



THE ADMINISTRATION OF THE  
JUDICIARY (JUDICIARY COUNCIL)  
(PRACTICE AND PROCEDURE)  
RULES, 2021

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**STATUTORY INSTRUMENTS**

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**2nd July, 2021**

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**STATUTORY INSTRUMENTS**

**2021 No. 43.**

**THE ADMINISTRATION OF THE JUDICIARY  
(JUDICIARY COUNCIL) (PRACTICE AND  
PROCEDURE) RULES, 2021**

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## STATUTORY INSTRUMENTS

2021 No. 43.

### **The Administration of the Judiciary (Judiciary Council) (Practice and Procedure) Rules, 2021.**

*(Under section 4(5) of the Administration of the Judiciary Act, 2020, Act No. 8 of 2020)*

IN EXERCISE of the powers conferred upon the Council by section 4(5) of the Administration of the Judiciary Act, 2020, these Rules are made this 29th day of June, 2021.

#### PART I—PRELIMINARY

##### **1. Title**

These Rules may be cited as the Administration of the Judiciary (Judiciary Council) (Practice and Procedure) Rules, 2021.

##### **2. Application**

These Rules apply to all proceedings of the Council under the Act.

##### **3. Interpretation**

In these Rules, unless the context otherwise requires—

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

“Council” means the Judiciary Council established by section 4 of the Act;

“judicial officer” means the Chief Justice, the Deputy Chief Justice, the Principal Judge, a Justice of the Supreme Court, a Justice of the Court of Appeal, a Judge of the High Court, the Chief Registrar, a Registrar of a Court, a Magistrate or such other person holding any office connected with court as may be prescribed by law;

“Judiciary Service” means the Judiciary Service established by section 13 of the Act;

“lower bench” means a magistrates court or other court lower than the High Court;

“member” means a member of the Judiciary Council specified in section 4 of the Act;

“superior courts” means the Supreme Court, the Court of Appeal and the High Court.

#### PART II—THE JUDICIARY COUNCIL

#### 4. Composition of Judiciary Council

(1) The Judiciary Council established within the Judiciary by section 4 of the Act consists of—

- (a) the Chief Justice;
- (b) the Deputy Chief Justice;
- (c) the Principal Judge;
- (d) the Attorney General;
- (e) the Director of Public Prosecutions;
- (f) one Justice representing the superior courts;
- (g) one judicial officer representing the lower bench;

- (h) the Solicitor General;
- (i) the Chief Registrar;
- (j) the Secretary to the Judiciary;
- (k) the Secretary to the Treasury;
- (l) a representative of the Justice, Law and Order Sector institutions other than the Ministry responsible for justice;
- (m) the President of the Uganda Law Society;
- (n) the Chairperson of the Law Council;
- (o) two members of the public nominated by the Judicial Service Commission, male and female, of high moral character, proven integrity and competence, one of whom is a person with disabilities and none of whom is a lawyer or an advocate; and
- (p) the Chief Inspector of Courts.

(2) The Chairperson, Deputy Chairperson and a member of the Council shall hold office on such terms and conditions as are prescribed in his or her instrument of appointment.

#### **5. Functions of Council**

In accordance with section 5 of the Act, the Council shall be responsible for advising the Chief Justice on—

- (a) policies for planning and development of the Judiciary;
- (b) ethics and integrity within the Judiciary;
- (c) ways and means of securing adequate financing for the Judiciary;
- (d) matters relating to personnel or staff development and welfare;
- (e) improvement of the administration of justice;
- (f) policies for the continuous monitoring and evaluation of the Judiciary; and

- (g) any other matter relating to the administration or operation of the Judiciary.

#### **6. Appointment of members to Council**

The following members of the Council specified in rule 4 (1) (f), (g) and (l) respectively shall be appointed as follows—

- (a) a judicial officer representing the superior courts shall be appointed by the Chief Justice;
- (b) a judicial officer representing the lower bench shall be nominated by the Chief Registrar; and
- (c) a representative of the Justice Law and Order Sector institutions shall be appointed by the Chief Justice.

#### **7. Tenure of office of members of Council**

(1) The members of the Council specified in rule 4 (1) (f), (g), (l) and (o) shall hold office for four years and shall be eligible for reappointment for one more term.

(2) The members of the Council specified in rule 4 (1) (a), (b), (c), (d), (e), (h), (i), (j), (k), (m) and (n) shall serve as members of the Council by virtue of their offices.

(3) A member of the Council appointed under rule 6 (a), (b) and (c) of these Rules and the two members of the public nominated by the Judicial Service Commission under rule 4 (1) (o) of these Rules may have their appointments revoked at any time by the authority that appointed or nominated them, or upon resignation or upon death whichever is applicable.

(4) For the avoidance of doubt, a member of the Council holding office by virtue of any office held by him or her shall cease to be a member of the Council upon ceasing to hold that office.

(5) The Secretary to the Council shall notify the Chief Justice of the death, resignation or revocation of appointment of any member of the Council under subrule (3) within fourteen working days of the vacancy for purposes of appointing another member to the Council.

## **8. Oaths**

(1) A member of the Council who, by virtue of his or her office has taken and subscribed to the Judicial Oath, the Official Oath and the Oath of Secrecy set out in the First Schedule to the Oaths Act, Cap.19 shall not be required to take one.

(2) The members of the Council under rule 4 (1) (m) and (o) shall before taking office, take and subscribe to the Oath of Secrecy set out in the First Schedule to the Oaths Act.

## **9. Chairperson of Council**

(1) The Chief Justice shall be the Chairperson of the Council and shall preside over meetings of the Council.

(2) In the absence of the Chief Justice, the Deputy Chief Justice shall preside over meetings of the Council.

## **10. Duties of Chairperson of Council**

(1) The Chairperson shall be responsible for providing leadership to the Council.



(2) Without prejudice to the generality of subrule (1), the Chairperson shall be responsible for—

- (a) presiding over the meetings of the Council;
- (b) ensuring that the members of the Council receive information and documentation relating to the proceedings and activities of the Council in a timely manner;
- (c) directing discussions on matters before the Council for purposes of building and reaching consensus;
- (d) preserving order and decorum in the meeting;
- (e) ensuring that performance of the Council is evaluated;
- (f) ensuring that advice is taken and recorded;
- (g) ensuring that consensus is reached over any deliberations; and

(h) stimulating discussions by drawing contributions out of all the members of the Council.

## **11. Secretary to Council**

(1) The Chief Registrar shall be the Secretary to the Council in accordance with section 4(6) of the Act.

(2) The Secretary to the Council shall—

- (a) ensure proper administration of the Council deliberations and the provision of secretarial services to the Council;
- (b) ensure the circulation of minutes of the previous meeting to the members of the Council, fourteen calendar days before the next Council meeting;
- (c) ensure that the Council deliberations are minuted and reviewed before circulation to the Council members;
- (d) ensure that Council meetings are effectively organised;

- (e) provide support to the Council in the discharge of its functions and duties;
- (f) ensure that the capacity of members is regularly built to enable them to effectively and efficiently execute their mandate;
- (g) coordinate the compilation and dispatch of the agenda and other reference material for Council meetings;
- (h) ensure that members of the Council and any other person assisting the Council in the performance of its functions and duties are remunerated in a timely manner;
- (i) ensure that all the advice of the Council is communicated to and implemented by the responsible persons; and
- (j) prepare at the start of every financial year, a detailed work plan and budgetary estimates of the activities of the Council for approval by the Council.

## 12. Duties of members of Council

In the performance of the functions of the Council, members shall—

- (a) abide by the legal and policy framework relating to the Judiciary;
- (b) adhere to the principles enshrined in the Code of Conduct and Ethics of the Uganda Public Service and the Uganda Judicial Code of Conduct;
- (c) review documents relating to and adequately prepare for meetings of the Council;
- (d) attend Council meetings, as and when convened;
- (e) ensure objectivity in advising the Chief Justice in their areas of expertise;
- (f) commit to collective advice once consensus is reached;

- (g) carry out any tasks assigned to them by the Chairperson;
- (h) notify the Secretary to the Council of one's inability to attend a Council meeting;
- (i) maintain objectivity, diligence and decorum in all Council proceedings and activities; and
- (j) ensure confidentiality of information obtained in the course of Council business.

### **13. Committees of Council**

(1) The Council may establish committees for the efficient performance of its functions under these Rules.

(2) A committee established under this rule shall comprise of five members of the Council and any person co-opted by the Council.

(3) The Chief Justice shall appoint a chairperson and a secretary to the committees in subrule (1) from among members of the committee.

(4) The quorum of the committee shall be three members at every meeting.

(5) The Council may assign to any committee established in subrule (1) such functions subject to such conditions and restrictions as the Council may determine.

(6) A decision of the committee shall be subject to confirmation by the Council before it is implemented.

(7) The committees established under this rule shall adopt the practice and procedure of the Council under these Rules with such modifications as may be necessary.

### **14. Funding of Council**

(1) The Secretary to the Council shall draw a work plan and budget for each Financial Year to fund the activities of the Council.

(2) The Secretary to the Council shall submit budgetary estimates for funding of the Council for each Financial Year for approval by the Council.

(3) The Secretary to the Council shall submit the approved budget estimates in subrule (2) to the Secretary to the Judiciary for incorporation into the Judiciary budget.

(4) For the purposes of budgeting, the Financial Year shall commence on 1<sup>st</sup> July each calendar year and ends on 30<sup>th</sup> June of the following year.

### PART III—MEETINGS OF THE COUNCIL

#### 15. Meetings of Council

(1) The Council shall meet at least once in every three months at a place and time designated by the Chief Justice.

(2) The Chairperson may at any time for sufficient reason, cause the suspension or adjournment of a meeting of the Council to a date and time determined by him or her.

(3) Council resolutions relating to advice shall be arrived at by consensus.

(4) Where consensus fails on a particular matter, the Chairperson shall defer the decision on the matter to a later time or date to allow members to do further consultations on the matter in order to reach consensus.

(5) Where consensus fails the second time, the resolution shall be arrived at through voting.

(6) The Council shall determine the mode of voting during the meeting.

(7) The validity of any proceedings, actions or advice of the Council shall not be affected by any vacancy among its members or by the fact that a person who was not entitled to do so took part in the proceedings of the Council.

(8) The meetings of the Council shall be open to the members of the Council and any person invited by the Council to assist the Council in the performance of its functions.

(9) The Council may hold a meeting in camera on any matter that in the opinion of the members of the Council should be held in camera.

(10) Where for any reason, a member of the Council is not able to physically attend a meeting, the following information communications technology may be adopted to enable that member participate in a meeting—

- (a) video conferencing;
- (b) tele-conferencing; or
- (c) any other information communications technology applicable.

(11) A member attending a meeting of the Council via any of the information communications technology in subrule (10), shall have an equal right to vote.

(12) Any resolutions passed by the Council prior to coming into force of these Rules shall be deemed to have been passed in accordance with these Rules.

(13) A resolution of the Council pending confirmation of the minutes shall be approved in writing by the Chairperson of the Council before relevant action is taken.

(14) A resolution of the Council shall not be revoked or altered unless notice of intention to propose such revocation or alteration is given to each member of the Council at least ten calendar days prior to the meeting at which the revocation or alteration is to be proposed to take place.

(15) Where the number of members present under subrule (14) at that meeting is not equal to or greater than the number that was present when the resolution was adopted, the resolution shall not be revoked or altered.

(16) Except for the Chairperson or the Secretary to the Council, no member shall issue any report or purport to disclose any proceedings or resolution of the Council.

(17) In case of any matter not specifically provided for in these Rules, the Council shall determine the applicable procedure.

#### **16. Quorum at meetings of Council**

(1) The quorum at a meeting of the Council shall be nine members, including three members from outside the Judiciary Service.

(2) Where a quorum is not realised within thirty minutes after the appointed time of the meeting, the Chairperson shall declare the meeting adjourned to the next convenient date.

#### **17. Agenda of meetings of Council**

(1) The Secretary to the Council shall transmit to each member, a written notice of the meeting together with a copy of the agenda.

(2) For purpose of approving the agenda, a member of the Council may propose a substantive item to be included on the agenda provided that the motion to include the substantive item is supported by one-third of the members during the meeting.

(3) Additional agenda items may be included on the agenda for a meeting of the Council, provided that the member proposing the additional agenda item gives notice to the Secretary to the

Council within five working days from the date of receipt of the notice for the ordinary meeting of the Council and in case of an extraordinary meeting, within three working days of notice.

(4) The agenda at a ordinary meeting of the Council shall include the following items—

- (a) prayer;
- (b) adoption of the agenda;
- (c) attendance and apologies;
- (d) declaration of conflict of interest;
- (e) communication from the Chairperson;
- (f) reactions to the communication;
- (g) reading and confirmation of minutes;
- (h) matters arising and action reports;
- (i) core business of the Council;
- (j) additional agenda items; and
- (k) any other business.

## 18. Proceedings of meetings of Council

(1) The Chairperson shall take precedence over other members of the Council during proceedings of a meeting.

(2) A person wishing to make a contribution during the deliberations in a meeting shall signify his or her intention by raising his or her hand and where called upon shall address the Chairperson.

(3) The Chairperson shall provide direction for the meetings.

(4) A member shall not reintroduce for discussion any matter that has been deliberated upon and upon which a final decision has been made by the Council during the meeting, unless the Chairperson has for sufficient reason permitted him or her.

(5) The Council shall not discuss a matter that is sub-judice.

(6) Deliberations in a meeting may be interrupted by—

- (a) a point of order being raised;

- (b) a point of procedure being raised;

- (c) a point of information or clarification being raised; or

- (d) a matter of privilege suddenly arising.

(7) Any point raised in subrule (6) shall take precedence over all other business, and shall immediately be open for discussion.

(8) A point of order or a point of procedure shall be raised immediately where an irregularity during the deliberation occurs.

(9) The Chairperson shall preserve order and decorum in the meetings and shall decide on questions of order and practice.

(10) The Chairperson shall determine all questions of procedure not expressly provided for in these Rules, in consultation with the members of the Council.

(11) Proceedings and deliberations of the Council shall be in English.

### 19. Declaration of conflict of interest

(1) A member of the Council who has a personal interest in any matter to be deliberated upon by the Council, shall abide with the following guidelines—

- (a) a member of the Council who has a personal interest in a matter under discussion shall declare the interest and state whether the interest carries direct or indirect interest to the member; and
- (b) where the interest constitutes a direct interest, the member involved shall excuse him or herself from participating in the deliberation and resolution of the Council on the matter.

(2) Conflict of interest shall arise where a member deals with a matter in which he or she has personal interest and 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 Council business.

(3) For the purposes of this rule—

- (a) "conflict of interest" means a situation where a member has got to make a decision between his or her personal interest and the interest of the Council; and
- (b) "personal interest" in relation to a member, includes the interest of a spouse, a child, a dependent, an agent, or a business associate of which the member of the Council has knowledge or would have had knowledge if he or she had exercised due diligence, having regard to all the circumstances.

(4) A member of the Council having a personal interest or conflict of interest shall not take part in the deliberations concerning the matter.

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



## 20. Confidentiality

(1) Members of the Council shall have a duty to keep all Council deliberations confidential.

(2) A document labeled or indicated to be confidential shall remain in the custody of the Secretary to the Council at the close of the meeting of the Council.

## 21. Types of meetings of Council

The Council shall have the following types of meetings—

- (a) ordinary meetings which shall be held in accordance with the approved calendar of meetings; and
- (b) extra-ordinary meetings shall be called to address—
  - (i) a specific issue or development that is of significance to the Judiciary; and
  - (ii) an extra-ordinary meeting shall address the business for which it was called.

## 22. Notices of meetings of Council

(1) The Secretary to the Council shall, in the notice to the members of the Council specify the date, time, venue and agenda of the meeting.

(2) The Secretary shall in convening the meetings of the Council comply with the following timelines—

- (a) notices for ordinary meetings shall be given fourteen calendar days before the scheduled date of the meeting; and
- (b) notices for extraordinary meetings of the Council shall be given seven calendar days before the scheduled date of the meeting together with the agenda for the meeting;

(3) Notwithstanding subrule (2) (a) and (b), a shorter notice may be given by the Secretary in case of an emergency.

(4) Where circumstances warrant, a shorter notice in subrule (3) shall not invalidate the proceedings of the Council.

### **23. Documents of meetings of Council**

(1) The Secretary shall before the meeting of the Council circulate all the relevant documents to facilitate the agenda items of the meeting.

(2) Documents for an ordinary meeting shall be dispatched to the members seven calendar days before the scheduled date of the meeting.

(3) Documents for extraordinary meetings shall be dispatched to the members three calendar days before the scheduled date of the meeting.

### **24. Minute for meetings of Council**

(1) Proceedings of the Council shall be recorded in a minute book after approval by the Council and shall be signed by the Chairperson and the Secretary as being a true record of the meeting.

(2) The Secretary to the Council has a duty to ensure that the minutes of the Council meeting are taken and properly kept for the record.

(3) In the absence of the Secretary, the Secretary shall designate a person to take minutes of the meeting.

(4) The following guidelines shall be adhered to in respect to minutes of Council meetings—

(a) the minutes of the meetings of the Council shall be prepared immediately after a meeting has been held and shall be circulated to the members together with relevant documents fourteen calendar days before the next Council meeting;

(b) the minutes of the meetings of the Council shall be kept confidential and the minutes shall not be disclosed to any person unless authorised by the Council or where the disclosure is required by law; and

(c) the minutes of the meeting of the Council shall be confirmed at the next ordinary meeting.

(d) the Secretary to the Council shall be responsible for—

- (i) the dissemination of Council resolutions relating to the advice given by the Council;
- (ii) preparing letters for the signature of the Chairperson where any resolutions relating to the advice of the Council is required to be in writing; and
- (iii) extracting action points from the minutes.

#### **25. Adjournment of meetings of Council**

(1) In the event that the issues on the agenda are not exhausted, the meeting may be adjourned by the Chairperson to a convenient date.

(2) At the continuation of the meeting, only the unfinished business for which the previous meeting was adjourned shall be transacted, except where members shall by consensus resolve to amend the agenda in accordance with these Rules, to include new items on the agenda.

#### **26. Absence of member of Council**

(1) A member who is unable to attend a meeting of the Council shall inform the Secretary in writing who shall report the absence to the Council.

(2) Where for sufficient reason, a member intends to be absent for a period longer than six months, he or she shall notify the Chairperson in writing for appropriate action.

#### **27. Attendance**

(1) A member who attends the Council meeting shall sign the attendance register.

(1) A member of the Council shall not sign the attendance register on behalf of another member, except where a member who is present but is unable to sign has authorised another member to sign on his or her behalf.

(2) A member shall not sign the attendance register and leave the meeting without the permission of the Chairperson.

PART IV—REMUNERATION OF MEMBERS  
OF COUNCIL AND OTHER PERSONS INVITED  
TO ASSIST COUNCIL

**28. Remuneration of members of Council**

(1) The Chairperson and a member of the Council shall be paid such remuneration and allowances at such rates as may be determined by the Chief Justice in consultation with members of the Council.

(2) The Chief Justice shall, in consultation with members of the Council, periodically review the remuneration and allowances in subrule (1).

(3) A member who travels within or outside Uganda for purposes of conducting Council business shall be paid such allowances—

- (a) in case of a member of the Council holding office by virtue of any public office held by him or her, at the rates determined under section E of the Uganda Public Service Standing Orders, 2010; and

- (b) in the case of a member of the Council in rule 4 (1) (m) and (o) at the rates determined by the Chief Justice in consultation with members of the Council.

**29. Remuneration of persons invited to assist Council**

(1) A person invited by the Council to assist the Council in the performance of its functions shall be paid such remuneration and allowances as may be determined by the Chief Justice in consultation with members of the Council.

(2) The Chief Justice shall, in consultation with members of the Council, periodically review the remuneration and allowances in subrule (1).

**30. Remuneration of person giving assistance to member of Council with disabilities**

(1) A person giving assistance to a member of the Council with disabilities during the Council meetings shall be paid such remuneration and allowances at such rates as may be determined by

the Chief Justice in consultation with members of the Council.

(2) The Chief Justice shall, in consultation with members of the Council, periodically review the remuneration and allowances in subrule (1).

#### PART V—MISCELLANEOUS

### 31. Assistance to member with disabilities

(1) Notwithstanding anything in these Rules, the Secretary to the Council shall take all necessary steps to ensure that a member with disabilities is facilitated in his or her participation in the proceedings of the Council by—

- (a) permitting a person who is not a member of the Council to give assistance in any form to a member with disabilities; and
- (b) permitting a member with disabilities to bring into the Council meeting any equipment needed by such member owing to his or her disability to enable

him or her participate in the proceedings of the Council.

(2) A person giving assistance to a member with disabilities shall be required—

- (a) to conduct him or herself with the decorum required of a member of the Council,
- (b) to keep confidential any Council deliberations and documents; and
- (c) to sign a non-disclosure agreement.

### 32. Amendment of Rules

(1) The Council may amend these Rules where and when it deems fit.

(2) Notwithstanding subrule (1), a member of the Council proposing an amendment to these Rules shall give written notice of fourteen calendar days to the Council, before the meeting of the Council.

(3) The notice in subrule (2) shall be accompanied by the proposed amendments to the Rules.

(4) A member of the Council proposing an amendment to these Rules shall move a motion to amend the Rules during the meeting.

(5) The motion in subrule (4) shall be seconded by at least two members of the Council and supported by at least two-thirds of all the members of the Council.

ALFONSE CHIGAMOY OWINY - DOLLO,  
*Chairperson, Judiciary Council.*

#### **Cross references**

1. Administration of the Judiciary Act, 2020, Act No. 8 of 2020.
2. Oaths Act, Cap.19.
3. Uganda Public Service Standing Orders, 2010.