

Uganda

THE CIVIL PROCEDURE ACT.

2. Interpretation.

In this Act, unless there is anything repugnant in the subject or context—

- (a) “advocate” means any person entitled to appear and plead for another in court;
- (b) “court” means any court exercising civil jurisdiction;
- (c) “decree” means the formal expression of an adjudication which, so far as regards the court expressing it, conclusively determines the rights of the parties with regard to any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint or writ and the determination of any question within section 34 or 92, but shall not include—

- (i) any adjudication from which an appeal lies as an appeal from an order; or
- (ii) any order of dismissal for default;

Explanation—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when the adjudication completely disposes of the suit. It may be partly preliminary and partly final.

- (d) “decree holder” means any person in whose favour a decree has been passed or an order capable of execution has been made, and includes the assignee of such decree or order;
- (e) “district” means any one magisterial area as defined in the Magistrates Courts Act;
- (f) “foreign court” means a court situate beyond the limits of Uganda which has no authority in Uganda;
- (g) “foreign judgment” means the judgment of a foreign court;
- (h) “judge” includes a magistrate exercising civil jurisdiction in a magistrate’s court;
- (i) “judgment” means the statement given by the judge of the grounds of a decree or order;
- (j) “judgment debtor” means any person against whom a decree has been passed or an order capable of execution has been made;
- (k) “legal representative” means a person who in law represents the estate of a deceased person, and where a party sues or is sued in a representative character, the person on whom the estate devolves on the death of the party so suing or sued;
- (l) “magistrate’s court” means a court established under the Magistrates Courts Act;
- (m) “mesne profits” of property means those profits which the person in wrongful possession of the property actually received or might with ordinary diligence have received from it, together with interest on those profits, but shall not include profits due to improvements made by the person in wrongful possession;
- (n) “movable property” includes growing crops;
- (o) “order” means the formal expression of any decision of a civil court which is not a decree, and shall include a rule nisi;

- (p) “pleading” includes any petition or summons, and also includes the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant to them, and the reply of the plaintiff to any defence or counterclaim of a defendant;
- (q) “prescribed” means prescribed by rules;
- (r) “public officer” means a person falling under any of the following descriptions—
- (i) every member of the civil service of Uganda;
 - (ii) every commissioned or gazetted officer in the Uganda Peoples’ Defence Forces;
 - (iii) every officer of a court of justice whose duty it is, as such officer, to investigate or report on any matter of law or fact or to make or authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the court and every person especially authorised by a court of justice to perform any of those duties;
 - (iv) every person who holds any office by virtue of which he or she is empowered to place or keep any person in confinement;
 - (v) every person whose duty it is, in an official capacity, to prevent offences, to give information of offences, to bring offenders to justice or to protect the public health, safety or convenience;
 - (vi) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue process, or to investigate, or to report on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government; and
 - (vii) every officer in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty;
- (s) “registrar” includes a district and deputy registrar;
- (t) “rules” means rules and forms made by the rules committee to regulate the procedure of courts;
- (u) “share in a corporation” shall be deemed to include stock, debenture stock, debentures or bonds;
- (v) “signed” includes the affixing of a mark by a person unable to write;
- (w) “subordinate court” means any magistrate’s court, and no other court shall, for the purposes of this Act, be deemed to be subordinate to the High Court;
- (x) “suit” means all civil proceedings commenced in any manner prescribed

6. Stay of suit.

No court shall proceed with the trial of any suit or proceeding in which the matter in issue is also directly and substantially in issue in a previously instituted suit or proceeding between the same parties, or between parties under whom they or any of them claim, litigating under the same title,

where that suit or proceeding is pending in the same or any other court having jurisdiction in Uganda to grant the relief claimed.

Explanation.—The pendency of a suit in a foreign court shall not preclude a court from trying a suit in which the same matters or any of them are in issue in that suit in the foreign court.

9. When foreign judgment not conclusive.

A foreign judgment shall be conclusive as to any matter directly adjudicated, upon by it between the same parties or between parties under whom they or any of them claim, litigating under the same title, except—

- (a) where it has not been pronounced by a court of competent jurisdiction;
- (b) where it has not been given on the merits of the case;
- (c) where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognise the law of Uganda in cases in which that law is applicable;
- (d) where the proceedings in which the judgment was obtained are opposed to natural justice;
- (e) where it has been obtained by fraud;
- (f) where it sustains a claim founded on a breach of any law in force in Uganda.

10. Presumption as to foreign judgments.

The court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment, that that judgment was pronounced by a court of competent jurisdiction, unless the contrary appears on the record; but that presumption may be displaced by proving want of jurisdiction.

57. When aliens may sue.

- (1) Alien enemies residing in Uganda with the permission of the Minister, and alien friends, may sue in the courts of Uganda as if they were citizens of a Commonwealth country.
- (2) No alien enemy residing in Uganda without such permission, or residing in a foreign country, shall sue in any such courts.

Explanation.—Every person residing in a foreign country the Government of which is at war with the Government of Uganda, and carrying on business in that country without a licence in that behalf under the hand of the Minister, shall, for the purpose of subsection (2), be deemed to be an alien enemy residing in a foreign country.

58. When foreign State may sue.

- (1) A foreign State may sue in any court of Uganda if—
 - (a) that State has been recognised by the Government;

(b) the object of the suit is to enforce a private right vested in the head of that State or in any officer of that State in his or her public capacity.

(2) Every court shall take judicial notice of the fact that such foreign State has or has not been recognised by the Government.