



## **BRIEF BY THE HON THE PRINCIPAL JUDGE ON THE ON-GOING LEGAL REFORMS IN THE JUDICIARY**

My Lords & invited guests,

### **Background & Introduction**

One of the major causes of delayed or protracted litigation is our current Rules of procedure. The rules allow for litigants to file application after application, apply for unnecessary adjournments, and make numerous Judicial review applications. We are also still in the era of [manual / paper-based] systems, which slows down the administration of the courts.

Against this background, the Hon the Chief Justice constituted the Civil Justice Reform Committee on the 31<sup>st</sup> July 2017. The mandate of the committee is to make proposals for reform of the law on civil procedure. The aim of the committee is to:

- a) expediting the disposal of civil cases;
- b) ensuring adequate preparation of cases before trial;
- c) reducing the delay of cases, and [maximising / making better use of] judicial time;
- d) re-engineering the business processes for civil justice;
- e) improving access to justice for unrepresented litigants;
- f) simplifying the procedures and practices;
- g) improving and streamlining case management;
- h) preventing abuse of interim orders;
- i) giving judicial officers greater powers to expeditiously dispose of cases and administer substantive justice; and
- j) reviewing the powers of the registrars

### **Work This Year**

The Committee has been working since 31<sup>st</sup> July 2017. In the course of the year, the Rules Committee (chaired by the Hon the Chief Justice) has approved the following changes:

**1. Amendments to the Civil Procedure Rules:** Introducing, by amendments to the previous rules, a new stage of case management. This will be known as "Summons for Directions" and will come immediately after closure of pleadings. Summons for Directions will be followed by scheduling and then mediation. In addition, the amendments make provision for the mandatory use of witness statements and enhanced powers of registrars to determine interlocutory matters. The summons for directions will be the preserve of the Registrar.

**2. Use of ICT in the Court Room:** In order to implement the Judiciary ICT Policy, the Rules Committee has issued ICT Pilot Guidelines that will operate within the pilot court to promote the use of ICT in the court room. This will encourage use of E-Filing, tendering of documents electronically, and submissions by counsel using technology such as tablets, iPads, laptops, etc.

**3. Adjournments:** This has been another trouble spot and is a significant cause of the case backlog. The Rules Committee has issued guidelines on adjournments so that we adopt a uniform approach in handling applications for adjournments as and when they arise.

**4. Recusal:** Applications from litigants to judicial officers to recuse themselves has been another area of concern. The Rules Committee has approved guidance on applications for recusal.

**5. Judicial Review:** In the recent past, there has been a flood of judicial review applications in our system. Some of these applications are not necessarily judicial review matters. There has been an amendment to the Judicial Review Rules to clarify the criteria to be used in entertaining a judicial review matters, as well as the considerations to be applied by court in considering such applications.

**6. Public Interest Litigation:** There have been problems in terms of delimiting who can file a PIL action, the proper identification of the relevant parties to the Action, and identifying and defining a PIL action (among others). The Rules Committee has caused amendments to the

Judicature (Fundamental and Other Human Rights and Freedoms)  
(Enforcement Procedures) Rules in a order to to address these issues.

**Future Projects**

Practice guidelines concerning on the Grant of Bail and Land Evictions is  
work in progress. We hope to have these out in the course of the year.

Hon Dr.Justice Yorokamu Bamwine

Principal Judge/chairperson of the Committee

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