

STATUTORY INSTRUMENTS SUPPLEMENT

to The Uganda Gazette No. 34 Volume XCVIX dated 26th May, 2006

Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS.

2006 No. 24.

The Parliamentary Elections (Election Petitions) (Amendment) Rules, 2006

*(Under section 93 of the Parliamentary Elections Act, 2005,
Act No. 17 of 2005)*

IN EXERCISE of the powers conferred on the Chief Justice by section 93 of the Parliamentary Elections Act, 2005, and in consultation with the Attorney General, these Rules are made this 23rd day of March, 2006.

1. Title

These Rules may be cited as the Parliamentary Elections (Election Petitions) (Amendment) Rules 2006.

2. Amendment of rules 5(2), 8(2) and 23 of S. I. 141-2

The Parliamentary Elections (Interim Provisions) (Election Petitions) Rules, in these Rules referred to as the principal rules are amended—

(a) in rule 5(2), by substituting for “five copies”, the words “six copies”;

(b) in rule 8(2), by substituting for “five copies”, the words “six copies”;
and

(c) in rule 23, by substituting for “three other copies”, the words “four other copies”.

3. Insertion of new Part IIA in S.I. 141-2

The principal rules are amended by inserting immediately after Part II, the following new Part—

“PART II A – SCHEDULING CONFERENCE AND ALTERNATIVE DISPUTE RESOLUTION

27A. Scheduling conference

After the place and time for trial has been fixed under rule 10, but before the trial commences, the court shall hold a scheduling conference to sort out points of agreement and disagreement and the possibility of settlement of the case by alternative dispute resolution.

27B. Agreement at scheduling conference

Where the parties at the scheduling conference reach an agreement as to the disposition of the case on all or any of the issues, the court shall record the agreement and enter a consent judgment based on the agreement.

27C. Disagreement at scheduling conference

(1) Where, at the scheduling conference, the parties disagree on all or any of the issues in the dispute, but the court is of the view that the case has a good potential for settlement, the court may order alternative dispute resolution before a neutral person certified by the Centre for Arbitration and Dispute Resolution established by section 67(1) of the Arbitration and Conciliation Act, and appointed by the court in consultation with the parties for mediation, arbitration or any other form of alternative dispute resolution.

(2) The order of the court referred to in subrule (1) shall be in Form A specified in Schedule 2.

27D. Time for completing alternative dispute resolution

(1) Alternative dispute resolution shall be completed within fourteen days after the order made under rule 27C, except that the court may, for good cause, extend the time for a period not exceeding seven days, at the request of the parties and the request shall be certified by the neutral person.

(2) An application for extension of time under subrule (1) shall be in Form B specified in Schedule 2.

27E. Agreement at alternative dispute resolution

Where the parties agree on all or any of the issues in the dispute referred to alternative dispute resolution, the neutral person shall reduce the agreement into writing and it shall be signed by the parties and the agreement shall be filed in court as a consent judgment.

27F. Disagreement at alternative dispute resolution

Where the parties do not agree on all or any of the issues in the dispute referred to alternative dispute resolution, the neutral person shall record the issues on which the parties disagree and refer the issues back to court.

27G. Place, time and procedure for alternative dispute resolution

Alternative dispute resolution under this Part shall be held at a place and time and, subject to these Rules, in accordance with such procedure as the court shall direct.

27H. Fees and costs

(1) The parties shall not be charged any filing fees or alternative dispute resolution fees for the neutral person under this Part.

(2) Apart from the fees referred to in subrule (1), the costs arising out of the alternative dispute resolution process shall abide the decision of the court in the petition.

27I. Report on alternative dispute resolution

(1) The neutral person shall, within seven days after the completion of the alternative dispute resolution, file with the court a report on the alternative dispute resolution process.

(2) The report referred to in subrule (1) shall be in Form C specified in Schedule 2.

27J. All parties to cooperate

All parties are obliged to co-operate in the scheduling conference and the alternative dispute resolution process under this Part.

27K. Counsel to inform client

All counsel shall ensure that the parties they represent are fully informed of the effectiveness of alternative dispute resolution under this Part as a means of resolving disputes.

27L. Application for reference to alternative dispute resolution

(1) Any party in a petition pending before the court may, at any time before the scheduling conference or during the trial, apply to the court for a reference of the dispute or any issue in the dispute to alternative dispute resolution.

(2) Where the court orders a reference to alternative dispute resolution under subrule (1), the provisions of this Part relating to the operation of alternative dispute resolution shall, with the necessary modifications apply to a reference under this rule.

27M. Definitions

For the purposes of this Part—

“alternative dispute resolution” means the resolution of a dispute using methods outside the normal processes of the court;

“neutral person” means the person appointed by the court under rule 27C.”

4. Amendment of Schedule

The Schedule to the principal rules is amended by numbering it as “Schedule 1”.

5. Insertion of Schedule 2

The principal rules are amended by inserting immediately after Schedule 1, the following Schedule—

SCHEDULE 2

FORMS

FORM A

Rule 27C. (2)

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

AT

ELECTION PETITION NO. OF 20.....

.....

..... PETITIONER(S)

VERSUS

.....

..... RESPONDENT(S)

ALTERNATIVE DISPUTE RESOLUTION ORDER

This matter coming for hearing before the honourable Court on the day of 200[.....] before the Learned Trial Judge and in the presence of counsel and the parties, it is hereby directed that—

1. The matter be referred to mediation/reference/arbitration.
2. The mediator/referee/arbitrator shall be Mr./Mrs./Ms. a CADER certified neutral person.
3. The mediation/reference/arbitration shall commence on the day of 20[] and shall be completed by..... 20[].
4. The mediation/reference/arbitration shall be held at.....

.....
Counsel for the Petitioner

.....
Counsel for the Respondent

.....
Judge/ Registrar

FORM B

Rule 27D. (2)

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

AT

ELECTION PETITION NO. OF 200.....

CADER ELECTION ADR REFERENCE NUMBER:

.....

.....PETITIONER(S)

VERSUS

.....

.....RESPONDENT(S)

APPLICATION FOR EXTENSION OF TIME

This matter was referred to mediation/referee determination/arbitration by consent of the parties on the day of 20[].

The parties hereby apply for extension of time for the following reasons—

- 1.
- 2.
- 3.

Counsel for the Petitioner

Name:

Signature:

Date:

Counsel for the Respondent

Name:

Signature:

Date:

Mediator/Referee/Arbitrator

Name:

Signature:

Date:

Date of application: 20[].

Application rejected/Extension granted for days.

Dated this day of 20[].

Judge/Registrar

FORM C

Rule 27I. (2)

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

AT.....

ELECTION PETITION NO. OF 20.....

CADER ELECTION ADR REFERENCE NUMBER

.....
..... PETITIONER(S)

VERSUS

.....
..... RESPONDENT(S)

MEDIATOR’S/REFEREE’S/ARBITRATOR’S REPORT

This matter was referred to mediation/referee determination/arbitration on the day of20[].

The issues were—

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

At the conclusion of the mediation/referee determination/arbitration—

1. The parties reached agreement on all the issues in the following terms and filed a consent judgment in court—

- a.
- b.
- c.

2. (1) The parties reached agreement on the following issues and recorded an agreement in the following terms—

- a.
- b.
- c.
- d.

(2) The parties did not agree on the following issues and they are hereby referred back to court for determination—

- e.
- f.
- g.
- h.

3. The parties did not reach agreement on any of the issues and they are hereby referred back to court for determination.

Mediator/Referee/Arbitrator

Name:

Signature:

Date:

L E M Mukasa Kikonyogo,
Acting Chief Justice.

Cross Reference

Arbitration and Conciliation Act, Cap. 4