

STATUTORY INSTRUMENTS SUPPLEMENT

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

2005 No. 35.

**THE POLITICAL PARTIES AND ORGANISATIONS (APPEALS
AND APPLICATIONS) RULES, 2005.**

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STATUTORY INSTRUMENTS

2005 No. 35.

The Political Parties and Organisations (Appeals and Applications) Rules, 2005.

(Under section 21 (4) of the Political Parties and Organisations Act, 2002)

IN EXERCISE of the powers conferred on the Chief Justice by section 21 (4) of the Political Parties and Organisations Act, 2002 and in consultation with the Attorney General these Rules are made this 15th day of December, 2003.

PART I—PRELIMINARY.

1. These Rules may be cited as the Political Parties and Organisations (Appeals and Applications) Rules, 2005. Title

2. Except as otherwise provided in these Rules, these Rules apply to appeals to the High Court under sections 6(5), 7(12), 7(13) of the Political Parties and Organisations Act, 2002 and applications to the Court by the Registrar General under sections 9(6) and 20(1) of that Act. Application

3. In these Rules, unless the context otherwise requires— Inter-pretation

“Act” means the Political Parties and Organisations Act, 2002;

“appeal” means an appeal to the Court to which these Rules apply;

except that—

(a) for the purposes of section 6(5) of the Act, appeal means an application for extension of time; and

(b) for the purposes of sections 7(12) and 7(13) of the Act, appeal means an application for judicial review.

“appellant” means any person aggrieved by the decision of the Registrar-General or under any provision of the Act for which an appeal is provided;

“court” means the High Court;

“Registrar” means the Registrar of the High Court;

“respondent” means the Registrar General or the Attorney-General or as the case may be, any person against whom an appeal is brought.

PART II—APPEALS TO THE HIGH COURT.

Form of
appeal

4. (1) An appeal under this Part shall be by motion supported by affidavit.

(2) The motion shall be as in Form A of the Schedule to these Rules.

Mode of
presenting
the appeal

5. (1) Presentation of the motion shall be made by the appellant leaving it in person or, by or through an advocate, if any, named at the foot of the motion, at the office of the Registrar within fourteen days after the decision or as the case may be, within fourteen days after the expiry of the period of six months prescribed by section 6 (3) of the Act.

(2) With the motion shall be delivered ten copies of the motion for use by the High Court and for service on the Registrar General and the Attorney-General.

(3) The appellant or the advocate for the appellant shall, at the time of presenting the motion—

(a) pay a fee of five currency points;

(b) make a deposit of twenty currency points as security for costs.

(4) If sub-rule (3) is not complied with, the appeal shall not be received by the Registrar.

6. (1) Upon presentation of the motion and compliance by the appellant or the advocate of the appellant with the requirements of rule 5, the Registrar shall send a copy of the motion to the Registrar-General and the Attorney-General.

(2) Service of documents upon the Registrar-General and Attorney-General shall be carried out as follows—

(a) the Attorney-General shall be served by personal delivery of documents to a State Attorney in the Attorney-General's chambers;

(b) the Registrar General shall be served by personal delivery of any documents to a State Attorney in the office of the Registrar General;

(c) in either case, receipt of the documents shall be acknowledged by a signature and a stamp upon an original copy of any document which shall be returned as proof of service.

7. (1) If the respondent wishes to oppose the appeal, the respondent shall within fourteen days after the motion is served on the Registrar, file an answer to the motion.

Answer of
respondent
to appeal

(2) The respondent's answer shall be filed with the Registrar, together with ten copies of the answer for use by the court and for service on the appellant.

(3) The answer of the respondent shall be in the form of an affidavit stating the facts upon which the respondent relies in support of the respondent's answer together with any documents or certified copies of any documents relied upon.

8. (1) If the respondent does not intend to oppose the appeal, the respondent shall file a written notice of that intention signed by the respondent, at the office of the Registrar at least three days before the day appointed for the hearing, exclusive of the day on which the notice is filed.

Unopposed
appeal

(2) The respondent shall provide the Registrar with notice at the time of filing, a sufficient number of copies of the notice for use by the court and for service on the appellant and other parties as may be specified by the court.

(3) The respondent shall, immediately upon filing the notice, serve a copy on the appellant or the advocate of the appellant.

(4) If a notice is filed under sub-rule (1), the Registrar shall immediately serve a copy of the notice on the Attorney-General.

(5) The Registrar shall, as soon as possible, cause a copy of the notice to be published in the *Gazette*.

Place and
time of trial

9. (1) The hearing of an appeal shall take place on such a date and at such time and place as the Court shall direct.

(2) The court shall, as expeditiously as possible, fix the date for hearing of the appeal after due service of the motion on the respondent where the respondent has neither filed an answer to the motion nor filed a notice of intention not to oppose the appeal.

(3) In a case to which sub-rule (2) applies, or where the respondent has filed a notice of intention not to oppose the appeal, the appeal shall, unless withdrawn proceed to be heard and determined *ex-parte* so far as the respondent is concerned.

(4) Notice of the time and place of hearing the appeal shall be given by the Registrar as soon as possible by sending a copy of the notice to each party to the proceedings as well as the Attorney-General.

(5) The Registrar shall, as soon as possible, cause a copy of the notice to be published in the *Gazette*.

(6) If notice of hearing the appeal has been given as provided in this rule and before the trial has begun, the Registrar receives notice of the appellant's intention to apply for leave to withdraw the appeal as provided in these Rules, the Registrar shall forthwith, countermand the notice of hearing and the countermand shall be given in the same manner, as nearly as may be, as the notice of trial.

10. The court may, in exceptional cases, on application by a party to an appeal or of its own motion, adjourn the hearing of the appeal from time to time.

Adjournments

11. (1) Subject to the provisions of these Rules, the practice and procedure in respect of the appeals and applications to the High Court under these Rules shall be regulated, as nearly as may be in accordance with the Civil Procedure Act and rules made under that Act relating to the trial of a suit in the High Court with such modifications as the court may consider necessary in the interests of justice and expedition of the proceedings.

Procedure on appeal

Cap. 71.

(2) The court may also, apply in respect of any application under section 9 (6) or 20 (1) or 20 (2) of the Act the provisions referred to in sub-rule (1) with such modifications as the court may consider necessary in the interest of justice and expedition of the proceedings.

12. Where more appeals than one are presented in relation to the same decision or matter, the court may direct that some or all of the appeals be dealt with as one appeal.

Consolidation of appeals

13. The court may, of its own motion or on oral application by any party to the proceedings and upon such terms as the justice of the case may require, enlarge or abridge the time appointed by these Rules for doing any act, if in the opinion of the court there exist such special circumstances as make it expedient to do so.

Enlargement or abridgement of time

14. (1) An appeal shall not be withdrawn except with the leave of the court and after such notice has been given as the court may direct.

Withdrawal of appeal

(2) Where there is more than one appellant, no application for leave to withdraw shall be made except with the consent of the other appellants.

(3) Subject to sub-rule (1), an application for leave to withdraw an appeal shall be supported by an affidavit of the appellant and the advocate, if any, stating to the best of their knowledge and belief that no agreement or terms of any kind has or have been made, or undertaking made in relation to the appeal or, if any lawful agreement has been made, stating the terms of the agreement.

(4) The appellant shall, when filing the application for leave to withdraw, give to the Registrar a sufficient number of copies for use by the court and for service on the Attorney-General and the Registrar General.

(5) The Registrar shall, as soon as possible upon receipt of an application under this rule, cause to be published in the *Gazette* a notice in Form B in the Schedule to these Rules.

(6) If the court gives leave for the withdraw of the appeal, the court shall make a report to the Registrar General and the Attorney-General stating the reasons for the withdrawal.

(7) If the appeal is withdrawn, the appellant shall be liable for the costs of the respondent.

Irregularities

15. No proceedings upon an appeal shall be defeated by any formal objection or by the miscarriage of any notice or any other document sent by the Registrar to any party to the appeal.

Costs

16. (1) All costs of and incidental to the presentation of the appeal and the proceedings consequent on the appeal shall be defrayed by the parties to the appeal in such manner and in such proportions as the court may determine.

(2) Subject to sub-rule (1), where costs are awarded to a party against the appellant in proceedings under these Rules, the deposit made by the appellant as security for costs under rule 5, shall be applicable in payment of the sum ordered, but otherwise, shall be refunded to the appellant.

PART III—APPLICATIONS TO THE COURT

17. (1) An application to the court by the Registrar-General for an order to de-register a political party or organisation under section 9(6) shall be by notice of motion supported by an affidavit stating the grounds or reasons for the application.

Application
by
Registrar-
General
under
section 9(6)
of Act

(2) The Registrar-General shall give to the political party or organisation concerned not less than fourteen days notice of the application.

(3) The Registrar-General shall give a sufficient number of copies of application to the Registrar for use by the court and for service on the Attorney-General and other parties to the proceedings.

(4) Service of the notice shall be with necessary modifications as provided in these Rules in relation to appeals.

18. (1) An application by the Registrar-General for an order for winding up a political party or organisation under section 20(1) of the Act shall be by notice of motion supported by an affidavit stating the grounds or reasons for the application.

Application
by
Registrar-
General for
an order
winding up
a political
party or
organisation
under
section
20(1) of Act

(2) The Registrar-General shall give to the political party or organisation concerned not less than fourteen days notice of the application.

(3) The Registrar-General shall give sufficient number of copies of the application of the Registrar for use by the court and for service on the Attorney-General and other parties to the proceedings.

(4) Service of the notice shall be with necessary modifications as provided in these Rules in relation to appeals.

(5) Subject to section 24 of the Act, the court may apply in respect of the winding up of a political party or organisation under this rule, any rules applicable to the winding up of companies with such modifications as the court may direct.

Application
by Official
Receiver
under
section 20
(2) of Act

19. (1) An application by the Official Receiver to the court for an order under section 20 (2) of the Act, shall be by notice of motion supported by an affidavit.

(2) The Official Receiver shall give to the political party or organisation concerned not less than fourteen days notice of the application.

(3) The Official Receiver shall give a sufficient number of copies of the application to the Registrar for use by the court and for service on the Attorney-General and other parties to the proceedings.

(4) Service of the notice shall be with necessary modifications, as provided in these Rules in relation to appeals.

(5) Subject to section 24 of the Act, the court may apply in respect of the winding up of a political party or organisation under this rule, any rules applicable to the winding up of companies with such modifications, as the court may direct.

PART IV—APPEALS TO THE COURT OF APPEAL.

Appeals to
Court of
Appeal

20. Appeals from the High Court under these Rules shall be within thirty days from the date of decision.

Application
of rules of
Court of
Appeal

21. (1) Subject to these Rules, any rules applicable to appeals to the Court of Appeal in civil matters shall apply to appeals to the Court of Appeal under these Rules with such modifications as the Court of Appeal may consider necessary in the interests of justice and the expedition of the proceedings.

(2) In particular the Court of Appeal Rules Directions, 1996 shall, with necessary modifications, apply to proceedings on appeal to the Court of Appeal under these Rules.

PART V—MISCELLANEOUS

Expeditious
hearing

22. The court and the Court of Appeal shall hear and determine appeals or other proceedings under these Rules expeditiously and shall declare its findings not later than thirty days from the date the appeal or the application is filed but may for good cause extend the time.

SCHEDULE
FORMS

Rule 4

FORM A.

MOTION

THE POLITICAL PARTIES AND ORGANISATIONS
(APPEALS AND APPLICATIONS) RULES, 2005

In the High Court of Uganda at

Appeal No of 20

Between

.....Appellant/Applicant

and

.....Respondent

Appeal from the decision of the Registrar General/other(as applicable) made on theday of20....

Motion

.....the above named appellant appeals to the High Court against the above-mentioned decision/other (as applicable) by which the appellant is aggrieved,

On the following grounds, namely—

1.
2.

The appellant/applicant prays that it may be declared that-

- (a)
- (b)
- (c)
- (d)

Signed.....Appellant/Applicant
Advocate of the Appellant/Applicant.

Lodged in the High Court Registry aton theday of20.....

.....
Registrar

Address of service on the Appellant/Applicant.....

Occupier

The name of my advocate is

OR

I am acting or for myself

The address of the respondent is.....

Signed:

N.B. This motion is accompanied by an affidavit setting out the facts on which the appeal is based.

NOTICE OF APPLICATION TO WITHDRAW AN APPEAL

THE POLITICAL PARTIES AND ORGANISATIONS (APPEALS AND APPLICATIONS) RULES, 2005

Notice is hereby given that application has been made to the High Court for leave to withdraw the appeal presented by A.B touching the decision of the Registrar General/other in respect of.....

Dated thisday of20.....

Signed.....

Registrar

BENJAMIN J. ODOKI,
Chief Justice.