

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2023 No. 92.

**THE ADMINISTRATION OF THE JUDICIARY (INSPECTORATE OF
COURTS) REGULATIONS, 2023**

ARRANGEMENT OF REGULATIONS

PART I—PRELIMINARY

Regulation

1. Title
2. Purpose of Regulations
3. Interpretation
4. Objectives of Inspectorate

PART II—INSPECTORATE OF COURTS

5. Establishment of Inspectorate of Courts
6. Composition of Inspectorate of Courts
7. Functions of Inspectorate
8. Tenure of office of Chief Inspector of Courts
9. Powers of Inspectorate
10. Duties of Chief Inspector of Courts
11. Guiding principles for Inspectorate
12. Secretariat of Inspectorate
13. Duties of Registrar

14. Duties of member of Inspectorate
15. Establishment of Judiciary integrity committee
16. Composition of Judiciary integrity committee
17. Functions of Judiciary integrity committee
18. Establishment of peer committees
19. Composition of peer committees
20. Functions of peer committees
21. Conduct of business of peer committees

PART III—INSPECTIONS AND INVESTIGATIONS

22. Purpose of inspections
23. Types of inspections and investigations
24. Tools of inspection and investigation
25. Reports of Inspectorate
26. Communication of outcomes of inspections and investigations

PART IV—PROCEDURES OF INSPECTORATE

27. Registry of Inspectorate
28. Modes of making and receiving complaints
29. Procedure for processing complaints
30. Powers of Responsible Officer
31. Declaration of conflict of interest
32. Confidentiality
33. Termination of investigations by Inspectorate
34. Obligations of member of staff of Judiciary
35. Coordination with Judicial Service Commission
36. Implementation of recommendations of Inspectorate

PART V—TRANSITIONAL

37. Transitional

SCHEDULE—COMPLAINT FORM

S T A T U T O R Y I N S T R U M E N T S

2023 No. 92.

The Administration of the Judiciary (Inspectorate of Courts) Regulations, 2023

(Under article 133(1) (b) of the Constitution, Part III and section 40 of the Administration of the Judiciary Act, 2020, Act No. 8 of 2020)

IN EXERCISE of the powers conferred upon the Minister responsible for justice by section 40 of the Administration of the Judiciary Act, 2020, these Regulations are made this 17th day of November, 2023.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Administration of the Judiciary (Inspectorate of Courts) Regulations, 2023.

1. Purpose of Regulations

The purpose of these Regulations is to operationalise Part III of the Administration of the Judiciary Act, 2020 for effective operation of the Inspectorate.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Administration of the Judiciary Act, 2020, Act No. 8 of 2020;

“Disciplinary Committee” means the Disciplinary Committee of the Judiciary constituted under the Administration of the Judiciary (Establishment of Committees) Regulations, 2023;

“Inspectorate” means the Inspectorate of Courts established by section 8 of the Act;

“Inspector” means a Registrar, a Deputy Registrar or any other Judicial Officer designated as an Inspector;

“Minister” means the Minister responsible for justice;

“Responsible Officer” means the Chief Justice, the Deputy Chief Justice, the Principal Judge, the Chief Registrar or the Secretary to the Judiciary, as the case may be, to whom the concerned Judicial Officer, administrative or other staff of the Judiciary reports;

“Secretary” means the Registrar of the Inspectorate of Courts;

“staff of the Judiciary” means all judicial officers, administrative and other staff appointed by the Judicial Service Commission to perform judicial, administrative and other functions of the Judiciary.

4. Objectives of Inspectorate

The objectives of the Inspectorate are—

- (a) to promote good governance in the Judiciary Service;
- (b) to promote integrity among the staff of the Judiciary;
- (c) to ensure compliance with constitutional and statutory requirements in the administration of justice;
- (d) to promote compliance with the Uganda Judicial Code of Conduct, the Judiciary Service Code of Conduct, and the Public Service Code of Conduct;
- (e) to ensure compliance with the service delivery standards of the Judiciary and the Judiciary Client Charter;
- (f) to promote quality assurance in the administration of justice;
- (g) to cooperate and coordinate with the Judicial Service Commission in handling disciplinary matters against members of staff of the Judiciary; and

- (h) to coordinate with other justice, law and order institutions in strengthening the integrity of the staff of the Judiciary in the administration of justice.

PART II—INSPECTORATE OF COURTS

5. Establishment of Inspectorate of Courts

There is established an Inspectorate of Courts within the Judiciary in accordance with section 8 of the Act.

6. Composition of Inspectorate of Courts

(1) The Inspectorate shall consist of the Chief Inspector of Courts, a registrar and such number of deputy registrars, assistant registrars, magistrates and administrative and other staff of the Judiciary designated by the Chief Justice in accordance with section 3 of the Act.

(2) The Inspectorate of Courts shall be headed by the Chief Inspector of Courts designated by the Chief Justice from among the Justices of the Supreme Court.

7. Functions of Inspectorate

(1) The Inspectorate shall be responsible for the inspection of courts and investigation of complaints made against the staff of the Judiciary.

(2) Without limiting the general effect of subregulation (1), the functions of the Inspectorate are—

- (a) to receive and process internal and external complaints against any staff of the Judiciary;
- (b) to investigate cases of maladministration of justice or any matter within its mandate under the Act and these Regulations;
- (c) to examine and take custody of any judicial and administration records necessary for its investigations;

- (d) to recommend remedial actions as appropriate, during inspection, to correct cases of maladministration in the Judiciary;
- (e) to interface with and sensitise stakeholders and the general public on the administration of justice; and
- (f) to enforce the Uganda Code of Judicial Conduct, the Judiciary Service Code of Conduct and the Public Service Code of Conduct in the Judiciary.

8. Tenure of office of Chief Inspector of Courts

(1) The Chief Inspector of Courts shall hold office for a period of three years, renewable once.

(2) The Chief Inspector of Courts shall cease to hold office for any of the following reasons—

- (a) upon the expiry of his or her term of office;
- (b) where his or her appointment is revoked by the Chief Justice for any of the following reasons—
 - (i) incompetence;
 - (ii) misconduct or misbehavior; or
 - (iii) inability to perform his or her duties due to infirmity of body or mind;
- (c) upon vacating his or her office as Justice of the Supreme Court in accordance with the Constitution;
- (d) upon resignation; or
- (e) upon death.

9. Powers of Inspectorate

In the exercise of its functions, the Inspectorate—

- (a) shall have access to all court records and official records kept by a judicial officer;
- (b) may require any person to supply any information or answer any question relating to the conduct of a case or trial;
- (c) may require a person to produce any document necessary for the discharge of the functions of the Inspectorate; and
- (d) may compel the attendance of any person before the Inspectorate.

10. Duties of Chief Inspector of Courts

(1) The Chief Inspector of Courts shall be responsible for—

- (a) providing strategic direction to the Judiciary on the operation of the Inspectorate;
- (b) presiding over meetings of the Inspectorate;
- (c) directing discussions on matters before the Inspectorate for purposes of executing the mandate of the Inspectorate;
- (d) constituting the membership of the peer committees; and
- (e) submitting quarterly reports of the Inspectorate to the Chief Justice.

(2) The Chief Inspector of Courts shall report to the Chief Justice in the discharge of his or her duties.

11. Guiding principles for Inspectorate

In the performance of its functions, the Inspectorate shall—

- (a) observe the principles of equity, natural justice and impartiality; and

- (b) comply with the Act, regulations made under the Act and other applicable law.

12. Secretariat of Inspectorate

(1) There shall be a secretariat of the Inspectorate in accordance with section 12 of the Act.

(2) The secretariat of the Inspectorate shall be headed by a Registrar who shall be the secretary to the Inspectorate.

(3) The Registrar shall be assisted by such number of Deputy Registrars and administrative staff as shall be determined and designated by the Chief Justice.

13. Duties of Registrar

The Registrar shall—

- (a) be responsible for the safe custody of the records of the Inspectorate;
- (b) carry out inspection in the courts to establish court users satisfaction in the administration of justice and the conduct of staff of the Judiciary;
- (c) periodically review the adequacy of the tools used to carry out inspections;
- (d) develop the annual work plans and budgets of the Inspectorate;
- (e) organise and coordinate meetings of the Inspectorate;
- (f) ensure that the recommendations of the Inspectorate are communicated to the responsible persons;
- (g) coordinate joint inspection activities with other justice law and order institutions; and
- (h) perform any other duties as may be assigned to him or her by the Chief Inspector of Courts.

14. Duties of registrar, deputy registrars, etc

A registrar, deputy registrar, assistant registrar or magistrate assigned to the Inspectorate shall—

- (a) receive and register complaints made against the staff of the Judiciary;
- (b) process complaints registered with the Inspectorate;
- (c) conduct meetings with complainants and concerned staff of the Judiciary;
- (d) provide guidance to complainants, where needed;
- (e) prepare reports and recommendations after complaints have been processed;
- (f) inspect courts;
- (g) investigate complaints lodged with the Judiciary by any person or institution against a member of staff of the Judiciary;
- (h) review documents relating to, and adequately prepare for, meetings of the Inspectorate;
- (i) attend Inspectorate meetings;
- (j) advise the Chief Inspector of Courts; and
- (k) perform any other duty as may be assigned to him or her by the Chief Inspector of Courts.

15. Establishment of Judiciary integrity committee

There is established the Judiciary integrity committee in the Judiciary Service to promote and enhance integrity in the Judiciary.

16. Composition of Judiciary integrity committee

(1) The Judiciary integrity committee shall consist of the following members—

- (a) one Justice of the Supreme Court;

- (b) one Justice of the Court of Appeal;
- (c) two Judges of the High Court;
- (d) the Registrar, High Court;
- (e) the Registrar, Inspectorate of Courts;
- (f) the Registrar, Planning, Research and Development;
- (g) the Registrar, Supreme Court;
- (h) the Registrar, Court of Appeal;
- (i) the Registrar, Communications and Public Relations;
- (j) the Registrar, Magistrates Affairs and Data Management;
- (k) the Under Secretary, Finance and Administration;
- (l) the Commissioner, Human Resource Management;
- (m) the Commissioner Information Communications Technology Department; and
- (n) the Principal Communications Officer.

(2) The Justice of the Supreme Court appointed in subregulation (1)(a) shall be the chairperson of the committee.

(3) The Registrar, Inspectorate of Courts shall be the secretary to the committee.

17. Functions of Judiciary integrity committee

The functions of the Judiciary integrity committee are—

- (a) to promote integrity and ethical conduct among staff of the Judiciary;
- (b) to popularise the Uganda Code of Judicial Conduct, the Judiciary Service Code of Conduct and the Public Service Code of Conduct to staff of the Judiciary;

- (c) to enhance cooperation with other Government institutions in promoting integrity in the administration of justice;
- (d) to undertake periodic nationwide visits to courts to monitor compliance with the Uganda Code of Judicial Conduct, the Judiciary Service Code of Conduct and the Public Service Code of Conduct; and
- (e) coordinate the activities of the peer committees.

18. Establishment of peer committees

There is established in the Judiciary, peer committees to promote integrity and encourage adherence to the Uganda Code of Judicial Conduct, the Judiciary Service Code of Conduct and the Public Service Code of Conduct among the members of the peer committees.

19. Composition of peer committees

(1) The peer committees shall consist of not more than seven staff of the Judiciary, including the chairperson and secretary, of the same rank and within the same geographical location.

(2) The Chief Inspector of Courts shall, by circular, constitute the membership of the peer committees from time to time.

(3) A peer committee shall select a chairperson and a secretary from among the members of the committee and submit the name of the chairperson and secretary to the Inspector of Courts.

20. Functions of peer committees

The peer committees shall—

- (a) encourage members of the peer committee to uphold and adhere to the Uganda Code of Judicial Conduct, the Judiciary Service Code of Conduct and the Public Service Code of Conduct;
- (b) provide appropriate counseling and advice to a member of staff of its peer committee who is reputed to be engaged in conduct unbecoming of a member of staff of the Judiciary;

- (c) give appropriate guidance to a member of staff of the Judiciary who seeks advice on or an explanation of what is appropriate conduct in particular circumstances;
- (d) carry out activities that will strengthen the integrity of its members;
- (e) conduct meetings and furnish reports to the Registrar;
- (f) make recommendations to the Registrar Inspectorate of Courts; and
- (g) perform any other duties as may be assigned to it by the Chief Inspector of Courts.

21. Conduct of business of peer committee

A peer committee shall adopt its own procedure for the conduct of business at its meetings.

PART III—INSPECTIONS AND INVESTIGATIONS

22. Purpose of inspections

The Inspectorate shall carry out inspections of courts for the purposes of—

- (a) investigating complaints;
- (b) ensuring quality assurance in the Judiciary;
- (c) ascertaining general and detailed information on the status of courts in Uganda;
- (d) obtaining information on specific matters deemed necessary for reforms and improvements for better and effective delivery of justice;
- (e) supporting and implementing recommendations of peer committees; and
- (f) evaluating the performance of the staff of the Judiciary and offering guidance or recommending remedial action including training where necessary.

23. Types of inspections and investigations

(1) The Inspectorate shall carry out its mandate through the following types of inspections—

- (a) adhoc inspections, which shall be conducted without prior notice to a court;
- (b) scheduled inspections, which shall be conducted upon giving notice;
- (c) extended or comprehensive inspections, which shall be carried out to obtain detailed information about the conduct, character and competences of staff of the Judiciary as may be deemed necessary;
- (d) special inspections, which shall be conducted to address specific areas of concern at specific courts with a view to promoting quality assurance in the administration of justice;
- (e) surveys, which shall be conducted to ascertain levels of judicial integrity and customer or client satisfaction; and
- (f) investigations, which shall be carried out on complaints lodged with the Judiciary.

24. Tools of inspection and investigation

The Inspectorate may, while conducting inspections and investigations use the following tools—

- (a) information communications technology;
- (b) the inspection manual; and
- (c) any other materials approved by the Inspectorate of Courts.

25. Reports of Inspectorate

The Inspectorate shall make and avail reports of inspections and investigations to the responsible officers, for appropriate action.

26. Communication of outcomes of inspections and investigations

The Inspectorate shall communicate to the complainant and to the concerned member of staff of the Judiciary, in writing, the outcome of an inspection or investigation of the Inspectorate.

PART IV—PROCEDURES OF INSPECTORATE

27. Registry of Inspectorate

(1) There is established a registry of the Inspectorate where all complaints shall be registered.

(2) The Registrar shall maintain the register in a secure manner and shall ensure confidentiality of the records in the registry.

28. Modes of making and receiving complaints

(1) A complaint shall be lodged at the registry of the Inspectorate or at the nearest regional office of the Inspectorate.

(2) A complaint shall be in the English Language.

(3) A complaint shall be in writing or reduced in writing where the complaint is made orally.

(4) Notwithstanding subregulation (1), the Inspectorate may receive complaints in any of the following ways—

- (a) by referral, from any person, institution or organisation;
- (b) by a court supervisor or any member of staff of the Judiciary;
- (c) through e-mail, to the Judiciary official e-mail address;
- (d) via the Judiciary toll-free hotlines or office lines;
- (e) through the administrators during court open days, barazas and public meetings;
- (f) during inspection field visits;

- (g) through suggestion boxes;
- (h) by a whistle blower in accordance with the Whistle Blowers Protection Act, 2010; and
- (i) through any other means as may be approved by the Inspectorate.

(5) The Inspectorate may consider and investigate matters based on information published in the media or in reports.

(6) A member of the Inspectorate who receives a complaint in any of the modes in subregulations (1) or (3), shall ensure that the details of the complaint are recorded and submitted immediately to the Inspector of Courts for action.

29. Procedure for processing complaints

(1) Where a person making a complaint to the Inspectorate does not understand the English Language, the complainant shall make an oral complaint and the complaint shall be reduced in writing at the registry with the help of an interpreter.

(2) Where a person making a complaint to the Inspectorate is unable to hear or speak by reason of impairment, his or her complaint may be recorded with the help of a sign language interpreter.

(3) A complaint under subregulation (1) shall be recorded in the form prescribed in the Schedule to these Regulations.

(4) Upon recording a complaint, the complaint shall be registered and forwarded to the Inspector of Courts for action.

(5) A complaint shall be handled by the Inspector at the Inspectorate in any of the following ways as may be deemed necessary—

- (a) by interviewing the complainant for further and better particulars;

- (b) through giving guidance to the complainant;
- (c) by writing to the member of staff of the Judiciary complained against requiring him or her to respond to the complaint;
- (d) by referring the complainant to any other relevant office or body;
- (e) through an impromptu visit to the court affected;
- (f) through interaction or meeting with the member of staff of the Judiciary complained against;
- (g) through a joint meeting between the complainant and the member of staff of the Judiciary complained against;
- (h) by calling the files from which the complaint arose, for perusal; and
- (i) through any other means that the Inspectorate may deem fit.

(6) A complaint registered at the Inspectorate shall be investigated and the matter concluded within fourteen working days from the date of recording the complaint.

(7) Where a complaint in subregulation (6) cannot be investigated and concluded within fourteen working days due to the complexity of the matter or other justifiable reason, the Inspector investigating the matter shall seek for extension of time from the Chief Inspector of Courts.

(8) The inspector shall prepare a report of the investigation in subregulation (6) and (7) and shall submit a copy of the report to the Responsible Officer within fourteen working days from the date of concluding the investigation, for further action.

(9) Upon receipt of the report from the Inspectorate of Courts, the Responsible Officer may require the member of staff to whom

the report relates to show cause why disciplinary proceedings should not be commenced against him or her, or forward the matter to the Disciplinary Committee.

(10) Where a member of staff of the Judiciary makes a satisfactory response as to why disciplinary proceedings should not be commenced against him or her, the Responsible Officer shall close the matter.

(11) Where a member of staff of the Judiciary fails to make a satisfactory response required under subregulation (9), the Responsible Officer shall forward the matter to the Disciplinary Committee.

(12) Where the Disciplinary Committee finds merit in the complaint against a member of staff of the Judiciary and the offence constitutes misconduct, the Disciplinary Committee shall refer the matter to the Responsible Officer for transmission to the Judicial Service Commission for appropriate action.

30. Powers of Responsible Officer

Notwithstanding the procedure of processing complaints in regulation 29, the Responsible Officer may refer a complaint of misconduct against a member of staff of the Judiciary to the Judicial Service Commission for disciplinary action.

31. Declaration of conflict of interest

(1) A member of staff of the Judiciary assigned to the Inspectorate who has a personal interest in any matter to be deliberated upon by the Inspectorate, shall—

- (a) declare the interest and state whether the interest carries direct or indirect interest to the member; and
- (b) where the interest constitutes direct interest, excuse himself or herself from participating in the deliberation and resolution of the matter.

(2) A conflict of interest shall arise where a member of the Inspectorate deals with a matter in which he or she has personal interest or where he or she is in a position to influence or be influenced by a matter, directly or indirectly, in the course of his or her Inspectorate business.

(3) A member of the Inspectorate with a personal interest or a conflict of interest shall not take part in the deliberations concerning the matter.

(4) A declaration of conflict of interest under this regulation shall be recorded in the minutes of the meeting.

32. Confidentiality

(1) A member of staff of the Judiciary assigned to the Inspectorate shall keep all matters coming to his or her knowledge by virtue of his or her office confidential.

(2) For the avoidance of doubt, a person in attendance at a meeting of the Inspectorate shall keep matters discussed in the meeting confidential.

(3) A document labeled or indicated to be confidential shall remain in the custody of the secretary to the Inspectorate at the close of the meeting of the Inspectorate.

33. Termination of investigations by Inspectorate

(1) Where the Inspectorate receives a complaint and determines that there is no merit in the complaint, the Inspectorate may—

- (a) decide not to investigate the complaint; or
- (b) discontinue the investigation of the complaint where it has commenced.

(2) The Inspectorate shall communicate its decision under subregulation (1) to the complainant in writing, stating the reasons for the decision.

(3) The notification of the decision in subregulation (2) shall be made to the member of staff of the Judiciary complained against where the complaint had been brought to the attention of that member of staff.

(4) Notwithstanding subregulations (1) and (2), the Inspectorate may reopen an investigation into a complaint where new evidence is discovered or where a Responsible Officer directs the Inspectorate to reopen the investigation.

34. Obligations of member of staff of Judiciary

(1) A member of staff of the Judiciary shall accord the Inspectorate such assistance and cooperation as may be required to ensure its efficiency and effectiveness in executing its duties and functions under the Act and these Regulations.

(2) Where a member of staff of the Judiciary fails to accord the Inspectorate the assistance and cooperation required under subregulation (1), the Inspectorate shall refer the matter to the Responsible Officer for action.

(3) Where the Responsible Officer fails to resolve the matter referred to under subregulation (2), he or she shall refer the matter to the Disciplinary Committee for disciplinary action.

35. Coordination with Judicial Service Commission

The Responsible Officer shall coordinate with the Judicial Service Commission, the matters that the Inspectorate is handling against any member of staff of the Judiciary for purposes of harmonising and streamlining processes between the Judiciary and the Judicial Service Commission in relation to—

- (a) the handling of complaints;
- (b) the conduct of investigations;
- (c) the making of referrals; and

- (d) the communication of decisions or actions taken against a member of staff of the Judiciary.

36. Implementation of recommendations of Inspectorate

A Responsible Officer to whom a report or recommendation of the Inspectorate is submitted, shall take action on the report or recommendation.

PART V—TRANSITIONAL

37. Transitional

Any action pending before the Inspectorate immediately before the coming into force of these Regulations, shall be continued subject to these Regulations.

SCHEDULE

THE ADMINISTRATION OF THE JUDICIARY (INSPECTORATE OF COURTS) REGULATIONS, 2023

COMPLAINT FORM

Regulation 29 (3)

A. DETAILS OF COMPLAINANT

1. Full name of complainant
2. Physical address
3. Telephone contact
4. E-mail address

B. DETAILS OF RESPONDENT

5. Member of staff complained against.....
*(*Give details of member of staff of the Judiciary complained against)*
6. Office address of member of staff of Judiciary.....
7. Telephone contact, if known.....

C. DETAILS OF COMPLAINT

8. Nature of the complaint (*tick as applicable)
 - (a) corruption related
 - (b) delayed proceedings
 - (c) bias
 - (d) any other

(*Summarise the details of the complaint here):

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.....
.....

9. Name(s) of witness(es) if any:
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.....

10. Nature of evidence submitted to the Inspectorate, if any:
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.....
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11. Any additional information:
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.....
.....

D. DECLARATION

I confirm that whatever I have stated herein above is true and correct to the best of my knowledge.

GIVEN by **Signed**

Translated by: **Signed**.....

Inspectorate Official:

Signed.....

Date:.....

Cross reference

Administration of the Judiciary (Establishment of Committees) Regulations, 2023.

Whistle Blowers Protection Act, 2010, Act No. 6 of 2010.

ALFONSE CHIGAMOY OWINY – DOLLO
Chief Justice.