Court with necessary modifications, applies to proceedings before the tribunal. Judgments and orders of the tribunal are executed and enforced in the same manner as judgments and orders of the High Court. Any person aggrieved by a decision or order of the tribunal may, within one month after the decision or order, appeal to the Court of Appeal against the decision or order. Any written law applicable to appeals to the Court of Appeal from the High Court in civil cases, with necessary modifications or order or such other modifications as the Chief Justice may direct in writing, apply to appeals from the tribunal to the Court of Appeal.

3.3 Tax Appeals Tribunals: The Minister, in consultation with the chairperson of the Judicial Service Commission, appoints the chairperson of a tribunal. A person is not qualified to be appointed chairperson of a tribunal unless he or she is qualified to be appointed a judge of the High Court. A member of a tribunal is appointed on a part-time and full time basis. A person is appointed as a member of a tribunal if he/she is of high moral character and proven integrity; and has not been convicted of any offence involving moral turpitude. The appointment of a judge as chairperson does not affect his or her tenure of office, or his or her rank, title, status, precedence, salary and allowances, or other rights or privileges as the holder of the office of judge of the courts of judicature. For all purposes, his or her service as chairperson is taken to have been service as holder of the office of such a judge.

3.4 The Uganda Human Rights Commission: Decisions of the commission under the Constitution have effect as those of a court and are enforced in the same manner. Any rules of court applicable to civil or criminal proceedings in the High Court may be applied by the commission for the purposes of the exercise of its powers under the Constitution or any other of its functions subject to such modifications as may be made by the Chief Justice by statutory instrument in consultation with the commission. The Chief Justice makes rules of court for regulating appeals to the High Court from orders of the commission. Rules made may make provisions for the period within which an appeal may be lodged; forms and fees in relation to such appeals; the procedure generally for hearing such appeals; and the application to such appeals with or without modifications of any rules of court applicable to the High Court.

3.5 The Law Council: The Law Council is charged with the duty of supervising and controlling the professional conduct of lawyers in Uganda. The functions of the Law Council are mainly supervisory and disciplinary. In order to carry out its functions, the Law Council appoints committees, which are charged with implementing the Council's mandate. Among them is the Disciplinary Committee, which is charged with the duty of exercising disciplinary control over Advocates and their Clerks. The Committee may, after hearing complaints, impose punishment upon the Advocate, which may include payment of a fine, suspension of the Advocate from practicing for sometime or striking off of the name of the Advocate from the roll of Advocates in Uganda. Once the Advocate has been suspended or his/her name is struck off the roll, the Committee is required to publish its decision in the Gazette and a local newspaper circulating in Uganda and also notify the Registrar of the High Court and all Magistrates of its decision. A party aggrieved by the decision of the Committee has a right to appeal to the High Court within 14 days after he/she is notified of the decision. The appeal is lodged by filing with the Registrar of the High Court a Memorandum of appeal within thirty days of the party giving the Registrar notice of the appeal.

3.6 Industrial Court: A standing Industrial Court is established under the Trade Disputes (Arbitration Settlement) Act for the purpose of arbitrating on trade disputes referred to it under the Act. The Industrial Court is competent to hear and arbitrate any trade disputes referred to it direct but jointly by all parties to the dispute. The Industrial Court does not consider any trade dispute referred to it, which is already subject to proceedings under other provisions of the same Act; or if other machinery or arrangements exist which in the opinion of the court is appropriate for settlement by conciliation or arbitration of the dispute. The Minister may, after consultation with the Attorney General and the Chief Justice, make rules prescribing the form and the manner in which trade disputes may be referred to the industrial court, the procedure for the hearing of disputes and generally for the conduct of business. Whenever any question arises in the course of a trade dispute in respect of which rules have not been made as provided for above, the industrial court regulates its own procedure.

3.7 Military Law: It is applied under the Unit Disciplinary Committee; the Field Court Martial; the Division Court-Martial; the General Court-Martial and the Court-Martial Appeal Court. The rules of evidence and procedure are observed in proceedings before a military court. As far as is practicable they are the same as those observed in proceedings before a civil court.

3.8 Director of Public Prosecution (DPP): All prosecutions before the High Court are conducted by a member of the Attorney General's chambers or by such other person as the DPP may, by writing under his/her hand appoint. Such appointment may be for a particular case or for a specified class or series of cases. Every person so appointed is under the express direction of the DPP. When a person is charged in a magistrate's court with an offence to be tried by the High Court, the DPP files in the magistrate's court an indictment and a summary of the case signed by him or her or by an officer authorized by him or her in that behalf acting in accordance with his/her general or special instructions. The summary of the case contains such particulars as are necessary to give the accused person reasonable information as to the nature of the offence with which he or she is charged.

3.9 Probation: The probation service consists of public officers who perform such duties as may be imposed upon them under the Probation Act. Every court has jurisdiction to use the Act where a person has been convicted of an offence the sentence of which is not fixed by law. In practice therefore, there are very few cases, which a court may try that could not result in a probation order if an order is appropriate. However, a court must exercise a sensible discretion in deciding whether a case is suitable for probation or not. The law requires the court to take into an account all the circumstances, including the nature of the offence and the character of the offender before an order is made. It is essential that due inquiries be made from available sources. This will usually mean asking

the local probation officer for a report. A probation officer is there to help the court and offenders brought before it.

The Family and Children Court requires a written welfare report in respect of a child before making a supervision order or a case order. It's the duty of the probation officer and social welfare officer to prepare the report. The court takes the information contained in the report into account in as far as it is relevant to the order being made. If the court is not satisfied with any recommendation made by the probation and social welfare officer in the report, it states and records its reasons for not complying with the recommendation. The court ensures that the contents of the report are made known to the child and that a copy of it is provided for the child or the child's legal representative. In all other cases, the court requests an oral report.

3.10 Mediators: Mediators are carefully selected advocates, trained individuals, retired judges and experts in various professional and business fields. Ideally, a mediator should be a person with training in negotiation and mediation skills that is highly respected and experienced in settling disputes. In practice, mediation is conducted by a person qualified and certified by CADER as a mediator and selected by the parties from the roster of mediators established and maintained by CADER, or a person assigned by CADER from the roster established and maintained by CADER. The parties from a list provided by CADER usually select the mediator.

3.11 Court Bailiffs: A Court Bailiff is a person charged with the duty of executing Court orders. Before one can carry out duties of a Court Bailiff, they are required to obtain a License from the Chief Registrar or the Deputy Chief Registrar or the District Registrar. These are the persons charged with the duty of licensing Court Bailiffs. Before the Chief Registrar grants a license to a person to carry out the duties of a Court Bailiff, he or she is required to first satisfy themselves that the Applicant meets the criteria that is: He/She must be of good repute with a firm financial standing; They must be in possession of adequate facilities for the safe storage of goods; They should not be the subject of any bankruptcy proceedings or be an undischarged bankrupt; and Should not have any criminal record.

In order for the Chief Registrar to satisfy himself/herself of the above, the applicant is required to furnish the Chief Registrar recommendations from three referees and reports concerning the Applicant from the Chief Administrative officer, District Police Commander, Chairman Local Council in the area where the Applicant is to carry on business, Bank Manager of the bank where the Applicant has an Account. The Registrar is required to verify the information submitted by the Applicant and also carry out an inspection of the facilities the applicant has for storage. Once the Chief Registrar is satisfied with all the above conditions, he issues a license, which remains valid until 31st December every year.

A Court Bailiff issued with a license is required to renew the same every year by making a fresh application to the Chief Registrar. The Chief Registrar may either issue a general license, which authorizes the Bailiffs to conduct business in any part of Uganda or a Local License, which restricts the area of operation to the place named in the license. The Bailiff is required to pay license fees, which is Ug. Shs 45.000 (forty five thousand) for the general license and Ug. Shs 25.000 (twenty five thousand) for the local license. In addition to the license, the Court Bailiffs are also issued with an appointment letter from the Chief Registrar. It should be noted that a Court Bailiff might carry out duties of an Auctioneer without an Auctioneer's license.

3.12 Auctioneers: An Auctioneer or a person who carries out business of an Auctioneer is defined as one who inter alia sells or offers for sale any movable or immovable property at any sale or auction. Before one can carry on the business of an Auctioneer, they are required to obtain a license from the appointing Authority. Where the application is made in City; Municipality or Town Council, the

Council or the Board of that entity is the licensing authority. Where the application is made outside a City; Municipality or Town Council, then the Chief Administrative Officer is the person who grants the license. The appointing authority may either grant a general license which authorizes the Auctioneer to carry on the business anywhere in Uganda, or a local license which authorizes the auctioneer to conduct business only in the place named in the license. However, there is a prohibition of Auctioneers conducting business in Entebbe, Kampala or Jinja unless they hold a general license. The licenses issued are either annual licenses, which expire every 31st of December, or half yearly ones, which expire on the 30th of June each year.

3.13 The Public Defender Scheme: The Constitution provides that all persons charged with serious offences should be able to be defended by an advocate at the expense of the State if they cannot afford one. The Poor Persons' Defence Act of 1998 embodies this obligation on the part of the State when it provides that: Where it appears for any reason that it is desirable, in the interests of justice, that a prisoner should have legal aid in the preparation and conduct of his/her defence at his or her trial and that the means of the prisoner are insufficient to enable him or her to obtain such aid; a certifying officer may certify that the prisoner ought to have the legal aid.

The non-state legal aid providers include the following: The Legal Aid Project (LAP) that is run by the Uganda Law Society is limited in scope, mainly due to its lack of resources. Where its services are given; they are focused on civil litigation; The Federation of Women Lawyers (FIDA) offers legal aid services, but also lacks resources and is more inclined to litigation that involves children's and women's issues. So it is more engaged in civil rather than criminal litigation; The Foundation for Human Rights Initiative (FHRI) has legal aid services, but it plays a largely educative role in the field of human rights, and hardly engages in criminal defence work; and The Legal Aid Clinic (LAC) of the Law Development Centre mainly offers legal aid to juveniles and petty offenders, and it hardly engages in the defence of capital offenders.

3.14 The Public Defender Association of Uganda: The Public Defender Association of Uganda (PDJ\U) was an initiative started in 1997, as an NGO, to address the issues relating to legal aid provision to indigent persons. It has been directly involved in all the efforts to develop a Uganda Public Defender Scheme (UPDS). In fact, the PDAU plans to transform itself into a fully-fledged scheme supported by government and other interested agencies. It is envisaged that the UPDS will then be given the responsibility of administering all state brief matters, right from the inception stage to the disbursement of monies to the advocates. This will be in addition to the support for deserving cases that the scheme identifies in the prisons. The intention is to lobby the government for a separate budgetary allocation for state-briefs. It is anticipated that this will encourage more advocates to take up the cases of indigent offenders.

There is an emphasis on the continued involvement of the Uganda Law Society in the activities of the UPDS. This is in recognition of the fact that the Society is one of the most important stakeholders in the scheme and it provides a vital pool of human resources. It is also envisaged that UPDS will liaise with all other organizations with an interest and experience in legal aid. And there will be an attempt to create a unified response to tackling all the problems related to the provision of such aid. For the Judiciary, the intention is to collaborate with the legal aid providers, especially in those areas where the Chain-Linked Initiative is operational and to fully support the objective of transforming PDAU into an appropriately constituted and adequately resourced Public Defender Scheme.

CHAPTER FOUR

MANAGEMENT AND ADMINISTRATION

4.1 Introduction: A heightened awareness of the managerial expertise to direct the complex operations of courts; the inability of many courts to keep pace with swelling case loads; and increasing public concern about the performance of the judicial system, have all contributed to the court management explosion. Key to the performance of the Judiciary is the efficiency with which it is managed. Managerial efficiency depends upon appropriate organization structure, sufficient qualified and motivated human resources, effective systems and procedures, and adequate infrastructure and equipment. The courts of this country need management, which busy and over worked judges, with drastically increased caseloads, cannot give. We need a corps of trained administrators or managers to manage and direct the machinery so that judges can concentrate on their primary duty of judging.

4.2 Judiciary Management Structures: The Chief Justice is responsible for the administration and supervision of all courts in Uganda, including those that do not administratively fall within the Judiciary. The Deputy Chief Justice is the head of the Court of Appeal/Constitutional Court. The Principal Judge manages the High Court, including the decentralized up-country High Court stations, and is further responsible for the Magistrates Courts. The High Court is divided into five Divisions, including the Civil, Criminal, Commercial, Land and Family each headed by a High Court Judge. All of these managers also adjudicate cases within their respective jurisdictions, in addition to fulfilling their management and policy-making responsibilities.

The Chief Registrar, who is at the level of Permanent Secretary, and is assisted by a management team of Registrars, carries out management of the Judiciary on a day-to-day basis. Registrars are ordinarily drawn from the cadres of Magistrates in the lower Judiciary. They include Registrars of the Supreme Court, Court of Appeal, the High Court, Research and Training, the Inspector of Courts, Registrar Planning and Development, and Deputy and Assistant Registrars. Most of these managers are responsible for adjudicating cases within their respective jurisdictions, and as of 31/12/2002, their powers and jurisdiction was increased. Some managerial functions are delegated to committees composed of members of the Judiciary management. There are parallel centres of authority at the level of Secretary, with the Chief Registrar heading the technical branch consisting of judicial activities of the organization, and the Secretary heading the Administration and Finance branch. Thus there is in effect a split between management of judicial staff and administrative staff, even though both sets of staff work on many of the same activities on a day-to-day basis.

Most Justices of the Supreme Court and Court of Appeals, and Judges of the High Court, do not have or are not required to exercise management responsibility. Some judges exercise substantial influence in certain areas by virtue of their appointment to establish or adhoc committees, such as the Judicial Training Committee, the Judicial Integrity Committee, and the IT Implementation Subcommittee, among others. Some Judges are appointed to become Chairs of Commissions of Inquiry or other Commissions or Committees that are external to the Judiciary. Resident High Court Judges in up-country court stations may but are not required to supervise subordinate courts within their jurisdictions. Deputy Registrars in up-country Court stations are generally in charge of the management of the Resident High Court stations. Chief Magistrates are both the judicial and administrative managers of their court stations (except where Deputy Registrars are posted); including the subordinate courts within their chief magisterial areas.

4.2.1 Registry for Planning and Development: Following the formulation of the strategic plan, it was recommended that the Registry of Planning and Development- headed by a Registrar and assisted by qualified planning and development officers be established to coordinate and strengthen the planning and development function in the Judiciary.

The purpose of the registry is to strengthen the role and functions of the planning and development committee. It is responsible for co-ordination of preparation of the Judiciary's Strategic/Management Plan and Budget, as well as tracking, monitoring and evaluating implementation of the strategic plan. The registry is also responsible for reviewing the implementation and progress of the plan against agreed targets by ensuring that any variances against the planned activities are reviewed and that a contingency plan is prepared to ensure the achievement of the overall strategic plan.

The specific duties and responsibilities include the following:

- Developing and installing effective management systems for gathering data, monitoring, analysis, classification and evaluation of essential information from each Judicial Department and Court Station.
- Co-ordinating the preparation of “functional strategic management plans” by ensuring that each function within the judiciary prepares a programme of activities, plan of action and budget estimates outlining key activities to be undertaken during the planned period.
- Co-ordinating the preparation of the “Grand Strategic Management plan” by ensuring that functional strategic plans are fully integrated and in line with the Judiciary's mission, vision, core values and long-term goals.
- Establishing and developing a multidisciplinary team of senior officers drawn from both the headquarters and the field in order to prepare and implement integrated management plans for the Courts of Judicature.
- Developing strategies for involving stakeholders in the formulation and implementation of the strategic management plan.
- Reviewing constraints and threats facing the Courts of Judicature and identifying areas of priority in order to devise appropriate strategies aimed at strengthening the Judiciary to deliver high quality services.
- Developing appropriate policies and strategies in collaboration with other Judiciary organizations in the commonwealth as well as other countries in order to establish a strong network for information and resource sharing.
- Developing strategies for tracking and monitoring the progress of the “Strategic Management Plans” by reviewing variances against planned targets and developing action plans to overcome any shortcomings.
- Developing strategies for monitoring the performance of Judicial and support staff against set targets and objectives and taking corrective measures wherever performance improvement is needed.

- Participating in the assessment of training needs, developing training guidelines, and implementing appropriate training programmes.
- Facilitating regular developmental meetings to review progress, examine performance problems, identify alternative solutions and set new targets.
- Developing and installing a focused organizational culture based on performance measurement, accountability, transparency and goal achievement to ensure the Judiciary is run on sound management principles and practices.
- Providing effective leadership to judicial and support staff, to drive the implementation of approved policies and plans so as to achieve high standards of performance including continuous improvement through efficient processes and effective use of resources.
- Developing appropriate network and strategic partnerships with stakeholders, particularly other organs and structures of government to ensure the implementation of effective programmes that enhance the effective delivery of judicial services.
- Representing the Judiciary in local and international meetings, conferences and workshops and other forum to articulate issues related to the proper administration of justice in Uganda.
- Preparing monthly returns showing variances against the planned strategic management plan as well as annual reports showing achievement of planned activities against the Strategic management plan.

4.2.2 Strengthening the Judiciary Project: Since 1995, Danish International Development Agency (DANIDA) has actively supported the Ugandan Judiciary to independently develop its capacity to fulfill the constitutional mandate of administering Justice and promotion of the rule of law in the social economic development of Uganda. These initiatives are geared towards improving the effectiveness and efficiency of the Judiciary and thereby contributing to the improvement of the management and administration of justice process in Uganda's Justice System. These developments are implemented in accordance with the developments in the Justice, Law and Order Sector (J/LOS). The strengthening of the Judiciary Project (SJP) started in September 1995 when the Government of Denmark (GoD) and the Government of Uganda (GoU) signed a government-to-government agreement. The development objective of the SJP is *to enable the judiciary to independently develop its capacity to fulfill its constitutional mandate as regards the promotion of the rule of law in the social-economic development of Uganda.*

The SJP has been implemented in phases. During Phase I the emphasis of rehabilitation activities was at the level of the High Court that is, primarily at expanding or building up-country premises so as to accommodate the deconcentration of the High Court from Kampala to up-country Resident High Court stations. The emphasis shifted during Phase II in accordance with the professionalisation of the Bench Initiative so as to construct more courts at district level, with the intervention of creating and improving workspace for the planned increase in Grade I Magistrate. Construction and rehabilitation activities are not planned in isolation but rather within the context of the reform programme of the Judiciary. In that regard, court design placement and construction priorities are set according to criteria such as demand for court services, population density, and distance from the nearest court house, crime rate and other priorities.

While the first phase had three components; Rehabilitation and Maintenance of Court Building; Rationalization of Court stations through streamlined court procedures; Training and human resource development, the second phase had the added component of Support to the administration of Justice. The latter phase was intended to identify and resolve bottlenecks in the administration of justice and to support the administration generally, including promotion of communication, cooperation and coordination between the Justice Law and Order Sector (JLOS) institutions. Phase III is to consolidate Phases I and II with emphasis on strengthening the planning and development functions of the Judiciary. According to overall Danish Development Policy it was decided that a third phase should take a sector wide approach and depart from project mode approach. The Third phase is therefore intended to establish a framework where support is to be channeled to the broad sector as well as to the Judiciary managed by Danida Human Rights and Democratization Programme under the Access to justice programme.

4.2.3 The Sector Wide Approach (SWAP) and Justice Law and Order Sector (JLOS)

J/LOS is a Sector Wide Approach that focuses on a wide approach to improving the administration of justice by bringing together institutions with interrelated challenges in the focus area. The J/LOS strategic objective is to *achieve the constitutional ideal through effective and efficient administration of justice and improved maintenance of law and order*. This strategic objective supported through the Sector Wide Approach to planning, budgeting and capacity building for institutions in the sector is a shift of focus from institutional interests to Sector Wide interests with the controlling shift in resources that such decision making implies.

The Judiciary is part of a system of institutions, which depend on each other to achieve an overall result. If one institution in the chain is weak this will have an immediate impact on other institutions. For example, without a thorough investigation by the Police, the State Prosecutor cannot present the case. Without the timely presence of State Prosecutors and the Accused (e.g. Prisoners) in court, adjournments will result. Realizing this, the Government of Uganda (GoU) and Donors have supported the development of the Sector Wide Approach (SWAP) to the Justice, Law and Order Sector (J/LOS) since 1999. The J/LOS institutions jointly plan and budget in an effort to rationalize and maximize investment activities. It is a basic principle in the SWAP that communication, cooperation and coordination between the J/LOS institutions can add value to the activities even in cases where no or minimal extra resources are provided. The SJP was fundamental during the early stages of this process by supporting and/or piloting sector-wide initiatives that have been rolled out and transferred to J/LOS. Ten institutions participate in the SWAP, including: The Ministry of Justice and Constitutional Affairs; Ministry of Internal Affairs; The Judiciary; Uganda Prisons Service; Uganda Police Force; Directorate of Public Prosecutions; The Judicial Service Commission; The Uganda Law Reform Commission; Ministry of Local-Government Local Council Courts; and Ministry of Gender, Labour and Social Development-Probation Services.

Beneficiary institutions are responsible for implementation and for reporting on investment efforts and they prioritize activities in the Strategic Investment Plan through participation of the J/LOS management structures. Individual institutions are responsible for identifying the needs and presenting justifications for funding. Past achievement is a criterion of justification for further support. It is becoming increasingly important that the Judiciary manages development and core activities effectively, in order to best participate in the planning and budgeting process. This is in part because the Government of Uganda has the stated policy that all donors should channel funding through the J/LOS and move away from bilateral project support.

The Chief Registrar of the Judiciary is the Project Director of the SJP, and a Registrar is assigned as his Assistant Project Director to manage the day-to-day affairs of the Project. A long-term expatriate Project Advisor employed by Danida provides management and other support to the Project Director

and Assistant Project Director. The Components of the Project are managed by Judiciary staff at the level of Registrars, who undertake management of Project-funded activities as part of their day-to-day Judiciary responsibilities. A small Secretariat supports Project activities, based in the Judiciary as part of its counterpart contribution. SJP's finance and procurement are managed according to the Danida Decentralized guidelines, on a bilateral basis.

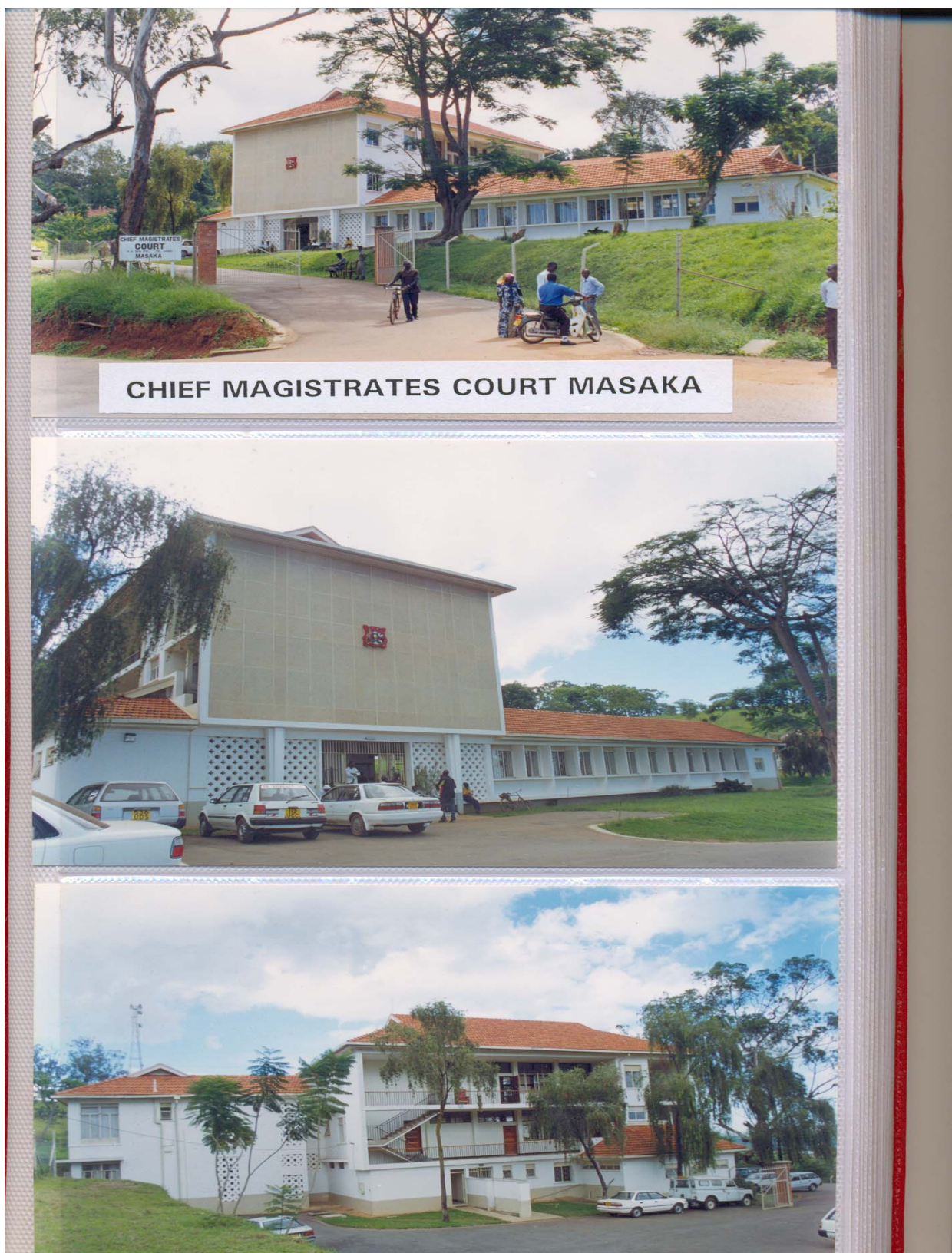
4.2.4 Efforts to Restructure and Change Management: The Judiciary has so far been subjected to various restructuring exercises mainly under the Civil Service Reform programme during the period 1992 to 1995 (before the promulgation of 1995 Constitution) and later as a result of the enactment of the Local Government Act 1997. Before the promulgation of the new Constitution of 1995, the Judiciary was restructured based on the Local Governments Statute, which was aimed at decentralizing the Public Service operations to the District level. At that time the mandate of the Judiciary was *to serve as the adjudicating authority in Uganda and to administer justice through courts of Law*.

After the promulgation of the 1995 Constitution and the enactment of the Local Government Act 1997, there was a need to restructure the Judiciary to take these into account. Consequently, the mandate of the Judiciary changed to read as follows: *The courts shall endeavor to educate the people with a view to establishing a spirit of voluntary and conscious observance of the law and referring disputes to courts for adjudication*. This new mandate changed the role of the Judiciary from that of merely adjudicating cases to that of delivering adjudication and administering justice to the population. A mission statement was formulated to be in conformity with the mandate, which reads: *To develop and administer an efficient and effective judicial system, accessible to all people in Uganda, respectful of their traditions, mindful of their aspirations, serving them without bias or discrimination, fear or favour*.

The 1997-1998 Post Constitution Restructuring report addressed the issue of decentralization of judicial services and created five positions of resident High Court Judges and five positions of Deputy Registrars in five regions namely: Western, South, South-Eastern, Eastern and Northern. Today the regions under the Resident High Court Judges have increased from 5 to 7 regions. The new regions are: Resident High Court -Central, Resident High Court-South East, Resident High Court - Eastern, Resident High Court - Western, Resident High Court - South, Resident High Court - South Western and Resident High Court - North. More High Court circuits have been created to make twelve circuits from the previous seven. They include the following: Central High Court Circuit Nakawa; Western High Court circuit Mbarara; South Western High Court circuit Fort Portal; Eastern High Court Circuit Jinja; High Court Circuit Gulu; Kampala High Court Circuit Kampala; Masindi High Court Circuit Masindi; Kabale High Court Circuit Kabale; Mbale High Court Circuit Mbale; Masaka High Court Circuit Masaka; Arua High Court Circuit Arua and Soroti High Court Circuit Soroti. This development is intended to improve quality justice delivery to all areas of Uganda in that there is now hardly any part of the country, which is more than 150 Kilometers from a High Court Circuit. The 1997-1998 post-constitutional restructuring report also recommended professionalization of the lower bench by abolition of magistrates grade II. It was intended at the establishment of the circuits that each circuits would have two resident Judges. To reflect that this was what was intended to be, all the High Court Buildings in the Circuits have provisions to seat two resident Judges. The High Court in Gulu has provision for three Judges.

On the whole the High Court Circuits have well managed Civil and Criminal Registries. According to the establishment, the Circuits should have a Deputy or Assistant Registrar. Many do but some Circuits still have Chief Magistrate's of the area doubling as Deputy/Registrars.

4.2.5 Establishment of Court Divisions:



Number of Divisions includes the following: Commercial; Civil; Criminal; Family and Land Divisions. The work and operations of the High Court is concentrated in the Division as the basic administrative and professional unit of the High Court. The Divisions are specialized units, with clearly demarcated jurisdiction over the nature and kinds of cases handled in each Division. Each Division has a substantial measure of autonomy in the sense that each has its own independent registry headed by its own Registrars and assisted by its own specially designated support staff. Division heads and Deputy Division Heads exercise in their respective Divisions, a good measure of the administrative powers and responsibilities, which have hitherto been restricted exclusively to the Principal Judge. Each Registry has its own working space, filing and individualized case numbering systems. In association with the Judiciary's overall Training Institute, each Division lays emphasis on the specialized training of its own personnel, in order to effectively take Charge of that Division's particular jurisdiction. The Divisions are to evolve overtime into fully-fledged specialized units, with clearly demarcated jurisdiction concerning the nature and kinds of cases handled in each division.

However, currently the concept of Divisions only operates at the High Court Headquarters in Kampala but not in upcountry High Court stations. In that regard, the Hon the Chief Justice is of the view that a Division Head should be in charge of the whole country in regard to work of that Division. This is to include the power to transfer cases administratively from upcountry stations to Kampala for disposal, in addition to powers of monitoring case returns from upcountry circuits. The Resident Judges are to be responsible to the Division Heads as far as work of a particular Division is concerned. This is expected to give the Division Heads the necessary clout and motivation to report to the Principal Judge about work in their respective Divisions. Accordingly, a Division Head is expected to be senior to all Resident Judges in order to avoid problems of protocol.

The Family Division is a new Division having been created in April 2005. The Division handles Administration causes, Family causes, (Adoption, Guardianship, Affiliation/maintenance), miscellaneous causes, miscellaneous applications, civil suits, civil appeals, originating summons, civil revisions and Divorce causes.

Land Division: The Land Division is a new Division created at the High Court Head office at Kampala. The Division is charged with the responsibility of supervising the work of Land Tribunals. The adjudication of all land related dispute fall under this Division. The land Division is established with three judges. A separate registry for the Division has been established. There is a Registrar for the Land Division who doubles as the Registrar of the Land Tribunals. A desk office has been established under the office of the Registrar to handle the activities of the District Land Tribunals.

The Division has jurisdiction to entertain all actions arising out of or connected with any land transaction, including but not limited to: Sale, purchase and transfer of real property; Leasing and rental of real property; Hypothecation and securitization of land, other than as a mortgage involving a bank loan or credit facility; Destruction or degradation of land; Compensation paid for the compulsory acquisition of land; Minerals and mineral rights and Environmental disputes or causes.

Civil Division: The functions of the Division include, hearing appeal cases from the Magistrates' courts in connection with torts committed against the person, defamation, bankruptcy and company winding up matters, partnership matters, companies matters, real and personal property.

Commercial Division: The Commercial Court was established in 1996 as a division of the High Court of Uganda devoted to hearing and determining commercial disputes with current jurisdiction (as established under Legal Notice No.4 of 1996 and Instruction Circular No.1 of 1996), plus company causes, bankruptcies, and intellectual property. The mission of the court is to deliver *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

The day to day management of the court is in the hands of the head of the court, assisted in this regard by a management committee composed of all the Judges of the court and the registrars, two working groups on Practices, and Procedures of the court and Information Technology and Training, and the Registrar of the Court. The Management Committee meets bi-monthly or as necessary. There is a commercial court users committee that meets quarterly and provides a forum for the court to engage in a dialogue with the users with a view to meeting their concerns and improving the delivery of services to the commercial community.



Criminal Division: responsible for hearing all serious criminal offences referred to it by the Magistrates' Courts. All criminal offences such as murder manslaughter, rape, defilement, treason and other offences carrying death sentence or life imprisonment. According to the Principal Judge's Circular, except for Commercial Court Judges who must attend to only Commercial Court cases, the rest of the Judges of the High Court who are based in Kampala are members of the Criminal Division irrespective of the other Divisions of the High Court that they belong to. Each of the above judges is supposed to do, at least, one High Court Criminal Session in a year at Kampala.

Alternative Dispute Resolution (ADR): Mediation is a method of dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution. It is a process by which parties submit their dispute to a neutral third party (the mediator) who works with them to reach a settlement of their dispute. When the parties reach an agreement resolving some or all of the issues in dispute, they reduce the terms to writing and put them in the form of a consent judgment, which is signed by the parties and filed in the Court, to be enforced like any other judgment of the Court. All information arising out of or in connection with the Mediation process is not admissible as evidence or disclosable in any current or subsequent litigation or other proceedings. Neither the Mediator nor his/her staff may be called as a witness in any litigation or other proceedings touching the same subject matter. The details of the Settlement Agreement are confidential and may not be disclosed to third parties or a Court Order. If there is no agreement, the mediator writes a report and refers the matter back to the Court to be assigned to, and heard by, a Judge.

All High Court Divisions and Circuits of the High Court have been implored to explore the use of alternative dispute resolution (ADR). Although the rules provide for the application of ADR in Magistrates' Courts, many Magistrates do not apply it. ADR has been applied extremely successfully in the Commercial Court for over 7 years now. It has been found to be an excellent and reliable tool for quick resolution of disputes. ADR has increased case disposal rates overall. It has drastically reduced litigation expenses, for both the litigants and the lawyers. It has tremendously increased the per capita volume of cases handled by the advocates. It has increased the litigants' level of satisfaction with the end results of their disputes. It is in light of these achievements that the High Court decided to roll out the Commercial Court reforms, and innovations, and initiatives into all the other Divisions and Circuits of the High Court. All High Court Divisions and Circuits of the High Court have been implored to explore the use of ADR. The Judiciary is to pursue the aggressive use of ADR first, in all the Divisions and up-country Circuits of the High Court, and, later, in all the Magistrates Courts across the country.

4.2.6 Results Oriented Management (ROM): The Government introduced Results Oriented Management as a way of improving efficiency and productivity within the Civil Service spearheaded by the Ministry of Public Service. It was tried on pilot project basis in selected Ministries and departments including the Judiciary. In ROM, a ministry or department is required to define its overall objectives based on well-defined mission statement, sets its targets to be achieved within a specified period. Targets should be realistic and quantifiable. The departments/divisions in addition, define their objectives and set targets and outputs to be achieved within a given period. The staff of the division/section should agree on the targets and expected outputs for each division/section so that they own it and get committed to the achievement of the targets set. After targets are set, work plans are prepared indicating the activity to be undertaken, timeframe, resources required and expected output. The Heads of departments must approve the work plan. In order for the ROM to be a success, there must be a monitoring and evaluation mechanism in place. The monitoring and evaluation mechanism may be the use of monthly or quarterly reports prepared by the divisional head or unit head indicating what has been achieved against set targets.

4.2.7 Performance Management: The performance management system is intended to link employee activities, with organizational goals. Performance management information is used to assess training needs and also to make decisions regarding training and career development. There is a Performance Management Committee chaired by the Registrar Research & Training and consisting of two Research & Training Officers as well as the Principal Personnel Officer. The Committee is responsible for coordinating and implementing the Performance Management System. Each employee's performance is evaluated at least once every year. However, new employees have their performance evaluated before the end of the probationary period and before confirmation of their employment contract.

The system consists of the following stages; the first stage requires the formulation of performance agreements or contracts, which define expectations and the competencies required for attaining the results. This entails defining the critical performance factors, which form the basis for measurement. Performance ratings lay more emphasis on the developmental rather than the punitive aspects of employee performance.

The second stage involves the concept of continuous performance management process, which is carried out through reference to agreed objectives and improvement plans. In this regard, Team Leaders institute both informal and formal team meetings. During these meetings effort is made to deal with performance problems and to ensure that agreement is reached on the action and time frame required for improving performance.

The third stage requires proper documentation of the performance management process. Performance management instruments are used as working instruments. Team Leaders and members complete the performance management instrument jointly as reference documents setting out future objectives and plans. A record of performance achievements is also maintained setting out an action plan to improve performance or to develop job related competencies.

The fourth stage involves feeding back the performance information to employees so that they can correct identified performance deficiencies. The Judiciary emphasizes the 360 degree or multi-rater performance assessment comprising of immediate supervisors, working colleagues, subordinates. Feedback information is solicited from court users through networks and special fora. The 360 degree feedback is a means of establishing how successful individuals and teams are doing to achieve results. The emphasis is placed on competencies and the feedback is directed at describing behaviour rather than judging and apportioning blame.

The fifth and final stage requires the development of an "Individual Improvement Plan" (IIP), which is intended to improve employees' current job performance and also to build their capacity to take on wider responsibilities. The "Individual Improvement Plan" is therefore a device for instilling a culture of continuous learning, which is necessary for improving organizational effectiveness.

4.2.8 The Judiciary Strategic Plan 2002/2003 - 2006/07: The Judiciary has developed a medium-term strategic plan, which outlines an ambitious reform program designed to enable the Judiciary fulfill its mission. Many of the activities in the strategic plan are derived directly from the J/LOS programme. The overall **goal** of the Judiciary Strategic Plan is *Access to justice for people in Uganda improved*. While the **purpose** of the Strategic Plan is: *Performance of the Ugandan Judiciary in fulfilling its constitutional mandate as part of the Justice, Law and Order Sector in administering justice is improved*.

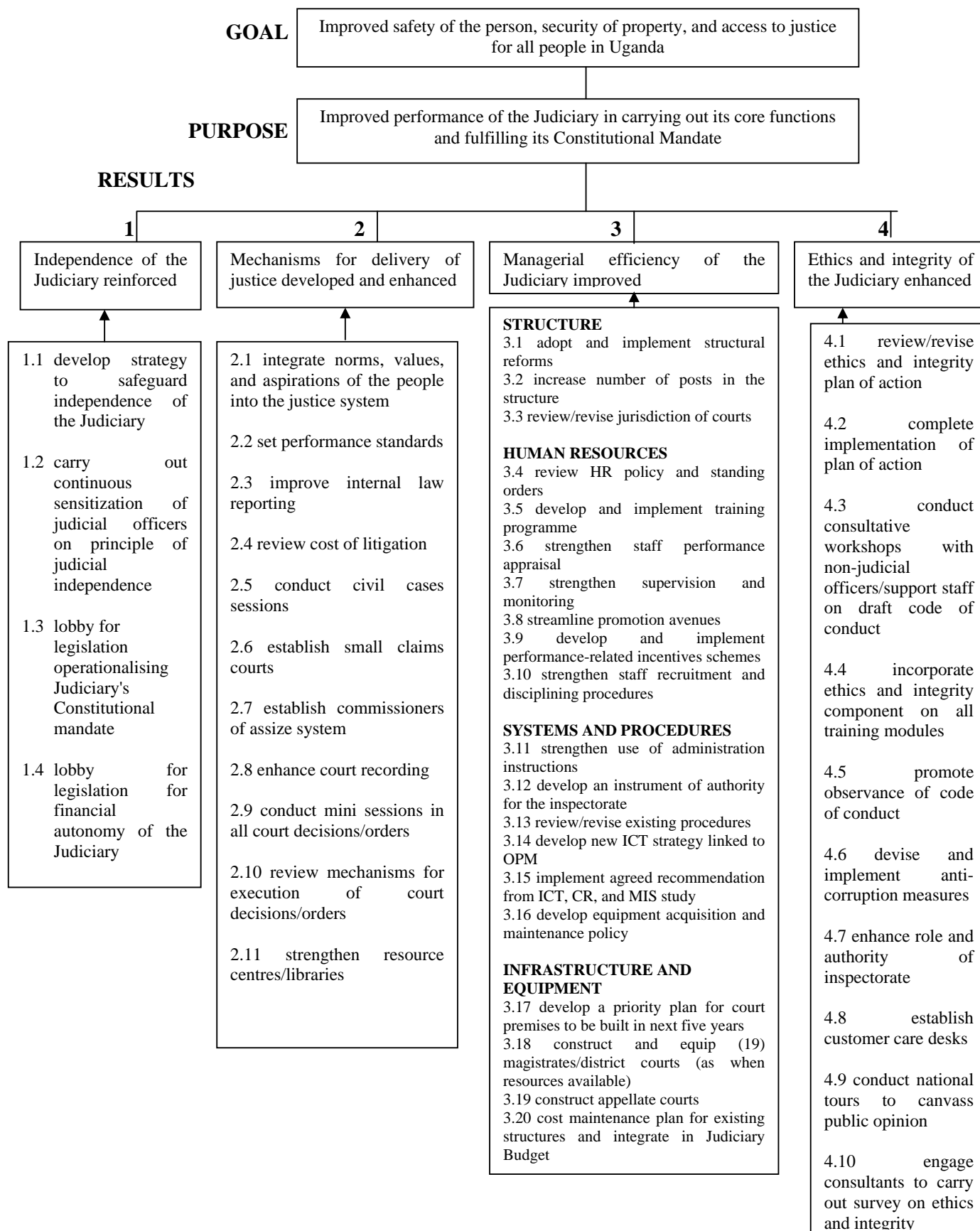
The Judiciary Strategic Plan lists five areas for action. They include to: reform the composition, structure; and procedures of the judicial system; improve the efficiency; effectiveness, and transparency of case administration; enhance and improve the effectiveness of judicial officers and other judicial staff, maintain, improve and increase the infrastructure and equipment of the courts; and support the reform of legislation affecting the administration of justice.

Some activities within the result areas are one-off efforts that require initial change in mobilizing the Judiciary and other stakeholders to support and implement change. However, many of the activities are not one-off efforts, and envisage changes in behaviour and practice, including management practice, that will require ongoing monitoring and supervision. With regard to building more appropriate structures for the Judiciary, the following activities are planned to be undertaken during the Strategic Plan period, 2002/3 to 2007/8:

- Increase of civil jurisdiction of Chief Magistrates' Courts to Ush.150,000,000
- Increase of criminal jurisdiction of Chief Magistrates' to include cases of defilement and rape and the powers to grant bail.
- Increase of civil jurisdiction of Grade I Magistrates' Courts to Ush.50,000,000
- Increase of civil jurisdiction of Local Council Courts to Ush.500,000 as recommended in the Local Council Courts (Amendments Bill 2001).
- Increase in number of High Court circuits from 7 to 18.
- Increase in number of Judges by 11 for new circuits.
- Increase in number of Chief Magistrates from 29 to 59.
- Increase in number of Grade 1 Magistrates to over 150.

- The function of handling of all interlocutory matters, miscellaneous applications and grants assigned to Registrars.
- Establishment of procedures and development of guidelines for a system of supervision of LC III Courts by Grade I Magistrates.
- Review of the Judiciary's establishment, including the appointment of more Chief Magistrates and recruitment of newly established posts.
- Gradual phasing out of Grade II Magistrates' Courts and the placing of their jurisdiction in the hands of Local Council Courts.
- A review of funding of different courts so that allocations more rationally and fairly reflects the financial requirements arising from workload as per jurisdiction and caseload per judicial officer.
- Review of the role of the Court of Appeal.

4.2.9 Judiciary Development Programme 2006/7 - 2010/11



4.3 Administration of Justice: The way judicial power is exercised in Uganda is defined in the 1995 Constitution. The first consideration is a democratic one: Judicial power is derived from the people and shall be exercised by the courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people. The Constitution further identifies the five key principles on how courts should adjudicate cases, both civil and criminal and they include the following: Justice will be done to all, irrespective of their social or economic status; Justice is not delayed; Adequate compensation is awarded to victims of wrongs; Reconciliation between parties is promoted; and Substantive justice is administered without undue regard to technicalities; Reinforcing the democratic principle, the Constitution states that Parliament will enact legislation providing for the participation of the people in the administration of justice by the courts.

Independence of the Judiciary: Another crucial provision relates to the independence of the judiciary. It provides that in the exercise of judicial power, the courts are independent and are not subject to the control or direction of any person or authority. There are a number of clauses that define how such independence should be ensured namely: No person or authority interferes with the courts or their judicial officers in the exercise of their judicial functions; All organs or agencies of the State afford whatever assistance is required for ensuring the effectiveness of the courts; Any person with judicial power is not liable to any action or suit for any act or omission in the exercise of that power; All administrative expenses of the Judiciary are charged to the Consolidated Fund; The Judiciary is self-accounting and deals directly with the Ministry of Finance; The salary, allowances and other benefits of a judicial officer are not varied to his or her disadvantage; and The office of the Chief Justice, Deputy Chief Justice, Principal Judge, a Justice of the Supreme Court, a Justice of Appeal, or a Judge of the High Court should not be abolished when there is a substantive holder of that office.

The Judiciary's Assessment of Its Problems: In August 2001 the Judiciary presented a Memorandum to the Minister of Justice and Constitutional Affairs. It outlined a number of problem areas and issues of concern. Most of the matters were related to administrative considerations. The focus of the Memorandum was on the development and implementation of new models and new approaches for the improved administration of justice. In particular, it aimed at: Enhancing the interaction and collaboration between the Judiciary and other institutions in the legal sector; Identifying and addressing bottlenecks in the criminal and civil justice system; and, Elaborating and interpreting the role of the Judiciary in the administration of the justice process. The Memorandum was an important milestone on the way to the formulation of the Strategic Plan. It was also a most useful outline of the many studies and projects that the Judiciary had implemented since 1995 in order to improve its efficiency and effectiveness.

4.3.1 A Lay/Professional Divide: It is the policy of the Judiciary to professionalize the Bench by recruiting and training legally qualified magistrates to replace the lay, Grade II Magistrates. Grade II Magistrates are to be phased out gradually and new posts for Grade I Magistrates to be established and filled with the new officers. To this end, studies were commissioned during 2001 relating to the implications of such professionalisation - in terms of cooperation with the informal court system, increases in jurisdiction, redeployment of the Grade II Magistrates, and the consequent training needs. It is also the Judiciary's view that the professionalisation strategy should be linked to the ongoing reform and strengthening of the Local Council (LC) Courts.

The Constitution clearly supports the inclusion of a lay element in the administration of justice. The most significant mechanism for achieving this is the LC Courts that were formally introduced in Uganda by the Resistance Committees (Judicial Powers) Statute in 1987. These courts operate within the jurisdiction of the formal magistrates courts. They have an internal system of appeals and a special appellate procedure to the courts of Chief Magistrates. Their approach is to follow local laws and traditional conflict resolution mechanisms as understood and appreciated by the court users and the

communities in which they operate. The reforms currently being considered in the Local Council Courts Bill include an increase in the jurisdiction of the LC Courts, capacity building, and more efficient monitoring and supervision. The other lay courts are those administered by Grade II Magistrates. There are over 248 of them out of the 350 total number of judges and magistrates in the Judiciary. Their jurisdiction is limited and their career opportunities in the Judiciary are restricted. It is generally accepted that their effectiveness is less than optimal.

In order to minimize costs and to counteract any negative impact of retrenchment of lay magistrates, the Judiciary commissioned a screening exercise, through which Grade II Magistrates could be redeployed in the Judiciary administrative functions that require paralegal skills. Towards the end of 2001, an assessment centre was established in order to determine which Grade II Magistrates could take on alternative functions 'within the Judiciary and which should be retired. In the event of Grade II Magistrates being phased out, the recommendation of the report was that, of the 171 magistrates assessed, 141 should be redeployed in the redesigned position of Court Supervisor, a position requiring a Diploma in Law and Judicial Practice.

4.3.2 A Divided Judicial Service: Apart from the judges and magistrates appointed by the Judicial Service Commission, the responsibility for the administration of justice falls on a large number of administrative and support staff. These include court clerks, accountants, administrative assistants, records supervisors, interpreters, etc. These staff positions are currently accountable to the Ministry of Public Service, through the Public Service Commission. Thus, the control of the judicial and administrative functions within the Judiciary is divided between two separate Service Commissions. Currently the Judiciary operates a dual job grading and remuneration structure, one for the common cadre jobs falling under the PSC and the other for professional (Judicial Officers) covering Registers and Magistrates falling under the JSC.

The Commission of inquiry Act of 9 February 2001 regarding the Constitutional Review included within its terms of reference: *to consider and recommend measures intended to improve the access to and efficiency of the courts and, in particular the desirability of establishing-a unified judicial service in transferring administrative and support staff from the Public Service Commission to the Judicial Service Commission.* In order to address these concerns, a Human Resource Development exercise was carried out in the Judiciary during 2000 with the following aims: to review the types of support positions required in the Judiciary; to make recommendations with regard to the number of staff required within each category at the Magistrates' Courts, as well as at Headquarters; to make recommendations with regard to the minimum qualifications required for each category of support staff; to evaluate each job on the basis of its content and training needs - and to link the various jobs to a salary scale; and to prepare a total salary budget for the Judiciary. The Human Resource Development Reports outlined a new structure for the Judiciary and identified minimum qualifications for the various categories of staff. The Chairman of the Judicial Service Commission and the Judiciary Executive approved it in December 2000.

4.4 The Case Backlog Project: The Government of Uganda committed Ug. Shs. 1 billion in each of the three financial years, 2000 to 2003 to the four main criminal justice agencies (the Judiciary, the Police Force, the Directorate of Public Prosecutions, and the Prison Service) and the Ministry of Justice and Constitutional Affairs with the aim of tackling the backlog of criminal cases. The project has been assigned to the Poverty Action Fund - which means that financial allocations are assured. The 2000/2003 Work Plan for the Case Backlog Projects identified three main tasks for the Judiciary: Facilitation of case management through increased information sharing; Strengthened court inspection directed at problematic courts; and Strengthened research and training component of the Judiciary.

4.5 The Commercial Court Mediation Pilot Project: The Commercial Court Mediation Pilot Project is a collaborative initiative developed by the Commercial Court, the USAID-SPEED Project, the Bar/Bench Committee on Court Management and the Centre for Arbitration and Dispute Resolution (CADER). The Government of Uganda identified the backlog of cases in the Civil Courts and the unavailability of Alternative Dispute Resolution (ADR) systems as major impediments to the development of a friendly business environment and a hindrance to improved investor satisfaction. The Judiciary in 1988 recognized the important role the ADR could play in reducing the backlog in commercial cases and promoting effective case management. The Judiciary therefore amended the Civil Procedure Rules by including Order XB to provide for ADR as an important alternative to settling disputes. In September 2003, the Judiciary adopted rule changes to the Civil Procedure Rules that created the Commercial Court Mediation Pilot Project. This is a Project at the Commercial Court. The JSC has continued to use the *Public Service Commission Orders* to regulate the employment of judges and other judicial officers. The JSC has concentrated its work on appointments, promotions, disciplinary control and retirements by utilizing the Public Service Standing Orders to perform these tasks. In addition, the JSC relies on the Ministry of Public Service to determine job grading and remuneration structure as well as other terms and conditions of service for the Judiciary. Indeed the Ministry of Public Service has continued to perform this role, through the appointment of ad-hoc commissions to review salaries as well as other terms and conditions of service for the entire public service, which in practice has included the judicial service. However, there exists no provision in the Constitution that empowers the Ministry of Public Service or the PSC to make appointments, exercise disciplinary control and determine salaries and other terms of service on behalf of the JSC under which cases filed at the Commercial Court are systematically reviewed for referral to Mediation at no cost to the parties.

The Project forms an important part of the Case Backlog Clearance Strategy as many cases that would otherwise enter the backlog settle at an earlier stage. The Project provides hundreds of Court users with fast and equitable dispute resolution in a way that enables them to focus on developing their businesses and business relations rather than involving themselves in lengthy and acrimonious litigation with other members of the business community. The Project reduces Judges' caseloads and enables Judges to more expeditiously deal with those cases not suitable for ADR referral. It minimizes costs involved in protracted litigation such as legal fees for advocates and accumulated interest on claims. It is quick, informal, cheap and participatory. Lawyers may not be needed. The benefit of using CADER is that the parties are free to concentrate on negotiating a settlement to their disputes leaving most of the administrative aspects to CADER such as arranging hearing dates and venues and notifying the parties. Each party is required to include a statement in his/her pleadings, indicating whether he/she consents to or opposes referral of the matter to mediation. No opting out of the CCMPP is allowed except by order of a Judge. No filing or mediation fees are charged to parties to mediation under the CCMPP scheme. Except as otherwise agreed by the parties, each party bears his/her own costs and expenses of his/her participation in Mediation under the CCMPP. However, the life span of the project has come to an end.

4.6 The Chain Linked Initiative: The Danida-funded Chain Linked Initiative was conceived as a pilot programme in 1998. Its overall goal is to: *enhance the standard of criminal justice in the country*. Its specific objectives are to: *improve co-ordination, communication and cooperation among criminal justice agencies, including the Judiciary, the Police, the Director of Public Prosecutions, the Prisons Service, the Probation Service, and the Uganda Law Society*. The main concern of the Chain Linked Initiative is to address many of the issues identified below: Insufficient compliance with the standards implied in the Constitution; Slow reporting of criminal cases to the police by the public; Non-adherence to established investigation procedures; Slow investigation; Cumbersome file handling and transfer procedures; No summaries of evidence; and Frequent case adjournments.

The Chain-Linked Initiative was conceived in 1998 as a Pilot Initiative to focus on co-operation, co-ordination and communication between and among the Criminal Justice Agencies in Masaka Chief Magisterial Area, encompassing the administrative districts of Masaka, Kalangala, Sembabule and Rakai. Two administrative bodies were established to coordinate its activities: the Advisory Board, comprising all heads of Criminal Justice agencies and chaired by the Principal Judge; and the Case Management Committee, comprising representatives from all the agencies and chaired by the Resident Judge or Chief Magistrate.

The Advisory Board is responsible for policy decisions at the national level; and the Case Management Committee oversees the Implementation of the Project at the local level. It is an informal forum bringing together stakeholders in the Criminal Justice System. The stakeholders are supposed to work as a chain-connected to each other in areas of co-operation, co-ordination and communication for effectiveness and efficiency. In 2001, the chain-linked activities spread to Jinja, Mbale, Mbarara, Gulu, and Fort Portal Magisterial areas. Between 2001 and 2003, it extended to all Chief Magistrate Courts and in the year 2004, it was rolled out to all courts under Magistrates' Grade I. Chain-linked is therefore operational everywhere in Uganda.

The Stake Holders are the people, institutions or departments involved, concerned with and affected by the administration of criminal justice. They include but are not limited to the following: The Judiciary; The Ministry of Gender, Labour and Social Development; The Ministry of Justice and Constitutional Affairs; The Ministry of Local Government; The Police Department; The Prisons Department; The Directorate of Public Prosecutions; The Uganda Law society; The Inspectorate of Government; The Local Authorities; The NGO'S (Non Government Organizations); CBO'S (Community Based Organizations) and The members of the Public.

The success of the Chain Linked Initiative is dependent on the consistent collaboration among those Stakeholders responsible for planning, administration, financing and implementation of the activities. All Stakeholders at their different levels need to have maximum co-operation, coordination and communication. There are meetings held at different levels. The Advisory Board, which is the Policymaking body, meets every two months. The technical committee, which is the monitoring and evaluation body, meets monthly and the case Management Committees (CMC) which is the implementation body meets monthly.

The Advisory Board: It is the Policy making organ composed of high profile persons from key departments in the JLOS. It has the Hon. Principle Judge as the Chairperson. Others include Resident Judges from High Court Circuits, The Commissioner General of Prisons, and the Inspector General of police, the inspector General of Government or their representatives and the Registrar High Court.

The Technical Committee: It is the body which operationalises the Chain linked activities. It has the Deputy D.P.P as the Chairperson, and high-ranking officers from the Judiciary, Prisons department, Police Department, Ministry of Gender, Labour and Social Development and a member from the Law Society. It makes a work plan, approves budget estimates, monitors CMC'S activities and evaluates performance. It also receives progressive Reports and financial returns from the CMS's. The technical committee operates through the following Subcommittees:

Inspection Sub-Committee: This Sub-Committee inspects, and appraises the operations of the CMC's and makes Reports with recommendations, which are forwarded to the Advisory Board for guidance and or information.

Monitoring and Evaluation: The Sub-Committee examines the monthly reports from the CMC's and compiles salient issues for consideration by the technical Committee.

The Finances Sub-Committee: The Sub-Committee prepares the budget proposals to source for funding and prepares budget estimates for expenditure. It disburses funds to CMC's, monitors expenditure and evaluates financial performance to ensure that funds are spent in accordance to the financial guidelines pertaining to chain Linked.

Case Management Committees (CMCs): The Case Management Committees (CMC) is the implementing body. They are composed of Chief Magistrates and Magistrates Grade One in charge of stations as Chairpersons, and members from the Stake Holders at Regional and District levels.

4.6.1 Funding of Activities: The Government under the JLOS funds the Chain Linked activities. Funds are released in instalments in the course of the Financial Year. The Case Management Committees are paid shs. 500,000/= per month for meetings and other activities related thereto. The Case Management Committees are supposed to hold joint meetings at the chief Magistrates Court or any other venue twice a year to discuss pertinent issues from the various CMC's in the area. There is a vote of Shs. 2,000.000/= attached to this activity. Funds are released upon requisition and presentation of a programme, which must be adhered to.

The CMC's are expected to organize workshops in consultation with the Technical Committee to address pertinent issues relating to criminal justice in their districts. All CMC's are encouraged to come up with new ideas; initiatives of doing things that bring criminal justice services nearer to the people and demystify criminal Court procedures. The chief magistrates are allowed to requisition for Shs. 200,000/= twice a year for inspection of their respective areas and make a report to the Technical Committee on the progress of Chain Linked activities. The Technical Committee releases funds depending on the availability of funds as released from JLOS and upon receipt of proper accountability from the CMC's for funds previously disbursed.

4.6.2 Co-ordination of stakeholders: The Stakeholders co-ordinate through meetings at all levels. It is during these meetings that issues affecting the administration of criminal justice are discussed. For instance the Advisory Board came up with The Performance Standards and Guidelines for Criminal Justice Agencies in Uganda. The guidelines are supposed to guide the Stake Holders in the execution of their duties. The guidelines are discussed at meetings to see if the action people are complying. Every CMC elects a Secretary who co-ordinates monthly meetings. The Secretary coordinates inspection visits to the most involved Stakeholders. In areas where there is a Chief Magistrate, the Grade One Magistrate automatically becomes a Secretary. In Grade one Courts, a secretary is elected from the Stakeholders. The Secretary prepares accountability for all the funds received much as the chairperson is the overall accounting officer. The stakeholders are expected to inspect or visit the offices of the key Stakeholders like the Police Stations, the Prisons, the Courts, the children's remand homes etc. with a view of acquainting themselves with the problems affecting each other on the ground.

4.6.3 The Secretariat: The Technical Committee has the Secretariat, which is responsible for receiving all the reports progressive, monthly and financial from all the CMC's. The secretariat is the link between the CMC'S and the Technical Committee and Advisory Board. It is composed of the Executive Secretary who is a member of the Technical Committee, The Project Accountant and a Secretary. The chain Linked does not have independent offices. The contact lines for the current members of the secretariat are:

Executive Secretary	0782-476455
Secretary	0752-628890
Project	0772-408829

The current physical Address for the Executive Secretary is Chief Magistrates Court Mengo and the Project Accountant and Secretary are based at the High Court - Kampala.

4.6.4 Achievements: The Chain Linked Initiative has been very well received by all the involved agencies and the project is being implemented with a lot of enthusiasm. It has received a considerable amount of attention from other countries - and a number of donors are already referring to it as a model for promoting accessible and efficient justice. The increased communication, cooperation and coordination have helped to build relationships of trust - where, before, there was an element of suspicion. The culture of constructive criticism has replaced one of blaming. Significant impacts can be detected on administrative efficiency within the justice system. The most important output of the project so far is the formulation of performance standards - as outlined below:

Committals: Based on newly introduced co-operation meetings between the Judiciary and the DPP, a new format for the *Summary of the Case* has been developed. This new format is being tested on a pilot basis with the aim of being transferred countrywide, subject to any improvements in the format following the pilot introduction.

4.6.5 Setting Performance Standards: Based on the experience gained from the new approach to the administration of criminal justice in the Masaka magisterial area, through the Chain Linked Initiative, the Case Management Committee has developed a set of performance standards and related guidelines. The project's Advisory Board endorsed them and agreed that they should be adopted and implemented by all criminal justice agencies across the country. The Principal Judge made the request that this should happen in a letter to all Chief Magistrates in June 2001/6. The following are some examples of the agreed performance standards and guidelines

Investigation and Mentioning Practices: No minor offences should be mentioned for more than three months; all investigations for capital offences are completed within six months; and Days for hearing of criminal cases should be set separate from days for civil cases.

Arrests and Arraignment: No person is held in a police cell for more than 48 hours. Court clerks should promptly extract warrants of arrest and other court documents to be followed up by prosecutors and investigators. As far as possible, investigation should be completed before arrest and charge Bail and Remand. Opposition to bail should be with good reason and the reason(s) thereof recorded. All prisons should submit monthly returns to the Commissioner of Prisons, with copies to the Chief Magistrate and Resident State Attorney within one week of the end of each month; Remand warrants should be strictly adhered to.

Hearing and Disposal of Cases in Court: All hearings are on a day-to-day basis once inquiries are complete. Entire criminal proceedings of a non-capital offence should take less than three months. The maximum target time for the completion of capital cases should be 12 months after committal.

4.7 Court Case Administration System (CCAS): The Judiciary has in place a system for facilitating the registration and retrieval of court case information: the Court Case Administration System (CCAS). Its main outputs are: Templates for various legal documents that are regularly produced by the courts; Cause list - the public court sittings schedule; Proceedings reports - brief summaries of cases; Pending cases reports - specifying all pending cases per judicial officer; Completed cases reports - specifying all cases closed in a particular period per judicial officer; and Statistical reports listing the number of cases at each stage of the judicial process, and the time they have been at that stage. Thus, the CCAS can be used for allocating cases and for reporting on workload, per court and per judicial officer. Its main perceived benefits are: More efficient administration and maintenance of court records; Improved monitoring of the status and progress of court cases by Chief Magistrates and High Court managers; Improved security of court case information; Reduced time for the hearing of

cases; Easier exchange of information between courts; More transparency in expenditures; and Better-informed planning, budgeting and evaluation of the Judiciary's work.

The CCAS has been piloted in four courts in Kampala: the Court of Appeal, the High Court, and the Chief Magistrates' Courts of Mengo and Buganda Road. An external evaluation conducted in mid-2000/8 identified the following strengths of the CCAS: Within the pilot courts, it was much easier to access information, there was more security of files, time spent in locating files was reduced, and it was easier to compile case returns; Service to the public was improved because, in particular, schedules were more readily available to litigants; File tracking was easier; and The allocation of cases and resources was more efficient.

In order to fully integrate CCAS into the management of the Judiciary, the following steps have been taken: The design of a Management Information System (MIS) incorporating the following main Operational Information Systems (OISs):

- **Legal Section:** with Research and Training, Inspector of Courts, Court Case Information System (CCIS) reports, and MIS reports as sub-sections;
- **Finance Section:** with allocations of Data Entry, Revenue Data Entry, Expenditure Data Entry as sub-sections; and
- **Administration Section:** with Estates, Personnel, and Transport as sub-sections.

The introduction of a new approach to the Annual Review Workshops for Chief Magistrates and Grade I Magistrates in charge of stations, with the aim of: Reviewing the progress of each court over the past year, including achievements and setbacks, and considering current opportunities and problems; Establishing for each court a set of management objectives, both long-term and short-term (one year), and, for the short-term objectives, to agree on key indicators of achievement that will facilitate systematic assessment of the performance of each court over the coming year; Identifying specific actions required to achieve the management objectives; and Focusing on a number of topics of significant current concern, and making appropriate recommendations. If properly implemented, these measures will improve the Judiciary management's ability to plan, monitor, report and control the work procedures, case management, training, human resource and financial activities at the headquarters and at various upcountry stations.

4.8 The Community Service Programme: In the latter part of the 1990s, problems of prison conditions and the need for penal reform were in focus both within Uganda and across the world. In 1996, a Pan-African Seminar on '**Prison Conditions in Africa**' was held in Kampala. The resultant Kampala Declaration that subsequently became a United Nations document made specific recommendations to African states concerning prison conditions; remand prisoners, prison staff and alternative sentencing. Delegates agreed to adopt Community Service as an alternative to imprisonment in their countries.

In 1997 an interim National Community Service Committee was formed to prepare ground for the introduction of Community Service as a penal sanction. The Committee had the responsibility to draft the Community Service Bill and also to look for funds to run the programme. The Bill was ready in 1999 and in February 2000 it was debated by parliament enacted into law the Community Service Act 2000. In 2001 Statutory Instrument No.55 was issued to operationalise the Community Service Act. In October 2001 a National Community service Committee replaced the Interim National Community Service Committee and District Community Service Committees were inaugurated. In 2001, a two-year pilot phase for Community Service was launched to cover four Magisterial Districts of Mukono, Mpigi Masaka and Masindi.

Community Service was highly successful in the pilot phase and the National Community Service Committee effective April 2003 embarked on activities including regional workshops, district-pre-visits, national and district-based trainings and sensitization of stakeholders aimed at capacity building as part of a nation wide rollout of the scheme to the entire country to benefit all deserving citizens. On 3rd March 2004 the Chief Justice gazetted all courts to start issuing Community Service Orders.



Offenders constructing a class room block in Mpigi



Monitoring an agricultural Project put up by Offenders at Mukono Boarding Primary School in 2003

4.9 Organization and Functions of Judicial Committees: The Judiciary, like many other organs of Government, manages its business through committees, which assist the management in coordination, implementation of judicial policies and programmes. The Chief Justice as the head of the Judiciary, has powers to establish any committee to perform such functions, as he/she may think necessary to be performed by such committees. The Judiciary has the following committees: Senior Management Committee; Planning and Development Committee; Library Committee; Judicial Integrity Committee; Terms and Conditions of Service Committee; Judiciary Training Committee; Rules Committee; Finance Committee; Technology Committee; Technical Committee and Performance Management Committee.

Senior Management Committee: The Chief Justice chairs the Senior Management Committee. Members include: Deputy Chief Justice; Principal Judge; Secretary to Judiciary; Chief Registrar; Under Secretary; Registrar - High Court; Registrar - Court of Appeal; Registrar - Commercial Court; Inspector of Courts; and Registrar - Research and Training. The Senior Management Meeting of the Judiciary takes place on a quarterly basis. Meetings are arranged every three months except in cases where an urgent matter requires immediate attention, and then an extraordinary meeting is called. It is chaired by the Chief Justice and in his/her absence, the Deputy Chief Justice, most times in her capacity as Ag. Chief Justice. The Senior Management Meeting is a managerial organ that discusses policy for managerial action and receives reports from different Management Units of the Judiciary.

Planning and Development Committee: It is responsible for planning, coordinating all projects and other development activities of the Judiciary; Reviewing and following up the progress of implementation of projects and other related activities; Providing guidance for procurement and coordination of aid for operation, rehabilitation and construction of infrastructure; and Initiating and formulating a medium term strategic plan to guide the operations and development of the Judiciary. The Committee is chaired by the Chief Justice with the following members: Deputy Chief Justice; Principal Judge; Secretary to Judiciary; Chief Registrar and Solicitor General.

The Judicial Monitoring Committee (JMC): To monitor the implementation of the recommendations made at the annual Judges Conference or similar conferences; To advise the administration and all those involved in the implementation of the recommendations on the methodology and resources needed to implement the recommendations; and To report to the Annual Judges Conference steps that have been taken to implement the recommendations. Membership include: Representative of the Supreme Court/ Chairperson; Representative of the Court of Appeal/Member; Representative of the High Court/Member; Representative of the Court/Member; Representative of the Chief Registrar; Representative of the Judiciary Representative of the Training (Secretary) and Any other person to be co-opted by the Committee necessary to promote the effectiveness of the Committee).

Library Committee: Key Functions include: The provision and management of Library services; identification of reading materials for all the Courts and other sources of information; Recommending Library requirements to the Senior Management Committee; Maintenance of the Library; Carrying out research for Hon. Judges; Distribution of materials for instance Gazettes, books to Lower Courts; Development and recommendation of Library Policies and Regulations; and Restocking and acquisition of Reference materials e.g. books and binding handbooks for the Magistrates. The present Libraries Committee comprises of the following: the Hon. Deputy Chief Justice (Chairperson); The Justice in charge, Supreme Court Library; The Justice in charge, Court of Appeal; The Judge in charge, High Court Library; The Chairman, Judicial Training Committee; Chief Registrar; Registrar, Research and Training; President, Uganda Magistrates' Association; Librarian Supreme Court; Librarian Court of Appeal and Librarian High Court.

The Contracts Committee: The following are functions of the Contracts Committee: Approving bidding and contract documents; Adjudication of recommendation from the procurement and disposal unit and award of contracts; Approving the Evaluation Committee; Approving procurement and disposal procedure; Ensuring compliance with the act and Liaising directly with PPDA on matters within its jurisdiction like disagreement. The Committee is chaired by Chief Registrar assisted by the following members: Registrar - Supreme Court; Under Secretary; Principal Accountant and Assistant Secretary. The members are nominated by the Accounting Officer and approved by the Secretary to the Treasury.

A procurement process starts with a requisition from a user department using PP Form 20. There must be confirmation of funding from the Accounting Officer or delegated officer. A request is passed on to the Procurement Unit for selection of method of procurement, preparation of solicitation documents and followed by an evaluation committee. The Contracts Committee for approval of the above organizes a meeting. After approval of the method and solicitation documents, the procurement unit invites bids through advertising in the newspapers or otherwise as per the method of procurement. A date is set for receiving bids and bid opening and communicated to all bidders. After bid opening the Evaluation Committee convenes to evaluate the bids and a signed report is presented to the Contracts Committee for approval. After approval the entity writes to the best evaluated bidder copy to other bidders. The Procurement Unit drafts the contract and presents it to the Contracts Committee/Solicitor General for approval and thereafter to the Accounting Officer for award. The user departments are required to manage contracts.

The Judicial Integrity Committee (JIC): Key Functions include: Restoring public confidence in the judicial system of Uganda; Strengthening judicial integrity within the Judiciary; Revising and adopting Judicial Code of Conduct and Sensitizing judicial and non-judicial officers and staff about judicial integrity and popularizing the revised Code. The Committee is chaired by a Judge of the Supreme Court assisted by the following members: Deputy Chief Justice; One Judge; Chief Registrar; Registrar - Supreme Court; Registrar - High Court; Registrar - Court of Appeal; Inspector of Courts; Registrar - Research and Training; Estates Manager and Principal Information Management Officer.

Peer Committees: The decision to set up the institution of Peer Committees (PCs) was taken at the 6th Annual Judges' Conference upon adopting the Plan of Action to Strengthen Judicial Integrity, which was drawn and presented to the conference by the JIC. The PCs were formally launched, along with the revised code of Judicial Conduct (CJC). PCs are set up at all levels of the Courts of Judicature to provide informal guidance to people in need or doubt and to render informal corrections to people who go astray. The principal objective in undertaking such actions is to revive and initiate a sense of professionalism and desire to build a culture of ethical conduct befitting the legal profession.

The basic functions of a Peer Committee are: to encourage Judicial Officers to uphold and adhere to the CJC; to give appropriate counseling/advice to a Judicial Officer who is reputed or alleged to be engaged in conduct unbecoming of the office; to give appropriate guidance to a Judicial Officer who seeks advice on or explanation of the CJC or on what is appropriate conduct in particular circumstances; and to do anything else that in its opinion will strengthen judicial integrity within its jurisdiction.

JIC has offered to all the PCs operational guidelines for the discharge of their responsibilities. However, JIC recognizes the need for flexibility. Any PC, which is satisfied that owing to its peculiar circumstances, it will better discharge its duty without adhering to, or observing any of the guidelines, is at liberty to deviate to the extent that is necessary. Secondly, JIC recognizes that in future, a PC may be confronted by a situation that is not envisaged under, or adequately covered by the guidelines.

In such eventuality the PC would have to act in the best way it deems appropriate, having regard to the overall mission to Strengthen Judicial Integrity.

Membership of a PC is for duration of three years. However, for purposes of continuity, each unit elects one person from the outgoing members to serve for an extra year. Any member of the PC is eligible for re-election on a rotation basis. Every PC has one of its members designated the Convener who is responsible for convening meetings. Each PC holds one regular meeting quarterly, at which members exchange views and information relating to judicial integrity and observance of the CJC among its Peers in general. It also holds such other meetings as become necessary, to consider particular problems, issues or questions before it for resolution. PCs keep minimum records of both regular and particular meetings. It is sufficient to record the date, attendance, title of subject considered and decision taken or conclusion reached.

Upon receipt of a complaint about the conduct of, or query from any of its peers, a PC holds a meeting to consider the matter, and may for that purpose hear any person with relevant information, and hear the concerned peer (Judicial Officer). All actions and steps taken by the PC as much as possible are guided by and in accordance with the CJC, recalling that its principal role is to counsel its peers. In that regard, a PC refrains from posturing as a court or disciplinary tribunal. Any oral or written complaint or information received disclosing a criminal offence or a serious misconduct of disciplinary nature is channeled to the relevant authorities, preferably through the complainant, but where need be, by the PC itself. Every PC submits to JIC, for purposes of its monitoring function, an annual return indicating the nature and quantum of issues handled in the year and actions taken. A table showing the units and number of peers for each unit is shown below:

No.	Unit	No. of peers
1.	Supreme Court	2
2.	Court of Appeal	2
3.	High Court	5
3.	Registrars	3
4.	Chief Magistrates	3
5.	West Nile Region (Grade I) Nebbi Arua Adjumani Moyo	2
6.	Northern region Gulu Kitgum Apach Lira	2
7.	South Western region Mbarara Bushenyi Kabale Kisoro Rukingiri Kanungu	3
8.	Western region Kamwenge Fort Portal	3

	Kasese Mubende Mityana Kiboga Hoima Masindi Kibaale Bundibugyo Kyenjojo	
	Central region City Hall Mwanga II Road Buganda Road Mengo Makindye Nabweru Wakiso Mpigi Entebbe Nakasongola Luwero	3
10.	Southern region Masaka Sembabule Kalisizo Kalangala	2
11.	Eastern region Soroti Moroto Kotido Katakwi Kumi Mbale Pallisa Kapchorwa Tororo Busia	3
12.	South Eastern region Jinja Bugiri Kayunga Iganga Kamuli Mukono	3
13.	Magistrate grade II	3 peers where the number of magistrates exceed 6 in a magisterial area and 2 peers where the number does not exceed 6.

Terms and Conditions of Service Committee: Key Functions include: Making and reviewing terms and conditions of service of Judges and other judicial officers including salary structure, welfare, security and health working conditions. The Committee is chaired by a Justice of the Supreme Court, assisted by a Justice of the Court of Appeal, the Principal Judge, a Judge of the High Court, and Secretary to the Judiciary.

The Judicial Training Committee: Key Functions include: Initiating and development of training policy; Approving training programmes in line with Government policy; Approving candidates for the approved courses; Review of training programmes and efficiency of training providers; Monitoring the implementation of training programmes; and Control and supervision of Legal Institute. The Committee is chaired by a Justice of the Supreme Court, assisted by the following members: Two Judges; Chief Registrar; Secretary to Judiciary; Registrar High Court; Secretary Judicial Service Commission; Secretary Public Service Commission; President U.J.O.A; President ULS; Registrar Research and Training; Assistant Project Coordinator; and Assistant Registrar Training/Public Affairs.

The Rules Committee: Key Functions include: making 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. The Committee is chaired by the Chief Justice with the following members: the Deputy Chief Justice; the Principal Judge; the Attorney General; Director Law Development Centre and one Advocate.

Finance Committee: Key Functions include: Allocating the financial resources of the Judiciary; Ensuring that funds are available for both mandatory and non-mandatory payments; and Ensuring that funds are used for items for which they were budgeted and approved for. The Under Secretary chairs the Committee; all Registrars and senior members of staff at the Headquarters are members of the Committee; and there are fifteen members of the Committee including the chairperson.

The Technology Committee: Key Functions include: Developing and managing the strategy for the automation and information technology; and handling issues connected with computer software and hardware requirements of the Judiciary staff. A High Court Judge chairs the Committee and is assisted by the following members: Deputy Chief Justice; One Judge; Chief Registrar; Registrar - Supreme Court; Registrar - Court of Appeal; Registrar - High Court; Inspector of Courts; Registrar - Research and Training; Estates Manager; and Principal Information Management Officer.

CHAPTER FIVE:

ESTABLISHMENT AND STAFFING STRUCTURE:

5.1. Introduction: Since 1992 a major process of transforming government has been underway in Uganda. Its purpose was to restructure ministries and departments, as well as other public sector institutions, in such a way that service quality is improved by having a smaller, highly skilled, and better-paid, public sector workforce. The Ministry of Public Service reviewed the organizational structure of the Judiciary. It recommended a workforce establishment of 1550, comprising 372 judicial officers (24%) appointed by the Judicial Service Commission, and 1178 management and administrative support staff (76%) appointed by the Public Service Commission. Agreement was reached that the Judiciary should review the recommended organizational structure and 'trade-off posts within the approved establishment numbers and budget limits. It was also agreed that vacant posts should be filled before the full impact of the new structure was evaluated. Consultancies were commissioned to undertake the following analytical tasks: Analysis and re-designation of jobs in line with the Judiciary's mission and core values; Development of a competitive and harmonized pay structure; Determination of optimum workforce establishment numbers and budget; and, Development of a democratic and progressive performance management system.

5.2 Workforce Establishment: The Judiciary has accepted the main recommendations of a commissioned report on workforce establishment. At the December 2000 workshop held to discuss the main findings of the Judiciary's Human Resources Project, the following resolutions were passed: It was resolved that the Judiciary's headquarters establishment should be fixed at the following optimum numbers:

HQ Functions	Number: 303
Supreme Court	51
Court of Appeal	49
High Court	106
Chief Registrar's Office	4
Court Inspectorate	7
Research and Training	9
Planning and Development	3
Administration	9
Finance and Accounts	22
Human Resource	14
Technical Services	19
Management Information Systems	11

It was agreed to strengthen all Resident High Courts by adopting the following workforce establishment model. It was also resolved that one of the more senior Judges, and the Deputy Registrar, would provide administrative leadership as well as play a supervisory role over the performance of the lower Magistrates' Courts.

Job Titles in Resident High Courts	Number: 17
Judge	3
Deputy Registrar	1
Computer Support Specialist (shared with CM Courts)	1
Assistant Librarian (shared with CM Courts)	1
Records Assistant	1
Court Clerk	3
Senior Accounts Assistant	1
Pool Stenographer	2
Driver	3
Office Attendant	1

It was agreed to strengthen the Chief Magistrates' Courts by establishing the following 20 positions. It was also agreed that where the Chief Magistrates' Court is located in the same buildings as the Resident High Court, there would be need to eliminate duplication of effort by deliberate sharing of resources such as Security Guard/Askari, Telephonist, Computer Support Specialist, Assistant Librarian, Pool Stenographer, and Court Supervisor.

Job Titles in the Chief Magistrates' Courts	Number: 20
Chief Magistrate	1
Magistrate Grade I	2
Magistrate Grade II	1
Court Supervisor (Shared with RHC)	1
Court Clerk	4
Records Supervisor	1
Records Assistant	1
Pool Stenographer	2
Senior Accounts Assistant	1
Accounts Assistant	1
Telephone Operator (shared with RHC)	1
Driver	1
Office Attendant	2
Security Guard/Askari (shared with RHC)	1

It was agreed to strengthen the Magistrate Grade 1 by establishing the following 10 positions

Job Titles in Magistrate Grade I Courts	Number: 10
Magistrate Grade I	1
Magistrate Grade II	1
Court Supervisor	1
Court Clerk	2
Records Supervisor	1
Accounts Assistant	1
Pool Stenographer	1
Driver	1
Office Attendant	1

Pending the commissioned studies on professionalisation of the Bench and the modalities for phasing out Grade II Magistrates, it was agreed that the Grade II Magistrates' Courts should retain a workforce establishment of three positions.

Job Title in Magistrate Grade II Courts	Number: 3
Magistrate Grade II	1
Court Clerk	1
Office Attendant	1

The conclusions about establishment that were reached at the end of 2000 entailed a workforce of 2,227 assuming that all the gazetted Courts of Judicature were to be made operational.

5.3. Human Resource Acquisition: Human resource acquisition involves recruitment and selection as well as induction and job orientation of newly employed staff. The responsibility for recruitment, selection and discipline of Judicial Officers is bestowed on the Public Service Commission, which is an autonomous body established under the 1995 Constitution of the Republic of Uganda. The responsibility for recruitment, selection and discipline of support, management, administrative and operative staff is bestowed on the Public Service Commission, which is an autonomous body established under the 1995 Constitution. In support of the two commissions, the Judiciary is responsible for conducting regular analysis of jobs by examining various tasks, duties and responsibilities as well as the workflow process. This is followed by designing jobs to improve service delivery and also to reduce case backlog. Increasingly this involves grouping related tasks into a particular job through multi-skilling.

The Judiciary's core staff comprises the following five occupational categories: Justices and Judges; Registrars; Magistrates; Court Supervisors and Clerks; Records Supervisors and Clerks. The Judiciary's support management, administrative and operative staff comprises the following nine occupational categories: Administrative Cadre, Human Resource Cadre, Finance and Accounts Cadre, Technical Services Cadre, Information Technology Cadre, Library Cadre, Secretarial Cadre, Operatives Cadre and Office Attendants Cadre.

5.4. Judicial Service Commission: The Functions of the Commission are: To advise the President on the appointment of the people to the following offices: The Chief Justice, Deputy Chief Justice, The Principal Judge, a Justice of the Supreme Court, a Justice of Appeal, a Judge of the High Court, and the Chief Registrar. To appoint other Judicial Officers, other than those mentioned above and to confirm appointments. In carrying out the two functions above mentioned, the commission has regard to the maintenance of the high standard of efficiency necessary in the Judicial Service. The Commission also takes into account qualifications, merit and experience of the candidates. To review and make recommendations on the terms and conditions of service of judicial officers. To prepare and implement programmes for the education and for the dissemination of information to Judicial Officers and the Public about the law and the administration of Justice. To receive and process people's recommendations and complaints concerning the Judiciary and the administration of Justice and generally, to act as a link between the people and the judiciary. To advise the government on improving the administration of Justice; and to carry on any other functions which may be given by any other laws. The commission is independent in carrying out its functions.

5.5. The Public Service Commission: The Public Service Commission is the supreme Appointing Authority of all Civil Servants in the Public Service. Its functions are: To advise the President in performing his/her functions under the Constitution; To appoint, promote and exercise disciplinary control over persons holding office in the Public Service of Uganda; To review the Terms and Conditions of Service, Standing Orders, training, and matters connected with personnel management

and development; To make recommendations on them to Government. Consequently, the recruitment and promotion of administrative staff in the Judiciary is the responsibility of the Public Service Commission. It is based on merit and not length of service. Vacant positions are advertised and competent persons apply and are interviewed.

5.6. Terms and Conditions of Service: The Judiciary's core competencies are derived from the judicial activities and responsibilities and include demonstrated knowledge, skills, attitudes and behaviours required to perform various judicial tasks, duties and responsibilities. The core-competencies comprise technical skills involving methods, processes and procedures of dispensing justice such as thorough and in depth understanding of the law, judicial and court management skills including listening to evidence, interpreting the law, determining cases as well as case flow management. In addition, there are generic competencies, which are required for effective delivery of justice such as finance and accounting, human resources, procurement, security and maintenance of equipment, court buildings and facilities. Other essential competencies include human relations as well as conceptual skills, which involve the interpretation of the Judiciary's mission and strategic direction. The Constitution also defines qualifications required for joining the higher bench for justices and judges.

Selection, Recruitment, and Confirmation: The Judiciary employs two categories of staff that are recruited and controlled by two different commissions. Judicial Officers, who include Justices, Judges, Registrars and Magistrates, are appointed and disciplined by the Judicial Service Commission. Seventy percent of the staff that work within the Judiciary, however, are not “Judicial officers” in the technical sense, but are rather employed by the Public Service Commission. These staff range from the Secretary to the Judiciary, who has the status of Permanent Secretary and is the accounting officer of the Judiciary, to ICT specialists, court clerks, secretaries, and drivers, among others. Each of the two categories of staff has different terms and conditions of service. The Judicial staff tends to have more favourable terms and conditions of service than the traditional civil servants (administration staff).

Grading and Remuneration for the Uganda Judiciary: The determination of salaries and benefits for judges and other judicial officers is vested in the Judicial Service Commission (JSC), which derives its executive powers from the Constitution of the Republic of Uganda. The main objective of the JSC is to facilitate and advise the President in the exercise of the President’s statutory function of appointments, which includes determination of salaries, benefits as well as other terms and conditions of services of judges and other judicial officers. The purpose of the JSC is to ensure that appointment to the service, determination of salaries and benefits, promotions, retirements and disciplinary control are dealt with on a continuing standard of detached impartiality and fairness, uninfluenced by political change or pressure. In this regard, the JSC is charged with the responsibility of protecting society against nepotism and favoritism in the appointment of judicial officers thus preserving the independence and impartiality of the Judiciary.

Although the independence of the Judiciary is guaranteed in the Constitution, it is apparent that the Executive Branch through the Ministry of Public Service and the Public Service Commission (PSC) continue to appoint and exercise disciplinary control over all paralegal and support staff working in the Judiciary. In addition, the Executive Branch through the Ministry of Public Service continues to determine salaries, benefits and terms of employment for all staff in the Judiciary.

The JSC has continued to use the *Public Service Commission Orders* to regulate the employment of judges and other judicial officers. The JSC has concentrated its work on appointments, promotions, disciplinary control and retirements by utilizing the Public Service Standing Orders to perform these tasks. In addition, the JSC relies on the Ministry of Public Service to determine job grading and remuneration structure as well as other terms and conditions of service for the Judiciary. Indeed the

Ministry of Public Service has continued to perform this role, through the appointment of ad-hoc commissions to review salaries as well as other terms and conditions of service for the entire public service, which in practice has included the judicial service. However, there exists no provision in the Constitution that empowers the Ministry of Public Service or the PSC to make appointments, exercise disciplinary control and determine salaries and other terms of service on behalf of the JSC.

The Ministry of Public Service is responsible for maintaining pay equity as well as ensuring uniformity of the job grading structure throughout the entire Civil Service. This has been done through a hierarchal classification structure and also by enforcing bureaucratic controls to make the value assigned to jobs conform to narrow definitions within the Public Service. In this connection, the job evaluation conducted by the Ministry of Public Service is meant to ensure that judicial jobs conform to the broad Civil Service Structure without considering constitutional provisions regarding the independence of the JSC. Remuneration in the Judiciary is set according to a salary scale, which divides the staff into the following categories: U1 (highest category), U2, U3, U4, U5, U6, U7, U8, USS3. *See Circular Standing Instruction No.2 Of 2005, Revised Rates of Duty Facilitating Allowances is attached as Appendix 2.*

Recruitment Procedure: When a vacancy exists in the Judiciary according to the approved establishment, the Secretary to the Judiciary prepares a submission to the Ministry of Public Service, which decides whether it should be internally or externally advertised. When it is advertised internally, all eligible candidates apply; those considered most qualified are short listed and interviewed by the Public Service Commission and successful candidates appointed. In case of judicial officers, it is the JSC, which carries out interviews and selection of candidates. The Public Service Commission has the responsibility of hiring and disciplining these staff members. The Judiciary has proposed delinking the Judiciary from the Ministry of Public Service, such that the responsibilities of the Public Service Commission are transferred to the Judicial Service Commission. Judiciary presented its views on the matter to the Constitutional Review Commission but the time frame of Parliament did not permit a discussion of this issue and the same was left for the future Parliament to consider. This proposal is pending with the relevant institutions of government. *See appendix No 3 The Judicial Service Commission Regulations 2005 published under Statutory Instrument 2005 No. 87 Part iii regarding appointments, confirmation of appointments, etc.*

Retirement of administrative staff: There is a government policy applicable to all civil servants in place, which stipulates that the mandatory age for retirement is 60 years. There are provisions that some civil servants can retire prematurely due to ill health while others can retire voluntarily if they have served for more than 10 years consecutively, or can be retired in public interest if their performance is unsatisfactory. The retirement package is based on the number of years one has served and the salary one is earning at the time of retirement.

Retirement of judges: A judicial officer may retire at any time after attaining the age of 60 years. Judges must retire at the age of 65 years and justices at the age of 70 years. The judges' benefits are better than judicial officers in that besides the gratuity and monthly pension calculated based on the government formula, they are also entitled to retain an official car, a house and two guards.

Retrenchment: Retrenchment means premature retirement of public servants due to changes brought about by restructuring, which renders some employees redundant. In this case the affected employees are paid a package based on the government-approved formula and it is processed and paid by the ministry of public service.

5.7 Professional Legal Training: The professional legal training available in Uganda does not adequately prepare people aspiring to pursue a professional judicial career as a Magistrate or Judge of

the Courts of Judicature. Presently, newly appointed graduate Magistrates are provided with a two-week induction programme immediately after appointment that is intended to familiarize them with the principles and practices of court management. After induction they are deployed to work as Grade I Magistrates with full judicial powers. Nonetheless, the changing demands being placed upon the Judiciary have led to the recognition of the need for a focused and structured approach to the professional development of Judicial Officers. This is clearly indicated in the following three reports, which recommended for the development and implementation of a Continuing Professional Development (CPD) programme that would equip and update Judicial Officers with the requisite knowledge and skills in light of the social, economic, political and technological changes taking place in the country and the wider world: Uganda Project Formulation Mission Judicial Training and Resources, Prof Read (1991); Commission of Inquiry (Judicial Reform) , Justice Platt (1995); and Committee on legal Education and Accreditation in Uganda, Justice Odoki (1995).

In view of the recommendations contained in the above three reports it was recommended that the Government should establish the *Uganda Judicial Certification Institute* as a statutory and autonomous cost-effective professional body devoted to improving the operations of the Courts of Judicature through education, training and continuing professional development programmes. It is for this reason that *Associates for Change* in collaboration with *Workforce Solutions* were contracted to determine training needs and design appropriate training programmes for the Judiciary. This report contains recommendations on the types of training programmes that are conducted for the various occupational categories in the Judiciary. Many in-house courses have been conducted and several Judicial Officers have been sponsored for training both locally and overseas

5.7.1 Organization of the Training Function: The training function is shared between the JSC and the Judiciary. The Constitution provides that the JSC shall prepare and implement programmes for the education of and for dissemination of information to judicial officers and the public about the law and administration of justice. The judiciary also carries out training for its staff and has a department of research and training to cater for this function. The training function within the Judiciary is made up of the Judicial Training Committee (JTC) and The Judicial Studies Institute (JSI). The JTC is responsible for implementing training programmes. Another department with training responsibility is the Personnel Department, which reports to the Secretary to the Judiciary. The Department is responsible for coordinating the “staff Performance Report Form”. This is a confidential appraisal used mainly for determining training needs as well as for administrative actions such as promotion, transfer, discipline and retirement.

The JTC is responsible for setting broad policy for all training programmes in line with Government Policy. The Registrar Research and Training is responsible for implementing training programmes for both judicial officers and support staff. Since their establishment in the early 90s, the JTC and the Registrar Research and Training have been responsible for organizing many training activities including the Annual Review Magistrates’ Workshops and Annual Judges Conferences, which have become a permanent feature of the Judiciary’s annual training programme.

Presently, the responsibility for training is vested in the office of the Registrar Research and Training and the JSI. Competency profiles have been developed for a range of occupational groups including: Registrars, Magistrates, Court Clerks, Record Clerks, Data Entry Clerks and MIS Personnel. The following modules have been recommended:

Induction/Job Orientation for newly employed staff:

Objectives: To familiarize newly employed staff with the structure and role of the Judiciary, particularly its mandate and the functions of the various departments that make-up this critical branch of Government.

Effective Judicial Skills:

Objectives: To provide newly appointed Grade 1 Magistrates with practical “hands on” judicial skills that will enable them to effectively discharge their judicial powers in a court of law.

Effective Court Management Skills:

Objectives: To provide newly appointed Grade I Magistrates with practical “hands-on” court management skills that will enable them to effectively utilize organizational resources and improve the delivery of judicial services.

Case Flow Management:

Objectives: To provide Magistrates with skills for monitoring and controlling caseloads in order to reduce the size and age of backlogs and ensure effective and efficient delivery of justice.

Court Performance Standards:

Objective: To provide Magistrates with skills that will enable them to complement a court performance improvement plan aimed at increasing the quality and delivery of judicial services.

Law and Justice:

Objective: To up-date Registrars, Deputy Registrars, Chief Magistrates and Grade I Magistrates on recent developments in law and emerging trends in the administration of justice.

Human Rights:

Objectives: To provide Judicial officers and other managers with an in-depth understanding and mastery of the human rights instruments and the role of the judiciary in enforcing human rights.

Alternative Dispute Resolution:

Objectives: To provide Registrars, Deputy Registrars, Chief Magistrates and Grade I Magistrates with analytical skills to understand and shape the mediation process to resolve disputes involving multiple parties in a variety of contexts.

Mass Media Law:

Objectives: To provide judicial officers with up-date knowledge regarding intersection of the law as well as in-depth understanding about the role of the media in shaping public opinion and its impact on justice.

Computer Assisted Legal Research:

Objectives: To provide Judicial officers with technical skills that will enable them use the computer as a tool for data gathering and analysis as well as report writing and dissemination.

Annual Review and Strategic Planning Workshop:

Objectives: This programme aims to provide Magistrates with strategic management skills that will enable them to review court performance, analyze both the internal and external operating environment and determine standards for future performance.

Effective Leadership Skills:

Objectives: To provide judicial officers and other managers with leadership skills for gaining employee commitment and team work. Also to enable them create a working environment that nurtures excellence and promotes employee initiative, creativity and innovation.

Effective Negotiation Skills:

Objectives: To provide court managers and supervisors with effective negotiation skills that can be used for resolving interpersonal problems and conflicts.

Management of Financial Resources:

Objectives: To provide court managers and supervisors with financial management skills that will enable them to determine the impact of their decisions on the financial well being of their courts and that of the Judiciary as a whole.

Effective Utilization of Human Resources:

Objectives: To provide court managers with a comprehensive review of human resources concepts, techniques and best practices in order to raise staff morale and increase productivity.

Security and Maintenance of Court Facilities:

Objectives: To provide court managers and supervisors with technical skills to ensure court security and implement a planned, preventive programme for the maintenance of court buildings, equipment and facilities.

Planning, Monitoring and Evaluation:

Objectives: To provide management staff with the skills to develop proposals, implement, monitor and evaluate project outcomes against programme goals.

Management Development Programme:

Objectives: To provide essential skills necessary for effective management of people. It is also aimed at assisting management staff to gain employee commitment and thereby increase efficiency and productivity.

Court Supervisors Development:

Objectives: To provide court supervisors with technical and management skills that will enable them to supervise court operations including the security and maintenance of court buildings and infrastructural facilities.

Registry Supervisor Development:

Objectives: To provide court registry supervisors with technical and management skills that will enable them to effectively supervise court registry operations and also ensure the security of court records.

General Supervisory Development:

Objectives: To provide court supervisors and middle management staff with administrative skills that will enable them to effectively implement work plans and meet set targets.

Court Clerk Development:

Objectives: To provide court clerks with technical skills that will enable them to effectively undertake a variety of tasks and duties connected with court operations.

Records Clerk Development:

Objectives: To provide clerical staff with the basic principles and procedures of office systems procedures and records.

General Clerical Development:

Objectives: To provide clerical staff with the basic principles and procedures of office systems procedures and records.

Performance Management System:

Objectives: To provide employees with skills for setting measurable targets, clarify job expectations as well as monitor and evaluate individual team performance.

Training Delivery skills:

Objectives: To provide managers and supervisors with practical skills for conducting on-the-job training as well as effective delivery of training programmes.

Time Conflict and Stress Management.

Objectives: To provide managers and supervisors with self-adjustment skills in order to enable them to effectively deal with time conflict and stressful situations.

Effective Public Relations:

Objectives: To publish and maintain the correct image of the organization and its policies, including monitoring outside opinions and advising management on communication problems and solutions.

Effective Communication Skills:

Objectives: The programme focuses on developing basic skills that will improve working relationships by providing clear instructions and feedback, including actively listening to grievances and suggestions.

Effective Secretarial skills:

Objectives: To provide secretarial staff with practical skills that will enable them to perform a variety of tasks as well as relieve managers of clerical work and minor administrative duties.

Training Programmes for Judges: The training programmes for judges have been designed to take into account a number of developments in Uganda and the broader environment. Some are internal to the judiciary as an institution, while others represent a myriad of factors in the environment in which judges are expected to discharge their responsibilities. The training programmes for judges are divided into two categories, namely:

Induction/Job Orientation for newly appointed Judges:

Objectives: The overall objective of the induction and job-orientation course is to provide newly appointed judges with the basic knowledge and skills necessary for effective administration of justice.

Course Content: The learning elements include: Introduction to the Judiciary in Uganda; Introduction to Judicial Skills; Alternative Dispute Resolution; Basic Computer Skills; Legal Research Tools for Judges; Management Policies and Procedures in the Judiciary; and Principles of Leadership and Supervision.

Continuing Judicial Professional Development:

Objectives: To enable Judges attain and maintain excellence in the administration of justice.

Course Content: The learning elements include: Human Rights and the Role of the Judge; International Trade and Challenges to Law and Justice Systems; Judicial Trends and Challenges in the Law Governing the Family; Judicial Ethics and Integrity of the Judiciary; Basic Computer Skills;

Legal Research Tools for Judges; Policy and Legal Framework for Environmental Protection; Business Organizations and Commercial Interactions; and Management of Organizational Resources.

5.8 Judicial Studies Institute (Uganda): The course modules, offered under the Judicial Studies Institute Educational Prospectus 2005-2006 include the following: Cultural Contextual Education, Judicial Training Modules, Judicial Officers Induction Modules, Judicial Officers Continuous Education Module, Judicial Impartiality, Independence and Accountability Course, Judicial Efficiency Course, Judicial Effectiveness Course, Management Course, Criminal Justice Course, Sentencing Course, Commercial Justice Course, Civil Justice Course, Special Aspects of the Law of Evidence Course, Life Skills, Registry Staff Training Module, Court Registry Staff Induction Course, Registry Staff Special Skills Course, Registry Staff Management/ Life Skills Course, Judiciary's Non Judicial Staff Induction Training Unit Modules, Specially Tailored Training Unit Modules for Accounting Officers and all Personnel Managing Judicial Resources, Specially Tailored Judiciary Non-core and Support Staff Training Unit Modules, Judiciary Training Unit Modules for Professional Judicial Secretaries, Specially Individually Tailored training Unit Modules for Judicial ITC Personnel, Land tribunals, Paralegals training, Advocates, Appellant Judges Course, Legal Secretaries, Effective Judicial Legal Secretaries, Court Bailiffs and Auctioneers, State Attorneys, Probation and Welfare Officers, Prisons and Police.

Job-paths for Judicial Officers: The judicial officers are appointed, confirmed, promoted and disciplined by the Judicial Service Commission on the recommendation of the management of the judiciary. There are laid down procedures for promotion of judicial officers with certificates or diplomas in law and judicial officers with degrees and diplomas in legal practice. Those with certificates/diplomas are recruited as Magistrates Grade II and their promotions are limited. This grade is being phased out. Those with degrees and diplomas in legal practice are recruited as professional judicial officer and their promotion ladder is as follows: Magistrate Grade I; Senior Magistrate Grade I; Principal Magistrate; Senior Principal Magistrate; and Chief Magistrate. From Chief Magistrate, the promotion ladder is: Assistant Registrar; Deputy Registrar; Registrar; and Chief Registrar. There are ten different grades one has to serve before one gets to the top as Chief Registrar. There are limited positions of Chief Magistrates, Assistant Registrars, Deputy Registrars, Registrars, and only one position of Chief Registrar. Hence few judicial officers can aspire to be promoted to such ranks.

Promotion to the Higher Bench: Promotions to the higher bench are most times given to advocates/private practicing lawyers from outside the main stream of the judiciary. Few judicial officers are promoted to the higher bench as judges from within. The President on the recommendation of the JSC appoints the judges of the higher bench. According to the current establishment of 31 judges, 15 judges were appointed from outside, 6 judges from the Ministry of Justice/Attorney General's department and 10 judges promoted from within.

Job paths for non-judicial staff: The promotion opportunities for non-judicial staff are well established and documented in the scheme of service. The non-judicial staff is controlled by the ministry of public service, which recommends them for confirmation, promotion, discipline and retirement to the PSC which is the appointing authority. The non-judicial staff are transferable and deployable to other ministries by the ministry of public service and have opportunities to be promoted from the low grade of an officer to permanent secretary grade which is the highest grade in civil service depending on one's performance, ability and at times length of service. They have no limit for promotion and there are many ministries and local governments where they can be transferred or promoted to higher positions.

Performance Appraisal: The judiciary has just introduced an open appraisal system to replace the closed appraisal system (confidential reports). The open appraisal system provides the opportunity for

the appraised to interact with the appraiser openly and discuss the strength and weakness of the appraisee, which eventually assists the appraisee to improve his/her performance or identify areas where further training is required to gain additional skills. This appraisal system is supported by most of the staff in the judiciary.

5.9. Evaluation of Judicial Performance: Judges have the least feedback and evaluation than any other profession. Judicial Office is perceived to be powerful and full of respect to the extent that the holder is presumed to be competent. However, the need for a well functioning Judiciary calls for the need to develop a methodology for the qualitative and quantitative measurement of Judicial Performance. Under the Standing Orders for the traditional Uganda Civil Service, there has always existed a system of reporting on work performance of every Civil Servant as assessed by his or her immediate supervisor. This is done in an Annual Confidential Report, which as the title suggests, is virtually a function of the supervisor alone. In recent years, after rationalization of its purpose, the system has been reformed with particular emphasis on giving to the Civil Servant whose performance is under review, opportunity to participate in the assessment of his or her performance. This is now done on a "*Staff Performance Appraisal Form for the Public Service*". Although, both before and after the reform, the system was and continues to be applied to the lower bench i.e. to the Registrars and Magistrates, as it is applied to the traditional Civil Servants, it has never been applied to Judges of the Superior Courts.

Modality of Evaluation: There are different modalities of performance evaluation. The modality used by the Public Service is about the simplest in terms of the players involved. It is the closest to self-evaluation. It is conducted on a standard form and is executed by the officer whose performance is under review, called *the appraisee* and his or her supervisor, called *the appraiser*. Sections of the form are filled by the appraisee answering questions geared to self-assessment. The appraiser fills other sections after what is called *an appraisal meeting* recording, hints or scores, his or her assessment of the appraisee's competencies, output etc. Both the appraisee and appraiser record points or scores assessed against each activity undertaken. There is also a section for recording a jointly agreed action plan for improved performance during the assessment period. The results of the appraisal are stored on the officer's personal file. It is this mode that is currently used for the evaluation of judicial performance by the Registrars and Magistrates in the Uganda Judiciary.

Given the ever-growing expectation and even demand for judicial accountability, Judiciary should find no difficulty in recognizing and recommending that it is desirable to establish a system of evaluating performance of Judicial Officers. An effective evaluation system would not only enhance self-improvement at the individual level and ultimately at the institutional level, but it would also render the Judiciary credible to the public. That would be an added advantage particularly in this era of frequent baseless attacks on the Judiciary. The institution would be better equipped to counter the attacks. For the system to be effective, however, it must produce accurate information, and must have the mechanism to rectify weaknesses and deficiencies detected.

5.10. Staffing and Organization:

5.10.1. The Chief Justice's office: The Chief Justice is the Head of the Judiciary responsible for the administration and supervision of all courts in Uganda and may issue orders and directions to the courts necessary for proper and efficient administration of justice.

Key Functions:

- Efficient and speedy delivery of justice to all people of Uganda;

- Implementation of Government legal policies and laws;
- Efficient and effective administration and supervision of all judicial officers of both lower and higher benches;
- Adequate staffing of judiciary with qualified and trained legal officers;
- Deployment, promotion and discipline of judicial officers; and
- Monitoring performance of judicial officers through the Principal Judge and the Chief Registrar.

Key Outputs:

- Both higher and lower benches efficiently and properly administered;
- Justice delivered efficiently and speedily;
- Judiciary staffed adequately with qualified and trained staff;
- Judicial officers effectively deployed, promoted and disciplined.

Establishment: Four top management team officials responsible for specific areas assist the Chief Justice namely:

- Deputy Chief Justice responsible for Court of Appeal/Constitutional Court;
- Principal Judge responsible for supervision of High Court and all lower Courts;
- Chief Registrar responsible for administration of Courts in terms of confirmation, deployment, promotion and discipline of Judicial Officers;
- Secretary to Judiciary – Accounting Officer and responsible for general administration and welfare of the Judiciary.

In addition to these, a Senior Magistrate Grade I assists the Chief Justice as personnel assistant responsible for day-to-day management of the office, which include among others;

- Handling complaints from the public addressed to the Chief Justice;
- Investigating such complaints and advising the Chief Justice accordingly;
- Controlling and servicing vehicles under the Chief Justice's office;
- Answering correspondence addressed to the Chief Justice; and
- Supervising support staff.

The support staff includes the following: Senior Personal Secretary, Office Attendant, Drivers and Bodyguards.

The Supreme Court: The Supreme Court is established by Article 130 of the Constitution and stands out at the top of the judicial pyramid as a final Court of Appeal in Uganda. It has no original jurisdiction save as conferred by law. The Chief Justice and not less than six Justices constitute the Court, as Parliament may by law prescribe. Five Justices duly constitute it at any sitting, but when hearing appeals from decisions of the Court of Appeal, a full bench of seven justices, has to be present. The decisions of the Supreme Court form precedents followed by all lower courts. It is presided by the Chief Justice and in his absence the most senior member of the Court presides over the sitting of the Supreme Court. It sits eight sessions a year with a break of 2 weeks between sessions to do some research and write judgments.

Key functions:

- Receipt of memoranda of appeals from Court of Appeal;
- Studying court proceedings and judgments contained in the memoranda/applications;
- Hearing of evidence;
- Writing of judgments and delivering of judgments.

Establishment: The Supreme Court is headed by the Chief Justice and supported by seven (7) Justices with the following quorum.

- Constitutional Appeal Cases 7 Judges
- Criminal Appeal Cases 5 Judges
- Civil Appeal Cases 5 Judges

The Registrar who is responsible for implementing decisions and supervising the Supreme Court Registry as well as planning court sessions carries out the Administration of the Supreme Court and preparing cause lists. An Assistant Registrar, an Office Supervisor, a Librarian, and a Cashier assist the registrar. The support staff includes the following: Personal Secretaries, Copy typists, Drivers; Bodyguards; Office Attendants and Security Guards.

5.10.2 Office of the Deputy Chief Justice

Court of Appeal /Constitutional Court: The Court of Appeal of Uganda came into being following the promulgation of the 1995 Constitution, and the enactment of the Judicature Statute, 1996. Article 134 of the Constitution established the structure of the Court of Appeal to consist of: The Deputy Chief Justice, and Such number of Justices of Appeal not being less than seven as Parliament may by law prescribes. It is the second most important Court of Uganda. It is inter-positioned between the Supreme Court and the High Court and is also the country's Constitutional Court. It is mandated to hear appeals from the High Court. It is a second court of record; it is not a Court of first instance except when hearing constitutional cases since it is also a Constitutional Court.

Key Outputs: Appeals from the High Court heard and judgments delivered.

Establishment: The Deputy Chief Justice assisted by seven judges heads the Court of Appeal. As a Court of Appeal it must have a minimum of three justices at any sitting. While sitting as a Constitutional Court, it must have a minimum of five judges to constitute a Constitutional Court. There are at present eight judges including the Deputy Chief Justice. The Deputy Chief Justice is assisted by a senior magistrate grade I as his/her Personal Assistant and a Registrar who is responsible for general administration of the court, arranging trials of cases, preparing cause lists and assessing costs recoverable by litigants. The support staff includes the following: Senior Personal Secretary, Body Guards, Office Attendant and Drivers.

5.10.3 Office of the Principal Judge

High Court: The High Court of Uganda is established by Article 138 of the Constitution and stands as a symbol of Justice. It is the third court of record in order of hierarchy and has unlimited original jurisdiction i.e. it can try any case of any value or crime of any magnitude in Uganda. Appeals from all Magistrates Courts go to the High Court. The High Court is headed by the Honorable Principal Judge and is responsible for the administration of the court and has general supervisory powers over Magistrate's courts.

The High Court conducts most of its business at its headquarters but with the decentralization of the High Court, its services are now obtained at its circuits. The High Court of Uganda has a total of 29 Judges. It is situated on plot 2, Square Street just by the Constitutional Square. The building is comprised of three wings that house the chief justice, chief registrar and the judges of the high court.

Key outputs:

- Civil and criminal appeal cases heard and judgments delivered.
- Commercial disputes registered, mediations held between concerned parties and settlement of disputes reached.
- Family disputes and conflicts amicably resolved.
- Case records and proceedings securely kept.

Establishment: The Principal Judge reporting to the Chief Justice assisted by the High Court Judges of the Five Divisions and Resident High Court Judges in twelve circuits heads the High Court. He/she is responsible for the supervision of the Judges and Chief Magistrates in the Country. The day-to-day management of the High Court is carried out by the Registrar reporting to the Chief Registrar and assisted by five (5) Deputy Registrars as follows:

- Deputy Registrar - Civil
- Deputy Registrar - Mbarara
- Deputy Registrar - Gulu
- Deputy Registrar - Nakawa
- Deputy Registrar - Jinja

One Deputy Registrar heads Criminal and Family Divisions. Other offices headed by Deputy Registrars are: Masaka, Mbale, and Fort Portal. A High Court Judge assisted by three Judges and a Registrar however heads the Commercial Court. The Divisions include the following: Civil, Criminal, Family, Commercial and Land.

High Court Kampala Records Registries: The High Court has five records registries, for the five Divisions.

Key Functions:

- Maintenance of up-to-date case records and court proceedings so that they are easily accessible to the users;
- Registering cases and entering data into computer for easy access and retrieval;
- Providing information to the public, Judges and Magistrates on cases that are due for hearing or judgment;
- Attend court sessions and conduct interpretation of cases into local languages.

Key Outputs:

- Well maintained and updated case records and proceedings files;
- Well conducted interpretation of cases.

Establishment: The Records Registries are headed by Senior Office Supervisors/Senior Assistant Records Officers assisted by Office Supervisors, Records Assistants and Senior Clerical Officers.

High Court Kampala Commercial Court:

Key Functions: The Commercial Court handles disputes of a commercial or business nature whether contractual or not through mediation so that concerned parties settle their disputes amicably. A Commercial Judge assisted by three judges heads the court.

Registry: A Registrar reporting to the Chief Registrar, assisted by an Assistant Registrar, heads the Registry. He/she is responsible for implementing all policy decisions and procedures of the Commercial Court as well as receiving and registering all cases of commercial disputes, planning,

mediation court sessions and all matters connected with the hearing and disposal of taxation of bill of costs. The registry of the Commercial Court consists of the following sections:

Registry: The main objective of this section is to maintain an effective and efficient records management system.

Key Functions:

- Filling and maintenance of up-to-date court records and proceedings;
- Indexing of all files of the Commercial Court pertaining to applications, mediation and judgments;
- Tracing movement of files;
- Opening new files;
- Retrieval of case files.

Key Outputs:

- Court records and proceedings;
- Files indexed;
- New files opened;
- Case file retrieved.

Establishment: A Senior Assistant Records Officer assisted by a Records Assistant heads this subsection.

Accounts: This section is responsible for maintaining accounts records.

Key Functions:

- Receipt and banking all cash/cheques received;
- Preparation of payment vouchers;
- Writing of cheques;
- Maintenance of cash books and ledgers;
- Carrying out bank reconciliation.

Library: The objective of the library is to maintain a well-stocked library with necessary books, publications and documents in order to facilitate the work of the judges and other judicial staff.

Key Functions:

- Maintenance of an update inventory of all books, publications and documents;
- Shelving and filling all books, publications and documents;
- Coding new acquisitions and marking book spines;
- Cataloguing and classification of books publications and other documents;
- Maintenance of proper up-to-date records of the library.

Key Output:

- Library books, publications and documents properly recorded and indexed;
- Books filed and indexed;
- New acquisitions classified and coded;
- Records updated.

Establishment: A Librarian mans the section.

Systems Administration: The objective of the Systems Administration unit is to investigate and resolve computer software.

Key Functions:

- Investigation and resolution of computer software and hardware problems.
- Reviewing computer software problems
- Regulating access to computer data files
- Entering commands into the computer to allow access to computer system.

Key Output:

- Computer software and hardware problems investigated and resolved;
- Computer software programmes reviewed;
- Computer data files regulated;
- Commands entered into the computer to allow access to computer system.

Establishment: One systems administrator manages this sub-section assisted by the following support staff: Personal Secretary, Copy Typist, Office Attendant, Process Server and Drivers assist in administration.

Resident High Courts:



The High Court Resident Judges are in charge of magistrates' areas in the country handling all capital offences beyond the Chief Magistrate's jurisdiction. These positions were created after the promulgation of the 1995 Constitution to decentralize judicial functions to district levels in order to provide fair, speedy and impartial hearing and determination of cases and to minimize backlog of cases at the High Court.

Key Functions:

- To conduct court sessions and adjudicate all capital offences beyond the Chief Magistrate's jurisdiction both for Civil, Criminal and Appeals from Chief Magistrate's and from Magistrates' Grade I Courts.
- To provide professional leadership to Chief Magistrates and Magistrates Grade I
- To supervise the Chief Magistrate within the magisterial area.

Key Outputs:

- All cases both civil, criminal and appeals from the Chief Magistrates and Magistrates Grade I Courts heard and determined.
- Professional leadership provided.
- Chief Magistrates' Courts supervised.

Establishment: The Resident High Court Judges are managed and administered by two Resident High Court Judges responsible for the magisterial area. In practice however, due to shortage of judges One High Court Judge manages some High Courts. A Deputy Registrar who handles the administrative functions such as allocation of cases to judges, inspection of courts and general judicial duties supports the judges. The following are the support staff: Personal Secretary, Driver and Body Guard.

5.10.4 Office of the Chief Registrar: The office of the Registrar is created by Article 145 (1) of the Constitution. The Chief Registrar, who is the level of Permanent Secretary and carries out management of the Judiciary on a day-to-day basis, heads the Registrars. The Registrars High Court, Supreme Court, Court of Appeal, Research and Training, Land Division and Tribunals, the Inspector of Courts, Planning and Development assist the Chief Registrar. The Administration of the five divisions of the High Court is in the hands of the Registrar High Court, who is assisted by Deputy Registrars and Assistant Registrars in the running of Registries. Registrars and Deputy Registrars also have judicial powers within their respective areas of jurisdiction, under the provisions of Order 46 of the Civil Procedures Rules. These Rules empower Registrars to take all preliminary steps before trial and hear all interlocutory applications. The statutory instrument of 31/12/2002 increased the judicial powers and jurisdiction of Registrars.

District Registrars: Order 44 Civil Procedures Rules provides for powers of District Registrars. Chief Magistrates perform this role at High Court circuit stations where there are no Deputy Registrars. The main objective of this office is to direct, supervise and coordinate the functioning of the Courts of Judicature to ensure that justice is delivered in accordance with the mission of the Judiciary through registrars and Chief Magistrates.

Key Functions:

- Formulation of policy proposals for administration of Courts of Judicature;
- Development and review of action plans and performance of the judiciary against set targets;
- Coordination of court inspection schedules;
- Assessment of resource needs including human resources;
- Analysis of court activities to monitor performance of courts;
- Maintenance, storage and security of case information and court records;
- Supervision of Registrars and Chief Magistrates (Administrative) of courts of Judicature;
- Coordination of training needs, development of training guidelines and implementation of training programmes.

Key Outputs:

- Appropriate policy proposals for administration of Courts of Judicature
- Action plans developed and reviewed
- Court inspection schedules coordinated
- Resource needs assessed
- Court activities analyzed and monitored
- Case information and records well securely maintained
- Training needs assessed and training programmes implemented.

Establishment: A Chief Registrar assisted by Registrars as follows heads the Office of the Chief Registrar:

- Registrar - High Court
- Registrar - Supreme Court
- Registrar - Court of Appeal
- Registrar - Courts of Inspection
- Registrar - Research and Training
- Registrar - Planning and Development
- Registrar – Land Administration/Tribunals

Research and Training Department: This is a department currently under the Chief Registrar responsible for developing research proposals, tracing programmes and conducting research and training. A Registrar assisted by a Senior Economist heads it. The Senior Economist is seconded from the Planning and Development Department.

Key Functions:

- Developing strategic plans and budgets for implementation of the strategic plans.
- Developing research and training proposals and programs
- Overseeing and monitoring the implementation of projects.
- Developing methods and procedures for monitoring and implementation of research projects.
- Designing systematic training programmes
- Organizing and developing training manuals.
- Conducting training programmes for resource personnel
- Establishing strong links and support network with local and international research institutions, universities and government agencies, donors, NGOs, and other strategic partners with regard to research programmes.

Planning and Development Department: This department was established by the Associate for Change Report and approved by the Judiciary but has not been implemented. The post of Senior Economist is filled but the incumbent is currently under Research and Training Department.

Establishment: The approved establishment in this department was Registrar as the head, Principal Economist, Senior Economist, Economist and Planner.

Court Inspectorate: This is a support department for the judiciary responsible for inspecting courts, investigating complaints and assessing efficiency aspects of the operation of courts.

The Inspectorate of Courts evaluates the performance of Magistrates with the overall goal of improving the quality of service, efficiency and effectiveness throughout the magisterial areas. This is

done through routine and independent inspection of Magistrates Courts making recommendations as to what action should be taken.

Key Functions:

- Develops a strategic programme of activities and budget estimates to facilitate court inspection of Magistrate courts.
- Investigates complaints received from the general public (also performed by the Judicial Service Commission).
- Conducts regular court inspections to identify performance bottlenecks.
- Analyses court returns to evaluate effectiveness of controls and to determine efficiency of court operations.
- Conducts training needs assessment and develops training manuals.

Key Outputs:

- Strategic programme of activities and budget estimates to facilitate court inspection of Magistrate courts developed.
- Complaints received from the general public.
- Inspection of courts performed.
- Court returns analyzed.

Establishment: A Registrar, to be supported by two deputy Registrars and a Senior Clerical Officer head the unit.

Magistrates Courts:



Magistrate's Courts are the lowest subordinate courts whose decisions are subject to review by the High Court. There are three levels of Magistrates courts: Chief Magistrates, Magistrates Grade I and Magistrates Grade II. These courts handle the bulk of cases in Uganda. Presently the country is divided into 28 Chief Magisterial areas administered by Chief Magistrates who have general powers of supervision over all magisterial courts within the area of their jurisdiction.

There are currently 29 Chief Magistrates' Courts, 52 Magistrates' Grade I Courts and 428 Magistrates' Grade II Courts. Each Chief Magistrates' Court has Magistrates of varying Grades from Chief Magistrate, Magistrate grade I, Magistrate grade II. The Judiciary is planning to increase the number of Chief Magistrates' courts from 29 to 59 and to increase the number of Magistrates' Grade I Courts to over 150. Concurrently, Magistrates' Grade II courts are to be phased out.

The Chief Magistrate: The Chief Magistrates' courts were established under the Magistrates' Courts Instrument of 1997. The Chief Magistrates are the heads of the magisterial areas within the country responsible for effective management of these areas by coordinating and supervising the activities of the Magistrates. The Chief Magistrates' courts are responsible for supervision of the lower courts within the area. Currently there are 28 Chief Magistrates' Courts. The main objective of the Chief Magistrates' Courts is *to provide judicial assessment to ensure maintenance and promotion of law and order by providing speedy and impartial hearing of cases to the people of Uganda to ensure peace, security and prevention of crime.*

Key Functions:

- Supervision of Magistrates Grade I and Grade II Courts.
- Provision of fair and impartial hearing of civil and criminal cases.
- Education of the public in the basic tenets of the law.
- Deployment of magistrates within the magisterial area.
- Determination of human resource needs.
- Management of operational funds for the area.
- Disciplining of staff.

Key Outputs:

- Magistrates' courts supervised.
- Fair, speedy and impartial hearing provided.
- Public educated on the basic tenets of law.
- Magistrates and support staff deployed.
- Human resources determined.
- Operational funds managed.

Sections: The Chief Magistrate's Office consists of the following sections

Registry: This maintains an effective and efficient record management system.

Key Functions:

- Maintenance and filling of court records.
- Indexing files for civil and criminal cases.
- Issuance of files.
- Tracing movement of files.
- Opening new files.
- Maintenance and updating master registry
- Retrieval of case files
- Updating files.

Key Outputs:

- Case files records maintained and updated.

- Files indexed.
- Files issued.
- File movement traced.
- New files opened.
- Case files retrieved and updated.

Accounts Section: Maintains proper records of accounts and payments.

Key Functions:

- Receipt and banking of cash.
- Preparation of payment vouchers.
- Writing of cheques.
- Maintenance of cashbook and ledger.
- Bank reconciliation.
- Payment of salaries and wages.

Key outputs:

- Cash receipted and banked.
- Payment vouchers prepared.
- Cheques written.
- Cashbook and ledgers maintained.
- Bank reconciliation done.
- Salaries and wages paid.

Paralegal Section:

Key Functions:

- Registration of New cases.
- Interpretation for the Chief Magistrate, Magistrates Grade I and Grade II
- Serving of summons.
- Keeping and production of exhibits required.

Key Outputs:

- New cases registered.
- Interpretation of vernacular to English and vice-versa conducted.
- Summons served.
- Exhibits in safe custody.

Library: The Chief Magistrates' Courts have libraries where legal documents, periodicals, journals and publications are kept. These are very important reference materials for judicial officers and therefore need to be properly maintained. Each Chief Magistrate has a Librarian to cater for this function.

Key functions:

- Providing safe custody of all legal printed materials for reference.
- Maintenance of up-to-date inventory of all books, periodicals, journals and publications.
- Providing conducive atmosphere and facilities for library users.
- Maintaining well indexed reading materials.
- Key outputs

- Legal printed materials and books kept in safe custody.
- Inventory of reading materials up-dated.
- Conducive atmosphere provided for library users.
- Books and all relevant materials indexed.

Management Information System (MIS): The Judiciary is in the process of computerizing all court operations throughout the country in order to improve efficiency and effectiveness of service delivery.

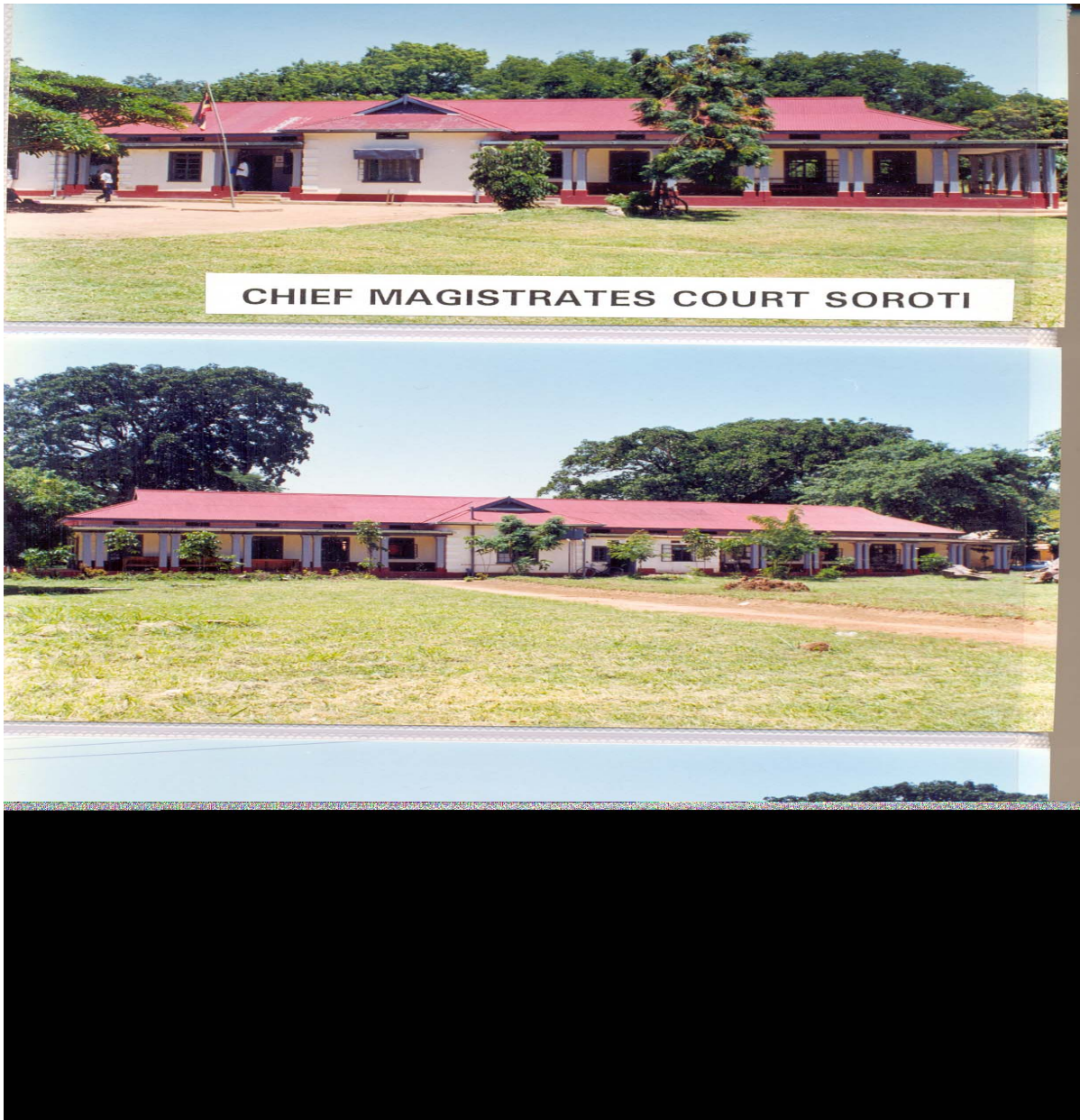
Key Functions:

- Maintenance of computer equipment both software and hardware.
- Modification and updating of software applications.
- Review and testing of hardware and software systems.
- Computer and databases security.

Establishment: A Chief Magistrate assisted by two Magistrates Grade I and II Magistrates Grade II at the magisterial court headquarters head the Chief Magistrates' courts. Magistrates Grade II heads the sub-county courts under the Chief Magistrates with exception of few busy offices like Bushenyi and Ntungamo. However, in few exceptional cases, there is more than one Chief Magistrate such as in Jinja and Buganda Road Chief Magistrates courts.

Support staff: The Chief Magistrates' courts are assisted by support staff headed by a Senior Office Supervisor assisted by an Office Supervisor, Senior Accounts Assistant, Accounts Assistant, Records Assistants, Clerical Officers/ Interpreters Process Servers, Stenographer Secretary, Office Typist and Office Attendants. The number of posts in the support staff cadre varies from office to office depending on the volume of court cases and sub-county courts.

The Grade I Magistrates:



Currently most of the Magistrates Grade I are stationed at Chief Magistrates' courts assisting the Chief Magistrates with a few exceptions whereby Magistrates Grade I are in-charge of sub-county courts like Ntungamo and Bushenyi in Mbarara Chief magisterial area. It is however intended to have all sub-county courts under Magistrates Grade I as Magistrates Grade II are being phased out in order to professionalize the lower bench. These courts are mandated to handle civil and criminal cases within jurisdiction.

Key Functions:

- Adjudication of civil and criminal cases and settlement of disputes within the community.
- Hearing and determination of criminal cases.
- Making rulings to free, fine or sentence in accordance with the legal statutes.

- Education of public in the basic tenets of law.
- Control of the operational funds.

Key Outputs:

- Civil and criminal cases heard and determined.
- Disputes within the community heard.
- Public educated in the basic tenets of law.
- Operational funds controlled.

The Magistrates Grade I are supported by one Magistrate Grade 1 with the following support staff.

- Clerical Officer
- Records Assistant
- Accounts Assistant
- Process server
- Copy typist
- Office attendant

One of the clerical officers acts as an Interpreter while the second acts as Office Supervisor supervising other staff. The functions performed are similar to those performed at Chief Magistrates' court but at a lower level.

Establishment: Currently, Grade I and Grade II Magistrate Courts are different and have different judicial powers in determining cases. It is however, the policy of Government to phase out Grade II Magistrates so that Magistrates Grade I manages all lower courts. This is intended to professionalize the bench and improve efficiency. This is a challenge to the Judiciary, which is currently having a problem of retaining Magistrates Grade I who resign from the Judiciary due to poor remuneration. Magistrates Grade II who may not be easy to replace unless condition are improved staffs most of the lower courts.

The District Magistrate Court has the following support staff: Pool stenographer, Driver, Receptionist/Customer Service Desk and an Office Attendant. The following support staff: office typist, office attendant and night watchmen assist the County Magistrate Court. The following are the support staff under the Sub-County Court: Receptionist/Customer Service Desk and an Office Attendant.

5.10.5 Department of Finance and Administration: This is a support department for the Judiciary for general administration and management of human and financial resources as well as maintenance and control of assets.

Establishment: The Department is headed by the Secretary to the Judiciary appointed by the Public Service Commission of the Ministry of Public Service. He/she is the accounting officer and reports directly to the Chief Justice while at the same time has close consultations and linkage with the Ministry of Public Service. An Under Secretary who is supported by divisional heads assists him/her. They include: Principal Personnel Officer; Assistant Secretary; Principal Asst. Secretary; Principal Accountant; and Estates Manager. The Estates Manager and the Computer Programmer report to the Secretary to the Judiciary.

Key Functions:

- Providing professional advice on government policies as well as interpreting and overseeing the implementation of government policies and regulations.

- Coordinating the timely preparation of the judiciary's annual plan and budget as well as monitoring the utilization of funds.
- Coordinating the procurement of supplies.
- Ensuring that the judiciary is adequately staffed with qualified and competent personnel.
- Monitoring all operational and residential buildings and other assets of the judiciary.

Key Functions of the Divisions under the Department: In order to effectively perform these functions the department is divided into five divisions namely: Administration; Personnel; Finance and Accounts; Estates; and Procurement. Each of these divisions is charged with specific responsibilities

Administration Division:

Key Functions:

- General administration of staff.
- Interpretation and implementation of government policy decisions and guidelines.
- Deployment of common cadre staff.
- Training of common cadre staff.
- Staff welfare.

Personnel Division:

Key Functions:

- Maintenance of staff records.
- Initiation of appointments, confirmation, promotion, and disciplinary actions in close collaboration with the Ministry of Public Service.
- Control of establishment, implementation of policies and regulations regarding human resource management.
- Coordinating of induction and on job training orientation programmes.

Estates Division:

Key Functions:

- Maintaining an up-to-date inventory of all buildings of the Judiciary
- Inspection of all buildings (operational and residential) in order to identify defects, damages and faults for repair and maintenance.
- Prepare budgets for necessary repairs to be undertaken for submission to the Under Secretary.
- Supervision of all contracts awarded by the Judiciary to carry out such repairs.
- Inspecting and supervising the construction, rehabilitation, alterations, repairs and maintenance of court buildings, offices and residential houses.
- Interpreting blue prints and specifications in order to determine deviations from specified procedures.

Finance and Accounts Division:

Key Functions:

- To prepare an annual budget for the department and the whole judiciary based on various departmental budgets.
- To monitor the budget management by various departments including for all up country courts.
- To process payment for the operations and procurement of goods and services.

- To make sure that all expenditure is in conformity with budget provisions.
- To maintain up-to-date books of accounts.
- To prepare and produce timely financial statements.
- To prepare final accounts in time.
- To advise the management on the trend of expenditure.

Purchasing Division:

Key Functions:

- Preparation of a strategic procurement plan and tender specification documents for purchasing of equipment, goods, services.
- To maintain a catalogue of suppliers and contractors.
- To process bid documents from tenders
- Placement of orders and follow up.
- Receipt and storage of goods.

CHAPTER SIX

COMPLAINTS AND DISCIPLINARY PROCEDURES:

6.1 Introduction: Many complaints are made in the course of a particular year. The range of complaints are many and varied. They are about management of trial of cases by some officers. There are complaints about inordinate delays in the delivery of judgments. Long delay in delivery of judgments raises unnecessary suspicion. It unnecessarily provides opportunity for suspicions, for instance, about the competency of the judge concerned. Again by delay the judiciary unnecessarily gives cause for suspicion about the motive of the judicial officer. Indeed even wild suspicions of corruption are bound to arise where a judgment is delayed for too long and without proper explanation. The judiciary employs two distinct categories of staff that are disciplined by two different bodies. The administrative staff are recruited and disciplined by the Public Service Commission following the government terms and conditions of service. The judicial officers on the other hand are recruited and disciplined by the Judicial Service Commission on recommendation of the Chief Justice.

6.2 The High Court Inspectorate: The role of the court inspectorate is to have in place appropriate machinery for inspection of courts and evaluation of the performance of Magistrates and other Judicial Officers. There are five main areas of Inspectorate activity namely, field inspections; investigation and evaluation of complaints from the public; post inspection reviews; regular liaison with chief magistrates; and joint inspection activity with other criminal justice inspectorates.

Field Inspections: A field inspection assesses the extent to which Courts are using their resources effectively to deliver high quality service to court users. The Inspectorate provides management of the Judiciary with information about performance of a particular magisterial area. It also supports the courts by endorsing their good practices and making recommendations about possible improvements. These recommendations are mainly directed to the top management and the magisterial area. However, where appropriate, they are directed towards persons and or other bodies that impact on the performance of the Court service. Field Inspections are concerned with overall performance, not with work of individuals. Reports do not refer to any individual by name. Inspection activity focuses upon some or all, of the following key functions of a magisterial area.

Good Governance: Examines the extent to which working arrangements of the Court ensure regularity, propriety and probity, through adherence to appropriate principles of conduct, accountability, and cooperation with organs and agencies of the state and the public in achieving aims set for the Justice system.

Strategic Management: This covers the lead given by the Court in determining priorities and seeking objectives for the Court service in its area; the degree to which these meet local needs and ensure a high level of performance; process in place for planning, implementation and review.

Financial Resources: Here the focus is on the extent to which funds are deployed to provide good value for money with priorities and resources available.

Human Resources: Under this category, the extent to which Staff provision and deployment delivers objectives effectively is scrutinized.

Physical Resources: This examines how efficiently and effectively physical resources are deployed.

Administration of Cases: How promptly and accurately cases and information are processed, taking into account adherence to and compliance with constitutional provisions, set judicial procedures and regulations, and the needs of court users.

Collection of Revenue and Refund of Bail: How promptly Revenue is collected, banked and finally remitted to High Court and how promptly bail is refunded at the conclusion of a Criminal Case.

Facilities: The extent to which facilities allow users to conduct their business in adequate comfort, privacy and safety.

Treatment: How well and appropriately Court users are treated in terms of courtesy and helpfulness.

Written information: Whether written information is sufficient and clear about Court and its proceedings.

Inspection Information: Methods of collecting information include the following: Study of information supplied before, during and after the Inspection fieldwork period. Use of direct experience particularly during visits to courts where for example, one notes how long people have to wait at the reception desk and observing whether there is sufficient information availed to court users. Evidence drawn from interviews with professional and non-professional court users, Judicial Officers and support Staff. Comments and interviews are assessed according to available evidence.

Inspectorate Teams: A small team, consisting of the Inspector, Revenue Accounts officer, and an Officer from Personnel Office, generally carries out Field inspections. The Deputy Registrars, as lead inspectors, take responsibility for the inspection. The Deputy Registrar also attends to all Inspections to ensure the quality of the inspection process and consistency between inspections.

Conduct of the Inspection: Inspectors try not to disrupt the business of the courts, and do not visit officers without warning. They do identify themselves at the start of any interview. Interviewees are told that information or views expressed during the discussions are used for oral or written reports of the inspection but not attributed to any individual name. In some instances, courthouses are visited without warning. In such event, there are no interviews with staff, but depending on the circumstances of the case information may be sought. Apart from light refreshment the Inspector does not accept free hospitality during inspection. The Judiciary provides all allowances for up keep and transport incurred during the inspection period to the Inspector.

Notice of Inspection: Inspectors give magistrates courts at least two weeks before the main fieldwork period and the key functions to be inspected. The Magistrates courts are asked to confirm whether the proposed dates are acceptable, or if there are any circumstances, which make them particularly inappropriate. The Inspectorate may be able to adjust dates within the Inspection year, but cannot guarantee to do so.

Announcement of the Inspection: Inspectors provide at least four weeks before the inspection filed work, written notice of, and information about, the inspection together with short briefing notes for distribution to Magistrates and Staff. The notices are placed in court waiting areas, Magistrates chambers, staff areas and rooms provided for professional users and witness. The notice is translated into local languages.

Information Required for Inspection: The Magistrate courts are required to provide a written assessment of its performance against the key functions to be inspected. The assessment forms the starting point in the work of the Inspectors. The inspectors receive the assessment during the

Inspection visit. During their visits, inspectors examine original documents for examples, case files, and complaints of loss of files on site. The Magistrates are required to avail the documents on request by the Inspectors. The Inspectorate has the right to inspect records including those kept on Computer.

Role of Liaison officers: The Chief Magistrate and Grade I in-charge of Station of each area act as liaison Officers for the Inspection. They are the first point of contact for the Inspectorate on administrative matters and provide a day to-day channel of communication between the Inspectorate and the staff of the magisterial area generally. Liaison Officers are expected to answer queries regarding their magisterial areas and have authority to ensure that action is taken whenever appropriate. The liaison Officers do not accompany inspectors on their visits, but provide someone to do so. Liaison officers are responsible for collecting the pre-inspection information, arranging office accommodation and fixing meetings.

Visits to the Court Houses: Inspectors may visit courthouses while the courts are in session. When they sit in the courtrooms, they assess aspects of the organization of court business or the quality of service provided but they do not inspect judicial decisions. However, they may examine the impact of cause listing practice and other administrative arrangements for court users and the flow of business. They may also consider the way in which litigants and witnesses are treated during proceedings; how they are addressed; for example, and whether they receive clear explanations. In addition, such factors as the level of the security, the adequacy of lighting and the proceedings may be assessed.

Discussions with other Professionals and Members of the Public: In the course of the court visits, Inspectors talk to professionals and non-professional court users; to members of the court staff in direct contact with the public (for example, receptionists, clerks, court order-lies) without disrupting court business. Views are sought from a representative sample of professional users directly or telephone interview. Professional users contacted may include representatives of the DPP, Police, Advocates, Prisons and Probation Officers. Meetings are held with Local Leaders, such as Chief Administration Officers, LC V Chairman, Mayor, RDC e.t.c. The purpose of these contacts is to gather information on the impact that administration of the court has upon the work of professionals and upon the members of the public with whom they come into contact.

Management Report: The inspector makes a report of the assessment of the magisterial area's performance in implementing the recommendations; describing the methodology used and the inspectors' findings in relation to each recommendation. An analysis of the implementation of the recommendations is included in the Inspector Annual Report. If a field inspection reveals serious inadequacies, which cannot be satisfactorily addressed by the Chief Magistrate's response, the Inspectorate writes formally to that effect. The same procedure is adopted if the magisterial area fails to implement the inspectorate recommendations. In that case close monitoring is recommended and the Chief Registrar is requested to take further action.

Close Monitoring: Once a Magisterial area is a subject of close monitoring, the Inspectors role involves more frequent contact aimed at assisting the Magisterial area in the following; rectifying any failure on its part to discharge responsibilities adequately; establishing procedures and systems designed to prevent the recurrence of problems experienced and achieving adequate standards of service and levels of performance. The Inspector of Courts reports to the Chief Registrar regularly on the progress of any magisterial area subject to close monitoring. But once the identified failings are rectified, the magisterial area ceases to be in need of close monitoring.

Complaints: The Inspectorate has an established complaints procedure for those who wish to express dissatisfaction about the actions or omissions of its staff, including the sub-inspectors acting on behalf of Inspectorate. The procedure covers complaints about the standards of service provided by the

Inspectorate as a whole, but does not extend to expressing of dissatisfaction about the comments contained in the inspection reports. Oral complaints are referred to the Inspector of courts who may discuss the complaint further with the complainant before responding. If appropriate, the Inspectorate examines further into the complaint and replies within 2 weeks. If this target cannot be achieved, the complainant is notified and told when a response may be expected. Complainants who remain dissatisfied are advised to make a formal written complaint. Telephone complaints are made to the Inspectorate on No. 041-347312.

Letters of Complaints should be addressed to the Chief Registrar or the Inspector of Courts, Courts of Judicature at High Court Building P. O. Box 7085, Kampala. Complaints may also be sent to the Inspectorate via the Internet to www.judicature.go.ug Acknowledgement is provided within a reasonable time notifying the complainant as to who will investigate the complaint or the complainant is notified and given an indication when a reply may be expected. If dissatisfied with the reply, the complainant writes to the Inspector, who will re-examine the complaint and respond within two weeks.

6.3 The Role of the Judicial Service Commission: The functions of the JSC include exercising disciplinary control, over persons holding or acting in such offices and to remove such persons from offices. When the Commission exercises those functions the rules of natural justice are followed. The Officer to be disciplined is informed of the charges laid against him/her and is allowed to defend himself/herself. He/she may be represented by an advocate and has a right to cross-examine any witness who gives adverse evidence against him or her. In case of the Chief Justice, Deputy Chief Justice, the Principal Judge, Justices of the Supreme Court, Justices of Appeal and High Court Judges, the Commission advises the President if it is necessary, to set up a tribunal to remove those in office on the grounds laid down in the Constitution. They include inability to perform the functions of the office arising from infirmity of body or mind; misbehaviour or misconduct and incompetence. *See Appendix No 3 Judicial Service Commission Regulations, 2005 No. 87 Part 4 on Discipline and Appendix No. 4: Judicial Service (complaints and Disciplinary Proceedings) Regulations, 2005 under Statutory Instruments 2005 No. 88.*

6.4 The Role of the Public Service Commission: The recruitment and promotion of administrative staff in the Judiciary is the responsibility of the Public Service Commission. The Commission has regulations that provide for and regulate the conduct of disciplinary proceedings; the organization of its work; its performance and functions; prescription of disciplinary penalties and awards; and consultations with persons other than members of the Commission. *See appendix 5 The Public Service Commission Regulations made under Statutory Instruments 1993 No. 34; 2002 No.2; and 277-3.*

6.5 Reporting Procedures on Corruption: Complaints about judicial corruption may be oral, written or by fax. The complainant has to report or contact the Chief Justice, Principal Judge, Secretary to the Judiciary, Chief Registrar, Inspector of Courts, and Head of the Court or the Registrar of the Court. The complainant may be assisted by the official at the Reception desk to reach any of the individuals mentioned. The complainant is required to provide his/her contact address including the physical address and phone number. The Judiciary does not entertain complaints where a complainant is not willing to put his/her complainant in writing. While the Judiciary may entertain a complaint in writing however, if the complainant refuses to disclose his/her identity, the complaint is not entertained. Identities are kept confidential to the official in the Judiciary to whom the complaint is made. The official who receives the complaint decides whether to refer the complaint to the internal complaints procedures or to the police for investigation.

People who have recommendations or complaints concerning the judiciary and the administration of justice can send them to or take them in person to the Secretary on the following address: Farmer's House, Plot No 6-8 Parliamentary Avenue, P. O. Box 7679, Kampala-Uganda Tel: 256-41-344-154, Fax: 256:41-254-090 Website: www.jsc.go.ug. Alternatively, complaints/recommendations are placed in the Complaint/Suggestion Box found at the office of the Chief Administrative Officer (CAO) from where they are collected. Collection of complaints/recommendations is done once every month by the Field Officers of the commission who are the only ones authorized to open the said boxes. If a complaint/recommendation is oral, the office of the CAO helps to have it reduced into writing. It is important to note that a complaint/recommendation must relate to courts, tribunals, and the administration of Justice. *See Appendix No. 3 Statutory Instruments 2005 No.88. The Judicial Service (Complaints and Disciplinary Proceedings) Regulations, 2005 for details.*

6.6. Procedure for Handling Corruption in the Court: There is a complaint's desk at the Court to receive complaints-including allegations of corruption from the public. The Complaint's desk officer forwards all complaints to the Complaint's Committee. All complaints are reduced into writing with documentary proof attached, where possible. As much detail as possible is provided in the written complaint. The Complaint's Committee carries out investigations into complaints received, establishes their authenticity, and takes administrative decisions. The Committee makes its own rules of procedure, taking into account principles of natural justice. Where a complaint is upheld, the committee takes a decision, which may include: Making the member of staff refund any property corruptly received. Taking disciplinary action as provided for in the Uganda Government Standing Orders and the disciplinary procedure provided for in this Handbook. Referring the matter to the Inspector General of Government for Prosecution. Referring the matter to the Uganda Police Force (in particular, the Criminal Investigations Department) for investigation. Referring the matter to the Directorate of Public Prosecutions for action, and; Taking any other administrative action. Where a complaint is found to be untrue, the committee takes any of the following decisions, after dismissing the complaint, admonish the complainant; or direct that the complainant writes a public apology to the member of staff, and; or takes any other administrative decision.

6.7 Judicial Code of Conduct: The principles and rules designed to provide guidance for regulating judicial conduct are stipulated in the Judicial Code of Conduct. It is the individual responsibility of every judicial officer to adhere to the said principles. The principles in the Code include: Independence; Impartiality; Propriety; Integrity; Equality, Competence and Diligence.

6.8 Judicial Accountability: For many years judicial officers have shrouded themselves in the cloak of judicial independence. To them, judicial independence has been a shield against anyone who questions their conduct both at work and otherwise. The only time their decisions were questioned was on appeal. The judicial independence as a shield no longer exists. The judicial officers are disarmed. They have only to find the best way of accounting to the people. Moves in that direction have already begun by way of data production in respect of output. Steps have been taken to combat corruption by putting in place an integrity committee headed by a justice of the Supreme Court with peer committees at all levels. These may be internal steps, but they show the public that the judiciary realizes its problems and is taking steps to be a better service provider.

Duty squarely falls upon the judicial officers to explain to the public the cause of slow disposal. It is only when the litigants are aware of the reasons that they can trust the courts. Thus the courts' account for the slow nature of disposal is necessary. Close association to people suspected of criminal acts normally leads to distrust. A judicial official with personal sympathies is likely to cause distrust. It is important therefore that the personal preferences, be they moral, emotional, or ideological in origin, must take an uncomfortable back seat and leave the steering ahead of legal judgment to legal reasoning. It means in their legal judgment, the official is supposed to remain untouched, uninterested,

unperturbed by prospects of personal utility. The official is expected to purposefully ignore the personal benefits he/she may reap as a result of his/her decision or the dangers he/she may suffer, be it in terms of income, career prospects, prestige or physical integrity.

6.8.1 Public Scrutiny: The courts are all the time under public scrutiny. They are open to the public and what they do is watched all the time. The media has virtually unlimited right to attend and report. The judiciary's success is measured by the absence of adverse reports. Almost all decisions stand the danger of being appealed against to challenge the facts or interpretation of the law. The appeal could be to a higher court or an appeal to the public as the press has so often done for their opinion. The courts have to be demystified. How the judges work, what they dispose off and what time span, the difficulty they pass through in their day-to-day work. Data must be published if accountability is to carry the true meaning. Those who misconduct themselves must be subjected to disciplinary action as provided if the public is to feel the existence of accountability. It is this accountability that builds and strengthens judicial independence.

6.9 The Leadership Code: The Code provides for a minimum standard of behaviour and conduct for leaders in the Public Service. It requires leaders to declare their incomes, assets and liabilities and puts in place an effective enforcement mechanism. The Judicial Officers and non-judicial staff of the Judiciary are, in accordance with the Leadership Code required to submit to the Inspector General of Government returns of declaration forms of their incomes, assets and liabilities. The individual judicial officer and non-judicial staff of the Judiciary who is found not to have declared some of his or her assets and liabilities or if declaration is false, that individual breaches the Leadership code and he/she could be disciplined or ordered to vacate the office. The prohibited conduct under the Code include: Conflict of interest; Gifts or benefits in kind; prohibited contracts; Disclosure of interest; Prohibited conduct; Abuse of public property; and Misuse of official information.

6.10 Measures to Curb Corruption in the Judiciary: Measures have been instituted to minimize corrupt practices affecting the operations of the Judiciary. Measures include: Identification of Judiciary staff; Identification of Reception Desk; Display of Anti-Corruption Posters; Non-Acceptance of Gifts/Presents; and Legal Provisions. It is the responsibility of every judiciary officer and non-judicial staff of the Judiciary to display his/her name badge at all times whilst in the Court premises. There is a Reception Desk at the Entrance into every Court premises. This is prominently displayed. A judiciary official who attends to and guides visitors including Court Users mans it. Enquires for information about the Court are addressed to that official. Properly designed anti-corruption posters are prominently and strategically displayed in the Court premises.

6.11 Legal Provisions: Attention of judicial officers and non-judicial staff of the Judiciary is drawn to the provisions of the Penal Code Act, Cap 120, the Prevention of Corruption Act, Cap121, the Leadership Code Act 2002 and the Inspectorate of Government Act, 2002 where corruption is an offence and on conviction the officer concerned, is liable to a punishment of either fine or imprisonment or both. Besides being an offence under the above laws, corruption on the part of a judicial or public officer is a disciplinary offence under the Public Service Commission (Procedure) Regulations, Section 11 of the Public Service Act, Cap 288 and Judicial Service Commission Regulations. In addition, Judicial and Public officers' liability in respect of any particular charge of corruption does not necessarily stop when they leave the services of the Court.

6.12 Presents and Gifts:

Judiciary Policy on Receiving/Giving of Gifts to/from Staff: It is a policy of the Judiciary to maintain a zero-tolerance on corruption. As such, the Judiciary discourages any acts of giving/receiving gifts by/to Court staff as this breeds ground for corruption. Judicial officers and

support staff should not receive gifts from Users of the Court. Immediate supervisors and sectional heads should not receive gifts from subordinates supervised. An officer is prohibited from receiving valuable presents, other than the ordinary gifts from friends, whether in form of money, goods, free services or other personal benefits; he/she is also prohibited from giving such presents. This does not only apply to an officer but also to his/her family, and an officer is to be held personally responsible for their observance.

The above scenario is particularly important in relation to practice of commercial firms who take Christmas as an occasion on which to offer gifts, often of considerable value, to their clients or associates. The acceptance of such gifts by an officer, or his/her family, is bound to affect his/her reputation for impartiality in the community, in which he/she lives and is likely to affect the public confidence in the complete integrity of the Judiciary. However, this does not apply to presents of little value, such as diaries, chocolates, etc given by shopkeepers to their customers, usually as a token of good will at Christmas. Where a valuable present, such as a car, house, cow, an overseas trip, expensive jewellery and the like, is sent to an officer or to his/her family it should be returned immediately to the donor, with an explanation that the acceptance of such a present is not allowed under Standing Orders. If the return of a present would cause offence and embarrassment it should be handed over to the Government. On the occasion of an officer's retirement from the Judiciary, and if members of the Judiciary wish to make him/her a presentation to mark the general esteem in which he or she was held, authority to open a subscription list may be given by the Head of the Judiciary.

6.13 Disciplinary Measures:

Judicial Officers: A judicial officer may be removed from office only for: inability to perform the functions of his/her office arising from infirmity of body or mind; misbehaviour or misconduct; or incompetence. The President removes a judicial officer if the question of his/her removal has been referred to a tribunal and the tribunal has recommended to the President that he/she ought to be removed from office on any ground described above. The JSC or the Cabinet with advice that the President should appoint a tribunal refers the question of whether the removal of a judicial officer should be investigated to the President. The President then appoints a tribunal consisting of persons who are or have held office as judges of a Court having unlimited jurisdiction in civil and criminal matters or a Court having jurisdiction in appeals from such a Court or who are advocates of at least ten years' standing. If the question of removing a judicial officer is referred to a tribunal the President suspends the judicial officer from performing the functions of his or her office. A suspension ceases to have effect if the tribunal advises the President that the judicial officer suspended should not be removed.

It is essential that when disciplinary proceedings are instituted against a judicial or non-judicial officer, they are brought to a speedy conclusion including when, where applicable, action by the Police, the DPP and the Courts is required. The Responsible Officer has to ensure the submissions are complete and factual. The events leading to disciplinary action are isolated as to place and time; supporting written material are properly annotated and cross-referenced so as to facilitate speedy handling by the Appointing Authority. Up-to-date Staff Performance Appraisal Reports on the officers affected must accompany submissions. These submissions must be under the personal signature of the Responsible Officer.

6.14 Rules of Natural Justice: Those handling such cases must be impartial and both sides must be heard. No officer is subjected to any punishment without first being informed, in writing, what he/she has done. He/she is given an opportunity to make his/her defence in writing. Disciplinary Measures include reprimand; interdiction; suspension; and dismissal.

Reprimand: A Responsible Officer acting on his/her own volition may at any time issue a reprimand to an officer in the Judiciary.

Interdiction: Where a Responsible Officer considers that public interest requires that a public officer ceases to exercise the powers and functions of his/her office, he/she interdicts the officer from exercising those powers and functions, if proceedings for his/her dismissal are being taken or if criminal proceedings are being instituted against him/her.

Suspension on Criminal Conviction: Where a public officer has been convicted on a criminal charge the Responsible Officer may, if he/she considers it to be in the public interest, suspend the officer from the exercise of the powers and functions of his/her office and may direct what proportion, if any, of the emoluments of such officer are paid to him/her pending consideration of his/her case under the provisions of this Handbook.

6.15 Institution of Criminal Proceedings: If criminal proceedings of a nature warranting disciplinary proceedings are instituted in any Court, against a judicial or public officer, the Responsible Officer forthwith reports the facts to the PSC with a statement as to whether the officer has or has not been interdicted from the exercise of his powers and duties. Notwithstanding the institution of criminal proceedings in any Court against a public officer, proceedings for dismissal for corruption in a criminal charge are taken against that officer and the decision of the Commission does not in any way influence the decision of the Court.

6.16 Review of the decision by the JSC and PSC: The Commission may, on the discovery of any new and important matter of evidence which was not within its knowledge or could not be produced before the Commission at the time when its decision was made, review its decision and make any other decisions that it considers fit and may, in particular, impose a higher or lower punishment as the case may require.

Instances where Criminal Offences may have been Committed: If it comes to the notice of the Responsible Officer that a public officer may have committed a criminal offence likely to warrant disciplinary proceedings, the Responsible Officer consults the Director of Public Prosecutions whether he/she intends to institute criminal proceedings against the officer. If the DPP does not institute criminal proceedings against the officer, the Responsible Officer consults the Solicitor General (SG) whether disciplinary action should be taken under the provisions of this part of the Handbook. If the SG advises that disciplinary action should be taken, the Responsible Officer refers the charges framed against the officer to the SG for his approval before the officer is called to answer the charges or before any inquiry is instituted.

Communication of the Proceedings to Officer Concerned: Where proceedings have been taken against a public officer, such officer is informed of the decision but not of the reasons thereof, on each charge, which has been preferred against him/her; and of the penalty (if any) or other punishment to be imposed.

Misconduct Justifying Dismissal: Where a Responsible Officer considers it necessary to institute disciplinary proceedings against an officer, on the grounds of corruption, the Responsible Officer, after preliminary investigation forwards to the officer, with a copy to the SG a statement of the charge or charges against him/her together with a brief statement of the allegations on which each charge is based. In addition, the Responsible officer calls upon him/her to state in writing, within fourteen days, any grounds on which he/she relies to exculpate himself/herself. If the officer does not furnish a reply to any charge forwarded within the period specified or if in the opinion of the Responsible Officer he/she fails to exculpate himself/herself, the Responsible Officer forwards to the PSC copies of his/her

report, the statement of the charge or charges, the reply, if any, of the accused officer and of his/her own comments thereon.

Appointment of a Committee: If, upon consideration of the Responsible Officer's report, the Commission is of the opinion that proceedings for the dismissal of the officer are not continued, it appoints a committee, which consists of not less than three members who are public officers, to inquire into the matter.

Composition of a Committee: One member of the committee must be a judge, magistrate or a public officer with legal qualifications, and all members must be selected with due regard to the standing of the officer concerned. Neither the Responsible Officer nor any officer serving in the Judiciary has to be a member of the committee.

Proceedings of the Committee: The committee must inform the accused officer that on a specified day the charges made against him/her will be investigated and that he/she is allowed or, if the committee so determines, is required to appear before it to defend himself/herself. If witnesses are examined by the committee the accused officer must be given an opportunity of being present and of putting questions on his/her own behalf to the witnesses, and no documentary evidence is to be used against him/her unless he/she has previously been supplied with a copy thereof or given access thereto.

The Committee must in its discretion permit the prosecuting party or the accused officer to be represented by a public officer or a lawyer: Provided that where the committee permits the prosecuting party to be so represented it must permit the accused officer to be represented in a similar manner. If during the course of the inquiry grounds for the framing of additional charges are disclosed, the Committee informs the Responsible Officer who must follow the same procedure as was adopted in framing the original charges. The committee, having inquired into the matter, forwards its report thereof to the Commission together with the record of the charges framed, the evidence led, the defence and other proceedings relevant to the inquiry.

The report of the committee includes a statement as to whether in the committee's opinion the accused officer had or had not committed the offence or offences charged and a brief statement of the reasons for its opinion. Details of any matters, which in the committee's opinion aggravate or alleviate the gravity of the case. A summing-up and any such comments that would indicate clearly the opinion of the committee on the matter under inquiry. The committee will not make any recommendations regarding the form of punishment.

The commission, after consideration of the report of the committee, may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the committee for further investigation and report.

6.17 Options on Criminal Conviction: If an officer to whom this part of this Handbook applies is found guilty of a criminal charge likely to warrant disciplinary proceedings, the Responsible Officer forwards a copy of the charge and judgment, together with the proceedings of the Court if available, and his recommendations to the JSC or PSC whichever is applicable. The Commission determines whether the officer is subjected to disciplinary punishment on account of the conviction for the offence; or if misconduct warrants more severe punishment than the Responsible Officer can impose.

Where a Responsible Officer considers it necessary to institute proceedings against an officer and is of the opinion that the corruption alleged, if proved, would warrant a punishment severer than is within his powers to impose, he/she after preliminary investigation as he/she considers necessary, frames the charges against the officer. Any charges framed under the above provisions are communicated to the

accused officer who is given full opportunity of exculpating him/herself within a period to be specified by the Responsible Officer.

If the accused officer does not avail himself/herself of such opportunity within such specified period or if the Responsible Officer does not consider that he/she has exculpated himself/herself, the Responsible Officer forwards to the JSC copies of his/her report on the case, together with the charges framed against the accused officer, including the accused officer's reply, if any and his/her recommendations. If the Commission on consideration of the report submitted to it by the Responsible Officer, is of the opinion that the matter should be further investigated, the Commission appoints a public officer or officers to inquire into the matter.

The officer or officers appointed informs the accused officer that on a specified day the charges made against him/her will be investigated and that he/she will be allowed or will be required to appear to defend himself/herself. If, at the inquiry, witnesses are examined, the accused officer is given an opportunity of being present and putting questions on his/her own behalf to the witnesses and no documentary evidence is to be used against him/her unless he/she has been previously supplied with a copy thereof or given access thereto. The officer or officers appointed to hold the inquiry in their discretion permit the prosecuting party or the accused officer to be represented by a public officer: Provided that where permission is given to the prosecuting party to be represented, the accused officer receives permission to be represented in a similar manner.

If during the course of the inquiry, grounds for the framing of additional charges are disclosed, the officer or officers holding the inquiry inform the responsible officer who follows the same procedure as was adopted in framing the original charges; and the officer or officers holding the inquiry forwards his/her or their report thereon together with the record of charges framed, evidence led, the defence and other proceedings relevant to the inquiry, to the Committee.

The report of the officers holding an inquiry includes a statement as to whether in their opinion the accused officer has or has not committed the corruption offence or offences charged and briefly the reason for that opinion. Details of any matters, which in their opinion aggravate or alleviate the gravity of the case. A summing up and such general comments, which indicate clearly their opinion on the matter under inquiry, but do not include any recommendations regarding the form of punishment.

The Commission, after considering the report of the officer or officers appointed to hold an inquiry may, if it is of the opinion that the report should be amplified or that further investigation is desirable, refer the matter back for further investigation and report to the officer or officers appointed to hold the inquiry. The Commission, after considering the report (and any further report) determines what punishment, if any (including retirement from the public service) should be imposed on the accused officer.

6.18 Land Tribunals: Members of district land tribunals hold office for a period of five years and are eligible for reappointment. The Chief Justice may only remove a member of a district land tribunal from office for inability to perform the functions of his/her office arising from infirmity of body or mind; or misbehaviour or misconduct; or incompetence; or absence from at least five consecutive meetings of the tribunal without lawful excuse; or having been convicted of an offence involving moral turpitude; and or having been declared bankrupt.

6.19 Court Bailiffs and Auctioneers: The Court Bailiffs Rules and Auctioneers set out punishments that are levied upon Bailiffs and Auctioneers for Misconduct.

Court Bailiffs: The Chief Registrar reserves the right to cancel any license that has been issued to a Court Bailiff where he/she has been accused of misconduct and fails to show cause why his/her license should not be revoked or cancelled. Once the license is cancelled the Bailiffs has a right of appeal to the High Court within thirty days of being notified of the cancellation. A Bailiff whose license has been cancelled is not eligible for reappointment. A bailiff who contravenes any provision of the Court Bailiffs Rules commits an offence and upon conviction is liable to pay fine or be imprisoned for a term not exceeding six months or both. In addition, to criminal proceedings, civil proceedings maybe brought against the bailiff. Further more, a Court Bailiff who fails to comply with procedures set up by the Court particularly in relation to filing of returns is blacklisted and not given fresh warrants to execute.

Auctioneers: Auctioneers are required to display their names and full addresses at an auction. Failure to comply with this requirement makes the Auctioneers guilty of an offence and upon conviction they are liable to pay a fine of 150/=. They are liable to both criminal and civil proceedings in cases where they mishandle property entrusted to them or fail to account for proceeds of a sale. Upon conviction, the Court, which convicts them, may also make an order for revocation or cancellation of their license. In addition to the procedures laid out in the law, the Registrars in the Court have also set out their own procedures, which are aimed at ensuring that Court Bailiffs and Auctioneers conduct their business in a professional manner.

Before a Registrar issues a warrant to a Court Bailiff, he/she cross checks with records to ensure that the bailiff who has applied for the warrant of execution is up to date with filing of returns for warrants issued to them in the past. Court bailiffs are also required to attach a value to the properties they intend to sell. This helps the Registrars to ensure that the value attached to the goods to be sold in execution is commensurate with the money the bailiff is seeking to recover from a judgment debtor.

In order to avoid situations where property attached belongs to another person, the bailiffs when seeking to attach real estate property are required to conduct a search in the land office and obtain certified copies of the title which they attach to the application together with a valuation report of the property to be attached. The Registrars also require the bailiffs to attach photographs of the property to enable them cross check and ensure that what is in the valuation report tallies with what the photographs show. After attaching and selling the property, the bailiff is required to file his/her bills of costs with the Registrars for taxation. Court bailiffs are discouraged from consenting with the judgment debtors regarding their fees because they can take advantage of persons ignorant about the provisions of the law regarding bailiff's fees.

6.20 Professional Conduct of Lawyers: In the discharge of their duties to the client and to society, lawyers are regulated by the Advocates (Professional conduct) Regulations S.I. 79 of 1977, which sets out the dos and don'ts of the legal profession, these include:

An Advocate is required to act with reasonable diligence and promptness when representing a client. He/she is required to act with commitment and dedication to the interests of the client and with zeal when advocating for their client. However a lawyer has professional discretion in determining the means by which a matter should be pursued.

Unless the relationship of Lawyer/Client is terminated, a Lawyer is required to carry through to conclusion all matters he/she undertakes for a client. The Lawyer should also avoid procrastinating carrying out instructions given to him/her; this is because more often than not a client's interest can be adversely affected by the passage of time or change of conditions.

In representing clients, an Advocate is required to do so diligently and provide competent representation. It is not necessary that the advocate have special training or prior experience to handle that particular legal problem; however the Advocate is required to undertake sufficient research in the area in which he/she is to represent the client. The Advocate also has a duty to advise his/her client in their best interest in relation to their case.

Another duty an Advocate owes to his/her client is to keep the client reasonably informed about the status of his/her case. In this regard an Advocate is prohibited from taking advantage of the inexperience and illiteracy of his/her client for their personal benefit.

An Advocate is prohibited from revealing information relating to representation of his/her client unless the client consents or any law requires the disclosure. This fundamental principal in the Client/Lawyer relationship is aimed at ensuring that the client is encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matters.

In order to avoid situations of conflict of interest Advocates are prohibited from representing a client if they think that such representation may directly affect another client. Because loyalty is an essential element in a lawyer's relationship, to a client where conflict of interest arises, the lawyer is to decline instructions. It is therefore advisable that a lawyer adopts reasonable procedure appropriate for the size and type of firm and practice to determine in both litigation and non-litigation matters the parties involved and thus determine whether there are actual and potential areas of conflict of interest.

Since an Advocate is deemed to be an officer of court, he/she is expected to advise the Court on matters within their knowledge, which may affect a decision or Judgment of Court. Advocates are also prohibited from coaching clients or witnesses and allowing false information to be included in affidavits or witness statements.

The Advocate is also prohibited from making comments publically on matters, which he/she is involved in and are sub-judice.

The Legal Profession is referred to as the noble profession and is to be taken as such. In this regard, advocates are prohibited from touting for professional business or allowing articles and or photographs of themselves to be published in any news media or hold news conferences aimed at publishing the fact that he/she is an Advocate.

Advocates are required to account for money received on behalf of his/her clients and are prohibited from advancing money to a client except if the money is for disbursements connected with the case he/she is handling for such a client. Advocates are allowed to charge clients fees as specified in the Advocates (remuneration and taxation of costs) rules.

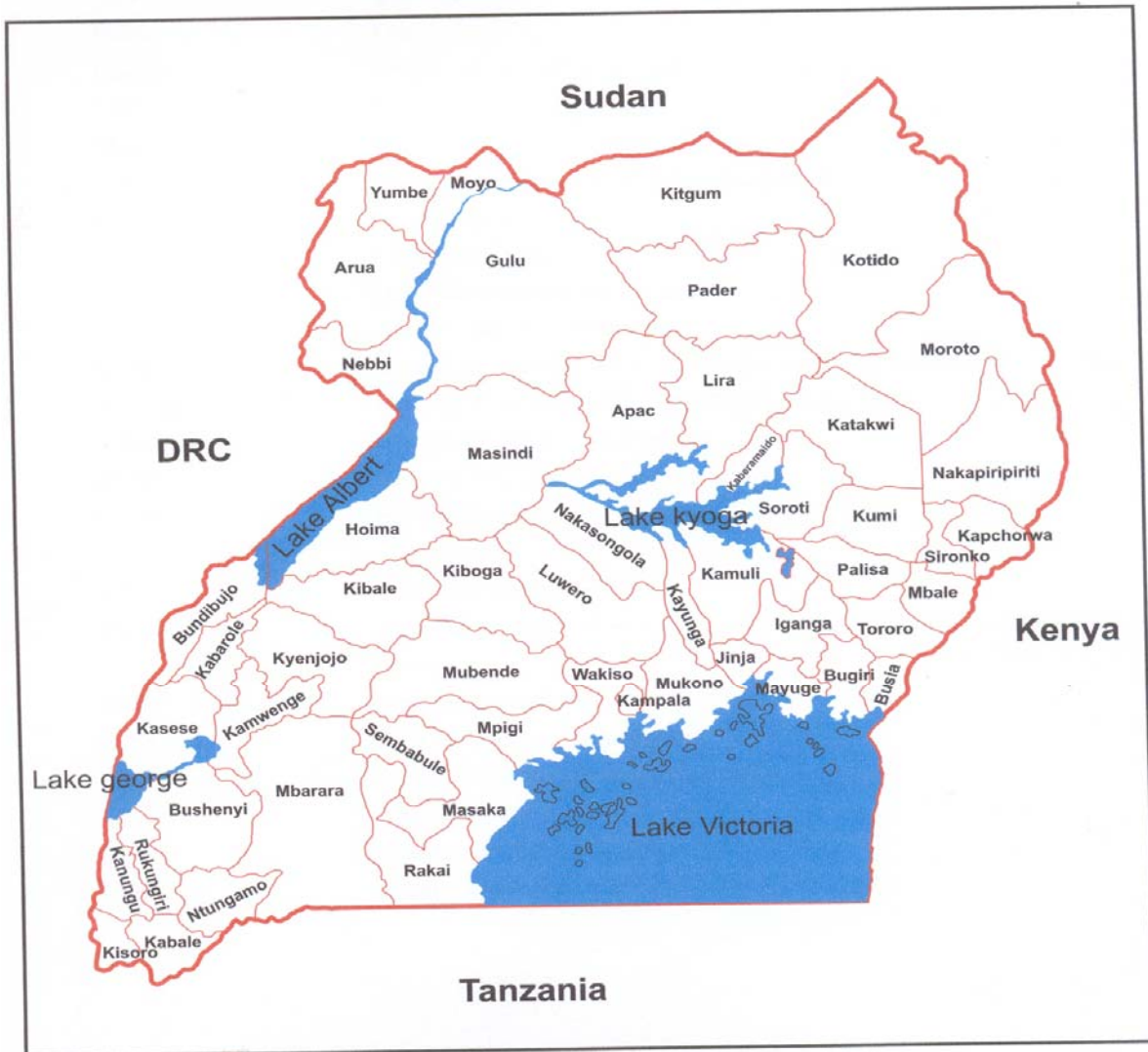
6.20.1 Procedure for Lodging Complaints about unprofessional conduct of Lawyers:

When a person is aggrieved or not happy with the way his/her case has been handled professionally, he/she can lodge a complaint against the lawyer involved. A complaint is lodged by the aggrieved party writing a letter to the Secretary of the Law Council who then forwards the complaint to the Secretary of the disciplinary committee of the Law Council. Upon receipt of the complaint, the Secretary Disciplinary Committee refers the same to the Committee, which fixes a date for hearing the complaint. The committee then looks into the complaint and where it does not disclose a prima facie case of professional misconduct, it may dismiss the complaint, however this is done after the complaint has been heard.

Once the disciplinary committee has heard the complaint and determined that a case of professional misconduct has been made out it may order that: The Advocate be admonished; The Advocate be suspended from practice for a period not exceeding two years; The Advocate's name be struck off the roll of Advocates; The Advocate pays a fine not exceeding 250 currency points (five million shillings); The Advocate pays compensation to the complainant. Upon making the order the same is taken to be a decree of the High Court and may be executed as such.

ESTABLISHMENT AND LOCATION OF COURTS OF JUDICATURE:

MAP OF UGANDA



Magisterial Area: Arua

Code	Name	Type	Location	Telephone Number
ARU-00	Arua	Chief Magistrates Court	Arua	0476-20014
ARU-01	Adumi	Magistrate Grade 2	Adumi	
ARU-02	Arivu	Magistrate Grade 2	Arivu	
ARU-03	Koboko	Magistrate Grade 2	Koboko	
ARU-04	Logiri	Magistrate Grade 2	Logiri	
ARU-05	Ogoko	Magistrate Grade 2	Ogoko	
ARU-06	Okollo	Magistrate Grade 2	Okollo	
ARU-07	Omugo	Magistrate Grade 2	Omugo	
ARU-08	Rhino-camp	Magistrate Grade 2	Rhino-camp	
ARU-09	Yumbe	Magistrate Grade 1	Yumbe	
ARU-10	Ovujo	Magistrate Grade 2	Ovujo	
ARU-11	Aiivu	Magistrate Grade 2	Arua Aiivu	

Magisterial Area: Buganda Road

Code	Name	Type	Location	Telephone Numbers
KLA-00	Buganda Road	Chief Magistrates Court	Kampala	041-25347/8
KLA-01	City Council	Magistrate Grade 1	Kampala	341818 041-258471

Magisterial Area: Bushenyi

Code	Name	Type	Location	Telephone Number
BUS-00	Bushenyi	Chief Magistrates Court	Bushenyi	0485-42075
BUS-01	Bihinga	Magistrate Grade 2	Bihinga	
BUS-02	Bitereko	Magistrate Grade 2	Bitereko	
BUS-03	Bugongi	Magistrate Grade 2	Bugongi	
BUS-04	Bumbeire	Magistrate Grade 2	Bumbaire	
BUS-05	Burere	Magistrate Grade 2	Burere	
BUS-06	Kabezi-Ngoma	Magistrate Grade 2	Ngoma	
BUS-07	Kabira	Magistrate Grade 2	Kabira	
BUS-08	Kagango	Magistrate Grade 2	Kagango	
BUS-09	Kakanju	Magistrate Grade 2	Kakanju	
BUS-10	Kanyabwanga	Magistrate Grade 2	Kanyabwanga	
BUS-11	Karungu	Magistrate Grade 2	Karungu	
BUS-12	Kashekuro	Magistrate Grade 2	Kashekuro	
BUS-13	Katerera	Magistrate Grade 2	Katerera	
BUS-14	Katunguru	Magistrate Grade 2	Katunguru	
BUS-15	Kayonza	Magistrate Grade 2	Kayonza	
BUS-16	Kicwamba	Magistrate Grade 2	Kicwamba	
BUS-17	Kiragama	Magistrate Grade 2	Kiragama	
BUS-18	Kitagata	Magistrate Grade 2	Kitagata	
BUS-19	Kyabugimbi	Magistrate Grade 2	Kyabugimbi	
BUS-20	Kyamuhunga	Magistrate Grade 2	Kyamuhunga	
BUS-21	Kyangenyi	Magistrate Grade 2	Kyangenyi	
BUS-22	Kyeizoba	Magistrate Grade 2	Kyeizoba	

BUS-23	Mitooma	Magistrate Grade 2	Mitooma
BUS-24	Ndekye	Magistrate Grade 2	Ndekye
BUS-25	Nsiika	Magistrate Grade 2	Nsiika
BUS-26	Nyabubare	Magistrate Grade 2	Nyabubare
BUS-27	Rubaare	Magistrate Grade 2	Rubaare
BUS-28	Rugarama	Magistrate Grade 2	Rugarama
BUS-29	Rwegere	Magistrate Grade 2	Rwegere
BUS-30	Shuuku	Magistrate Grade 2	Shuuku
BUS 40	Bushenyi	Magistrate Grade 2	Bushenyi

Magisterial Area: Entebbe

Code	Name	Type	Location	Telephone Number
ENT-00	Entebbe	Chief Magistrates Court	Entebbe	041-320840/20
ENT-01	Katabi	Magistrate Grade 2	Katabi	
ENT-02	Ssis	Magistrate Grade 2	Ssis	
ENT-03	Kajjansi	Magistrate Grade 2	Kajjansi	
ENT-04	Nakawuka	Magistrate Grade 2	Nakawuka	
ENT-05	Entebbe Municipal	Council	Magistrate Grade 2	
	Entebbe Town			

Magisterial Area: Fort Portal

Code	Name	Type	Location	Telephone Number
FPT-00	Fort Portal	Chief Magistrates Court	Fort Portal	0483-22752
FPT-01	Bundibugyo	Magistrate Grade 1	Bundibugyo	
FPT-02	Buhesi	Magistrate Grade 2	Buhesi	
FPT-03	Butiti	Magistrate Grade 2	Butiti	
FPT -04	Hakibale	Magistrate Grade 2	Kahunge	
FPT-06	Kamwenge	Magistrate Grade'	Kamwenge	
FPT-07	Karugutu	Magistrate Grade 2	Karugutu	0483-22109
FPT -08	Katente	Magistrate Grade 2	Katente	
FPT -09	Katooke	Magistrate Grade 2	Katooke	
FPT-10	Kibiito	Magistrate Grade 2	Kibiito	
FPT-11	Kicheche	Magistrate Grade 2	Kicheche	
FPT-12	Kyarusozi	Magistrate Grade 2	Kyarusozi	
FPT-13	Mahyoro	Magistrate Grade 2	Mahyoro	
FPT-14	Nkoma	Magistrate Grade 2	Nkoma	
FPT-15	Ntoroko	Magistrate Grade 2	Ntoroko	
FPT-16	Nyantungo	Magistrate Grade 2	Nyantungo	
FPT-17	Rwangara	Magistrate Grade 2	Rwangara	
FPT -18	Rwebisengo	Magistrate Grade 2	Rwebisengo	
FPT-19	Rwiimi	Magistrate Grade 2	Rwiimi	
FPT-20	Nyaburara	Magistrate Grade 2	Fort Portal	
FPT-21	Kyenjojo	Magistrate Grade 1	Kyenjojo town	

Magisterial Area: Gulu

Code	Name	Type	Location	Telephone Number
GUL-00	Gulu	Chief Magistrates Court	Gulu	0471-32070
GUL-01	Kitgum	Magistrate Grade 1	Kitgum	
GUL-02	Adilang	Magistrate Grade 2	Adilang	
GUL-03	Anaka	Magistrate Grade 2	Anaka	
GUL-04	Attanga	Magistrate Grade 2	Attanga	

GUL-05	Attiak	Magistrate Grade 2	Attiak
GUL-06	Awach	Magistrate Grade 2	Awach
GUL-07	Awere	Magistrate Grade 2	Awere
GUL-08	Bobi	Magistrate Grade 2	Bobi
GUL-09	Kalongo	Magistrate Grade 2	Kalongo
GUL-10	Koich	Magistrate Grade 2	Koich
GUL-11	Koro	Magistrate Grade 2	Koro
GUL-12	Labong	Magistrate Grade 2	Labongo
GUL-13	Lalogi	Magistrate Grade 2	Lalogi
GUL-14	Lokung	Magistrate Grade 2	Lokung
GUL-15	Madi-opesi	Magistrate Grade 2	Madi-opesi
GUL-16	Matidi	Magistrate Grade 2	Matidi
GUL-17	Namokora	Magistrate Grade 2	Namokora
GUL-18	Opti	Magistrate Grade 2	Opit
GUL-19	Orom	Magistrate Grade 2	Orom
GUL-20	Pabbo	Magistrate Grade 2	Pabbo
GUL-21	Padibe	Magistrate Grade 2	Padibe
GUL-22	Paicho	Magistrate Grade 2	Paicho
GUL-23	Paimol	Magistrate Grade 2	Paimol
GUL-24	Pajule	Magistrate Grade 2	Pajule
GUL-25	Palabek	Magistrate Grade 2	Palabek
GUL-26	Parabongo	Magistrate Grade 2	Parabongo
GUL-27	Patiko	Magistrate Grade 2	Patiko
GUL-28	Patongo	Magistrate Grade 2	Patongo

Magisterial Area: Iganga

Code	Name	Type	Location	Telephone Number
IGA-OO	Iganga	Chief Magistrates Court	Iganga	043-242010
IGA-01	Bugiri	Magistrate Grade 1	Bugiri	
IGA-02	Baitambogwe	Magistrate Grade 2	Baitambogwe	
IGA-03	Bugesa	Magistrate Grade 2	Bugesa	
IGA-04	Buwuni	Magistrate Grade 2	Buwuni	
IGA-05	Buyinja	Magistrate Grade 2	Buyinja	
IGA-06	Mayuge	Magistrate Grade 1	Mayuge	
IGA-07	Ivulluka	Magistrate Grade 2	Ivuluka	
IGA-08	Kaiti	Magistrate Grade 2	Kaiti	
IGA-09	Kigandaalo	Magistrate Grade 2	Kigandaalo	
IGA-10	Kityerera	Magistrate Grade 2	Kityerera	
IGA-11	Kiyunga	Magistrate Grade 2	Kiyunga	
IGA-12	Malongo	Magistrate Grade 2	Malongo	
IGA-13	Namalemba	Magistrate Grade 2	Namalemba	
IGA-14	Sigulu	Magistrate Grade 2	Sigulu	
IGA-15	Namungalwe	Magistrate Grade 2	Namungalwe	

Magisterial Area: Jinja

Code	Name	Type	Location	Telephone Number
JIN-00	Jinja	Chief Magistrates Court	Jinja	043-121217
JIN-01	Kamuli	Magistrate Grade 1	Kamuli	043-353022
JIN-02	Bugaya	Magistrate Grade 2	Bugaya	
JIN-03	Bugembe	Magistrate Grade 2	Bugembe	
JIN-04	Bukungu	Magistrate Grade 2	Bukungu	

JIN-05	Busedde	Magistrate Grade 2	Busedde
JIN-06	Kagoma	Magistrate Grade 2	Kagoma
JIN-07	Kakira	Magistrate Grade 2	Kakira
JIN-08	Kaliro	Magistrate Grade 2	Kaliro
JIN-10	Kidera	Magistrate Grade 2	Kidera
JIN-11	Mbulamuti	Magistrate Grade 2	Mbulamuti
JIN-12	Namasagali	Magistrate Grade 2	Namasagali
JIN-13	Namwenda	Magistrate Grade 2	Namwenda
JIN-14	Nawaikole	Magistrate Grade 2	Nawaikole
JIN-15	Nawanyago	Magistrate Grade 2	Nawanyago

Magisterial Area: Kabale

Code	Name	Type	Location	Telephone Number
KAB-00	Kabale	Chief Magistrates Court	Kabale	0486-22047/87
KAB-01	Kisoro/Chahi	Magistrate Grade 1	Kisoro/Chahi	
KAB-02	Bubale	Magistrate Grade 2	Bubale	
KAB-03	Bufundi	Magistrate Grade 2	Bufundi	
KAB-04	Buhara	Magistrate Grade 2	Buhara	
KAB-05	Bukimbiri	Magistrate Grade 2	Bukimbiri	
KAB-06	Hamurwa	Magistrate Grade 2	Hamurwa	
KAB-07	Ikumba	Magistrate Grade 2	Ikumba	
KAB-08	Kaharo	Magistrate Grade 2	Kaharo	
KAB-09	Kamuganguzi	Magistrate Grade 2	Kamuganguzi	
KAB-10	Kamwezi	Magistrate Grade 2	Kamwezi	
KAB-11	Kashamba	Magistrate Grade 2	Kashamba	
KAB-12	Kisoro	Magistrate Grade 2	Kisoro	0486-30051
KAB-13	Kitumba	Magistrate Grade 2	Kitumba	
KAB-14	Maziba	Magistrate Grade 2	Maziba	
KAB-15	Muko	Magistrate Grade 2	Muko	
KAB-16	Nyabwishenya	Magistrate Grade 2	Nyabwishenya	
KAB-17	Nyarusiza	Magistrate Grade 2	Nyarusiza	
KAB-18	Rubaya	Magistrate Grade 2	Rubaya	
KAB-19	Ruhinda	Magistrate Grade 2	Ruhinda	
KAB-20	Rwamucucu	Magistrate Grade 2	Rwamucucu	
KAB-21	Bukinda	Magistrate Grade 2	Bukinda	

Magisterial Area: Kasese

Code	Name	Type	Location	Telephone Number
KAS-00	Kasese	Chief Magistrates Court	Kasese	0493-44003
KAS-01	Bugoye	Magistrate Grade 2	Bugoye	
KAS-02	Bwera	Magistrate Grade 2	Bwera	
KAS-03	Hoima	Magistrate Grade 2	Hoima	
KAS-04	Katunguru	Magistrate Grade 2	Katunguru	
KAS-05	Kisinga	Magistrate Grade 2	Kisinga	
KAS-06	Kitswamba	Magistrate Grade 2	Kitswamba	
KAS-07	Lake Katwe	Magistrate Grade 2	Lake Katwe	

Magisterial Area: Lira

Code	Name	Type	Location	Telephone Number
LIR-00	Lira	Chief Magistrates Court	Lira	0473-2628
LIR-01	Apac	Magistrate Grade 1	Apac	

LIR-02	Aber	Magistrate Grade 2	Aber
LIR-03	Aboke	Magistrate Grade 2	Aboke
LIR-04	Aduku	Magistrate Grade 2	Aduku
LIR-05	Agwatta	Magistrate Grade 2	Agwatta
LIR-06	Amolatar	Magistrate Grade 2	Amolatar
LIR-07	Anyeke	Magistrate Grade 2	Anyeke
LIR-09	Dokolo	Magistrate Grade 2	Dokolo
LIR-10	Alebtong	Magistrate Grade 2	Alebtong
LIR-11	Erutte	Magistrate Grade 2	Erutte
LIR-12	Ibuje	Magistrate Grade 2	Ibuje
LIR-13	Namasale	Magistrate Grade 2	Namasale
LIR-14	Ogur	Magistrate Grade 2	Ogur
LIR-15	Orum	Magistrate Grade 2	Orum
LIR-16	Aloi	Magistrate Grade 2	Alebtong
LIR-30	Lira 2	Magistrate Grade 2	Lira

Magisterial Area: Luwero

Code	Name	Type	Location	Telephone No.
Luw-00	Luwero	Chief Magistrates Court	Luwero	610065
Luw-01	Nakasongola	Magistrate Grade 1	Nakasongola	
Luw-02	Bamunanika	Magistrate Grade 2	Bamunanika	
Luw-03	Kassana	Magistrate Grade 2	Kassana	
Luw-04	Katikamu	Magistrate Grade 2	Katikamu	620100
Luw-05	Lwampanga	Magistrate Grade 2	Lwampanga	
Luw-06	Nabiswera	Magistrate Grade 2	Nabiswera	
Luw-08	Ngoma Semuto	Magistrate Grade 2	Ngoma/Semuto	
Luw-09	Nyimbwa/Bombo			
	/Nakaseke	Magistrate Grade 2	Bombo	
Luw-10	Nakaseke	Magistrate Grade 2	Nakaseke	

Magisterial Area: Masaka

Code	Name	Type	Location	TelephoneNumbers
MSK-00	Masaka	Chief Magistrates Court	Masaka	0481-20061/20014
MSK-01	Kalangala	Magistrate Grade 1	Kalangala	
MSK-02	Kalisizo	Magistrate Grade 1	Kalisizo	0481-22087
MSK-03	Sembabule	Magistrate Grade 1	Sembabule	
MSK-04	Bigasa	Magistrate Grade 2	Bigasa	
MSK-05	Bukakata	Magistrate Grade 2	Baukakata	
MSK-06	Bukoto	Magistrate Grade 2	Bukoto	
MSK-07	Bukulula	Magistrate Grade 2	Bukulula	
MSK-08	Butenga	Magistrate Grade 2	Butenga	
MSK-09	Buwunga	Magistrate Grade 2	Buwunga	
MSK-10	Byakabanda	Magistrate Grade 2	Byakabanda	
MSK-11	Kakuuto	Magistrate Grade 2	Kakuuto	
MSK-12	Kakyeera	Magistrate Grade 2	Kakyeera	
MSK-13	Kalungu	Magistrate Grade 2	Kalungu	0481-11
MSK-14	Kasaali	Magistrate Grade 2	Kasaali	
MSK-15	Kiseka	Magistrate Grade 2	Kiseka	
MSK-16	Kyamulibwa	Magistrate Grade 2	Kyamulibwa	
MSK-17	Kyanamukaka	Magistrate Grade 2	Kyanamukaka	
MSK-18	Kyazanga	Magistrate Grade 2	Kyazanga	

MSK-19	Lwabenge	Magistrate Grade 2	Lwabenge
MSK-20	Lwamaggwa	Magistrate Grade 2	Lwamaggwa
MSK-21	Lwanda	Magistrate Grade 2	Lwanda
MSK-22	Lyantonde	Magistrate Grade 2	Lyantonde
MSK-23	Mateete	Magistrate Grade 2	Mateete
MSK-24	Mbirizi	Magistrate Grade 2	Mbirizi
MSK-25	Ntusi	Magistrate Grade 2	Ntusi
MSK-26	Ssaza	Magistrate Grade 2	Ssaza
MSK-27	Lukaya	Magistrate Grade 2	Lukaya
MSK-28	Lwemiyaga	Magistrate Grade 2	Masaka Lwemiyaga
MSK-29	Lwengo	Magistrate Grade 2	Lwengo Masaka

Magisterial Area: Masindi

Code	Name	Type	Location	Telephone Number
MSD-00	Masindi	Chief Magistrates Court	Masindi	0465-20031
MSD-01	Hoima	Magistrate Grade 1	Hoima	0465-40106
MSD-02	Biiso	Magistrate Grade 2	Biiso	
MSD-04	Budongo	Magistrate Grade 2	Budongo	
MSD-05	Buliisa	Magistrate Grade 2	Buliisa	
MSD-06	Buseruka	Magistrate Grade 2	Buseruka	
MSD-07	Bwijanga	Magistrate Grade 2	Bwijanga	
MSD-08	Dima	Magistrate Grade 2	Dima	
MSD-09	Kagadi	Magistrate Grade 2	Kagadi	0483-22827
MSD-10	Kakindo	Magistrate Grade 2	Kakindo	
MSD-11	Kakumiro	Magistrate Grade 2	Kakumiro	
MSD-12	Kigorobyia	Magistrate Grade 2	Kigorobyia	
MSD-13	Kigumba	Magistrate Grade 2	Kigumba	
MSD-14	Kikube	Magistrate Grade 2	Kikube	
MSD-15	Kiryandongo	Magistrate Grade 2	Kiryandongo	
MSD-16	Kitoba	Magistrate Grade 2	Kitoba	
MSD-17	Kyabigambire	Magistrate Grade 2	Kyabigambire	
MSD-18	Kyangwali	Magistrate Grade 2	Kyangwali	
MSD-19	Mbale	Magistrate Grade 2	Mbale	
MSD-20	Masindi Port	Magistrate Grade 2	Masindi	
MSD-21	Pakanyi	Magistrate Grade 2	Pakanyi	

Magisterial Area: Mbale

Code	Name	Type	Location	Telephone Number
MBA-00	Mbale	Chief Magistrates Court	Mbale	045-33343
MBA-01	Pallisa	Magistrate Grade 1	Pallisa	
MBA-02	Kapchorwa	Magistrate Grade 1	Kapchorwa	045-51034
MBA-03	Bubulo	Magistrate Grade 1	Bubulo	
MBA-04	Bubutu	Magistrate Grade 2	Bubutu	
MBA-05	Budaka	Magistrate Grade 2	Budaka	
MBA-06	Bududa	Magistrate Grade 2	Bududa	
MBA-07	Bugunyanya	Magistrate Grade 2	Bugunyanya	
MBA-08	Bugobero	Magistrate Grade 2	Bugobero	
MBA-09	Bukwa	Magistrate Grade 2	Bukwa	
MBA-10	Bulago	Magistrate Grade 2	Bulago	
MBA-11	Bulecheke	Magistrate Grade 2	Bulecheke	

MBA-12	Bumbo	Magistrate Grade 2	Bumbo
MBA-13	Bunambutye	Magistrate Grade 2	Bunambutye
MBA-14	Bupoto	Magistrate Grade 2	Bupoto
MBA-15	Busoba	Magistrate Grade 2	Busoba
MBA-16	Busulani	Magistrate Grade 2	Busulani
MBA-17	Butebo	Magistrate Grade 2	Butebo
MBA-18	Bwabwala	Magistrate Grade 2	Bwabwala
MBA-19	Buwalasi	Magistrate Grade 2	Buwalasi
MBA-20	Buyobo	Magistrate Grade 2	Buyobo
MBA-21	Kakoro	Magistrate Grade 2	Kakoro
MBA-22	Kamuge	Magistrate Grade 2	Kamuge
MBA-23	Kapchorwa	Magistrate Grade 2	Kapchorwa 045-51037
MBA-24	Kaproron	Magistrate Grade 2	Kaproron
MBA-25	Kibuku	Magistrate Grade 2	Kibuku
MBA-26	Municipal Council	Magistrate Grade 2	Municipal Council
MBA-27	Mutufu	Magistrate Grade 2	Mutufu
MBA-28	Muyembe	Magistrate Grade 2	Muyembe
MBA-29	Nakaloke	Magistrate Grade 2	Nakaloke
MBA-30	Ngege	Magistrate Grade 2	Ngege
MBA-31	Sipi	Magistrate Grade 2	Sipi
MBA-32.	Sironko	Magistrate Grade 1	Sironko

Magisterial Area: Mbarara

Code	Name	Type	Location	Telephone Number
MBR-00	Mbarara	Chief Magistrates Court	Mbarara	0485-20850/ 44457
MBR-01	Ntungamo	Magistrate Grade 1	Ntungamo	
MBR-02	Birere	Magistrate Grade 2	Birere	
MBR-03	Bisheshe	Magistrate Grade 2	Bisheshe	
MBR-04	Bugamba	Magistrate Grade 2	Bugamba	
MBR-05	Burunga	Magistrate Grade 2	Burunga	
MBR-07	Bwisibwera	Magistrate Grade 2	Bwisibwera	
MBR-08	Gayaza	Magistrate Grade 2	Gayaza	
MBR-09	Ihunga	Magistrate Grade 2	Ihunga	
MBR-10	Ishongoro	Magistrate Grade 2	Ishongoro	
MBR-11	Itojo	Magistrate Grade 2	Itozo	
MBR-12	Kabingo	Magistrate Grade 2	Kabingo	
MBR-13	Kanoni	Magistrate Grade 2	Kanoni	
MBR-14	Kashare	Magistrate Grade 2	Kashare	
MBR-15	Kashongi	Magistrate Grade 2	Kashongi	
MBR-16	Kashumba	Magistrate Grade 2	Kashumba	
MBR-17	Kazo	Magistrate Grade 2	Kazo	
MBR-18	Kenshunga	Magistrate Grade 2	Kenshunga	
MBR-19	Kicwamba	Magistrate Grade 2	Kicwamba	
MBR-20	Kikagati	Magistrate Grade 2	Kikagati	
MBR-21	Kikoni	Magistrate Grade 2	Kikoni	
MBR-22	Kiruhura	Magistrate Grade 2	Kiruhura	
MBR-23	Kitwe	Magistrate Grade 2	Kitwe	
MBR-24	Mwizi	Magistrate Grade 2	Mwizi	
MBR-25	Ndejja	Magistrate Grade 2	Ndejja	

MBR-26	Ngarama	Magistrate Grade 2	Ngarama
MBR-27	Nyabihoko	Magistrate Grade 2	Nyabihoko
MBR-29	Nyabuhikye	Magistrate Grade 2	Nyabuhikye
MBR-30	Nyakashara	Magistrate Grade 2	Nyakashara
MBR-31	Nyakayojo	Magistrate Grade 2	Nyakayojo
MBR-32	Nyakitunda	Magistrate Grade 2	Nyakitunda
MBR-33	Rubaare	Magistrate Grade 2	Rubaare
MBR-34	Rubaya	Magistrate Grade 2	Rubaya
MBR-35	Rubindi	Magistrate Grade 2	Rubindi
MBR-36	Rugaaga	Magistrate Grade 2	Rugaaga
MBR-37	Rugando	Magistrate Grade 2	Rugando
MBR-38	Ruhama	Magistrate Grade 2	Ruhama
MBR-39	Rukiri	Magistrate Grade 2	Rukiri
MBR-40	Rukoni	Magistrate Grade 2	Rukoni
MBR-41	Rwanyamahembe	Magistrate Grade 2	Rwanyamahembe
MBR-42	Rwashamaire	Magistrate Grade 2	Rwashamaire
MBR-43	Rweikiniro	Magistrate Grade 2	Rweikiniro
MBR-44	Sanga	Magistrate Grade 2	Sanga
MBR-45	Ibanda	Magistrate Grade 2	Ibanda Mbarara
MBR-45	Mbarara Municipal Council	Magistrate Grade 2	Mbarara Town Council

Magisterial Area: Mengo

Code	Name	Type	Location	Telephone Number
MEN-00	Mengo	Chief Magistrates Court	Mengo	041-270361/4
MEN-01	Nakawa	Magistrate Grade 1	Nakawa	
MEN-02	Makindye	Magistrate Grade 1	Makindye	
MEN-03	Mengo	Chief Magistrates Court	Mengo	
MEN-04	Kansangati	Magistrate Grade 2	Kansangati	
MEN-05	Kira	Magistrate Grade 2	Kira	
MEN-06	Mwanga II	Magistrate Grade 1	Mengo Kisenyi	
MEN-07	Nabweru	Magistrate Grade	Nabweru	041-257970

Magisterial Area: Moroto

Code	Name	Type	Location
MOR-00	Moroto	Chief Magistrates Court	Moroto
MOR-01	Kotido	Magistrate Grade 1	Kotido
MOR-02	Kaabong	Magistrate Grade 2	Kaabong
MOR-03	Abim	Magistrate Grade 2	Abim
MOR-04	Amudat	Magistrate Grade 2	Amudat
MOR-05	Nubilatuk	Magistrate Grade 2	Nubilatuk

Magisterial Area: Moyo

Code	Name	Type	Location	Telephone Number
MOY -00	Moyo	Chief Magistrates Court	Moyo	0476-48
MOY-01	Adjumani	Magistrate Grade 1	Adjumani	
MOY-02	Erusi	Magistrate Grade 2	Erusi	
MOY -03	Obongi	Magistrate Grade 2	Obongi	

MOY -04 Pakele Magistrate Grade 2 Pakele

Magisterial Area: Mpigi

Code	Name	Type	Location	Telephone Number
MPI-00	Mpigi	Chief Magistrates Court	Mpigi	041-710105
MPI-01	Bujuuko	Magistrate Grade 2	Bujuuko	
MPI-02	Bulo	Magistrate Grade 2	Bulo	
MPI-03	Buwama	Magistrate Grade 2	Buwama	
MPI-04	Gombe-Kira	Magistrate Grade 2	Gombe-Kira	
MPI-05	Kabulasoke	Magistrate Grade 2	Kabulasoke	
MPI-06	Kakiri	Magistrate Grade 2	Kakiri	
MPI-07	Kanoni	Magistrate Grade 2	Kanoni	
MPI-08	Kibibi	Magistrate Grade 2	Kibibi	041-16
MPI-09	Maddu	Magistrate Grade 2	Maddu	
MPI-10	Matugg	Magistrate Grade 2	Matugga	
MPI-11	Nkozi	Magistrate Grade 2	Nkozi	
MPI-12	Nsangi	Magistrate Grade 2	Nsangi	
MPI-13	Wakiso	Magistrate Grade 2	Wakiso	
MPI-14	Kamengo	Magistrate Grade 2	Kamengo	
MPI-15	Mpenja	Magistrate Grade 2	Mpenja - Mpingi	

Magisterial Area: Mubende

Code	Name	Type	Location	Telephone Number
MBD-00	Mubende	Chief Magistrates Court	Mubende	0476-4012
MBD-01	Kiboga	Magistrate Grade 1	Kiboga	
MBD-02	Mityana	Magistrate Grade 1	Mityana	046-2008
MBD-03	Bukomero	Magistrate Grade 2	Bukomero	
MBD-04	Busunju	Magistrate Grade 2	Busujju	
MBD-05	Kasambya	Magistrate Grade 2	Kasambya	
MBD-06	Kasanda	Magistrate Grade 2	Kasanda	
MBD-07	Kiganda	Magistrate Grade 2	Kiganda	
MBD-08	Mityana	Magistrate Grade 2	Mityana	
MBD-09	Mwera	Magistrate Grade 2	Mwera	

Magisterial Area: Mukono

Code	Name	Type	Location	Telephone Number
MKN-00	Mukono	Chief Magistrates Court	Mukono	044-290036
MKN-01	Lugazi	Magistrate Grade 1	Lugazi	044-448299
MKN-02	Bale	Magistrate Grade 2	Bale	
MKN-03	Mukono			
	Town	Magistrate Grade 1	Mukono Town	
MKN-04	Buyikwe	Magistrate Grade 2	Buyikwe	
MKN-05	Buvuma Islands	Magistrate Grade 2	Buvuma Islands	
MKN-06	Kangulumira	Magistrate Grade 2	Kangulumira	
MKN-07	Kasawo	Magistrate Grade 2	Kasawo	
MKN-08	Kayunga	Magistrate Grade 1	Kayunga	044-48
MKN-09	Kome	Magistrate Grade 2	Kome	
MKN-10	Kyampisi	Magistrate Grade 2	Kyampisi	
MKN-11	Majo	Magistrate Grade 2	Majo	
MKN-12	Nakifuma	Magistrate Grade 2	Nakifuma	

MKN-13	Ngogwe	Magistrate Grade 2	Ngogwe
MKN-14	Ngoma	Magistrate Grade 2	Ngoma
MKN-15	Ntenjeru	Magistrate Grade 2	Ntenjeru
MKN-16	Ntunda	Magistrate Grade 2	Ntunda
MKN-17	Nyenga	Magistrate Grade 2	Nyenga
MKN-18	Njeru	Magistrate Grade 1	Njeru town
MKN-19	Busana	Magistrate Grade 2	Busana

Magisterial Area: Nakawa

Code	Name	Type	Location	Telephone Number
NAK-00	Nakawa	Chief Magistrates Court	Nakawa	041-220861
NAK-01	Makindye	Magistrate Grade	Makindye	041-268207
NAK-02	Kasangati	Magistrate Grade 2	Gayaza Rd. Kasangati	
NAK-03	Kira	Magistrate Grade 2	Kira Rd Kampala	
NAK-04	Kireka	Magistrate Grade 2	Kireka	
NAK-05	Luzira	Magistrate Grade 2	Luzira	041-48299
NAK-06	Mwanga II Road	Magistrate Grade	Mwanga road-Mengo	
NAK-07	Nabweru	Magistrate Grade	Nabweru	041-257970

Magisterial Area: Nebbi

Code	Name	Type	Location
NEB-00	Nebbi	Chief Magistrates Court	Nebbi
NEB-01	Atyak	Magistrate Grade 2	Atyak
NEB-02	Paidha	Magistrate Grade 2	Paidha
NEB-03	Pakwach	Magistrate Grade 2	Pakwach
NEB-04	Parombo	Magistrate Grade 2	Parombo
NEB-05	Wadelai	Magistrate Grade 2	Wadelai
NEB-06	Zeug	Magistrate Grade 2	Zeug

Magisterial Area: Rukungiri

Code	Name	Type	Location	Telephone Number
RUK-00	Rukungiri	Chief Magistrates Court	Rukungiri	0486-42260
RUK-01	Bugangari	Magistrate Grade 2	Bugangari	
RUK-02	Buyanja	Magistrate Grade 2	Buyanja	
RUK-03	Kagunga-Rukungiri	Magistrate Grade 2	Kagunga-Rukungiri	
RUK-04	Kambuga	Magistrate Grade 2	Kambuga	
RUK-05	Kanungu	Magistrate Grade 1	Kanungu	
RUK-06	Kayonza	Magistrate Grade 2	Kayonza	
RUK-07	Kebisoni	Magistrate Grade 2	Kebisoni	
RUK-08	Kihihi	Magistrate Grade 2	Kihihi	
RUK-09	Kyamira	Magistrate Grade 2	Kyamira	
RUK-10	Nyakishenyi	Magistrate Grade 2	Nyakishenyi	
RUK-11	Nyarushanje	Magistrate Grade 2	Nyarushanje	
RUK-12	Rugyeyo	Magistrate Grade 2	Rugyeyo	
RUK-13	Rutenga	Magistrate Grade 2	Rutenga	
RUK-14	Rwenshama	Magistrate Grade 2	Rwenshama	

Magisterial Area: Soroti

Code	Name	Type	Location	Telephone Numbers
SOR-00	Soroti	Chief Magistrates Court	Soroti	045-61077
SOR-01	Katakwi	Magistrate Grade 1	Katakwi	045-71015
SOR-02	Kumi	Magistrate Grade 1	Kumi	
SOR-03	Soroti	Magistrate Grade 1	Soroti	
SOR-04	Achwa	Magistrate Grade 2	Achwa	
SOR-05	Asamuk	Magistrate Grade 2	Asamuk	
SOR-06	Bugondo	Magistrate Grade 2	Bugondo	
SOR-07	Bukedea	Magistrate Grade 2	Bukedea	
SOR-08	Kaberaido	Magistrate Grade 1	Kaberaido	
SOR-09	Kachumbala	Magistrate Grade 2	Kachumbala	
SOR-10	Kalaki	Magistrate Grade 2	Kalaki	
SOR-11	Kanyum	Magistrate Grade 2	Kanyum	
SOR-12	Katakwi	Magistrate Grade 2	Katakwi	
SOR-13	Kateta	Magistrate Grade 2	Kateta	
SOR-14	Katine	Magistrate Grade 2	Katine	
SOR-15	Kuju	Magistrate Grade 2	Kuju	
SOR-16	Kumi	Magistrate Grade 2	Kumi	
SOR-17	Kyere	Magistrate Grade 2	Kyere	
SOR-18	Mukongoro	Magistrate Grade 2	Mukongoro	
SOR-19	Mukula	Magistrate Grade 2	Mukura	
SOR-20	Ngora	Magistrate Grade 2	Ngora	
SOR-21	Ochero	Magistrate Grade 2	Ochero	
SOR-22	Olio	Magistrate Grade 2	Olio	
SOR-23	Otuboi	Magistrate Grade 2	Otuboi	
SOR-24	Toroma	Magistrate Grade 2	Toroma	
SOR-25	Wera	Magistrate Grade 2	Wera	

Magisterial Area: Tororo

Code	Name	Type	Location	Telephone Number
TOR-00	Tororo	Chief Magistrates Court	Tororo	045-44422/44732
TOR-01	Busia Gd. 1	Magistrate Grade 1	Busia	045-43074
TOR-02	Budumba	Magistrate Grade 2	Budumba	
TOR-03	Butaleja	Magistrate Grade 2	Butaleja	
TOR-04	Buteba	Magistrate Grade 2	Buteba	
TOR-05	Lyonelwa	Magistrate Grade 2	Lyonelwa	
TOR-06	Kisoko	Magistrate Grade 2	Kisoko	
TOR-07	Lumino	Magistrate Grade 2	Lumino	
TOR-08	Malaba	Magistrate Grade 2	Malaba	
TOR-09	Malanda	Magistrate Grade 2	Malanda	
TOR-10	Masafu	Magistrate Grade 2	Masaf	
TOR-11	Molo	Magistrate Grade 2	Molo	
TOR-12	Mukujju	Magistrate Grade 2	Mukujju	
TOR-13	Nagongera	Magistrate Grade 2	Nagongera	

High Court Circuits:

Code	Name	Type	Location
HCT -00	High Court	High Court	Kampala
HCT-01	Fort Potal	High Court	Fort Potal C/Magistrate Court
HCT -02	Gulu	High Court	Gulu C/Magistrate Court.

HCT-03	Jinja	High Court	Jinja C/Magistrate Court.
HCT-04	Mbale	High Court	Mbale C/magistrate Court
HCT-05	Mbarara	High Court	Mbarara C/Magistrate Court
HCT-06	Masaka	High Court	Masaka C/Magistrate Court
HCT-07	Nakawa	High Court	Nakawa C/Magistrate Court
	Masindi	High Court	Masindi C/Magistrate Court
	Kabale	High Court	Kabale C/Magistrate Court
	Arua	High Court	Arua C/Magistrate Court
	Soroti	High Court	Soroti C/Magistrate Court

Uganda Supreme Court (SUP)

Code	Name	Type	Location	Telephone Number
SUP-00	Supreme	Supreme Court	Mengo	041-273122

CHAPTER EIGHT:

PERFORMANCE CHALLENGES:

Introduction: The Uganda Judiciary's Vision is: "a strong and independent judiciary that delivers and is seen by the people to deliver justice to all, and that contributes to the economic, social, and political transformation of society based on the rule of law". The Judiciary shares the national vision of society transformed, of poverty eradicated, and of quality of life enhanced. It believes that safety, security, and access to justice are not only important in themselves, but are also necessary means to achieving the national vision. Without the enabling environment that guarantees high levels of safety, security, and access to justice provided, without confidence that the rule of law prevails, economic, social, and political development is seriously hampered. To that effect, the Judiciary as one of the key arms of State must remain vigilant against inroads into its independence, and be pro-active in developing and maintaining the capacity to honour the obligations and fulfill the responsibilities that independence imposes.

8.1 Land Tribunals: There is an increased workload for the few chairpersons that have taken up their appointments with the land tribunal. In addition, some districts have no secretaries, Assistant Registrars and support staff. This creates additional administrative responsibilities to chairpersons. Many times it is difficult to realize quorum of all the three members. In addition, the two other members of the tribunal are appointed on a part time basis with a small retainer fee of Ug Shs. 150,000/= per month. As a result, some of the members have failed to sit to hear tribunal cases. The District Land Tribunals were availed with transport in the form of Suzuki vehicles. The sitting capacity of these vehicles is insufficient to carry all the three members of the District Land Tribunal, a clerk and police. This leads to delays in visits to locus in-quo. There should be a library stocked with the relevant books for reference. The absence of this has made the work of tribunals difficult and has contributed to delay in judgment of cases.

Mediators: The law provides for appointment of mediators to assist with the speedy disposal of cases. Mediators have not been appointed resulting in a big backlog of cases. It is difficult for litigants to obtain copies of proceedings and judgment for purposes of appeals.

8.2 Criminal Division: The challenges include shortage of manpower in terms of judges. Only two permanent judges in the Criminal Division are not enough. The Division would have managed the workload much better if it had four permanent judges. The Criminal Registry works with the minimum of four old computers and a CASS system, which is outdated, and needs upgrading. The lower courts delay in forwarding proceedings relating to Miscellaneous Criminal Applications and appeals. In addition, the DPP also makes no timely responses where the Division seeks his advice in respect of revisions. There are no sufficient funds to facilitate the mounting of many long Criminal Sessions.

8.3 Civil Division: Although the Civil Division is the largest Division at the High Court, it is staffed with only four judges. The Judges' current output cannot match the current caseload because of technological and logistical inefficiencies. This notwithstanding, judges in the Division are occasionally asked to do criminal sessions and work for other Divisions. The Judiciary also needs to recruit professionally qualified secretaries for each Judge instead of sharing a secretary amongst judges. The current system of sharing secretaries is untenable. It creates divided loyalty; distorts proper evaluation of work; delays judgments; makes supervision of the secretaries difficult and encourages absenteeism.

Absence of investment in the Civil Justice Sector: The Judiciary has taken bold steps to promote the Commercial Justice Reform Programme (CJRP) and other sectors of the Judiciary. These reforms have no doubt yielded significant results especially in the Commercial Court where cases are fast tracked and justice delivered expeditiously. Donors have taken note of the developments and have thus earmarked continued support to the CJRP. The Judiciary too has taken a similar stand in its Strategic Plan. Although this is commendable, the judiciary has missed out one strategic imperative in the reform programme. It has segregated justice according to the cause of action contrary to the Constitution. The Constitution provides that justice shall be done to all in equal measure without fear or favour bearing in mind the reasonable aspirations and values of the people. The Constitution therefore, enjoins the Judiciary to administer justice in a non-discriminatory manner regardless of the cause of action. In that regard, the way forward is for the judiciary to change its strategic imperatives and invest resources in all the sectors of justice, the civil justice sector inclusive. Such a policy leads to balanced and equitable development of the courts and the masses.

Inadequate Registry and Shortage of Computers: The Civil registry is equipped with computers and retrieval systems, which are inefficient. Currently the Registry has one computer out of four, which can run the Court Case Administration System (CCAS). The rest of the Computers are therefore left for doing word processing, which is not a core function of the Registry. Inadequate use of computers at the Registry has increased the time litigants spend at the Registry and created unnecessary queues at the Reception Counter. Processing of statistics is a herculean task. The furniture in the Registry is old and single pieces occupy more space as compared to the number of people. The furniture too makes it difficult to store, record and retrieve files thus leading to loss or misplacement of files.

Computerized Case Administration System (CCAS): The objective of CCAS is to enable the Courts to store and retrieve accurate data on cases. In turn, the processed information can be used as a tool of planning, information and research. Unfortunately, the CCAS system does not work effectively in the Registry. In most cases, CCAS is off and even when it is on, it is restricted to the computer at the reception, as the remaining computers in the Registry cannot run it. The Division therefore is unable to provide timely information to court users and use the information for planning purposes and case management.

Straight Jacket Training and Placement of Registry Staff: Majority of the Registry staff are trained to perform only routine tasks, which are tailored to their job descriptions. However, in an environment where one must maximize production against weaknesses in service delivery in the public service, one needs staff that can be deployed to perform all other tasks in the Registry with a lot of flexibility. As a Division, there is need to retrain staff in all Registry aspects to create a cadre of staff that can run the Registry with the head, heart and limbs.

Work habits and Ethos of Staff: Majority of staff do not report for duty on time; others report early and leave early; others make it literally impossible for litigants to get hearing dates or information about their cases; others are simply rude or non customer friendly; others appear to suffer from placement fatigue of being in the same place for so many years; while others have several cases of misplaced files; and for a majority of them result oriented management appears alien to them. A complete turn around of the situation calls for continuous training, cross transfer, closer supervision, and disciplining of staff. In addition, there is also need to motivate staff through either rewards or appreciation, when they excel.

8.4 Commercial Court Division: A significant matter of dissatisfaction is with delayed judgments. It has been drawn to the attention of the judicial officers in default and administration. The problem has been noted as an isolated situation but nevertheless of grave concern given the number of pending judgments and the time such judgments had been pending. The Commercial Court is confident that

this problem will be eliminated. The commercial court has developed some performance standards with regard to time/life of actions in the court. The capture of the relevant data in the CCAS and issue of relevant reports awaits software modifications the court has proposed but which have been put on hold by the administration.

Time Standards: Civil suits filed in the court shall be completed and Judgments rendered no later than 24 months from the date of filing save for suits filed under summary procedure which shall be concluded no later than 24 months from the date of filing. In ordinary suits the parties or their counsel shall render judgment no later than 2 months from the close of addresses. In complex or exceptional suits the parties or their counsel shall render judgment no later than the period necessary to produce such judgments after close of final addresses. All miscellaneous applications arising from civil suits before the Court shall be disposed of no later than 3 months from the date on which they were filed. Miscellaneous Causes shall be disposed of no later than 3 months from filing. Company Causes shall be disposed of no later than 9 months from filing. Civil Appeals shall be disposed of no later than 6 months from the date records of lower court are received in the court. Bankruptcy causes shall be disposed of not later than 12 months from date of filing. These standards shall be reviewed from time to time as necessary with a view to improving the same in light of the experience of the court and in comparison with other jurisdictions.

Backlog Defined: Every Civil Suit older than 24 months shall be regarded as backlog and qualify to be fast tracked in the system for expedited disposal. As of now all cases filed 2003 or earlier are regarded as backlog, and are to be fast tracked.

Court Annexed Mediation Project/Mediation Pilot Project: The Project has made a contribution to the increased/workload disposal of the court and is likely to form a vehicle for cultural change in the practice of commercial litigation but more needs to be done before the full potential of mediation and other forms of ADR mechanisms is realized. In the meantime, the court has initiated internal mediation at the court with Registrar/Mediation.

Information Technology and Automation: Analogue recording machines for court proceedings and transcribing are available though beset with faults. Their use is additionally hindered by the lack of sufficient number of transcribers to prepare in a timely manner the record of proceedings; Use of the same is minimal.

Law reports: The first volume of the reports, containing judgments from 1999-2001 is now on sale. Publication of the reports covering the subsequent years will follow soon. Court Reporting Officer has the potential to be the model or forerunner of the Judiciary's law reporting organ should the Judiciary decide to expand its current limited activities.

Challenges Ahead: The major challenges ahead include the completion of and moving into the purposed built home of the commercial court. The development of performance indicators that address comprehensively and accurately the quality and quantity of performance of the court will continue receiving attention. The development and use of electronic resources for the primary and secondary sources of law, effective automation of recording of court proceedings and simultaneous production of the record remain the key technological issues of the court. The resurrection of the court annexed mediation pilot project is important for the court and the commercial justice system.

The Family Division: There is need to review the jurisdiction of Registrars. The Registrars should be empowered to handle and issue grants, which are not contentious, so that the Judge handles only contentious grants. There is no standard Format for Letters of administration and probate. There is a need to print such standard forms. A district delegate who is a chief magistrate mans each district

registry. These registries are not directly under the jurisdiction of the Family Division for purposes of supervision and control. There is need to streamline them so that they are brought under the control of the Family Division. The Family and Children Courts are not directly under the control of the Family Division. These courts should be brought under the supervision and control of the Head of the Family Division.

8.5 The High Court Circuits: The circuits are bedeviled by a number of challenges, which incapacitate their effectiveness to discharge the business of the court. The workload at the circuits is far too much than what the two judges can humanely manage. There is need to avail the requisite number of judicial personnel to match with the increased volume of work. The circuit receives limited facilitation from the headquarters and a number of its requirements are either neglected or not attended to. The Resident Judges' chambers lack most of the basic tools and don't befit the status of the judge. There is only one functioning computer, which the Judge's Secretary uses to type all proceedings and correspondences. This is the very reason that it is almost impossible to track down the flow of cases at the circuit. There is no photocopier available at the station. Besides, the support staff are not well motivated in terms of a living wage, training and prospects for promotion.

Administration and Supervision of both cases and human resource has become increasingly difficult due to financial problems. For example, Criminal Sessions are not taking off as scheduled. This in itself has caused increased congestion, uncertainty and unrest in Prisons. Court staff themselves have had generally low working morale because of low salaries and allowances or no allowances at all. Whenever there is no electricity, every court work involving power use stalls. Money for fuel for Generator is not provided for, and telephone lines are disconnected due to non-payment of outstanding bills.

8.6 Inspectorate of Courts: There are disciplinary cases pending unresolved due to the absence of the Judicial Service Commission. The absence of a legal instrument defining and regulating the role, powers and actions of the Inspectorate hinders making of decisions that would otherwise be necessary. Coupled with the above, the mandate of the Inspectorate appears to be restricted to the lower bench. The Inspectorate is manned by only one full time officer designated as Inspector of Courts. When he/she is in the field, the office is left vacant. The Sub Inspectors at the Circuit Courts have their main functions as Registrars for the Circuit High Courts. They cannot therefore be fully committed to Inspectorate work.

Funding: Courts are not sufficiently funded and as a result services cannot be promptly effected, witnesses cannot be summoned, and criminal sessions cannot be held frequently. Civil sessions are not held regularly, while judges are unable to return to stations to dispose of part heard cases. The increased allowance rates for public servants, without an increase in the monthly release of funds to the Judiciary did not help matters. More money is needed to hold one session than was the case before. A number of sessions earlier planned, are indefinitely postponed; while others are terminated before the expected period; and cases referred to the next convenient session. This has reduced the output and frustrated all stakeholders within the system. Funds for the Inspectorate are meagre and are availed irregularly. This accounts for the failure to meet expected/programmed targets under the work plan. Inadequate transport also hinders field inspections.

The backlog funding is released on a quarterly basis, only upon satisfactory accountability and submission of accurate case returns. This necessitates keeping track of all cases cause- listed before the High Court and Chief Magistrates Courts to which backlog funds are committed, and to ensure that the results of completed cases are captured in the data. Judgments in many instances are inordinately delayed. As long as the judgments are pending, the cases remain in statistics as uncompleted and help to swell up the real backlog.

The adversarial method of resolving disputes: Continued reliance on this brand of dispute resolution, bogs down court business. It results in excessive delay; increased litigation expenses, over-reliance on formalities and technicalities at the expense of substantive justice, and the dissatisfaction with the winner- take -all result of this method.

Poor Case Flow Management: Case flow management is the process through which a case passes from the time of its filing, up until the time of its disposal. In the High Court, case flow management has not been very successful because of the following reasons: failure of the Court to take an active part in the management of cases until at the time of hearing; granting of unnecessary adjournments; and failure to apply rules of procedure consistently and to take note of new changes in the law. The Civil Procedure Rules set out rules that should be applied by the courts. The Rules have provisions, which if applied consistently would contribute to quick disposal of cases. The law gives the courts sufficient powers to manage civil cases, to prevent delays and to avoid clogging the system. However, courts have been reluctant to apply these laws, resulting in chronic backlog. Failure to balance work schedules between civil and criminal work. More time is spent on criminal cases, to the detriment of civil cases. This results in a big backlog of civil matters.

Lack of motivation: Motivation of judicial staff is at its lowest due to poor remuneration; poor facilitation of courts and the repeated attacks of the public and the executive on the judiciary. This has led to substantial decrease in productivity and job satisfaction and substantial increase in laziness, grievances, absenteeism, and so forth; contributing to chronic backlog of cases.

Lack of equipment and other tools of trade: It's in the Strategic Plan of the Judiciary to computerize all courts and install the Computerized Case Administration System. The information provided by the system is meant to facilitate allocation of cases and distribution of resources, movement of court files, thereby limiting the loss of files. The system should also expedite retrieval, tracking, and access to court files. Computerization process has been slow and it's only the High Court at Kampala, Jinja and Masaka that have been computerized. Regular update of the system has also been a problem. The rest of the upcountry High courts lack computers save for a few used for typing. Hand written records are still solely relied upon to keep track of their cases and retrieval and access of files is not easy.

The independence of the Judiciary: The courts have repeatedly come under attack both from the public and the Executive. They have been criticized for being inefficient, too slow, too costly, conservative, applying outdated laws and procedures, elitist and quite out of touch with ordinary people, not being user friendly, gender insensitive, corrupt and lacking integrity, being Executive minded and partisan or anti government, and not being adequately competent in various emerging fields of law and jurisprudence, among others.

8.7 The Rules Committee: Main challenges consist of not getting quick responses from the stakeholders and beneficiaries it consults, while many of them do not respond at all. The committee also does not get sufficient proposals for reform of the rules from the judges and other judicial officers. There is also inadequate circulation of the rules made. The Chief Registrar is also to ensure that practice directions are circulated to all judicial officers. Closely related to the subject of law reporting is the circulation of judgments from the Courts of record especially from the Supreme Court. In several of the Judges' meetings, it was agreed that due to financial constraints and expenses involved in photo copying, the Registrar of the Supreme Court sends a copy of the judgment to the Registrars of each court who will in turn distribute to the individual judge of his or her court.

8.7.1 Library Committee: Library fees of Shs. 50,000/= is mandatory for advocates to pay on receiving their practicing certificates. Funding is a major hindrance to maintenance and stocking of

the libraries. Recruitment of competent staff is another problem to the extent that all up-country court libraries are manned either by clerks or court attendants. If implementation of the newly formulated policy is to work, there must be adequate funding for the maintenance of the existing libraries, purchasing and stocking of the libraries with materials including latest publications on legal matters, equipment, and recruitment of competent staff and above all to link libraries on internet.

8.7.2 Finance and Administration Committee: Transport is one of the duties of Finance and Administration. The Judiciary fleet is very old. Government vehicles, which reach the age of 5 years or clock 250,000 km, are supposed to be replaced. This has not been possible because the Judiciary does not have money for their replacement and yet maintenance costs get higher with age. To compound the problem, most of the fleet is attached to entitled officers for whom alternative transport (by way of hire) is more expensive.

The funds are allocated on the basis of the core business of the Judiciary and its support activities. Priority is given to consolidated allowances for bodyguards and drivers, operational funds for upcountry High Courts and Magistrates' Courts, sessions, residential guards, fuel, cleaning services, electricity, water, telephones, lunch and staff transport. After the above-mentioned items are catered for, the remaining funds are used to cover support activities. These include stationery, vehicle maintenance, travels, staff transfers, burials, maintenance of equipment, training, newspapers, judges' leave and other activities or needs at the time. These are always actually more than what is available in the kit. There are ever increasing demands over decreasing funds. The Finance Committee has the task of prioritizing among priorities. In the course of its work, it has introduced belt tightening steps like reducing on provisions of office supplies, suspending dinner allowances to certain specified support staff and reducing operational funds for all courts.

Operational funds for upcountry courts are meant to cater for recurrent expenditures. These include duty facilitation allowance gazetted in the Standing Orders like travel and lunch allowance, office expenses, recreation and welfare like tea and newspapers, and minor repairs on office equipment. Despite the fact that operational funds are inadequate, accountability has been found wanting in many cases. The major issue remains transparency in the allocation of funds by the magistrates and upcountry High Courts.

Peer Committees (PCs): The formation of PCs has been an effective deterrence against acts of corruption by both judicial and non-judicial officers. In that regard, the PCs have proposed that they handle complaints that are not grave in nature.

8.8 Community Service: Government is unable to adequately provide the required counter funding for the rollout phase. This has created a big deficit and impinged on the activities. The implementation of Community Service in urban areas, islands and mobile (pastoral) populations has generally been complicated. Insecurity in some parts of the country has affected the implementation of the activities. This is especially so in districts such as Kaberamaido and Pader.

8.9. Reviewing the Role of Court Bailiffs and Auctioneers: The Judiciary recognizes that enforcement in Uganda, especially of commercial cases, can be a difficult exercise that frustrates the business community - and thus the development of the economy. In particular, it is the general view that Court Bailiffs, or Auctioneers, charged with this responsibility do not currently provide the services that the private sector needs. The process of discussing mechanisms for authorizing and supervising Court Bailiffs is still ongoing, and it will continue in consultation with the Ministry of Justice, the Uganda Law Society, the Court Bailiffs and the Private Sector.

Priorities in improving delivery of Justice: There are four areas that need to be addressed in the medium term to significantly improve the administration of justice. The priority areas are expediting justice, effective management for improved service delivery, Institutional capacity building and judicial reform.

Expediting Justice: There is wide spread out cry against delayed justice which has caused over crowding in prisons due to larger numbers awaiting trial. In order to reduce the backlog the following strategies are suggested: Holding more well planned sessions; Speeding up trials by courts to complete more cases; Granting bail to prisoners who have been on remand for too long especially on petty cases; Regular visits to prisons; Implementing Community Service scheme; Better case management in civil cases; Increased powers to registrars to deal with interlocutory matters; Introduction of time limits for disposal of cases; Providing research facilities to judges; and Increasing number of judges and magistrates.

Effective management: The Judiciary needs to be more efficiently managed to promote effective delivery of speedy and impartial justice. There is need to efficiently manage both human and financial resources in an optimal and economic manner to achieve the desired objectives. There is also need to streamline administration for the smooth operation of the various units of the Judiciary. This is to promote consensus, good will, mutual respect, and well-defined chains of command, communication and reporting. It is also to avoid unnecessary wrangles and conflict, and instead create harmony and understanding. The strategies to achieve streamlined administration are to include: Provision of dynamic and efficient leadership; Strengthening decentralization of the High Court through resident judges and Divisions of the High Court by granting them more independence and powers; Delegation of powers to lower managers and administrative officers; Promotion of teamwork through the committee system of heads of sections and top executives; Continuous consultations by managers; Regular issue of circulars to staff; Establishment of good work ethics including ROM; Improvement of monitoring, evaluation and supervision of staff and encouragement of regular reports; and Encouragement of preparation of work schedules for all staff categories.

Institutional capacity building: The Judiciary as the third arm of the State needs to be strong, independent and well resourced in order to carry out its Constitutional mandate. Currently the Judiciary is weak in its human resources especially the administrative staff, the physical infrastructure like court accommodation for superior courts and Magistrates' courts, low level of funding by government and poor information technology. The major strategies for intervention are to include the following: Extension of the current High Court building to accommodate the Court of Appeal and the Supreme Courts; Building new magistrates' courts in the countryside where they are needed; Strengthening independence of the Judiciary by securing financial autonomy and delinking of administrative staff from Public Service Commission; Recruitment of administrative and support staff to fill the many vacant posts in Magistrates' courts; Improvement of terms and conditions of service for judicial and administrative staff; Modernization of the Judiciary through information technology by computerizing all courts and introducing recording equipment in courts to improve keeping of records and generation of statistics; Strengthening research capacity of the Registrar, Research and Training and library facilities; and Promoting continuing judicial and management training for all staff and establishment of a Judicial Training College to undertake this task in a systematic and continuous basis.

Strengthen judicial integrity by: Formulating a plan of action for strengthening judicial integrity; Strict enforcement of discipline and code of ethics and promotion of judicial accountability; Strengthening of the Inspectorate; Introduction of suggestion boxes, posters and badges for staff; Improve complaints machinery; and Discourage public from corrupting judicial officers or staff.

Public Relations: Improve public relations so as to correct the image of the Judiciary and promote access to and confidence in the administration of justice by establishing regular interaction with the press; Respecting the role of the official spokesperson for the Judiciary; Establishing the office of public relations officer; Creating public awareness on administration of justice through radio talks, TV discussions and introduction of a News Letter; Making the courts user-friendly by introducing reception desks to provide customer service to litigants; Co-ordination and exchange of information with other agencies and institutions; and Establishing recreational facilities for Judges and staff.

Judicial Reform: In order to turn the Judiciary around there is a need to carry out studies of the capacity to deliver justice, and propose solutions for improvement. There is also need to plan for systematic development and service delivery in order to have a vision for the future and identify goals and strategies for achieving the objectives. Therefore programmes, out-puts, activities, time frames and resources necessary are to be identified. Training is also crucial for effective management and implementation for change and development. The reforms that may be needed include the following: Preparation of medium Strategic Plan for the Judiciary; Professionalisation of the bench; Improving the capacity of the LC Courts; Reviewing the jurisdiction of courts e.g. the High Court in defilement cases; Reviewing sentences and fines in the Penal Code; Developing sentencing guidelines; Formulating minimum standards for administration of justice; Reviewing the operation and control of court brokers; Reform of committal proceedings in capital cases; Devolution of powers to registrars in civil cases; and Simplification of rules of procedure especially in civil proceedings to promote substantive justice.

Anticipated changes: A number of options could be adopted to address the anticipated changes in the structure and the management of the Judiciary within affordable units. Transfer of functions together with their approved structures and budget provisions, as is the case with the District Land Tribunals. Filling of the relevant vacant posts in the current structure of the Judiciary. Trading off of non-core vacant posts to bring on board critical positions for service delivery. Undertaking the cost efficiency studies aimed at identifying areas where efficiency and effectiveness in the utilization of the human resources can be improved to provide fiscal savings that can then be utilized in areas of critical need within the Judiciary.

The Judiciary has been constrained by limited funding from discharging its constitutional mandate of delivering speedy, effective and efficient administration of justice. Whereas it is appreciated that there are limited resources at the disposal of the Government, it is however noted that Courts play an indispensable function in fostering and maintaining the rule of law, democracy and good governance in the Country. An increased funding is needed if the judiciary is to improve on its disposal rate. The right to a speedy resolution of disputes is a fundamental aspect of justice but delayed litigation may constitute a denial of that justice. Courts must take the responsibility of ensuring that cases are disposed of as quickly as possible, special attention being given to old pending cases.

In addition, Courts as dispensers of justice have a duty to explore new ways and means to manage the increasing volume of work. Changes have to be made in the way cases are managed and new case management procedures established. It is therefore necessary to apply more and better methods of work to deal with the increased caseload. In that regard, there may be a need for substantive reform of the existing systems, restructuring, innovation and new initiatives in the delivery of judicial services. By applying proper management principles in the day-to-day disposal of cases, delay in disposal of cases can be overcome. However, such a change necessitates discipline and commitment on the part of the judicial officers managing the court and the support staff. In that connection, the judiciary may have to fundamentally change the way courts are currently managed in order to improve services to the public and ensure effective and speedy delivery of justice. The old order of management must give way to a new order that may lead to a new judicial culture.

APPENDIX 1: CURRENT COURT FEES AS OF 30th SEPTEMBER 2006

WHAT YOU NEED THE COURT TO DO	WHAT YOU PAY IN SHILLINGS
For issuing a plaint	1,500/=
Plus, you will also have to pay the following depending how much you are claiming: -	
1 to 3,000/=	600/=
Not exceeding 6,000/=	900/=
6,000-12,000/=	1,200/=
12,000-18,000/=	1,300/=
18,000-24,000/=	1,400/=
24,000-30,000/=	1,500/=
30,000-36,000/=	1,600/=
36,000-42,000/=	1,700/=
42,000-48,000/=	1800/=
48,000-54,000/=	1900/=
54,000-60,000/=	2000/=
60,000-66,000/=	3,200/=
66,000-72,000/=	4,400/=
72,000-78,000/=	5,600/=
78,000-84,000/=	6,800/=
84,000-90,000/=	8,000/=
90,000-96,000/=	9,200/=
96,000-102,000/=	10,400/=
102,000-108,000/=	11,600/=
108,000-114,000/=	12, 800/=
114,000-120,000/=	14,000/=
120,000-126,000/=	15,200/=
126,000-132,000/=	16,400/=
132,000-138,000/=	17,600/=
138,000-144,000/=	18,800/=
144,000-150,000/=	20,000/=
150,000-156,000/=	24,200/=
156,000-162,000/=	22,400/=
162,000-168,000/=	23,600/=
168,000-174,000/=	24,800/=
174,000 -180,000/=	26,000/=
180,000-186,000/=	27,200/=
186,000-192,000/=	28,400/=
192,000-198,000/=	29,600/=
198,000-204,000/=	30,800/=
204,000-210,000/=	32,000/=
216,000-222,000/=	34,400/=
222,000-228,000/=	34,600/=
228,000-234,000/=	35,800/=
234,000-240,000/=	37,000/=

240,000-246,000/=	38,200/=
246,000-252,000/=	39,400/=
252,000-258,000/=	40,600/=
258,000-264,000/=	41,800/=
264,000-270,000/=	43,000/=
270,000-276,000/=	41,200/=
282,000-288,000/=	43,600/=
288,000-294,000/=	44,800/=
294,000 -300,000/=	46,000/=
300,000-600,000/=	49,000/=
600,000-900,000/=	52,000/=
900,000-1,200,000/=	55,000/=
1,200,000-1,500,000/=	58,000/=
1,500,000-1,800,000/=	61,000/=
1,800,000 – 2,100,000/=	64,000/=
2,100,000 – 2,400,000/=	67,000/=
2,400,000-2,700,000/=	70,000/=
2,700,000-3,000,000/=	73,000/=
3,000,000-6,000,000/=	79,000/=
6,000,000-9,000,000/=	85,000/=
9,000,000-12,000,000/=	91,000/=
12,000,000-15,000,000/=	97,000/=
15,000,000-18,000,000/=	103,000/=
18,000,000-21,000,000/=	109,000/=
21,000,000-24,000,000/=	115,000/=
24,000,000-27,000,000/=	121,000/=
27,000,000-30,000,000/=	127,000/=
For any additional 3,000,000/= or part of 3,000,000 above 30,000,000/=	Add 3,000/=
If you are making a special case that will include a hearing	10,500/=
If you don't know the money value of the claim and as long as no other special fee applies and the Judge doesn't say otherwise	3,000/=
If you are a landlord and you are bringing a claim for general damages against a tenant but the amount you are claiming is not fixed	6,000/=
Transfer between Courts of decrees, including applications: If decree 15,000/= or less	Calculated in accordance with the fee schedule

If decree over 15,000/=	
If you are seeking a declaratory judgment or specific performance.	Calculated in accordance with the fee schedule
To Issue a Warrant of Arrest	6,000/=
For a Certificate under XIX	1,500/=
Application for Probate and Administration	6,000/=
For an Oath for an Executor, Administrator or Surety	300/=
For obtaining a hearing or a trial date	Fees not required
For taking part in the Court's mediation scheme;	Fees not required
For obtaining a copy of a document on the Court file other than usual photocopying charges which should be paid to the Senior Office Supervisor;	Fees not required
For making an appointment to see any Judicial Officer to raise a legal or not legal issue	Fees not required

APPENDIX 2: REVISED RATES OF DUTY FACILITATING ALLOWANCES WITH EFFECT FROM 1ST JULY 2005.

New Rates of Duty Facilitating Allowances for Public Officers and Political Leaders

Night Allowance: Night allowance is paid when an Officer stays away for a night or more from his/her duty station on official duty, to cater for meals, accommodation, laundry and other incidentals:

Night Allowance within Uganda, for Specified Officers

	Existing rate, per night	New rate, per night
Chief Justice	68,000/=	135,000/=

Deputy Chief Justice	66,000/=	130,000/=
Principal Judge	64,000/=	125,000/=
Justice of Supreme Court	62,000/=	120,000/=
Justice of Court of Appeal	62,000/=	115,000/=
Judge of High Court	62,000/=	110,000/=

Night Allowance within Uganda, for Public Officers

	Existing rate, per night	New rate, per night
Permanent Secretary	60,000/=	100,000/=
Director	58,000/=	95,000/=
Deputy Director	58,000/=	90,000/=
Head of Department	54,000/=	90,000/=
Other Officers in Scale U1.	50,000/=	80,000/=
Officer in Scale U2	50,000/=	75,000/=
Officers in Scale U3 & 4	48,000/=	70,000/=
Officer in Scale U5	48,000/=	65,000/=
Officer in Scale U6	30,000/=	55,000/=
Officer in Scale U7	30,000/=	45,000/=
Officer in Scale U8	25,000/=	35,000/=

Night Allowance outside Uganda, for Specified Officers

	Existing rate, per night	New rate, per night
Chief Justice	\$400	\$430
Deputy Chief Justice	\$300	\$330
Principal Judge	\$240	\$330
Justice of Supreme Court	\$300	\$330
Justice of Court of Appeal	\$300	\$330
Judge of High Court	\$240	\$300

Night Allowance outside Uganda, For Public Officers

	Existing rate, per night	New rate, per night
Permanent Secretary	\$240	\$260
Director	\$175	\$240
Deputy Director	\$175	\$210
Head of Department	\$175	\$210
Other Officers in Scale U1-U8	\$150	\$180

Safari Day Allowance: Safari day allowance is paid when an officer travels on duty within Uganda for a period of six hours or more in anyone day and returns to the duty station the same day.

Safari Day Allowance within Uganda, For Specified Officers

	Existing rate, per day	New rate, per day
Chief Justice	10,000/=	14,000/=
Deputy Chief Justice	9,000/=	13,000/=
Principal Judge	8,500/=	12,000/=
Justice of Supreme Court	8,000/=	11,000/=
Justice of Court of Appeal	8,000/=	11,000/=
Judge of High Court	8,000/=	11,000/=

Safari Day Allowance within Uganda, For Public Officers

	Existing rate, per day	New rate, per day
Permanent Secretary	7,000/=	9,000/=
Director	6,500/=	8,500/=
Deputy Director	6,000/=	8,000/=
Head of Department	6,000/=	8,000/=
Other Officers in Scale U1	6,000/=	8,000/=
Officer in Scale U2	6,000/=	7,000/=
Officers in Scale U3 & 4	5,000/=	6,000/=
Officer in Scale U5	5,000/=	6,000/=
Officers in Scale U6 -U8	3,000/=	5,000/=

Safari Day Allowance outside Uganda: Safari day allowance outside Uganda is paid when an officer travels on duty, for a period of six hours or more in anyone day, and returns to the country on the same day. The rate payable is \$30 per day,

Transit Allowance: Transit allowance is paid per round trip to cover costs due to waiting for flight connections exceeding six (6) hours. Transit Allowance is payable as follows:

Region	Existing rate	New rate
Continental Europe and West Africa	\$120	\$140
North America and West Asia	\$120	\$140
Far East and South America	\$150	\$160

Out of Pocket Allowance: Out of pocket allowance is paid to cater for incidentals where expenses of meals and accommodation are fully covered by Government or sponsor. The allowance will be paid at the rate of 20% of one's Night allowance per day, within or outside the country. Out of pocket allowance shall not be paid concurrently with night allowance.

Lunch/Dinner Allowance: Lunch/Dinner Allowance is paid to an officer who works during lunch or dinnertime. The existing rates have been maintained as below:

Officers in Scale U7 and above	3,000/=
Officers in U8	2,000/=

Sitting Allowance: Sitting Allowance is paid under the following circumstances: Where a Public Officer is nominated to serve as a member of an interviewing panel of an appointing body, at the following rates:

	Existing rate (per sitting)	New rate per sitting
Officers in Scale U1	20,000	40,000/=
Officers in Scale U2 and below	15,000	30,000/=

(b) Where a Public or non Public Officer is appointed on a commission of inquiry/review, committee or any adhoc committee set up Government, at the following rates:

	Rate per sitting for non Public Officer	Rate per sitting for Public Officer
Chairperson	120,000	60,000/=
Member/Secretary	100,000	50,000/=

Honorarium: Honorarium is paid when a Public Officers is assigned work, of exceptional importance to the government; is outside the normal scope of the Officer's duties; involves disproportionate amount of his or her official and private time; involves temporally additional responsibilities; requires the direct use of the officers special talent or professional skill or his or her active participation in the actual work. Honoraria will be paid to a Public Officer on satisfactory completion of the assignment, within a specific time frame using the formula below:

Number of days worked x 40% of basic monthly salary

Warm Clothing Allowance: Warm Clothing Allowance is paid when an officer proceeds for training/duty overseas to temperate and cold climates. It is payable once every period of three consecutive years as below:

Existing rate	New rate
\$300	\$300

Overtime Allowance: Overtime allowance is paid to Secretarial and Support Staff who work for any period on Saturday/Sunday, Public Holidays or excess of seven and three quarter hours in any day from Monday to Friday. The present formula for calculating overtime is maintained as follows:

Officer's monthly rate of pay in shillings x (either 1.5 or 2.5) x hours of overtime
Total number of hours worked in a month (7.75 x 15 x 4).

Where 1.5 times is paid for any extra hour worked on any normal day and 2.5 times for overtime work on any Public holiday or a day of weekly rest.

Training Allowances:

Presentation of papers: This allowance is paid for presentation of a well-researched paper for seminars, workshops and conferences.

	Existing rate per presentation	New rate, per presentation
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Officers in U1 Scale & Above	40,000/=	60,000/=
Other Officers	30,000/=	50,000/=

Part-time Lecturers Allowance

	Existing rate per lecture	New rate, per lecture
a) Ordinary Diploma	5,000/=	20,000/=
b) Certificate	3,000/=	15,000/=

Part Time Examiners Allowance for setter of examination papers

	Existing rate	New rate
One hour paper	2,000/=	10,000/=
Two hour paper	3,000/=	20,000/=
Three hour paper	5,000/=	30,000/=

Oral Examination Interview and Oral Trade Test

	Existing rate per hour	New rate
Diploma	2,000/=	10,000/=
Ordinary Certificate	1,500/=	5,000/=

Invigilation Allowance

	Existing rate per paper	New rate, per paper
One hour	2,000/=	6,000/=
Two hour	4,000/=	12,000/=
Three hour	6,000/=	18,000/=

Overtime Allowance: Overtime allowance is paid to Secretarial and Support Staff who work for any period on Saturday/Sunday, Public Holidays or excess of seven and three quarter hours in any day from Monday to Friday. The present formula for calculating overtime is maintained as follows:

Officer's monthly rate of pay in shillings x (either 1.5 or 2.5) x hours of overtime

Total number worked in a month (7.75x.5 x 4)

Where 1.5 times is paid for any extra hour worked on any normal day and 2.5 times for overtime work on any Public holiday or a day of weekly rest.

Training Allowances

Presentation of Papers: This allowance is paid for presentation of a well-researched paper for seminars, workshops and conferences.

	Existing rate per Presentation	New rate, per presentation
Officers in U1 Scale & Above	40,000/=	60,000/=

Other Officers	30,000/=	50,000/=
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Part-time Lecturers Allowance

	Existing rate per Lecture	New rate, per lecture
a) Ordinary Diploma	5,000/=	20,000/=
b) Certificate	3,000/=	15,000/=

Part Time Examiners Allowance for setter of examination papers

	Existing rate	New rate
One hour paper	2,000/=	10,000/=
Two hour paper	3,000/=	20,000/=
Three hour paper	5,000/=	30,000/=

Oral Examination Interview and Oral Trade Test

	Existing rate per Hour	New rate
Diploma	2,000/=	10,000/=
Ordinary Certificate	1,500/=	5,000/=

Invigilation Allowance

	Existing rate per paper	New rate, per paper
One hour	2,000/=	6,000/=
Two hour	4,000/=	12,000/=
Three hour	6,000/=	18,000/=

External Examiners allowance

	Existing rate	New rate
a) Per moderated question paper	5,000/=	20,000/=
b) Per panel moderated question paper	3,000/=	15,000/=
c) Moderate marked script (Moderating the marking only)	3,000/=	15,000/=
d) Panel moderate marked script	500/=	5,000/=

Part-time markers' allowance

	Existing rate per Script	New rate per script
Formal examination script	2,500/=	5,000/=

Book allowance: Public Officers sponsored by Government, paid book allowance in line with the recommendations of the training institution. The allowance takes care of scholastic materials and essential books.

Research Allowance: Public Officers sponsored by Government, who must undertake research in partial fulfillment of the requirement of the training, are paid a research allowance in line with the recommendations of the training institution.

This allowance, which has hitherto been paid from wage bill with effect from 1st July 2005, be paid from the non-wage bill.

Kilometrage Allowance: Kilometrage allowance is paid to Public Officers who use their personal vehicles for home to office running and for official duties within a radius of 16 kilometers from the duty station. This allowance has been consolidated into a monthly allowance commensurate to the officer's status as below:

	Rate per month
Officer in Scale U1	240,000/=
Officer in Scale U2	180,000/=
Officers in Scale U3-U4	150,000/=
Officers in Scale U5-U8	70,000/=

Transport Allowance: Transport allowance is paid to a Public Officer to cover home to office running. This allowance excludes staff that receives kilometrage allowance and shall not be paid to Public Officers staying in institutional houses located within a radius of 1 kilometre from the institution. The rate payable is Shs **35,000** per month.

APPENDIX 3: STATUTORY INSTRUMENTS SUPPLEMENTARY No. 38

STATUTORY INSTRUMENTS 2005 No. 87

THE JUDICIAL SERVICE COMMISSION REGULATIONS 2005

3. Presiding at Meetings.

Every meeting of the Commission shall be prescribed over by the Chairperson or, in his absence, by the Deputy Chairperson and in the absence of both, by a member of the Commission representing the Judiciary.

4. Record of proceedings

A record shall be kept of the members present and of the business transacted at every meeting of the Commission.

5. Decision by circulation of papers

(1) Except for matters of appointment, discipline, reviewing and making recommendations on the terms and conditions of service of Judges and other judicial officers, or a proposal to remove from office, a Judge or any other judicial officer, decisions may be made by the Commission without a circulation of the relevant documents among the members and the expression of their views in writing.

(2) A member may require that any decision referred to in sub regulation (2) be deferred until the subject matter is considered at a meeting of the Commission.

(3) A decision made by circulation of papers under this sub regulation is not valid unless it is supported by all members of the Commission.

6. Dissent.

Any member may dissent from a decision of the Commission and the reasons for the dissent shall be set out in the records of the Commission.

7. Enforcement of attendance.

The Commission may require any person to attend and give evidence before it concerning any matter, which it may properly consider in the exercise of its functions and may require the production of any documents relating to any such matter by any person attending before it.

8. Attendance allowance.

Any person attending a meeting of the Commission at the request of the Commission, other than a person, who is applying for appointment to the service or to a tribunal, is entitled to be paid by the Commission an allowance as the Commission may determine.

9. Failure to appear or produce documents or obey orders of the Commission

Any person, other than a person who is notified to appear before the Commission solely in connection with his or her application for appointment to the service or to a tribunal, who:

a).. without reasonable cause fails to appear before the Commission when notified to do so;

b) willfully fails to produce any document in his or her possession when requested to do so by the Commission; or

(c) willfully fails to obey or carry out a lawful order of the Commission, commits an offence and is liable on conviction to the penalty specified under section 18 of the Act.

10. Oath on appointment:

(1) Every member of the Commission shall, before assuming the functions of commissioner

(a) take and subscribe the official oath as required by section 2 of the Oaths Act; and

(b) take and subscribe the oath set out in Schedule I to these Regulations.

(2) The oath taken by a member of the Commission under sub regulation (1) shall be administered by the Chief Justice or, in his or her absence, by the Deputy Chief Justice.

(3) The Secretary and such other officer of the Commission as the Chairperson may require shall, before assuming the performance of his or her functions, take and subscribe the oath set out in schedule 2 to these Regulations.

(4) The oath taken by the Secretary or other officer of the Commission under sub regulation (3) shall be administered by the Chairperson or such officer as the Chairperson may delegate.

PART III – APPOINTMENTS, CONFIRMATION OF APPOINTMENTS, ETC

11. Matters to be considered on appointment.

(1) In the performance of its functions in connection with the appointment of judicial officers and members of tribunals, the Commission shall have regard to the maintenance of the high standard of independence, propriety, integrity, impartiality, equality, competence and diligence required of a judicial officer and shall take into account the qualification, merit and experience of a candidate.

(2) In the case of appointment of judicial officers already in service, the Commission shall take into account all the qualities specified in sub regulation (1) before seniority.

12. Consultation and selection boards.

In the Performance of its functions in connection with the appointment of judicial officers, the Commission may.

(a) consult with any other organization, department or person; or

(b) seek the advice of selection board appointed by the Commission which may appoint to it members of the Commission and other persons who are not members of the Commission.

13. Obligation to conform to Constitution Act and Regulations.

The Commission shall, in the exercise of its powers in connection with the dismissal or other termination of appointment of any judicial officer, act in accordance with the provisions of the Constitution, the Act, and these Regulations.

14. Procedures and forms.

(1) The Commission shall determine:

(a) the procedure for applications for appointment to a judicial office or tribunal, including the procedure of any selection board appointed by the Commission to interview candidates; and

(b) the forms to be used in connection with the performance of its functions;

(2) The appointment of members to a tribunal shall be made in accordance with the law establishing that tribunal.

15. Filling of Vacancies.

(1) Where a vacancy occurs or it is known that a vacancy will occur in the Supreme Court, the Court of Appeal, the High Court, or in the office of a Chief Registrar, Registrar, Deputy Registrar and Assistant Registrar, the Chief Justice shall report the fact to the Commission.

(2) The Chief Justice shall forward a list of all judicial officers in the relevant cadre or post who are available to fill the vacancies specified in sub regulation (1), together with the records of their service and any recommendations.

(3) Where a vacancy occurs or if it is known that a vacancy will occur in any other judicial office, the Chief Registrar in consultation with the Chief Justice or the Principal Judge shall report the fact to the Commission.

(4) The Chief Registrar shall forward a list of all judicial officers in the relevant cadre or post who are available to fill the vacancies specified in sub regulation (3), together with the records of their service and any recommendations.

(5) Where a vacancy occurs or if it is known that a vacancy will occur in a tribunal the responsible officer shall report the fact together with any recommendations to the Commission.

(6) Where any recommendation under this regulation involves the supercession of a judicial officer, reasons for the supercession should be given.

(7) The Chief Registrar shall forward to the Secretary, a draft advertisement setting out the details of the vacant post and the duties and qualifications attached to that post.

16. Advertisement.

(1) Where a vacancy exists in any judicial office or in a tribunal, the vacancy may be advertised.

(2) The Commission shall determine the consent and form of the advertisement to be issued

(3) The advertisement may:

(a) be restricted in its circulation to persons already in the service;

(b) be restricted in its circulation to Ugandans; or

(c) be unrestricted in its circulation, if the Commission is satisfied that no suitable candidate is available in Uganda

(4) Where the Commission deems it necessary, a vacancy may be filled by a substantive or acting appointment.

17. Vacancies to be filled after examination, interviews or course of study.

Where a vacancy is to be filled-

(a) according to the results of an examination or interview conducted or supervised by the Commission; or

(b) on the successful completion of a course of study or training designed to qualify a candidate for appointment to the judicial service or to a tribunal, the Commission may make arrangements and take decision to fill the post as it considers appropriate.

18. Recruitment from outside Uganda.

(1) Where after consulting the Chief Justice, the Commission considers that a particular vacancy should be filled by recruiting on expatriate terms, the Commission shall take appropriate steps to effect the required recruitment.

(2) The recruitment of a non-Ugandan expert, adviser or volunteer by whatever title known, under a multi-lateral or bilateral arrangement shall be considered as recruitment from outside Uganda for the purposes of these Regulations, regardless of the existence of a vacancy on the establishment against which to hold the expert, adviser or volunteer, as the case may be, on his or her terms and conditions of service.

19. Appointments.

(1) The Commission may advise the appointing authority on the nature of appointment to be made such as substantive, acting, contract, temporary or probation in respect of Judges and Registrars and shall have powers to appoint under any nature of appointment in respect of other judicial officers.

(2) A probationary appointment shall be for a period of two years and any extension of a probationary appointment shall not exceed one year.

(3) Three months before the expiration of the period of probation of a judge, Chief Registrar, Registrar, Deputy Registrar or Assistant Registrar, the Chief Justice shall consider:

(a) whether the Judicial officer should be confirmed in a pensionable post;

(b) whether a further period of probationary service is necessary to determine whether the judicial officer should be so confirmed; or

(c) whether the judicial officer should remain in the service.

(4) Three months before the expiration of the period of probation of a judicial officer other than one specified in sub regulation (1), the Chief Registrar shall consider:

(a) whether the judicial officer should be confirmed in a pensionable post;

(b) whether a further period of probationary service is necessary to determine whether the judicial officer should be so confirmed or;

(c) whether the judicial officer should remain in the service.

(5) If after consideration of the matters referred to in sub regulations (3) and (4), the Chief Justice or the Chief Registrar, as the case may be, is of the opinion that a judicial officer should be confirmed in a pensionable appointment and if the judicial officer has passed such examinations as may be required as a condition for confirmation in his or her appointment, the Chief Justice or the Chief Registrar shall, as soon as practicable, before the expiration of the period of probation, forward to the Secretary a recommendation that the officer should be confirmed.

(6) If upon consideration of a recommendation under sub regulation (5) that a judicial officer should be confirmed in a pensionable post, the Commission is of the opinion that it requires further information the Commission may refer the matter back to the Chief Justice or the Chief Registrar as the case may be, for further report.

(7) If after consideration of the matters referred to in sub regulation (3), the Chief Justice or Chief Registrar is of the opinion that the work and conduct of a judicial officer have been of a standard to justify confirmation in a pensionable office, but the judicial officer has not completed the examinations required for his or her appointment, the Chief Justice or Chief Registrar shall, as soon as practicable, before the expiration of the judicial officer's period of probation, forward a report to the Secretary together with a recommendation as to the period of further probationary service which the judicial officer should be granted in order to pass the required examination.

(8) If after consideration of the matters referred to in sub regulations (3) and (4) the Chief Justice or Chief Registrar is of the opinion that the work or conduct of a judicial officer is not in all respects satisfactory, the Chief Justice or Chief Registrar as the case may be shall inform the judicial officer in writing with a copy to the Commission and may recommend

(a) an extension of the judicial officer's period of probation to enable the officer overcome the shortcomings noted.

(b) that the judicial officer's appointment be terminated,

(9) If the report received by the Commission about the judicial officer is adverse, the Commission; shall forward to the officer, a copy of the report and the judicial officer shall make a representation within thirty days from the date of receipt of the report from the Commission.

(10) The Commission may at any time call upon the Chief Registrar to explain why a judicial officer was not confirmed on the due date.

20. Acting appointments.

(1) If, a Justice of the Supreme Court or the Court of Appeal or a Judge of the High Court, the Chief Registrar, Registrar, Deputy Registrar or Assistant Registrar is for any reason unable to perform the functions of his or her office, or if for any reason it is necessary to appoint a judicial officer in acting capacity and the Chief Justice is of the opinion that some other judicial officer should be appointed to act in such office, the Chief Justice shall Report the matter to the Commission and shall submit, for the consideration of the Commission, the name of the judicial officer recommended to be appointed to act in that office.

(2) If any other judicial officer is for any reason unable to perform the functions of his or her office, or if for any reason it is necessary: to appoint a judicial officer in acting capacity, and the Chief Registrar is of the opinion that some other judicial officer should be appointed to act in such office, the Chief Registrar shall report the matter to the Secretary who shall submit the matter for consideration of the Commission.

(3) If the recommendation in sub-regulations (1) and (2) involve the supercession of a senior officer, the Chief Justice or the Chief Registrar shall inform the Commission of his or her reasons for recommending the supercession of such officer.

(4) In considering recommendations for acting appointments, the Commission shall apply the standards prescribed in regulation 11 except that consideration may also be given to the special interest of an institution or division within the judicial service.

21. Renewal of Contracts.

(1) If a Justice of the Supreme Court or the Court of Appeal or a Judge of the High Court, the Chief Registrar, Registrar, the Deputy Registrar or the Assistant Registrar is serving on contract of a specified period, the Chief Justice shall forward to the Commission, four months before the judicial officer is due to proceed on leave pending the determination of the contract, a notification of the date of the determination of the contract and his or her recommendation whether it should be renewed or not.

(2) If any other judicial officer is serving on contract for a specified period, the Chief Registrar shall forward to the Secretary, four months before the judicial officer is due to proceed on leave pending the determination of the contract a notification of the date of the determination of the contract and his or her recommendation whether it should be renewed or not.

(3) In the case of a tribunal, the responsible officer shall forward the submission to the Secretary.

22. Compulsory retirement on grounds of age.

(1) If the Chief Registrar is of the opinion that a judicial officer who holds a pensionable office should retire from the judicial service on grounds that he or she has attained the mandatory age of retirement,

the Chief Registrar shall remind the judicial officer in writing, three months before the actual date of retirement.

(2) The Chief Registrar shall furnish the Commission before the 15th of December of every year, a status report on judicial officers showing how many of the judicial officers have resigned from service, died, been promoted or demoted and how many are retired during the coming year.

(3) In the case of a tribunal, the responsible officer shall forward the report with the necessary modifications, to the Secretary.

PART IV-DISCIPLINE

23. Offences

A Judicial officer commits an offence against discipline if he or she does all or any of the following:

- (a) conducts himself or herself in any manner prejudicial to the good image, honour dignity and reputation of the service;
- (b) practices favoritism, nepotism or corruption whether for personal advantage or gain or that of any other person;
- (c) practices discrimination whether on the basis of sex, race, ethnic origin, tribe, birth, creed or religion, social or economic standing political opinion or disability;
- (d) is a habitual late comer or absents or absconds from duty without reasonable excuse;
- (e) is insubordinate, rude, abusive, and disrespectful or uses vulgar language;
- (f) is lazy or produces poor standard work;
- (g) is untrustworthy or lacks integrity in public or private transactions;
- (h) engages in private interests at the expense of his or her official duties;
- (i) divulges official information to unauthorized persons;
- (j) acts in contravention of the Code of Judicial Conduct, the Judicial Oath or any other oath taken by the judicial officer;
- (k) is convicted of a criminal offence by a court of law;
- (l) disregards the chain of command in his or her place of employment without reasonable excuse;
- (m) abuses judicial authority: or
- (n) in any way contravenes any provisions of the law, Uganda Government Standing Orders or any other instructions relating to the discipline of judicial officers.

24. Absconding from duty.

- (1) Where a judicial officer, other than Judge appears, to have absconded from duty, the Chief Registrar or the responsible officer or the Commission shall-
 - (a) notify the judicial officer to that effect within fourteen days from the date of the absence from duty; or
 - (b) call upon the judicial officer to explain his or her absence from duty within a period of fourteen days.
- (2) Service of notice to the judicial officer shall be at the last known address of the judicial officer or the address, which the judicial officer has given to the Judiciary.
- (3) Where the judicial officer fails to respond to the notice or call, the Chief Registrar or the responsible officer shall
 - (a) immediately stop payment of the salary of the judicial officer: and
 - (b) report to the Secretary in a detailed memorandum including appropriate recommendation on the abscondment from duty of the judicial officer.

25. Interdiction.

(1) Whenever the Chief Registrar or the responsible officer considers that the public interest requires that a judicial officer other than a Judge should cease to perform the functions of his or her office, the Chief Registrar or responsible officer may interdict the judicial officer from the performance of those functions if disciplinary proceedings are being taken or are about to be taken or if criminal proceedings are being instituted against the judicial officer.

(2) Where the Commission has facts relating to the misconduct of a judicial officer it may direct the Chief Registrar or the responsible officer to interdict that judicial officer.

(3) A judicial officer who is interdicted shall receive at least half of his or her salary.

(4) Where disciplinary or criminal proceedings have been taken or instituted against a judicial officer on interdiction and the judicial officer is not dismissed or convicted as the case may be, as a result of those proceedings, the whole or any of his, or her salary withheld under sub regulation (3) shall be restored to the judicial officer upon the termination of the proceedings.

(5) A judicial officer on suspension or interdiction shall/not leave Uganda without the permission of:

- (a) the Chief Justice in consultation with the Commission in the case of a Judge, the Chief Registrar or a Registrar;
- (b) the Chief Registrar in the case of a magistrate; or the responsible officer, in case of any other judicial officer;
- (c) the responsible officer in case of any other judicial officer.

26. Report on institution of criminal proceedings.

(1) If criminal proceedings of a nature likely to warrant disciplinary proceedings are instituted against a judicial officer in any court, the Chief Registrar or the responsible officer shall immediately report the facts to the Secretary as to whether the officer has or has not been interdicted from the performance of his or her functions.

(2) No proceedings for the dismissal of a judicial officer upon any grounds involved in a criminal charge shall be taken until the conclusion of the criminal proceedings in the court of first instance.

27. Procedure after acquittal on criminal charge.

A judicial officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge upon which he or she has been acquitted, but nothing in this regulation shall prevent the judicial officer from being dismissed or otherwise punished on any other charges arising out of his or her conduct in the matter.

28. Procedure on criminal conviction.

(1) If a judicial officer is adjudged guilty in any court of a criminal charge likely to warrant disciplinary proceedings, the Chief Registrar or the responsible officer shall obtain a copy of the charges, the judgment, and the proceedings of the court if they are available, and forward them to the Secretary.

(2) The Commission may in its discretion obtain a copy of the charges, the judgment, and the proceedings of the court if they are available.

(3) The Commission, after giving the judicial officer an opportunity to make representations in writing or in person or to be heard in person shall determine whether the judicial officer should be dismissed or subjected to some lesser disciplinary punishment or both, on account of the conviction for the offence of which he or she has been adjudged guilty of procedure of these Regulations.

29. Misconduct justifying dismissal.

(1) Where the Chief Registrar or the responsible officer considers it necessary to institute disciplinary proceedings against a judicial officer other than a Judge, on the ground of misconduct which if proved,

would justify dismissal from the service, the Chief Registrar or the responsible officer shall, after preliminary 'investigations, which he or she consider necessary.

(a) forward to the judicial officer a statement of the charge or charges framed against the judicial officer together with a brief statement of the allegations, in so far as they are not clear from the charges themselves. On which each charge is based: and

(b) call upon the judicial officer,' to state in writing before a day to be specified by the Chief Registrar or the responsible officer any grounds on which the judicial officer relies to exculpate himself or herself.

(2) If the judicial officer does not furnish a reply to any charge under sub regulation (1) within the specified period or if in the opinion of the Chief Registrar or the responsible officer, the judicial officer fails to exculpate himself or herself, the Chief Registrar or responsible officer shall make a report and forward copies of that report, the statement of the charges and the reply, if any of the judicial officer to the Secretary.

(3) If upon consideration of the report of the Chief Registrar or the report of the responsible officer, the Commission is of the opinion that proceedings for the dismissal of the judicial officer should be continued, it shall inquire into the matter in such manner as it thinks fit.

(4) The Commission shall inform the judicial officer that on a specified day the charges made against, him or her will be investigated and that the judicial officer will be allowed or, if the Commission so determines, will be required to appear before it to defend himself or herself

(5) Where a witness is examined by the Commission, the judicial officer shall be given an opportunity of being present and of putting questions to the witness and no documentary evidence shall be used against the judicial officer unless he or she has previously been supplied with a copy of the documentary evidence or been given access to the document.

(6) The Commission shall, where a judicial officer so requests, permit the judicial officer to be represented at its proceedings by an advocate.

(7) A charge may be amended at any stage of the proceedings as long as the amendment does not cause a miscarriage of justice.

30. Misconduct not justifying dismissal.

(1) Whenever the Chief Registrar or responsible officer considers it necessary to institute disciplinary proceedings against a judicial officer but is of the opinion that the misconduct alleged, if proved would not be serious enough to warrant dismissal under regulation 29, he or she shall, after any preliminary investigation which he or she considers necessary, forward to the judicial officer a statement of the charges against the judicial officer and shall call upon him or her to state in writing before a day to be specified, any grounds on which the judicial officer relies to exculpate himself or herself.

(2) If the judicial officer does not furnish a reply within the specified period or does not, in the opinion of the Chief Registrar or the responsible officer exculpate himself or herself, the Chief Registrar or the responsible officer shall forward to the Secretary a report on the case together with copies of the charges preferred against the judicial officer, his or her recommendations and the judicial officer's reply if any.

(3) If, on consideration of the report, including the grounds, if any; upon which the officer relies to exculpate himself or herself, the Commission is of the opinion that no further investigation is necessary. It may immediately determine the punishment other than dismissal, which should be imposed on the judicial officer.

(4) If the Commission, on consideration of the report, is of the opinion that the matter should be further investigated, it shall inquire into the matter in a manner, as it deems necessary.

(5) Notwithstanding sub regulations (1), (2), (3) and (4), if at any stage during proceedings taken under this regulation

(a) it appears to the Commission that the offence if proved would justify dismissal; or

(b) the Commission considers that if the offence is proved, proceedings for the retirement of the judicial officer from the service on grounds of public interest would be more appropriate, the proceedings so taken shall be discontinued and the procedure prescribed in regulation 29 shall be followed.

31. Disciplinary penalties which may be imposed by Commission.

(1) Subject to the provisions of the Constitution, the Commission may impose anyone or more of the following, disciplinary penalties upon a judicial officer as a result of proceedings taken under these Regulations

- (a) dismissal;
- (b) suspension;
- (c) reduction in rank;
- (d) order for a written undertaking from the officer not to repeat the offence;
- (e) reduction in salary;
- (f) stoppage of increments;
- (g) deferment of increments;
- (h) severe reprimand;
- (i) reprimand;
- (j) order payment of compensation; or
- (k) the recovery of the cost or part of the cost of any loss or damage caused by default or negligence, whether by deduction from salary or gratuity or otherwise.

(2) The Commission may make any order as to the recovery of costs.

(3) nothing in this regulation shall

(a) limit the powers conferred on the Commission by these Regulations to retire a judicial officer from the service on grounds of public interest.

(b) restrict the authority of the Chief Registrar or the responsible officer, subject to any instructions issued by the Treasury, to order the recovery of the cost or part of the cost of any loss or damage caused by any default or negligence; or

(c) restrict the authority of the Chief Registrar or the responsible officer to recover from the salary of any judicial officer who has been absent from duty without leave or without reasonable excuse, after giving to the judicial officer, where practicable, an opportunity to be heard, an amount which bears the same proportion to his or her annual salary as that period of absence bears to one year.

32. Termination of temporary or probation –appointment.

(1) In respect of a judicial officer appointed on temporary or probationary terms, the Commission is satisfied upon-

- (a) any adverse information or report of the work or conduct of the judicial officer; or
- (b) any representation by the officer that the work or conduct of the judicial officer is unsatisfactory the commission may recommend that the appointment of the officer be terminated immediately.

(2) In this regulation, “temporary appointment” includes an appointment or arrangement made under regulation 17 for the purpose of training a candidate for a judicial post to which these Regulations apply.

33. Report of unsatisfactory conduct of officer serving on contract.

(1) If the Chief Registrar or the responsible officer considers that the conduct of a judicial officer who is serving on contract is unsatisfactory, he or she shall make a report to that effect to the Secretary and the Commission shall determine what action should be taken regarding the officer in respect of whom the report has been made.

(2) Nothing in this regulation shall affect the power of the Commission to terminate any contract in accordance with a term or condition contained in the contract.

34. Retirement in the public interest

(1) Notwithstanding the Judicial Service (Complaints and Disciplinary Proceedings) Regulations, 2005, if the Chief Registrar, the responsible officer or the Commission considers that a judicial officer should be retired from the judicial service in the public interest, the Chief Registrar or the Commission may-

- (a) obtain from the responsible officer of every Ministry in which the judicial officer has served reports as to the judicial officer's work and conduct; and
- (b) allow the judicial officer an opportunity of considering the reports and of showing cause why he or she should not be retired from the service.

(2) If the Chief Registrar or the responsible officer, after considering the judicial officer's statement and having regard to all the circumstances of the case, is of the opinion that the judicial officer should be 'retired in the public interest from the judicial service he or she shall forward to the Secretary the reports obtained under paragraph (a) of subregulation (1) together with his or her recommendations and the statement of the judicial officer.

(3) The Commission shall determine the action, if any to be taken against the judicial officer.

(4) Upon consideration of the reports about the judicial officer, the Commission may retire the judicial officer in public interest.

PART VI- MISCELLANEOUS

35. Commission to commence proceedings on its own

(1) The Commission may, on its own, commence disciplinary proceedings against a judicial officer.

(2) The Commission shall inform the Chief Justice before instituting disciplinary proceedings against a judge or the Chief Registrar; and in the case of any other judicial officer, the Commission shall inform the Chief Registrar or the responsible officer.

36. Relevant documents to be submitted

Any officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents are made available to the Commission and the Commission may require the production of any further documents or information relevant to the matter under consideration.

37. Documents to be submitted in triplicate

All documents to be submitted for consideration by the Commission shall be forwarded in triplicate unless otherwise directed by the Secretary.

38. Service of documents

(1) Where under these Regulations –

- (a) it is necessary to serve any notice, charge or other document upon a judicial officer;
- (b) It is not possible to effect service of notice on or communicate such information the notice, charge or other document shall be sent to the judicial officer by registered post at his or her last known address and time shall begin to run from the day the letter is registered at the post office.

(2) Service may be effected through advertisement in the newspapers as circumstances may warrant.

39. Correspondences.

All Correspondence and documents for the Commission shall be addressed to the Secretary.

40. Consent to prosecution.

A prosecution in a court of law in respect of any offence under these Regulations shall not be instituted except with the written consent of the Director of Public Prosecutions.

41. Cases not otherwise provided for.

Any case not otherwise provided for by these Regulations shall be reported to the Secretary and the Commission shall determine the procedure to be adopted.

APPENDIX 4: STATUTORY INSTRUMENT 9

STATUTORY INSTRUMENTS 2005 No. 88

**THE JUDICIAL SERVICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS)
REGULATIONS, 2005**

STATUTORY INSTRUMENTS 2005 NO. 88

3. Filing Complaints.

(1) A person or organization aggrieved by the improper conduct of a judicial officer or with a complaint concerning the judiciary or the administration of justice generally may make a complaint to the Commission.

(2) Where an aggrieved party cannot make a complaint on his or her own, a relative, friend or legal representative may make a complaint on his or her behalf.

4. Subject of complaint.

A person may submit a complaint to the Commission against the following persons-

- (a) Judge;
- (b) the Chief Registrar or a Registrar of a court;
- (c) a magistrate;
- (d) a chairperson or a member of a land tribunal established under the Land Act;
- (e) the chairperson or a member of the Communications Tribunal established under the Uganda Communications Act;
- (f) the chairperson or a member of the Electricity Disputes Tribunal established under the Electricity Act.
- (g) Any other person holding any office connected with a court or a tribunal as may be presented by law.

5. Form of Complaint.

(1) A Complaint made to the Commission may either be oral or written.

(2) An oral complaint shall be reduced in writing.

(3) A complaint made to the Commission may be based on any one or more of the following- (a) improper conduct;

(b) corruption and abuse of office

(c) neglect of duty; or

(d) mal administration of justice

(4) The complaint shall contain the following information:

(a) the full names, age, sex, address, physical location and occupation of the complainant

(b) if the complainant is an organization or institution or group of persons, the organization or institution or group of persons shall give their name and physical address and any other particulars;

(c) facts of improper conduct and the dates when the acts complained of happened; and

(d) any other information relevant to the complaint.

(5) The complaint shall be written in simple English without insults directed at the person or institution complained about.

6. Time within which complaint may be made.

A complaint shall be made within three years from the time when the alleged improper conduct took place, and where a complaint is brought after the three years, the Commission may, for good cause receive the complaint.

7. Commission to designate officers.

The Commission shall be made by notice in a widely circulating newspaper designate officers to receive, transmit, translate and transcribe complaints.

8. Receiving a Complaint.

A complaint may be lodged with the Commission in any of the following ways –

(a) by submitting a written complaint or a letter to the Commission headquarters or any other place designed by the Commission for that purpose; or

(b) by making an oral complaint to the desk officer or any other person designated by the Commission, who shall reduce the complaint into writing and request the complainant to date and sign the same.

9. Procedure for submitting complaints.

(1) A person or organization may make an oral complaint to the Secretary or such other designated person, who shall reduce the complaint in writing.

(2) The recorded complaint shall be read back to the complainant who shall sign or endorse a thumbprint as proof that it is a true and accurate statement.

(3) The complaint shall be in English or in a local language, which shall be translated into English; the vernacular complaint shall be forwarded to the Commission together with the translated copy.

(4) The complainant may indicate the names and addresses of possible witnesses.

10. Procedure for handling complaints.

(1) The respondent shall be served the copy of the complaint and shall be required to file a reply within fourteen days from the date of service.

(2) Where after considering a complaint, the Commission decides that a prima facie' case has been established, it shall fix a date for the hearing of the complaint.

(3) The Secretary shall serve a hearing notice on each party to the proceedings together with a copy of the complaint and the hearing notice shall be in the form set out in the schedule.

(4) Personal service shall be effected by tendering a copy of the complaint to the party in person, and where personal service can not be rendered, service shall be by registered post, substituted service or any other mode the Commission may prescribe.

(5) A period of fourteen days shall lapse between the service of the notice and the day set out for the hearing of the complainant to supply further information and documents relating to the complaint as the Commission may consider necessary.

(6) A hearing notice shall be in the form set out in the Schedule and shall require the persons to whom it is addressed to furnish the Secretary with one copy of each of the documents that he or she wishes to produce at the hearing at least ten days before the date fixed for hearing.

(7) If any of the parties to the, proceedings fails to appear on the hearing day, the Commission may upon proof of service of the hearing notice proceed to hear and determine the complaint.

(8) Where the complaint has been determined by the Commission in the absence of either party to the proceedings, the party or both parties who failed to appear may apply to the Commission for the re-hearing of the complaint.

(9) If the Commission is satisfied that the hearing notice was not duly served or that the party who failed to appear at the hearing was prevented from appearing by a reasonable cause, it may order for the re-hearing of the complaint.

(10) The application for a re-hearing referred to in sub regulation (8) shall be made within fourteen days from the date of the decision of the Commission but the Commission may extend the period for good cause.

(11) The Commission may accept evidence by affidavit at a hearing, if it considers that the respondent shall not be prejudiced by the absence from the hearing of the person who has given evidence by affidavit.

(12) The Commission may request any person other person other than the parties or their witnesses to attend before it and give evidence that may be of assistance to the Commission while considering a complaint.

(13) Where the Commission has accepted evidence by affidavit, it may, if it is satisfied that it is in the interest of the respondent, require the person making the affidavit to appear before the Commission for cross-examination at such place and time.

(14). A hearing of a complaint by the Commission and pronouncement of the decision shall be in camera unless otherwise decided by the Commission or due to public interest.

(15) The Commission may pronounce its decision immediately after the conclusion of the hearing of the complaint or may reserve its decision to a specific date.

(16) Where a decision of the Commission is reserved, the Secretary shall communicate to the parties of the proceedings a notice of the date on which the decision of the Commission is to be pronounced.

(17) The decision of the Commission shall be writing.

(18) The Secretary may, in addition, cause notification of a final order to be published in at least one of the local newspapers circulating in Uganda, announce its decision on a radio of its choice.

(19) The Commission may send copies of its decision-

(a) to persons, organizations or institutions having an interest in the proceedings;

(b) to the Judiciary;

(c) to a department or tribunal; or

(d) upon request, to any member of the legal profession or any legal institution, on payment of a fee to be prescribed by the Commission.

(20) The Secretary shall supply a copy of the decision of the Commission to all parties to the proceedings.

11. Rejection of complaint.

(1) A complaint shall be rejected if:

(a) it has nothing to do with administration of justice or operations of the courts;

(b) it does not deal with the conduct of a judicial officer or any other persons performing judicial functions; or

(c) it is manifestly frivolous, vexatious, unwarranted or unfounded in law

(2) Where a complaint is rejected, the Commission shall inform the complainant in writing of the reasons why his or her complaint was rejected.

12.Procedure for investigations.

(1) On receipt of a complaint, the Commission shall expeditiously conduct investigations into the allegations contained in a complaint.

(2) Investigations shall be carried out by the Commission or by any other person or institution authorized by the Commission.

13. Hearing, prosecution and determination of complaint.

(1) Upon completing investigations, if there is a report it shall be forwarded to the Commission.

(2) The Commission may delegate its functions to the Disciplinary Committee.

(3) The Commission shall designate an officer to prosecute and handle cases before it.

(4) The Commission, if it considers that the evidence adduced by the complainant requires the respondent to reply, shall call him or her to reply and defend him or herself

(5) The respondent may adduce evidence in his or her defence.

(6) Where the respondent completes his or her defence the prosecutor may address the Commission in reply.

(7) A witness shall give testimony on oath and may be cross-examined.

(8) The Commission may, on the application of any party to the complaint or on its own motion, adjourn the hearing of any complaint upon such terms and conditions, as it may think fit.

14. Disciplinary Committee of the Commission.

(1) Subject to regulation 13(2), the Disciplinary Committee of the Commission, shall comprise at least three Commission members who shall also constitute the quorum.

(2) The Chairperson and the other two members shall be nominated by the Commission.

(3) Where the Disciplinary Committee is unable to raise quorum, it shall request the Chairperson of the Commission to appoint another member of the Commission to the Committee.

(4) A member of the Disciplinary Committee may disqualify himself or herself on the following grounds-

- (a) conflict of interest; or
- (b) bias.

(5) Where a member of the Disciplinary Committee does not disqualify himself or herself, the other members of the Disciplinary Committee shall request the Commission to replace that member.

15. Date and Time of Order.

After the Disciplinary Committee has heard the evidence and submissions of both parties, it shall give notice to both parties of the date and time at which it shall pronounce its decision.

16. Record of proceeding.

(1) The evidence of witnesses shall be recorded in written form, by the Chairperson of the Disciplinary Committee or any person authorized by him or her.

(2) Where the evidence is taken down by another person, it shall be taken down in longhand or shorthand, by mechanical means or by such other method as the Chairperson may direct.

(3) Where evidence is taken down in shorthand, the shorthand writer shall prepare a transcript of the shorthand notes and certify it as being an accurate transcript.

(4) The Chairperson shall satisfy himself or herself that the evidence taken down by any person in longhand, the record, or in the case of evidence taken down in shorthand, the transcript of the shorthand notes accurately represent the evidence or the substance of the evidence to which it relates.

17. Amendments.

(1) Where during the course of the hearing it appears to the Commission that-

(a) the complaint is incomplete or defective

(b) the evidence discloses or is likely to disclose other complaints not referred to in the complaint; or

(c) the complaint requires to be amended in any other way, the Commission may permit such amendment to be made provided there is no miscarriage of justice.

(2) A party to the proceedings shall be given an opportunity to respond to any amendments that may be made.

18. Appeals.

A judicial officer who is dissatisfied with the decision of the Commission, may appeal within thirty days after the decision has been made, to a panel of three judges of the High Court stating the reasons for which he or she is not satisfied.

19. Proceedings to be governed by general principles of law.

(1) Proceedings before the Disciplinary Committee shall be governed by general principles of law applicable in Uganda.

(2) The Commission shall handle complaints in the best interest of the public and of the Judiciary.

**APPENDIX 5: THE PUBLIC SERVICE ACT: THE PUBLIC SERVICE COMMISSION
REGULATIONS, (SECTION 18 OF THE ACT)**

**STATUTORY INSTRUMENTS SUPPLEMENT No. 15: STATUTORY INSTRUMENTS 1993
No. 34**

The Public Service Commission (Amendment) Regulations, 1993 (*Under article 112 of the Constitution, 1967 and section 22 of the Public Service Act, 1969*)

1. Citation

These Regulations may be cited as the Public Service (Amendment) Regulations, 1993, and shall be read as one with the Public Service Commission Regulations, in these Regulations referred to as "the principal Regulations".

2. Amendment of regulation 36.

Regulation, 36 of the principal Regulations is amended by replacing paragraph (1) with the following -
“(1) Where a responsible officer considers that public interest requires that a public officer ceases to exercise the powers and functions of his office, he shall interdict the officer from exercising those powers and functions, if proceedings for his dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him”.

3. Amendment of regulation 38.

Regulation 38 of the principal Regulations is replaced with the following

38. Report of institution of criminal proceedings.

(1) If criminal proceedings of a nature warranting disciplinary proceedings are instituted in any court, against a public officer, the responsible officer shall forthwith report the facts to the Secretary with a statement whether the officer has or has not been interdicted from the exercise of his powers and duties.

(2) Notwithstanding the institution of criminal proceedings in any court against a public officer under paragraph (1), proceedings for dismissal upon any grounds in a criminal charge may be taken against that officer and the decision of the Commission under this paragraph shall not in any way be influenced by the decision of the court.

4. Insertion of regulation 38A.

After regulation 38 of the principal Regulations, the following regulation is inserted

38A. "Power of Commission to review its decision

The Commission may, on the discovery of any new and important matter of evidence which was not within its knowledge or could not be produced before the Commission at the time when its decision under paragraph (2) of regulation 38 was made, review its decision and make any other decision that it considers fit and may, in particular, impose a higher or lower punishment as the case may require”.

5. Revocation of regulation 39.

Regulation 39 of the principal Regulations is revoked

6. Amendment of regulation 43.

Regulation 43 of the principal Regulations is amended by replacing paragraph (1) with the following paragraph

“(1) Where a responsible officer considers it necessary to institute disciplinary proceedings against an officer to whom regulations 43 to 46 inclusive apply, on the grounds of misconduct which grounds, if proved, would justify the officer's dismissal from the public service, the responsible officer shall, after preliminary investigation that he considers necessary, forward to the officer, with a copy to the

Solicitor-General, a statement of the charge or charges against him together with a brief statement of the allegations on which each charge is based in so far as they are not clear from the charges, and shall call upon him to state in writing, within fourteen days, any grounds on which he relies to exculpate himself" .

7.Amendment of Regulation 46.

Regulation 46 of the principal Regulations is replaced with the following

46. Procedure on Criminal Conviction.

(1) If an officer to whom this Part of these Regulations applies is adjudged guilty of a criminal charge likely to warrant disciplinary proceedings. The responsible officer shall forward a copy of the charge and the judgment, together with the proceedings of the court if available, and his recommendations to the Secretary.

(2) The Commission shall determine whether the officer shall be subjected to disciplinary punishment on account of the conviction for the offence without the proceedings prescribed in regulations 43, 44 or 45 of these Regulations".

8. Amendment of regulation 48.

Regulation 48 of the principal Regulations is amended by replacing paragraph (1) with the following "(1) 'Where a responsible officer considers it necessary to institute proceedings against an officer to whom regulations 48 to 50 inclusive apply and he is of the opinion that the misconduct, if proved, would warrant a punishment severer than is within his powers to impose, he shall after preliminary investigation as he considers necessary, frame the charges against the officer

STATUTORY INSTRUMENTS 2002 No.2

The Public Service Commission (Amendment) Regulations, 2002.

(Under article 251 of the Constitution and section 22 of the Public Service Act. 1969, Act No. 22 of 1969).

1. Citation and commencement

(1) These Regulations may be cited as the Public Service Commission (Amendment) Regulations, 2002 and shall be read as one with the Public Service Commission Regulations, in these Regulations referred to as the "principal Regulations".

(2) These Regulations shall be deemed to have come into force on the 8th day of October, 1995.

2. Amendment of regulation 43.

Regulation 43 of the principal Regulations is amended by substituting for sub regulation (3) the following new sub regulation

(3) If, upon consideration of the responsible officer's report, the Commission is of the opinion that proceedings for the dismissal of the officer should be continued, it may appoint a committee, which shall consist of not less than three members who shall be Public officers, to inquire into the matter. One member of the committee shall be a judge, magistrate or a public officer with legal qualifications, and all members shall be selected with due regard to the standing of the officer concerned. Neither the responsible officer nor any officer serving in the accused officer's Ministry or department shall be a member of the committee."

3. Amendment of regulation 44.

Regulation 44 of the principal Regulations is amended by substituting for subregulation (4) (a) the following

(a) the Commission may appoint a public officer to inquire into the matter

4. Amendment of regulation 45.

Regulation 45 of the principal Regulations is amended by substituting for subregulation (I) the following new subregulation.

"(I) Notwithstanding the provisions of regulation 43 of these Regulations, if a responsible officer considers that a person to whom this Part of these Regulations applied should be retired in the public interest on the grounds of public interest, the responsible officer

(a) may obtain from the responsible officers of every Ministry or department in which the officer has served, reports as to his work and conduct: and

(b) shall, where reports are obtained under paragraph (a), allow the officer an opportunity of considering such reports and of showing cause why he should not be retired from the public service."

Statutory Instrument 277--3

LN.64 of 1962 Act 15 of 1965 Cap. 312

The Public Service Commission Regulations (*Section 18 of the Act*)

PART I-PRELIMINARY

1. Citation

THESE REGULATIONS may be cited as the Public Service Commission Regulations.

PART II-GENERAL

4. Presiding at meetings

Every meeting of the Commission shall be presided over by the chairman or in his absence by a deputy chairman, if a Deputy Chairman has been appointed, or in the absence both of the Chairman or a Deputy Chairman, by a member elected in that behalf by the members attending the meeting.

5. Records of meetings

A record shall be kept of the members present and of Records of the business transacted at every meeting of the Commission.

6. Decisions by circulation of papers

Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the members and the expression of their views in writing, but any members shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Commission.

7. Dissent

Any member shall be entitled to dissent from a decision of the Commission and to have his dissent and his reasons therefore set out in the records of the Commission.

10. Enforcement of attendance, etc.

The Commission may require any person to attend and give evidence before it concerning any matter which it may properly consider in exercise of its functions under the Constitution and may require the production of any documents relating to any such matter by any person attending before it.

11. Failure to appear or produce document

Any person, other than a person who is notified to appear before the Commission solely in connection with his application for appointment to the public service, who without reasonable cause fails to appear before the Commission when notified to do so, or who willfully fails to produce any document in his possession when requested to do so by the Commission shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred shillings.

12. Attendance allowance

Any person attending before the Commission at the request of the Commission, other than a person who is applying for appointment to the public service, shall be entitled to be paid by the Commission the same allowance as a witness who appears before the High Court as a witness in criminal proceedings.

17. Matters to be considered by Commission.

In exercising its powers in connection with the appointment, promotion or transfer of officers in the public service the Commission shall have regard to the maintenance of the high standard of efficiency necessary in the public service and shall

- a) give due consideration to qualified officers serving in the public service and to residents of Uganda;
- b) in the case of officers in the public service, take into account qualifications, experience and merit before seniority in the public service; and
- c) where a post cannot be filled either
 - (i) by the appointment or promotion of a suitable person already in the public service; or
 - (ii) by the appointment of a suitable person who has successfully completed a course of study or training acceptable to the Commission, call for applications for the post by advertisement Provided that;
 - (1) for special reasons and within its discretion it may decide not to do so;
 - (2) within its discretion it may restrict the circulation of such advertisement to persons who are already in the public service; and
 - (3) where it is satisfied that no suitable candidates with the requisite qualifications are available in East Africa, it may decide that the post be filled by recruitment outside East Africa.

18. Consultation and selection boards.

In exercising its powers in connection with the appointment, promotion or transfer of an officer in the public service the Commission may

- (a) consult with any other person or persons; and

(b) seek the advice of a selection board constituted by the Chairman who may appoint to it members of the Commission and other persons who are not members of the Commission.

19. Obligation to conform with regulations. Amended Act 15 of 1965 S.2.

The Commission shall not exercise its powers in connection with the dismissal, disciplinary punishment or the termination of appointment otherwise than by way of dismissal of any officer in the public service except in accordance with the provisions of these Regulations or such other regulations as may be made from time to time.

20. Obligation to hear responsible officer or head of department.

The Commission at the request of a responsible officer or head of department, as the case may be, shall

- (a) hear the responsible officer personally in connection with any recommendation made by him to the Commission;
- (b) hear the head of department personally in connection with any recommendation made to the Commission which affects his department.

21. Irregular representations. Amended Act 15 of 1965, S. 2.

In carrying out its duties the Commission shall not take into account any representations made to it otherwise than in accordance with the written law:

Provided that nothing in this regulation shall be deemed to prohibit the Commission taking into account a *bona fide* reference or testimonial of service.

22. Consent to Prosecution.

A prosecution in respect of any offence under provisions of these Regulations shall not be instituted except by or with the consent of the Director of Public Prosecutions.

23. Oaths on appointment.

(1) Every member shall, on appointment, take an oath in the form set out in the Second Schedule to these Regulations.

(2) The Secretary and such other member or members of the staff of the Commission as the Chairman may require so to do, shall, on appointment, take an oath in the form set out in the Third Schedule to these Regulations.

(3) Where any person is required to take an oath under the provisions of this regulation and

(a) he has no religious belief; or

(b) the taking of an oath is contrary to his religious belief, he may make and subscribe a solemn affirmation in the form of the oath appointed, substituting the words "solemnly and sincerely declare and affirm" for the word "swear-and omitting the words "So help me God".

(4) Every oath or affirmation taken by a member shall be administered by a judge of the High Court and Every oath or affirmation taken by the Secretary or any other member of the staff of the Commission shall be administered by the Chairman.

**PART. III APPOINTMENTS (INCLUDING PROMOTIONS AND TRANSFERS),
CONFIRMATION OF APPOINTMENTS, PASSING OF PROMOTION BARS AND
TERMINATION OF APPOINTMENTS (OTHERWISE THAN BY DISCIPLINARY
PROCEEDINGS).**

24. Advertisements.

The Commission shall determine the form of advertisements issued in accordance with the provisions of paragraph (c) of regulation 17 of these Regulations. The qualifications specified in such advertisements shall be those approved by the Permanent Secretary to the Office of the Prime Minister, after consultation with the Commission, for the vacancy under consideration.

25. Procedure and forms.

The Commission shall determine the procedure to be followed in dealing with applications for appointment to the public service including the proceedings of any selection board appointed by the Chairman to interview candidates. The Commission shall determine the forms to be used in connection with the discharge of its functions.

26. Vacancies.

(1) Where a vacancy occurs or it is known that a vacancy will occur in any public office in any Ministry Of department, the responsible officer shall report the fact to the Secretary.

(2) If the responsible officer recommends that such vacancy should be filled by the appointment or promotion of an officer serving in the Ministry or department in which the vacancy has occurred or will occur, he shall, when reporting the vacancy to the Secretary

(a) forward a list of the six most senior officers in that Ministry or department who are available to fill the vacancy, together with the records of their service in Uganda;

(b) recommend one of those officers to fill the vacancy; and

(c) where his recommendation involves the supersession of an officer senior to the officer so recommended, give his reasons for recommending such supersession.

(3) If the responsible officer does not recommend that the vacancy should be filled by the appointment or promotion of an officer serving in the Ministry or department in which the vacancy occurs or will occur, he shall, when reporting the vacancy to the Secretary

(a) report to the Secretary the names of the most senior officers then serving in the particular cadre or grade from which the promotion would normally be made and state his reasons why he does not consider that the officers named are suitable for promotion to fill the vacancy; and

(b) forward to the Secretary a draft advertisement' setting out the details of the vacant post and the duties and qualifications attached to it.

(4) The procedure prescribed in this regulation shall not apply

(a) to any vacancy in a post of Permanent Secretary; or

(b) to any vacancy in any post in the Prisons Service in respect of which the power to make appointments (including appointments on promotion and transfer) has been delegated to the Commissioner of Prisons by regulations; or

(c) to any vacancy in any post in the Police Force in respect of which the power to make appointments (including appointments on promotion and transfer) is vested in the Inspector General by any law enacted by Parliament; or

(d) to any vacancy in any post in respect of which the power to make appointments (including appointments on promotion and transfer) has been delegated to any responsible officer by regulations.

27. Vacancies to be filled after examination or course of study.

Where a vacancy is to be filled

(a) according to the results of examinations which are conducted by or supervised by the Commission; or

(b) on the successful completion of a course of study or training designed to qualify a candidate for appointment to the public service, the Commission may make such arrangements as it considers appropriate.

28. Recruitment outside East Africa.

If a responsible officer is informed by the Secretary that the Commission has decided that a particular vacancy should be filled by recruitment from outside East Africa, he shall prepare an indent on the appropriate form and transmit it to the Secretary through the Permanent Secretary for Establishments who shall be responsible for verifying the particulars on trained therein.

29. Probationary appointments.

(1) Where a public officer holds a probationary appointment, three months before the expiration of the period of such probationary appointment the responsible officer shall consider-

- (a) whether such officer should on such expiration be Confirmed in a pensionable post;
- (b) whether a further period of probationary service is necessary to determine whether such officer should be so confirmed; or
- (c) whether such officer should not remain in the public service.

(2) If after consideration of the matters referred to in paragraph (1) of this regulation, the responsible officer is of the opinion that a public officer in a probationary appointment should be confirmed in a pensionable appointment and if that public officer has passed such examinations as may be required as a condition for confirmation in his appointment, the responsible officer, as soon as may be before the expiration of the period of probationary appointment, shall forward to the Secretary his recommendation that the officer should be so confirmed.

(3) If after consideration of the matters referred to in paragraph (1) of this regulation, the responsible officer is of the opinion that the work and conduct of a public officer in a probationary appointment have been of a standard to justify confirmation in a pensionable office, but the officer has not completed the examinations required for his appointment, the responsible officer, as soon as may be before the expiration of that public officer's probationary appointment, shall forward a report, in triplicate, to the Secretary together with his recommendation as to the period of further probationary service in which the officer should be granted In order to pass the required Examination.

(4) If after consideration of the matters referred to in paragraph (1) of this regulation, the responsible officer is of the opinion that the work or conduct of a public officer in a : probationary appointment has not been in all respects satisfactory, he shall so inform the officer in writing and indicate !1 whether he proposes to recommend

- (a) an extension of the officer's probationary service to show whether he can overcome the defects noted; or
- (b) that the officer's probationary appointment should be terminated.

(5) The responsible officer shall, when giving to a public officer the information mentioned in paragraph (4) of this regulation, also inform the officer that he is entitled to make representations, within a period to be appointed by the responsible officer, on the recommendations proposed. On the expiration of the period allowed to the officer to make any representations, the responsible officer shall forward to the Secretary a report on the officer, together with a copy of the letter to the officer and of the latter's representations, if any, his comments thereon and a recommendation whether the period of probationary service should be extended or that the in officer should not remain in the public service.

(6) Where a public officer holds a probationary appointment and the responsible officer at any time during the period of such probationary appointment is of the opinion that red, such appointment should be terminated forthwith the procedure prescribed in paragraphs (4) and (5) of this regulation shall be followed.

30. Compulsory retirement. Cap 281.

If a responsible officer is of the opinion that a public officer who is serving in his Ministry or a department within his Ministry and who holds a pensionable office should be called upon to retire from the public service on the grounds that he has attained the age at which he can, under the provisions of the Pensions Act, lawfully be required to retire from the public service, he shall;

(a) inform the officer that he intends to recommend that he ~e compulsorily retired from the public service;

(b) ask the officer concerned whether he wishes to make, within a period of time appointed by the responsible officer, any representations why he should not be so retired; and;

(c) after the expiration of such period, forward his recommendation to the Secretary together with a copy of any representations made by the officer concerned and his comments thereon.

31. Acting appointments.

(1) If the holder of a public office the minimum salary of which is not less than six hundred and eighty-seven pounds a year, is for any reason unable to perform the functions of his office and the responsible officer is of the opinion that some other public officer should be appointed to act in such office, the responsible officer shall report the matter to the Secretary and shall submit, for the consideration of the Commission, the name of the public officer who he recommends should be appointed to act in such office.

(2) If any such recommendation involves the supersession of any more senior officers serving in the Ministry or department, the responsible officer shall inform the Secretary of his reasons for recommending the supersession of each such officer.

(3) In considering recommendations for acting appointments, the Commission shall apply the standards prescribed in regulation 17 of these Regulations, except that consideration may also be given to the interests of departmental efficiency.

32. Promotion bars.

Not later than two months before a public officer is due to pass a promotion bar, a recommendation as to his suitability or otherwise to pass the promotion bar shall be forwarded by the responsible officer to the Secretary. If the recommendation is in favour of the officer passing the promotion bar, a certificate shall be given in the approved form that the officer has passed the language, departmental or other examinations required for his appointment, details of which shall be given. If the responsible officer considers that the officer is not qualified to pass the promotion bar, he shall so inform the officer, indicating the reasons therefore, and ask the officer if he has any representations to make within a period to be appointed .by the responsible officer. At the expiration of such period, the responsible officer shall forward to the Secretary a full statement of his reasons for recommending that the officer should not be permitted to pass the promotion bar together with a copy of the representations, if any, made by the officer, his comments thereon and a statement of his opinion whether the lack of qualification is temporary and likely to be remedied by the officer or otherwise.

33. Further report.

If upon consideration of a recommendation made by a responsible officer under the provisions of regulation 29 or regulation 32 of these Regulations that an officer should be confirmed in a pensionable post or permitted to pass a promotion bar, as the case may be, the Commission is of the opinion that it requires further information, it may refer the matter back to the responsible officer for a further report.

34. Renewal of contracts.

If a public officer is serving on a contract or agreement for a minimum residential tour of twenty-one months, the responsible officer shall forward to the Secretary, four months before the officer is due to leave Uganda on the expiration of his contract or agreement, a notification of the date of the expiration of the contract *or* agreement and his recommendation whether it should be renewed or not. A copy of such notification and recommendation shall be sent by the responsible officer to the Permanent Secretary to the Office of the Prime Minister.

PART IV-DISCIPLINE

35. Exceptions.

The provisions of this Part of these Regulations shall not apply to- .

- (a) the Director of Public Prosecutions; or
- (b), the Inspector General; or
- (c) the Controller and Auditor General; or
- (d) a judge of the High Court; or
- (e) public officers in respect of whom the power of disciplinary control is vested in the Judicial Service Commission; or
- (f) prison officers in respect of whom the power of disciplinary control is vested in the Commissioner of Prisons by regulations; or
- (g) police officers in respect of whom the power of disciplinary control is vested in the Inspector General by any law enacted by Parliament; or
- (h) public officers in respect of whom the power of disciplinary control is vested in any public officer or class of public officer by regulations.

36. Interdiction.

(1) Where a responsible officer considers that the public interest requires that a public officer should cease to exercise the powers and functions of his office, he may interdict the officer from the exercise of those powers and functions, if proceedings for his dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him.

(2) A public officer who is interdicted shall receive such salary, not being less than half his salary, as the responsible officer shall think fit.

(3) Where disciplinary or criminal proceedings have been taken or instituted against an officer under interdiction and such officer is not dismissed or, as the case may be, convicted as a result of such proceedings, the whole of any salary withheld under the provisions of paragraph (2) of this regulation shall be restored to him upon the termination of such proceedings.

(4) An officer who is under interdiction may not leave Uganda without the permission of the responsible officer.

(5) In this regulation, "salary" means basic salary and, in the case of an officer in receipt of overseas addition, to salary or inducement pay, such overseas addition to salary or inducement pay, as the case may be.

37. Suspension on criminal conviction.

Where a public officer has been convicted on a criminal charge the responsible officer may, if he considers it to be in the public interest, suspend the officer from the exercise of the powers and functions of his office and may direct what proportion, if any, of the emoluments of such officer shall be paid to him pending consideration of his case under the provisions of these Regulations.

38. Report of institution of criminal proceedings.

If criminal proceedings of a nature likely to warrant disciplinary proceedings are instituted against a public officer in any court, the responsible officer shall forthwith report the facts to the Secretary with a statement whether the officer has or has not been interdicted from the exercise of his powers and duties. No proceedings for the dismissal of such an officer upon any grounds involved in a criminal charge shall be taken until the conclusion of the criminal proceedings and the determination of any appeal there from.

39. Proceedings after acquittal on criminal charge.

A public officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, unless the charges raise substantially the same issue as those on which he has been acquitted.

40. Procedure when criminal offence may have been committed.

If it comes to the notice of a responsible officer that a criminal offence likely to warrant disciplinary proceedings may have been committed by a public officer, the responsible officer shall consult the Director of Public Prosecutions as to whether he intends to institute criminal proceedings against the officer. If the Director of Public Prosecutions does not institute criminal proceedings against the officer, the responsible officer shall consult the Solicitor General as to whether disciplinary action should be taken under the provisions of this Part of these Regulations. If the Solicitor General advises that disciplinary action should be taken, the responsible officer shall refer the charges framed against the officer to the Solicitor General for his approval before the officer is required to answer the charges or before any inquiry is instituted.

41. Decision in disciplinary proceedings to be communicated to officer concerned.

Where proceedings have been taken against a public officer under the provisions of this Part of these Regulations, such officer shall be informed

- (a) of the decision but not of the reasons therefore, on each charge which has been preferred against him; and
- (b) of the penalty (if any) or other punishment to be imposed.

42. Application of regulations 43 to 46.

Subject to the provisions of regulation 35 of these Regulations, the provisions of regulations 43 to 46 inclusive of these Regulations shall apply to all public officers who hold pensionable appointments the salary, if non-incremental, of which is not less than six hundred and eighty-seven pounds a year, or, if incremental, the minimum of the salary scale of which is not less than that amount.

43. Misconduct justifying dismissal.

(1) When a responsible officer considers it necessary to institute disciplinary proceedings against an officer to whom regulations 43 to 46 inclusive of these Regulations apply, on the grounds of misconduct which, if proved, would justify his dismissal from the public service, he shall, after such preliminary investigation as he considers necessary and after submitting to the Solicitor General for his approval the terms of the charge or charges, forward to the officer a statement of the charge or charges framed against him together with a brief statement of the allegations, in so far as they are not clear from the charges themselves, on which each charge is based, and call upon such officer to state in writing before a day to be specified by the responsible officer any grounds on which he relies to exculpate himself.

(2) If the officer does not furnish a reply to any charge forwarded under the provisions of paragraph (1) of this regulation within the period specified or if in the opinion of the responsible officer he fails to exculpate himself, the responsible officer shall forward to the Secretary copies of his report, the statement of the charge or charges, the reply, if any, of the accused officer and of his own comments thereon.

(3) If, upon consideration of the responsible officer's report, the Commission is of the opinion that proceedings for the dismissal of the officer should be continued, it shall appoint a committee, which shall consist of not less than three members who shall be public officers, to inquire into the matter. One member of the committee shall be a judge, magistrate or a public officer with legal qualifications, and all members shall be selected with due regard to the standing of the officer concerned. Neither the responsible officer nor any officer serving in the accused officer's Ministry or department shall be a member of the committee.

(4) The committee shall inform the accused officer that on a specified day the charges made against him will be investigated and that he will be allowed or, if the committee so determines, will be required to appear before it to defend himself.

(5) If witnesses are examined by the committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(6) The committee shall in its discretion permit the prosecuting party or the accused officer to be represented by a public officer or a legal practitioner:
Provided that where the committee permits the prosecuting party to be so represented it shall permit the accused officer to be represented in a similar manner.

(7) If during the course of the inquiry grounds for the framing of additional charges are disclosed, the committee shall so inform the responsible officer who shall follow the same procedure as was adopted in framing the original charges.

(8) The committee, having inquired into the matter, shall forward its report thereon to the Commission together with the record of the charges framed, the evidence led, the defence and other proceedings relevant to the inquiry. The report of the committee shall include

- (a) a statement whether in the committee's opinion the accused officer has or has not committed the offence or offences charged and a brief statement of the reasons for its opinion;
- (b) details of any matters which in the committee's opinion aggravate or alleviate the gravity of the case; and
- (c) a summing-up and such comments as will indicate clearly the opinion of the committee on the matter under inquiry.

(9) The committee shall not make any recommendation regarding the form of punishment.

(10) The Commission, after consideration of the report of the committee, may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the committee for further investigation and report.

(11) The Commission, after consideration of the report of the committee or of any further report called for under the Provisions of paragraph (10) of this regulation, shall determine the punishment, if any (including retirement from the public service under the provision of regulation 45 of these Regulations) which should be inflicted on the accused officer.

44. Misconduct not justifying dismissal.

(1) Whenever a responsible officer considers it necessary to institute disciplinary proceedings against an officer to whom this Part of these Regulations applies but is of opinion that the misconduct alleged, if proved, would not be serious enough to warrant dismissal under the provisions of regulation 43 of these Regulations, he shall, after such preliminary investigation as he considers necessary, forward to the officer a statement of the charge or charges against him, and shall call upon him to state in writing before a day to be specified any grounds on which he relies to exculpate himself.

(2) If such officer does not furnish a reply within the period specified or does not, in the opinion of the responsible officer, exculpate himself, the responsible officer shall forward to the Secretary a report on the case together with copies of the charge or charges framed against the officer, the officer's reply, if any, and his own recommendations.

(3) If, on consideration of such report including the grounds, if any, upon which such officer relies to exculpate himself, the Commission is of the opinion that no further investigation is necessary, it may forthwith determine the penalty, if any (other than dismissal), which should be inflicted on such officer.

(4) If the Commission on consideration of any such report submitted to it by the responsible officer, is of the opinion that the matter should be further investigated

(a) the Commission shall appoint a public officer to inquire into the matter;

(b) the accused officer shall be entitled to know the whole case against him and shall have an adequate opportunity of making his defence;

(c) the results of such inquiry shall be communicated to the Commission in such manner as may be ordered by the person conducting such inquiry;

(d) the Commission may, if it considers that the results of the inquiry should be amplified in any way or that further investigation is desirable, refer the matter back to the person conducting such inquiry for further inquiry and report; and

(e) the Commission, on consideration of the report submitted by the person conducting the inquiry, shall determine what punishment, if any, (other than dismissal) should be inflicted on the officer.

(5) Notwithstanding the preceding provisions of this regulation, if at any stage during proceedings taken under it

(a) it appears to the Commission that the offence if proved would justify dismissal; or

(b) the Commission considers that if the offence is proved, proceedings for the retirement of the officer from the public service on grounds of public interest would be more appropriate, the proceedings so taken shall be discontinued and the procedure prescribed in regulation 43 or 45 of these Regulations, as the case may be, shall be followed.

45. Retirement in Public Interest.

(1) Notwithstanding the provisions of regulation 43 of these Regulations, if a responsible officer considers that a person to whom this Part of these Regulations applies should be retired from the public service on the grounds of public interest, he shall

(a) obtain from the responsible officers of every Ministry or department in which the officer has served reports as to his work and conduct;

(b) allow the officer an opportunity of considering such reports and of showing cause why he should not be retired from the public service.

(2) If the responsible officer, after considering the officer's statement and having regard to all the circumstances of the case, is of the opinion that such officer should be retired from the public service in the public interest, he shall forward to the Secretary the reports obtained in pursuance of subparagraph (a) of paragraph (1) of this regulation and the statement of the officer, together with his own recommendation. The Commission shall determine the action, if any, to be taken against the officer.

(3) If, upon consideration of the report made by a responsible officer in pursuance of paragraph (2) of this regulation, the Commission is of the opinion that the facts disclosed warrant the institution of proceedings for the officer's dismissal or the imposition of some lesser penalty than dismissal, the Commission may direct the responsible officer to institute proceedings against the officer under the provisions of regulation 44 or regulation 45 of these Regulations as may be appropriate.

46. Procedure on criminal conviction.

If an officer to whom this Part of these Regulations applies is adjudged guilty in any court of a criminal charge likely to warrant disciplinary proceedings, the responsible officer shall forward a copy of the charge and of the judgment (and of the proceedings of the court if they are available) to the Secretary. The Commission shall determine whether the officer should be dismissed or subjected to some lesser disciplinary punishment on account of the conviction for the offence of which he has been adjudged guilty, without any of the proceedings prescribed in regulation 43, 44 or 45 of these Regulations being instituted.

47. Application of regulations 48 to 50.

Regulations 48 to 50 inclusive of these Regulations apply to all public officers who hold pensionable appointments the salary, if non-incremental, of which is, less than six hundred and eighty-seven pounds a year or, if incremental, the minimum of the salary scale of which is less than that amount.

48. Misconduct warranting punishment more severe than responsible officer can impose.

(1) When a responsible officer considers it necessary to institute proceedings against an officer to whom regulations 48 to 50 inclusive of these Regulations apply and is of the opinion that the misconduct alleged, if proved, would be serious enough to warrant a punishment more severe than is within his powers to impose, he shall, after such preliminary investigation and such consultation with the Solicitor General as he may consider necessary, frame the charges against the officer:

Provided that, if he is of the opinion that the misconduct alleged, if proved, would justify the officer's dismissal from the public service, he shall submit the charges framed against the officer to the Solicitor General for his approval before the officer is required to answer the charges.

(2) Any charges framed under the provisions of paragraph (1) of this regulation shall be communicated to the accused officer who shall be given full opportunity of exculpating himself within a period to be specified by the responsible officer; and if the accused officer does not avail himself of such opportunity within such specified period or if the responsible officer does not consider that he has exculpated himself, the responsible officer shall forward to the Secretary copies of his report on the case, together with the charges framed against the accused officer, the accused officer's reply, if any, and his own recommendations.

(3) If the Commission, on consideration of the report submitted to it by the responsible officer, is of the opinion that the matter should be further investigated

(a) the Commission shall appoint a public officer or officers to inquire into the matter;

(b) the officer or officers so appointed shall inform the accused officer that on a specified day the charges made against him will be investigated and that he will be allowed or will be required to appear to defend himself;

(c) if, at the inquiry, witnesses are examined, the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses and no documentary evidence shall be used against him unless he has been previously supplied with a copy thereof or given access thereto;

(d) the officer or officers appointed to hold the inquiry shall in his or their discretion permit the prosecuting party or the accused officer to be represented by a public officer:

Provided that where permission is given to the prosecuting party to be so represented, the accused officer shall receive permission to be represented in a similar manner;

(e) if during the course of the inquiry, grounds for the framing of additional charges are disclosed, the officer or officers holding the inquiry shall so inform the responsible officer who shall follow the same procedure as was adopted in framing the original charges; and

(f) the officer or officers holding the inquiry shall forward his or their report thereon together with the record of charges framed, evidence led, the defence and other proceedings relevant to the inquiry, to the Commission.

(4) The report of the officer or officers holding an inquiry under the provisions of this regulation shall include

(a) a statement whether in his or their opinion the accused officer has or has not committed the offence or offences charged and, briefly, the reasons for that opinion;

(b) details of any matters which in his or their opinion aggravate or alleviate the gravity of the case; and

(c) a summing-up and such general comments as will indicate clearly his or their opinion on the matter under inquiry ,
but shall not include any recommendation regarding the form of punishment.

(5) The Commission, after considering the report of the officer or officers appointed to hold an inquiry under the provisions of this regulation may, if it is of the opinion that the report should be amplified or that further investigation is desirable, refer the matter back for further investigation and report by the officer or officers appointed to hold the inquiry.

(6) The Commission, after considering the report (and any further report) made under the provisions of this regulation shall determine what punishment, if any (including retirement from the public service under the provisions of regulation 45 of these Regulations) shall be inflicted on the accused officer.

49. Retirement in public interest of officer to whom regulations 48 to 50 apply.

Whenever a responsible officer considers that an officer to whom regulations 48 to 50 inclusive of these Regulations apply should be retired from the public service on the grounds that such retirement is in the public interest, the procedure prescribed in regulation 45 of these Regulations shall be followed.

50. Criminal conviction of officer to whom regulations 48 to 50 apply.

If an officer to whom regulations 48 to 50 inclusive of these Regulations apply is adjudged guilty in any court of a criminal charge likely to warrant disciplinary proceedings against him, the procedure prescribed in regulation 46 of these Regulations shall be followed.

51. Punishments which may be inflicted by Commission.

(1) Subject to the provisions of regulation 35 of these Regulations, the Commission may inflict one or more of the following punishments upon any public officer as a result of proceedings under the provisions of this Part of these Regulations, that is to say

- (a) dismissal;
- (b) reduction in rank or seniority;
- (c) reduction in salary;
- (d) stoppage of increment;
- (e) withholding of increment;
- (f) deferment of increment;
- (g) severe reprimand;
- (h) reprimand;
- (i) recovery of the cost or part of the cost of any loss or damage caused by default or negligence.

(2) Nothing in these Regulations shall

(a) limit the powers conferred by these Regulations to retire a public officer from the public service on the grounds of public interest;

(b) restrict the authority of a responsible officer, subject to any instructions issued by the Secretary to the Treasury, to order the recovery of the cost or part of the cost of any loss or breakage caused by any default or negligence; or

(c) restrict the authority of a responsible officer, to stop from the pay of a public officer who has been absent from duty without, leave or without reasonable excuse (after giving to such officer, where practicable, an opportunity to be heard) an amount which bears the same proportion to his annual pay as such period of absence bears to one year.

52. Report of unsatisfactory conduct of officer serving on agreement.

(1) If a responsible officer considers that the conduct of an officer who is serving on contract or agreement (including an agreement for temporary appointment) is unsatisfactory, he shall report the matter to the Commission and the Commission shall determine what action, if any, should be taken regarding the officer in respect of whom the report has been made.

53. Service of documents.

Where under the provisions of these Regulations

(a) it is necessary either-

(i) to serve any notice, charge or other document upon a public officer; or

(ii) to communicate any information to any public officer by reason of such officer having absented himself from duty; and

(b) it is not possible to effect such service upon or communicate such information to such officer personally, it shall be sufficient if such notice, charge or other document, or a letter containing such information, is served upon such officer by post.

