

STATUTORY INSTRUMENTS SUPPLEMENT
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STATUTORY INSTRUMENTS.

2002 No. 33.

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002.

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STATUTORY INSTRUMENTS.

2002 No. 33.

The Land Tribunals (Procedure) Rules, 2002

(Under sections 79 of the Land Act, 1998 Act No. 16 of 1998).

IN EXERCISE of the powers conferred on the Chief Justice by section 79 of the Land Act, 1998 these rules are made this 16th day of May, 2002.

PART I—PRELIMINARY.

1. Title.

These Rules may be cited as the Land Tribunals (Procedure) Rules, 2002.

2. Interpretation.

In these Rules, unless the context otherwise requires—

“Act” means the Land Act, 1998;

“application” includes a claim;

“Board” means a District Land Board established by section 57 of the Act;

“Chairperson” means a chairperson of a Land Tribunal;

“Commission” means the Uganda Land Commission established by article 238 of the Constitution and referred to in section 47 of the Act;

“Committee” means the land committee established by section 65 of the Act;

“Court” means the High Court of Uganda;

“currency point” as defined in the Act;

“District Land Tribunal” means a district land tribunal established by section 75 of the Act;

“next friend” means a person acting on behalf of a minor or other person legally incompetent;

“next of kin” means a person who is most closely related by blood or marriage according to the law of consanguinity and includes those persons entitled to take under statutory distribution of the intestate’s estate;

“relevant office” means the Secretary to the tribunal;

“Registry” means the High Court registry or tribunal registry;

“Secretary” means the Secretary of a district land tribunal referred to in section 80 of the Act;

“tribunal” means a district land tribunal, established under section 75 of the Act.

PART II—MANAGEMENT AND ORGANISATION OF THE TRIBUNALS.

3. Conduct of business of tribunal.

(1) The times and places of the hearings of a tribunal and the matters to be disposed of at the hearing shall be determined by the Chairperson; except that the time shall be between 8:00 a.m. and 5:00 p.m.

(2) The time and place decided shall give a reasonable opportunity for all parties to appear before the tribunal with as little inconvenience and expense as possible.

(3) The notice for the hearing shall be in Form 1 of the First Schedule and shall be advertised and notified in the manner prescribed in rule 17 of these Rules.

4. Composition of tribunal.

(1) A tribunal shall be composed for a proceeding by the Chairperson and two members.

(2) Where a Chairperson or any member is unable through ill health injury, death or other justifiable cause to sit on the proceedings before the matter is completed, the proceedings shall be adjourned.

(3) The Chairperson or any member as the case may be, shall notify the Chief Justice of the inability to sit of the Chairperson or member under subrule (2); and the Chief Justice shall assign a person qualified to be a member of the tribunal to act as a temporary replacement within twenty one days.

(4) The Chief Justice may designate a Resident Judge or Chief Magistrate within or nearest to the tribunal location to carry out the functions of the Chief Justice under this rule.

(5) The proceedings may be completed or heard afresh by the tribunal, as re-constituted.

5. Disqualification of members.

(1) Where a member of a tribunal has an interest in the matter before the tribunal, he or she shall disclose the interest and disqualify himself or herself from the proceeding.

(2) Where a party to the proceedings objects to a member sitting on the proceedings on the ground of bias or partiality and the tribunal finds reasonable grounds for the objection, the member affected shall be disqualified from the proceedings.

(3) The Chairperson or a member shall notify the Judge or Chief Magistrate designated by the Chief Justice within seven days after the decision of the tribunal or the withdrawal as the case may be.

(4) Where a vacant position is created in the tribunal as a result of the withdrawal or disqualification of a member—

(a) the Chairperson shall notify the judge or Chief Magistrate designated by the Chief Justice within seven days after the decision of the tribunal or the withdrawal as the case may be;

(b) within fourteen days after receiving the notification, the designated Judge or Chief Magistrate shall appoint a temporary replacement for the purpose of the proceedings.

(5) Where the proceedings are reheard by the tribunal, the tribunal may have regard to any record of the proceedings before the tribunal as previously constituted, including a record of any evidence taken in those proceedings.

PART III—PROCEEDINGS IN THE TRIBUNAL.

6. Commencement of proceedings.

(1) A dispute in land shall be commenced by filing a statement of claim either orally or in writing to the tribunal for—

(a) determination of any dispute relating to a land transaction, transfer, acquisition, repossession, lease or grant;

(b) determination of the amount of compensation or value of land;

(c) cancellation of any entry on the certificate of title, occupancy or customary ownership or cancellation of title or certificate of customary ownership or occupancy in a case handled by a lower land tribunal;

(d) review of a decision of the Commission, board, committee, district land office, Recorder or Registrar of Titles;

(e) consent to obtain a certificate of occupancy or to carry out any dealing or transaction in the land where the owner has either unreasonably refused to give consent or the owner cannot be found;

(f) consent to allow a spouse to carry out any dealing or transaction in the land where the—

(i) wife or husband has unreasonably refused to give consent; or

(ii) adult children or the committee have unreasonably refused to give consent; or

(g) any other matter or dispute relating to land.

(2) Where an application has been made orally, it shall be reduced into writing by the Secretary.

(3) The applicant shall state as clearly as possible the grounds for the claim and the remedy being sought.

(4) The claim shall be in six copies.

(5) Any other document required to be filed in support of a claim shall be lodged with the Secretary in accordance with section 80 of the Act.

(6) The tribunal shall accord the parties an opportunity to settle amicably the claim before the hearing commences.

7. Application by minor or person of unsound mind.

Every application or claim by a minor, a person of unsound mind or any person suffering from any disability shall, be instituted in his or her name by the next of kin or next friend.

8. Application for consent by a tenant by occupancy under section 34.

(1) Where the registered owner—

(a) refuses to grant consent to a tenant by occupancy to acquire a certificate of occupancy or a transaction;

(b) fails within sixty days to make any decision; or

(c) grants consent subject to conditions which the tenant by occupancy objects to; the tenant may apply to the tribunal for consent.

(2) The application under this rule shall be in Form 2 in the First Schedule to these Rules.

9. Application for consent under section 40.

(1) Where consent to deal or transact in family land required under section 40 of the Act is withheld, the aggrieved person may apply to the tribunal for consent.

(2) The application under this rule shall be in Form 3 in the First Schedule to these Rules.

10. Application by a registered owner or his or her agent for termination of tenancy.

(1) A registered owner or his or her agent may apply to the tribunal for a declaration of termination of tenancy for non-payment of ground rent under section 32(7) or 33 of the Act or for any other reason.

(2) The application under this rule shall be in Form 4 in the First Schedule to these Rules with the necessary modifications.

11. General application.

(1) In any other matter not specifically provided for under these Rules, a person wishing to commence proceedings before a tribunal shall file an application or claim.

(2) The application under this rule shall be in Form 4 in the First Schedule to these Rules.

12. Fees.

Any claim or application made under these Rules shall be accompanied by the appropriate fee set out in the Second Schedule to these Rules.

13. Right to representation and taxation of costs.

(1) A party to any proceedings before a tribunal has a right of representation at his or her expense.

(2) Where a party to a claim or proceeding is represented by an advocate, the scale of costs applicable to the High Court and the Magistrate's Courts for instructions to prosecute or defend a claim or an application before a tribunal shall be those prescribed in the Advocates (Remuneration and Taxation of Costs) Rules 1982 in force at the time.

(3) The costs shall be taxed by the Chairperson or any member or secretary of the tribunal.

14. Where proceedings are to be commenced.

(1) A claim or an application shall be made to the tribunal where the land is located.

(2) Where the land is located in more than one district, the claim or application may be filed in any of the tribunals where the land is located.

15. Duties of secretary on receipt of claim or application.

On receipt of the claim or an application, the Secretary shall—

(a) date, stamp and sign each copy;

(b) retain four copies for use by the tribunal; and

(c) return the other copies to the claimant or applicant

16. Service on respondent.

(1) Where a claim, an application or an appeal has been duly commenced, the applicant shall be responsible for ensuring that a copy of the claim or the application or memorandum of appeal duly dated and signed is served on each and every person who is a respondent in the proceeding.

(2) Where the claimant or applicant or appellant, cannot, for justifiable cause effect service of the claim on an intended defendant or respondent, the tribunal shall serve those persons at the expense of the claimant or applicant or appellant as the case may be.

17. Mode of service.

(1) Service of process under these Rules shall be made by delivering to the person named in the process a duplicate of a signed and stamped copy of it.

(2) Where there is more than one respondent, service shall be made on each respondent.

(3) Where possible, service shall be made on the defendant or respondent in person unless he or she has an agent who is authorised to accept service or who is in charge of the property, in which case, service may be made on that agent.

(4) Where the defendant or the respondent cannot be found, service may be made on an adult member of the respondent's family residing with him or her.

(5) Where the respondent cannot be found and there is no adult member of the respondent's family residing with him or her, the application or notice and memorandum of

appeal shall, with the permission of the tribunal be advertised in any newspaper having wide circulation in that area or on a public notice board or in a conspicuous place or by any other means as the tribunal may determine.

(6) Where the defendant or any other person on whom service can be made refuses to accept service or cannot be found by the person serving after a reasonable attempt, the server shall affix a copy of the document on the outer door or some other conspicuous part of the house in which the defendant or any other person ordinarily resides or carries out business or work.

18. Proof of service.

(1) A person served with documents shall acknowledge receipt by signing on the copy of the notice.

(2) Where a person served cannot read or write, he or she shall acknowledge receipt by affixing a thumb mark on the document.

(3) The server shall return the original to the tribunal handling the application with an affidavit stating how he or she affixed the copy, the circumstances under which it was done, and the name and address of the person, if any, by whom the house was identified and the person who witnessed the affixing.

19. Time of submission of written statement of defence.

(1) The defendant may make an oral or a written statement either admitting or denying the allegations or claims, within twenty-one days from the date of being served with the summons.

(2) Where a defendant makes an oral statement of defence the secretary shall reduce it into writing.

(3) The tribunal may accept late filing of a written statement of defence if the defendant shows that there were reasonable grounds for the delay.

(4) The Written Statement of Defence should be served on the claimant or applicant within fourteen days after filing it.

20. Notice of hearing.

~~(1) All pleadings and documents filed with the tribunal shall be filed in triplicate.~~

(2) The notice of hearing shall be in Form 1 in the First Schedule to these Rules.

21. Hearing to be in the open.

(1) Proceedings before the Tribunal shall be open to the public.

(2) The tribunal may conduct proceedings in camera in special circumstances.

22. Non-appearance of the claimant.

If, on the day fixed for the hearing of a claim, the defendant appears and the claimant does not appear, the tribunal shall, if satisfied that the summons or hearing notice has been duly served upon the claimant, ask the defendant whether he or she admits the claim and if—

(a) the defendant admits the claim or any part of the claim, the tribunal may give judgment against him or her for the claim or such part of the claim as he or she admits; or

(b) the defendant does not admit the claim, the tribunal may dismiss the claim.

23. Non-appearance of defendant.

If, on the date fixed for hearing, the claimant appears, but the defendant does not appear, the tribunal may, if satisfied that the summons or hearing notice notifying the defendant of the time and the place for the hearing has been duly served upon him or her, proceed to hear the evidence of the claimant and his or her witnesses if any, and if satisfied that the claimant has established his or her claim in whole or in part, shall give judgment for the claimant accordingly.

24. Non-appearance of both parties.

(1) If, on the day fixed for hearing neither party appears, the tribunal may dismiss the claim.

(2) Where a claim is dismissed under sub-rule (1), the tribunal may reinstate the claim if the claimant shows sufficient cause for his or her non-appearance.

25. Setting aside judgment given in the absence of a party.

Any party against whom judgment has been given under rules 22 or 23 may make an application to the tribunal to set aside the judgment; except that the tribunal shall not set aside any judgment unless it is satisfied that the party has given sufficient cause for his or her non-appearance.

26. Procedure at hearing.

(1) Unless the tribunal otherwise orders, the evidence of the claimant or the applicant shall first be heard followed by that of his or her witnesses, if any.

(2) At the close of the evidence of the claimant or the applicant and that of each of the witnesses, the defendant or respondent shall be given the opportunity to question the claimant or the applicant and each of his or her witnesses.

(3) At the close of the evidence of the claimant or applicant and his or her witnesses, the evidence of the defendant or respondent followed by that of his or her witnesses, if any, shall be heard and the claimant or the applicant shall be given the opportunity to question the defendant or respondent and each of his or her witnesses.

(4) The tribunal may at any time put questions to either party or to any witness and may in its discretion call any additional evidence it considers necessary.

27. Language of tribunal.

The language to be used in the tribunal during proceedings shall be English except that interpretation of the proceedings shall be provided where necessary.

28. Visit to the land in dispute.

(1) The tribunal may visit the land in dispute either on application of a party or on its own motion.

(2) Where the tribunal visits and inspects the land which is the subject of claim, the tribunal—

- (a) may allow the parties or any other person claiming an interest in the land to point out features of the land and make other points about the land and their interests in the land;
- (b) may allow the parties to call relevant witnesses to support their claims;
- (c) shall take down the evidence and their observations in writing and the evidence and observations shall form part of the tribunal's record.

29. Burden and standard of proof.

(1) The applicant or claimant has the burden of establishing his or her case; except that where any party asserts any fact or claim, he or she shall prove that fact or claim.

(2) Any issue before a tribunal shall be proved on the balance of probabilities.

30. Proof of boundary.

The tribunal may accept as evidence about the boundaries of the land which is the subject of the application—

- (a) a statement by any person who has knowledge about boundaries in that community;
- (b) customary forms of identifying or demarcating boundaries using natural features and trees or buildings and other prominent objects;
- (c) human activities on or about the land such as the use of footpaths, cattle trails, watering points, and the placing of boundary marks on the land; or
- (d) maps, plans and diagrams, whether drawn to scale or not, which show by reference to any of the matters referred to in paragraph (b) or (c) the boundaries of the land;
- (e) any other relevant evidence.

31. Jurisdiction of the tribunal.

—

- (a) 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;
- (b) determine any dispute relating to the amount of compensation to be paid for land acquired under section 43 of the Act;
- (c) determine disputes in respect of land the value of which exceeds the amount stipulated under section 85 of the Act;
- (d) make consequential orders relating to cancellation of entries on the certificate of title or cancellation of title in cases handled by the lower land tribunals; and
- (e) determine any other dispute relating to land under the Act.

(2) In the exercise of jurisdiction over land matters provided for by this section, a District Land Tribunal shall have the powers of a Magistrate's Court Grade I granted under the Magistrate's Court Act, 1970 and shall, in addition and insofar as it is provided in that Act, have the power to grant decrees of specific performance and issue injunctions and generally shall have the power to grant such relief, 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 any Committee or any Association or the Commission as the circumstances of the case require and without limiting the generality of that power, may—

- (a) cancel any action, notice, order, decree or declaration;
- (b) vary the operation of any action, notice, order, decree or declaration;
- (c) postpone the operation of any action, notice, order, decree or declaration;
- (d) substitute a different decision for the one determined by any official, Board, Committee, Association or Commission;
- (e) confirm any action, notice, order, decree or declaration made notwithstanding that some procedural errors took place during the making of that action, notice, order, decree or declaration if the District Land Tribunal is satisfied that—
 - (i) the person applying for relief was made fully aware of the substance of the action, notice, order, decree or declaration; and
 - (ii) no injustice will be done by confirming that action, notice, order, decree, declaration and may grant that relief and all other orders made and decisions given on such conditions if any, as to expenses, damages, compensation or any other relevant matter as the District Land Tribunal considers fit.

(3) On receipt of a case referred to in section(2) of section 85 of the Act, the District Land Tribunal shall, after satisfying itself, make an appropriate order.

32. Summoning of witnesses.

(1) The tribunal shall have the power to summon any person to appear before it as a witness.

(2) Where, without sufficient excuse, a witness does not appear in obedience to the summons, the tribunal, on proof of proper service of the summons in reasonable time before the hearing date, may issue a warrant to bring him or her before the tribunal at a time and place specified in the warrant.

(3) The summons shall be in Form 5 in the First Schedule to these Rules.

33. Power to order production of documents.

(1) The tribunal shall have power to order any person to produce documents relevant to the matter before it.

(2) The order to produce documents shall be in Form 6 in the First Schedule to these Rules.

34. Adjournment of hearing.

A tribunal may if sufficient cause is shown, at any stage of the proceedings, grant more time to the parties, or to any of them, and may from time to time adjourn the hearing of the proceedings.

35. Hearing to be on a daily basis.

Once the proceedings have started, the tribunal shall, as far as practicable, hear the case on a day-to-day basis.

36. Decision of tribunal.

(1) The decision of the tribunal may be unanimous or shall be determined by the majority verdict.

(2) The decision of the tribunal shall be written by the Chairperson or any other member under the direction of the Chairperson.

(3) The decision of the tribunal shall contain the following—

(a) the name of the tribunal;

(b) the nature of the claim or application;

(c) the number of the case;

(d) the names of the parties;

(e) a summary of all the relevant evidence produced before the tribunal and all witnesses and reasons for accepting or rejecting the evidence;

(f) the decision and reasons for the decision;

(g) the relief or remedy, if any, to which the parties are entitled; and

(h) an order as to costs.

(4) The decision of the tribunal shall be read in open court.

(5) The tribunal with the exception of the dissenting member, shall sign the decision prepared.

(6) Where the parties reach an agreement that fully or partially disposes of the claim or an application, the tribunal shall record the agreement reached as a consent judgment, and parties to the agreement or their advocate shall sign it.

37. Demarcation of boundaries.

Where the decision of the tribunal involves determination of boundaries, the tribunal shall cause the boundaries in dispute to be demarcated by itself or any person authorised by it.

38. Immunity of the tribunal.

(1) A member of a tribunal shall not be liable to be sued in any civil court or tribunal for any act done or ordered to be done by him or her in the discharge of his or her judicial function whether or not within the limits of his or her jurisdiction.

(2) An officer of the tribunal or other person designated to execute any order or warrant of a member referred to in sub-rule (1) of the tribunal shall not be liable to be sued in any civil court or tribunal in respect of any lawful act done in the execution of any such order or warrant.

39. Immunity of witnesses.

A witness before the tribunal shall have the same immunities and privileges as if he or she was a witness before a court of law.

40. Tribunal register book.

The tribunal shall have a register book, which shall contain the following—

- (a) the serial number of the claim or application;
- (b) the date of filing the claim or application;
- (c) the name and address of the applicant, or where there is more than one applicant, the names and addresses of all the applicants;
- (d) the name of the respondent or where there is more than one respondent, the names and addresses of all the respondents;
- (e) the nature of claim;
- (f) the date of hearing;
- (g) a list of documents produced including those requested by the tribunal;
- (h) the decision or order of the tribunal and the date it was made;
- (i) the date on which the remedy was executed;
- (j) the particulars and details of execution of the decision or order;
- (k) application for a Notice of appeal to the District Land Tribunal or High Court as the case may be; and
- (l) the final disposal of the application.

41. Appointment of a mediator.

(1) The appointment of the mediator shall be made under section 90 of the Act.

(2) The appointment of the mediator shall be in Form 7 of the First Schedule to these Rules.

42. Procedure for mediation.

In exercising any functions under these Rules the mediator shall be guided by the principles of natural justice, general principles of mediation and desirability of assisting the parties to reconcile their differences, understand each other's point of view and be prepared to compromise to reach an agreement; but the mediator shall not compel or direct any party to a mediation to arrive at any particular conclusion or decision on any matter the subject of the mediation.

43. Report on mediation.

(1) The Mediator shall make a report to the tribunal within such time as shall be prescribed by the tribunal.

(2) The report of the mediator shall be in Form 8 of the First Schedule to these Rules.

44. Temporary injunctions.

(1) The tribunal may grant a temporary injunction to prevent any property in dispute from being alienated, wasted, damaged or disposed of by any party to the claim, or wrongfully sold in execution of a decree.

(2) The application for a temporary injunction shall be accompanied by an affidavit

(3) The tribunal shall, before granting an injunction, direct notice of the application to be served on the opposite party.

(4) Notwithstanding sub-rule (3) of this rule, in exceptional circumstances, where the subject matter is in immediate danger of being alienated, wasted, damaged or disposed of by any party, the tribunal may grant an interim injunction ex parte.

(5) Any order for an injunction may be discharged, varied, or set-aside by the tribunal on application made to the tribunal by any party dissatisfied with the order.

(6) An application under this rule shall be by summons in chambers as in Form 12 in the First Schedule to these Rules.

PART IV—EXECUTION.

45. Execution of tribunal orders.

(1) Where any order of the tribunal following any judgment remains unsatisfied, the party in whose favour it was made may apply to the tribunal which made the order for its execution and the tribunal may order or take such steps to enable the execution to be effected as it deems, necessary.

(2) Any process issued by the tribunal under this rule for the execution of its order, decree, or the enforcement of a judgment debt shall be executed by an agent of the tribunal, court bailiff, chief, a member of a local council or such other person as the tribunal may appoint.

(3) A person named in sub-rule (1) shall execute the process in a manner specified and within time limit specified in the process for the return of the process.

~~(4) Where a person is appointed to execute the process, he shall file a return on the execution, bearing the signature of the area local council chairperson or the sub-county chief where the execution was carried out.~~

(5) The person who executes the order shall file in the tribunal a return on the execution, bearing the signature of the area local council chairperson or the sub-county chief where the execution was carried out.

46. Order for delivery of immovable property.

(1) Where an order is for the delivery of any immovable property, possession of the immovable property shall be delivered to the party, in whose favour the order was made or to such person as that party may appoint to receive delivery on his or her behalf; and, if necessary, by removing any person bound by the order who refuses to vacate the property.

(3) Where possession of any building or enclosure is to be delivered, and the person in possession being bound by the order does not afford free access, the tribunal through its officers, may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of her community to withdraw, remove or open any lock or bolt or break open any door or do any other act necessary for putting the party in whose favour the order was made in possession.

47. Order for delivery of immovable property when in occupancy of a tenant.

Where an order is for the delivery of any immovable property in the occupancy of a tenant or other person entitled to occupy it and not bound by the order to relinquish the occupancy, the tribunal shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property and notifying the occupant in such a manner as may be suitable, the substance of the order as regards the property.

48. Discretionary power to permit judgment debtor to show cause against detention in prison.

(1) Notwithstanding anything in these Rules, where an application is for the execution of an order for the payment of money by the arrest and detention in a civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the tribunal may, instead of issuing a warrant for his or her arrest, issue a notice directing him or her to appear before the tribunal on a day specified in the notice and to show cause why he or she should not be committed to a civil prison.

(2) Where appearance is not made in obedience to the notice, the tribunal shall, if the person in whose favour an order was made so requires, issue a warrant for the arrest of the judgment-debtor.

49. Warrant of arrest to direct judgment debtor to be brought up.

Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring him or her before the tribunal with all convenient speed, unless the amount which has been ordered to pay, together with the interest on it and the costs, if any, to which he or she is liable, is sooner paid.

50. Subsistence allowance.

(1) No judgment-debtor shall be arrested in execution of an order unless and until the person in whose favour that order was made pays to the tribunal such sum as may be sufficient for the subsistence of the judgment-debtor from the time of his or her arrest until he or she is brought before the tribunal.

(2) Where a judgment-debtor is committed to a civil prison in execution of an order, the tribunal shall fix for his or her subsistence a monthly allowance it considers sufficient with reference to the class to which he or she belongs.

(3) The monthly allowance fixed by the tribunal shall be supplied by the party on whose application the judgment debtor has been arrested by monthly payments to the tribunal in advance before the first day of each month.

(4) Sums disbursed by the person in whose favour the order is made for the subsistence of the judgment-debtor in a civil prison shall be deemed to be costs in the claim or application;

except that the judgment-debtor shall not be detained in a civil prison on account of any sum so disbursed.

51. Proceedings on appearance of judgment debtor in obedience to notice or after arrest.

(1) Where a judgment-debtor appears before the tribunal in obedience to a notice issued under rule 48 of these Rules or is brought before the tribunal after being arrested in execution of an order for the payment of money and it appears to the tribunal that the judgment-debtor is unable, from poverty or other sufficient cause, to pay the amount of the order, or, if that amount is payable by instalments, the amount of any instalment of the amount, the tribunal may, upon such terms as it thinks fit, make an order disallowing the application for his or her arrest and detention or directing his or her release, as the case may be.

(2) Before making an order under sub-rule (1), the tribunal may take into consideration any allegation of the person in whose favour the order was made relating to any of the following matters, namely—

~~the following matters, namely—~~

- (b) the transfer, concealment, or removal by the judgment-debtor of any part of his or her property after the date of the lodging of the claim or application in which the order was made, or the commission by him or her after that date of any other act of bad faith in relation to his or her property, with the object or effect of obstructing or delaying the person in whose favour the order was made in the execution of the order;
- (c) any undue preference given by the judgment-debtor to any of his or her other creditors;
- (d) refusal or neglect on the part of the judgment-debtor to pay the amount of the order or some part of it when he or she has, or since the date of the order has had the means of paying it;
- (e) the likelihood of the judgment-debtor absconding or leaving the jurisdiction of the tribunal with object or effect of obstructing or delaying the person in whose favour the order was made in the execution of the order.

(3) While any of the matters mentioned in sub-rule (2) are being considered, the tribunal may, in its discretion, order the judgment-debtor to be detained in a civil prison, or leave him or her in the custody of an officer of the tribunal, or release him or her on his or her furnishing security, to the satisfaction of the tribunal, for his or her appearance when required by the tribunal.

(4) A judgment-debtor released under this rule may be re-arrested.

(5) Where the tribunal does not make an order under this sub-rule (1), it shall cause the judgment-debtor to be arrested, if he or she has not already been arrested, and commit him or her to a civil prison.

52. Examination of judgment debtor as to his or her property.

Where an order is for the payment of money, the person in whose favour the order was made may apply to the tribunal for an order that—

- (a) the judgment-debtor; or
- (b) in the case of a corporation, any of its officer; or
- (c) any other person,

be orally examined as to whether any or what debts are owing to the judgment-debtor, and whether the judgment-debtor has any and what property or means of satisfying the order, and the tribunal may make an order for the attendance and examination of the judgment-debtor or officer, or other person, and for the production of any books or documents.

53. Attachment and sale.

(1) Where an application is made for the attachment of any immovable property belonging to a judgment debtor, it shall contain at the foot—

- (a) a description of property sufficient to identify it, and, where the property can be identified by boundaries, or numbers in Government records or surveys a specification of those boundaries or numbers; and
- (b) a specification of the judgment-debtor's share or interest in the property to the best of the belief of the applicant, and so far as he or she has been able to ascertain it.

(2) Where an application is made for the attachment of any land which is registered in the land registries, the tribunal may require the applicant to produce a certified extract from the register of the office where the land is registered, specifying the persons registered as proprietors of, or as possessing, any transferable interest in the land or its revenue, or as liable to pay revenue for the land, and the shares of the registered proprietors.

(3) Where the tribunal orders execution by attachment and sale of any property—

~~(a) the sale shall be by public auction;~~

- (b) the sale shall be by public auction;
- (c) the sale shall not take place until after the expiration of thirty days from the date when the notice of sale was advertised;
- (d) the notice of sale by public auction shall be advertised in such manner as the tribunal may direct but shall afford the public an opportunity to participate in the sale;
- (e) all the proceeds from the sale shall be deposited with the tribunal and the tribunal shall distribute it accordingly;
- (f) the court bailiff or any other person carrying on the execution order shall, after depositing the proceeds of the sale with the tribunal, file his or her bill of costs of the executions with the tribunal chairperson who shall tax it and record it on the tribunal file;
- (g) the person conducting the auction shall not sell the property to himself or herself either directly or indirectly.

54. Execution of judgment outside jurisdiction.

(1) Where immovable property forms one estate or tenure situate within the local limits of the jurisdiction of two or more tribunals, any one of such tribunals may attach and sell the entire estate or tenure.

(2) Where the tribunal desires a judgment to be enforced outside the limits of its jurisdiction, it shall forward the judgment to the tribunal within the jurisdiction of which the judgment is to be enforced.

(3) A tribunal forwarding a judgment to another tribunal shall endorse on the judgment particulars of any payments already made in part satisfaction of the judgment.

(4) Where a tribunal receives a judgment forwarded to it under this rule, it shall—

(a) enforce the judgment on the application of the judgment creditor;

(b) inform the tribunal that issued the judgment of any money or property recovered under the judgment; and

(c) return the judgment when satisfied to the tribunal which issued it, or, if judgment is not satisfied, return it to the tribunal which issued it after six months.

55. Application for stay of execution.

(1) Any party to the claim or application may apply to the tribunal to stay execution of any of its orders.

(2) Where the application is grounded on evidence it shall be supported by an affidavit verifying the grounds in the application.

(3) The tribunal may, on such terms as it deems fit stay the execution of any of its orders if sufficient cause is shown or if it is necessary to meet the ends of justice.

(4) The application for stay of execution shall be by motion as in Form 13 in the First Schedule to these Rules.

(5) An appeal to the High Court shall operate as a stay of proceedings for an initial period of three months.

(6) Subject to sub-rule (5) of this rule, an appeal to the High Court shall not operate as a stay of proceedings under an order appealed from except so far as the High Court may order, nor shall execution of a tribunal order be stayed by reason of an appeal having been made against the order, but the High Court may, for sufficient cause, order a stay of execution of the order for a period in excess of that prescribed in sub-rule (5).

~~(7) An application for stay of execution of a judgment or order of a tribunal shall be made to the court to which the judgment or order is appealed.~~

(8) The tribunal may make an ex parte order for a stay of execution pending the hearing of the application for stay of execution.

(9) An ex parte application under sub-rule (8) may be made on a summons in chambers as in Form 12 in the First Schedule to these Rules.

PART V—APPEALS.

56. Institution of appeal.

~~(1) An appeal from a memorandum of appeal shall be filed with the court of appeal in the form of a memorandum of appeal.~~

(2) The memorandum shall set forth concisely and under distinct heads, the grounds of objection to the order or decree appealed from without argument or narrative; and the grounds shall be numbered consecutively.

(3) The memorandum shall be filed within sixty days from the day the decision appealed against was made; except that in reckoning the period of sixty days the time taken in preparing the record of proceedings shall be excluded.

(4) The memorandum of appeal shall be in Form 9 in the First Schedule to these Rules.

(5) On receipt of a memorandum of appeal, the High Court or tribunal as the case may be shall call the proceedings of the tribunal, whose decision is appealed against.

57. Service of memorandum of appeal.

The appellant shall within seven days after lodging a memorandum of appeal in the registry, serve copies on the respondents and any other persons directly affected by the appeal; but the court may, on application, which may be made ex parte, direct that service need not be effected on any person who took no part in the proceedings in the tribunal.

58. Appeals from decisions of the Board, Registrar of Titles or Communal Land Association.

(1) The provisions of these Rules on appeals to the High Court shall apply with the necessary modifications to appeals from decision of the Board, the Registrar of Titles or Communal Land Association to the tribunal.

(2) An appeal against the decision of the Board under sections 8(6), 14(7), 10(6), 29(11) and 32(4) of the Act shall be in Form 10 in the First Schedule to these Rules.

(3) An appeal against the decision of the Registrar of Titles under section 92(6) of the Act shall be in Form 10 in the First Schedule to these Rules.

(4) An appeal against the decision of a communal land association under section 23(4) or 27(2) of the Act shall be in Form 10 in the First Schedule to these Rules.

59. Memorandum of cross appeal.

(1) A respondent who intends to cross-appeal or to contend that the decision of the tribunal should be affirmed on grounds other than those relied on by that tribunal shall before or within seven days after lodging his or her memorandum of cross-appeal or memorandum of grounds for affirming the decision, as the case may be, serve a copy of it on all other persons directly affected by the cross-appeal.

(2) The respondent shall also serve copies of the memorandum of cross-appeal or memorandum of grounds for affirming the decision, as the case may be, on the other parties to the original proceedings as the court may, at any time, on application or of its own motion, direct and within such time as the court may appoint.

(3) The memorandum of the cross appeal shall be in Form 11 in the First Schedule to these rules.

60. Withdrawal of appeal or cross appeal or grounds for affirming decision.

(1) An appellant may at any time after instituting his or her own appeal or cross appeal in the court or tribunal and before the appeal is called on for hearing, lodge in the registry, notice in writing that he or she does not intend further to prosecute the appeal or cross-appeal as the case may be.

(2) The appellant shall, before or within seven days after lodging the notice of withdrawal, serve copies of it on each respondent.

(3) If all the parties to the appeal consent to the withdrawal of the appeal, the appellant may lodge in the appropriate registry the documents signifying the consent of the parties; and the appeal shall then be struck out of the list of pending appeals.

(4) If all the parties to the appeal do not consent to the withdrawal of the appeal, the appeal shall stand dismissed with costs, except as against any party who has consented, unless the court, on the application of the appellant, otherwise orders.

(5) An application under sub rule (4) shall be made within fourteen days after the lodging of the notice of withdrawal.

PART VI—GENERAL.

61. Extension of time.

The tribunal or the court may, for sufficient reason, extend the time limited by these Rules for the doing of any act authorised or required by these Rules, whether before or after the expiration of that time and whether before or after the doing of the act.

62. Application of Civil Procedure Rules.

Where these Rules are silent on any matter, the Civil Procedure Rules SI 65-3 shall apply with the necessary modifications.

FIRST SCHEDULE

FORM 1

THE REPUBLIC OF UGANDA
THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002
[RULES 3, 20(2)]

THE..... DISTRICT LAND TRIBUNAL
CLAIM/APPLICATION NO.....

SUMMONS/HEARING NOTICE

To:	<i>Name</i>	<i>Address</i>
	(i)
	(ii)
	(iii)

The District Land Tribunal has received an application from

To (*nature of claim*).....

.....
in respect of a piece of land located a—

Village/cell*
Parish/Ward*

Sub-county/division*
County/town/municipality*

District

Details of land tenure

If registered LRV/MRV/FRV.....Fol.....Block.....Plot.....

If not registered

Notice is given to you to attend the hearing of the matter on the day of 200..... at at O'clock.

TAKE NOTICE that if you do not come to the hearing the Tribunal may proceed with the case in your absence.

Given under my hand and seal of the Tribunal this day of....., 200.....

.....
*Chairperson/Secretary**

.....
District Land Tribunal

*(delete where applicable)

THE REPUBLIC OF UGANDA

FORM 2

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002

[Rule 8 (2)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM /APPLICATION No.

~~ANNOUNCEMENT~~

APPLICATION

1. *Applicant(s) Name* *Address*
 - (i)
 - (ii)
 - (iii)

2. *Respondent(s) Name* *Address*
 - (i)
 - (ii)
 - (iii)

3. Nationality

4. Location of land the subject of application—
Village/cell*
Parish/Ward*
Sub-county/division*
County/town/municipality*
District

5. Details of land tenure
If registered LRV/MRV/FRV.....Fol.....Block.....Plot.....
If not registered.....

6. Approximate area hectare(s)

7. Use or occupation of land e.g. farming, housing

8. Date of commencement of occupancy

9. State how you came to occupy the land
.....

10. (a) Do you occupy the land as an individual? YES/NO*
(b) Do you occupy the land as a family? YE /NO*
(c) Do you occupy the land as a community? YES/NO*
(d) Others (specify)

11. Reasons why consent was not given by the registered owner
.....
.....

12. Reasons for the application to the tribunal to grant consent
.....
.....

13. Decision sought (what you want the tribunal to do for you)
.....
.....

Notice is given to you to attend the hearing of the matter on the day of, 200.....
at at O'clock.

Signature/Thumb mark of applicant(s) (i)
(ii)
(iii)

DECLARATION

I/We the above-mentioned applicant(s) declare that what is stated in this application is true to the best of my/our knowledge.

Signature of applicant(s) (i)
(ii)
(iii)

*(delete where inapplicable)

Add page if necessary

FORM 3

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002

[Rule 9 (2)]

THE..... DISTRICT LAND TRIBUNAL*

CLAIM/APPLICATION NO.

APPLICATION TO A LAND TRIBUNAL FOR CONSENT
TO A TRANSACTION
(Under section 40 of the Act*)

- APPLICATION -

1. *Applicant(s) Name* *Address*
(i)
(ii)
(iii)
2. *Respondent(s) Name* *Address*
(i)
(ii)
(iii)
3. Nationality
4. Marital status
5. Children and ages
6. Location of land the subject of application—
Village/cell*
Parish/Ward*

- Sub-county/division*
- County/town/municipality*
- District
7. Details of land tenure
 If registered LRV/MRV/FRV.....Fol.....Block.....Plot.....
 If not registered.....
8. Approximate area hectare(s)
9. Use or occupation of land e.g. farming, housing
10. (a) Do you occupy the land as an individual? YES/NO*
 (b) Do you occupy the land as a family? YES/NO*
 (c) Do you occupy the land as a community? YES/NO*
 (d) Others (specify)
11. Transaction to be undertaken

12. Reasons why consent was not given

13. Reasons for the application to the Tribunal to grant consent

14. Decision sought (what you want the Tribunal to do for you)

Signature/Thumb mark of applicant(s) (i)
 (ii)
 (iii)

DECLARATION

I/We the above-mentioned applicant(s) declare that what is stated in this application is true to the best of my/our knowledge.

Signature/Thumb mark of applicant(s) (i)
 (ii)
 (iii)

*(delete where inapplicable)

Add page if necessary

FORM 4

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002

[Rule 11(2)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM/APPLICATION NO.....

APPLICATION TO A LAND TRIBUNAL FOR TERMINATION OF TENANCY

- APPLICATION -

1. *Applicant(s) Name* *Address*
 - (i)
 - (ii)
 - (iii)
2. *Respondent(s) Name* *Address*
 - (i)
 - (ii)
 - (iii)
3. Nationality
4. Marital status and name(s) of spouse(s) if married.....
.....
5. Children and ages
6. Location of land the subject of application—
Village/cell*
- Parish/Ward*.....
- Sub-county/division*
- County/town/municipality*.....
- District
7. Details of land tenure
If registered LRV/MRV/FRV.....Fol.....Block.....Plot.....
If not registered.....
8. Approximate area hectare(s)
9. Use or occupation of land e.g. farming, housing
10. Names of owners of adjacent land
.....
11. Date of commencement of occupancy or ownership*
.....
12. State how you came to occupy/own* the land
-
13. (a) Do you occupy/own* the land as an individual? YES/NO*
(b) Do you occupy/own* the land as a family? YES/NO*
(c) Do you occupy/own* the land as a community? YES/NO*
(d) Others (specify)*
14. Transaction to be undertaken
.....
.....

15. Reasons for the application
.....
.....
.....

16. Decision sought (what you want the Tribunal to do for you)
.....
.....

Signature/Thumb mark of applicant(s) (i)
(ii)
(iii)

DECLARATION

I/We the above-mentioned applicant(s) declare that what is stated in this application is true to the best of my/our knowledge.

Signature/Thumb mark of applicant(s) (i)
(ii)
(iii)

*(delete where inapplicable)

Add page if necessary

FORM 5

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002
[RULE 32(3)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM/APPLICATION NO.....

- WITNESS SUMMONS -

To:
.....
.....

WHEREAS your attendance is required to On behalf of the in the above case you are required to appear before the Tribunal on the day of at In the noon, and to bring with you the following documents—

.....
.....

TAKE NOTICE THAT if you fail to comply with this order without lawful excuse, you will be subject to consequences of non-attendance.

GIVEN under my hand and seal of the Tribunal this day of....., 20.....

.....

Chairperson/Secretary.

.....
District Land Tribunal*

*(delete where applicable)

FORM 6

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002
[Rule 33(2)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM/APPLICATION NO.....

- ORDER TO PRODUCE DOCUMENTS -

To:
.....
.....

Take notice that the claimant/applicant/defendant/respondent/tribunal requires you to produce for his/her/its inspection the following documents referred to in your application, written statement of defence or affidavit dated the Day of or which are necessary to meet the ends of justice in this case *(describe the documents required)*

.....
.....

Given under my hand and seal of the Tribunal this day of....., 20.....

.....
Chairperson/Secretary.

.....
District Land Tribunal*

*(delete where applicable)

FORM 7

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002
[Rule 41(2)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM/APPLICATION NO.....

-APPOINTMENT OF A MEDIATOR-

To: Address.....

The District Land Tribunal has received an application from

in respect of a piece of land located at—

Village/cell*
Parish/Ward*

Sub-county/division*
County/town/municipality*

District

Details of land tenure

If registered LRV/MRV/FRVFol.....Block.....Plot.....

If not registered



Please notify the Tribunal in writing whether or not you accept the appointment within two weeks.

Given under my hand and seal of the Tribunal this day of....., 20.....

.....
Chairperson/Secretary.

.....
*District Land Tribunal**

**(delete where applicable)*

FORM 8

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE)RULES, 2002

[Rule 43(2)]

THE..... DISTRICT LAND TRIBUNAL

CLAIM/APPLICATION NO.....

- MEDIATION REPORT -

- | | | |
|----|---------------------------|----------------|
| 1. | <i>Applicant(s) Name</i> | <i>Address</i> |
| | (i) | |
| | (ii) | |
| | (iii) | |
| 2. | <i>Respondent(s) Name</i> | <i>Address</i> |
| | (i) | |
| | (ii) | |
| | (iii) | |

3. Location of land the subject of application—

Village/cell*
Parish/Ward*

Sub-county/division*
County/town/municipality*

District

4. Details of land tenure

If registered LRV/MRV/FRV Fol.....Block.....Plot.....

If not registered.....

5. Approximate area hectare(s)

6. Use or occupation of land e.g. farming, housing

7. Nature of dispute.....

8. M
.....
.....
.....

Dated this day of, 20.....

.....
Mediator.

*(delete where inapplicable)

**Add page if necessary

THE REPUBLIC OF UGANDA
THE LAND ACT, 1998

THE LAND TRIBUNALS(PROCEDURE) RULES, 2002
[Rule 56(4)]

IN THE HIGH COURT OF UGANDA AT.....

CIVIL APPEAL NO..... OF, 20.....

BETWEEN

.....APPELLANT

AND

.....RESPONDENT

[Appeal from a decision/order ofDistrict Land Tribunal dated the day of....., 20.....in Claim/ Application No.....]

MEMORANDUM OF APPEAL

....., the above named appellant appeals to the High Court against the whole/part of the above mentioned decision/order on the following grounds namely—

- 1.
-
- 2.
-

It is proposed to ask the court for an order that—

.....
.....
.....

Signed *Appellant*
Advocate for the Appellant

To: The Honourable Judge of the High Court.

Copies to be served on.....

Lodged in the Registry/Sub-registry at.....

On theday of.....20

.....
Registrar.
FORM 10

[Rule 58]

IN THEDISTRICT LAND TRIBUNAL
CIVIL APPEAL NO.....OF.....20....
BETWEEN
.....APPELLANT
AND
.....RESPONDENT

[Appeal from a decision/order ofthe Board/Registrar of Titles/Communal Land Association* dated theday of.....20..... in Claim/Application No.....]

MEMORANDUM OF APPEAL

....., the above named appellant appeals to theDistrict Land Tribunal against the whole/part of ~~the above decision (date) following grounds—~~

- 1.
- 2.

It is proposed to ask the tribunal for an order that—
.....
.....
.....

Signed*Appellant Advocate for the Appellant*

To TheDistrict Land Tribunal
Copies to be served on.....
Lodged with the Secretary at theDistrict Land Tribunal
On theday of.....20

*(delete where inapplicable)

.....
Secretary.
FORM 11

THE REPUBLIC OF UGANDA
THE LAND ACT, 1998
THE LAND TRIBUNALS(PROCEDURE) RULES, 2002
[Rule 59(3)]

IN THE HIGH COURT OF UGANDA AT.....
CIVIL APPEAL No.....OF.....20....
BETWEEN
.....APPELLANT
AND
.....RESPONDENT

[Cross-Appeal from a decision/order ofDistrict Land Tribunal dated theday of.....20.....in Claim/Application No.....]

MEMORANDUM OF CROSS-APPEAL

.....,the above named respondent cross appeals to the High Court against the whole or part of the above-mentioned decision on the following grounds, namely—

- 1.
.....
2.
.....

It is proposed to ask the court for an order that—

.....
.....
.....

Signed Respondent
Advocate for the Respondent.

To: The Honourable Judge of the High Court.

Copies to be served on.....

Lodged in the Registry/Sub-registry at.....

On theday of.....20

.....
Registrar.
FORM 12

THE REPUBLIC OF UGANDA

THE LAND ACT,1998

THE LAND TRIBUNALS(PROCEDURE) RULES,2002

[Rule 44(6), 55(9)]

IN THE DISTRICT LAND TRIBUNAL

APPLICATION NO..... OF 20.....

[Arising From Claim/Application No.....of 20.....]

.....APPLICANT

VERSUS

.....RESPONDENT

CHAMBER SUMMONS*

(Under Rule 44(6)or 55(9)** of the Land Tribunal Rules 2002)

LET the parties to this application appear before the tribunal in chambers on the.....day of....., 20.....at.....or soon thereafter, when the applicant/counsel for the applicant shall be heard in an application for orders that:

- 1.
.....
2.
.....(state the orders sought for here)

This application is based on the following grounds:

1.
.....
2.
.....

TAKE FURTHER NOTICE that this application is supported by the affidavit of thewhich shall be read and relied on.

GIVEN under my hand and the seal of the tribunal thisday of, 20.....

.....Secretary.

TO BE SERVED UPON:

(Name the respondent or his/her advocate if any)

**where the application is brought under Rule 55(8) add the word ex parte*

***delete the rule that is not applicable*

FORM 13

THE REPUBLIC OF UGANDA

THE LAND ACT, 1998

THE LAND TRIBUNALS (PROCEDURE) RULES, 2002

[Rule 55(4)]

IN THEDISTRICT LAND TRIBUNAL

APPLICATION NO.....OF 20.....

[Arising from Claim/Application No.....Of 20.....]

.....APPLICANT

VERSUS

.....RESPONDENT

NOTICE OF MOTION

(Under rule 55(4) of the Land Tribunal Rules 2002)

~~TAKE FURTHER NOTICE that the grounds upon which this application is based are in the affidavit of the respondent but briefly are that:—~~

1. That the Tribunal stays execution of its orders made in favour of the respondent on the.....day of....., 20.....
2. That costs of this application be provided for.

TAKE FURTHER NOTICE that the grounds upon which this application is based are in the affidavit of..... but briefly are that:—

1.
.....
.....
2.
.....
.....

Dated atthis day of, 20.....

.....

Applicant/Counsel for the Applicant.

GIVEN under my hand and the seal of the Tribunal this.....day of, 20.....

.....
Secretary.

TO BE SERVED UPON:
(Indicate the name of Respondent or his Advocate)

SECOND SCHEDULE

Rule 12

FEES

<i>Item</i>	<i>Amount in shillings</i>
1. On filing of a claim	25,000/=
2. On filing an application	15,000/=
3. On issue of notice	2,000/=
4. On filing of notice	2,000/=
5. On filing an affidavit	2,000/=
6. On filing a memorandum of appeal	1,500/=
7. On filing any other document	a fee of Shs. 1,800 where the amount does not exceed Shs. 30,000/= a fee of 800/= for every Shs. 1,200/= or part of it, the fee shall not exceed Shs. 60,000/=
8. On filing a decree on appeal	1,500/=
9. Certification of any document	3,000/=
10. On every request for a document from the Tribunal	2,000/=
11. On every document provided by the Tribunal	2,000/=
12. On application for execution	2,000/=
13. Where a tribunal reduces an oral Application to writing	5,000/=

B. J. ODOKI,
Chief Justice.