

STATUTORY INSTRUMENTS SUPPLEMENT  
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STATUTORY INSTRUMENTS

2008 No. 55.

**The Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules, 2008.**

*(Under section 41(1) of the Judicature Act, Cap. 13)*

IN EXERCISE of the powers conferred upon the Rules Committee by section 41 (1) of the Judicature Act, these Rules are made this 26th day of February, 2008.

**1. Title.**

These Rules may be cited as the Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules, 2008.

**2. Interpretation.**

In these Rules, unless the context otherwise requires, "application" means an application to a competent court under article 50 of the Constitution for redress in relation to the fundamental rights and freedoms referred to in articles 20 to 45 of the Constitution.

**3. Application to be made by motion.**

(1) Every application shall be made by motion and shall be heard in open court by a single judge.

(2) Where, in relation to an application, any question as to the interpretation of the Constitution arises, the judge hearing the application shall apply the provisions of article 137 of the Constitution and decide whether or not to refer the question to the constitutional court in accordance with article 137 of the Constitution and the Constitutional Court (Petitions and References) Rules, 2005 shall apply to a reference made under this subrule.

**4. Notice to the Attorney General, etc.**

A motion shall not be made without notice to the Attorney General and other party affected by the application.

**5. Hearing of persons without notice of application.**

On the hearing of an application the court may, if it thinks fit, permit a person to be heard notwithstanding the fact that the person has not been served with notice of the application.

**6. Evidence.**

Evidence at the hearing of an application shall be tendered by affidavit but the court may of its own motion or on the application of a party to the application direct that evidence be given orally on any particular matter.

**7. Application of Civil Procedure Act.**

Subject to these Rules, the Civil Procedure Act and the rules made under it shall apply in relation to an application under these Rules.

**8. Revocation of S.I 13-14.**

The Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure) Rules are revoked.

BENJAMIN J. ODOKI,  
*Chief Justice and Chairperson Rules Committee*

**Cross References**

Civil Procedure Act, Cap. 71

Constitution 1995

Constitutional Court (Petitions and References) Rules, 2005 S.I. 91 of 2005  
Judicature (Fundamental Rights and Freedoms) (Enforcement Procedure)  
Rules S.I 13-14.