
STATUTORY INSTRUMENTS
SUPPLEMENT No. 3

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STATUTORY INSTRUMENTS

1996 No. 3

**The Advocates (Remuneration and Taxation of Costs)
(Amendment) Rules, 1996.**

Made under paragraph (e) of subsection (1) of Section 76 of the Advocates Act, 1970.

IN EXERCISE of the powers conferred upon the Law Council by paragraph (e) of subsection (1) of Section 76 of the Advocates Act, 1970, these Rules are made this 6th day of December, 1995.

Act 22
of 1970.

1. These Rules may be cited as the Advocates (Remuneration and Taxation of Costs) (Amendment) Rules, 1996, and shall be read as one with the Advocates (Remuneration and Taxation of Costs) Rules, 1982 (in these Rules referred to as "the Principal Rules").

Citation.

S.I. No. 123
of 1982

2. Rule 2 of the Principal Rules is amended by replacing the words "five thousand" appearing in the fourth and fifth lines respectively with the words "twenty thousand".

Amendment
of rule 2.

3. The Schedules to the Principal Rules are replaced as is provided under the Schedule to this Rules.

Amendment
of
Schedules.

SCHEDULES.
FIRST SCHEDULE.
FIRST SCALE.

r. 3
r. 12 (a).

SCALE OF CHARGES ON SALES, PURCHASES, MORTGAGES
AND DEBENTURES.

	(1)	(2)	(3)
VENDOR'S ADVOCATES:-	On the first Shs. 1,000,000.	From Shs. 1,000,000 to Shs. 10,000,000.	Over Shs. 20,000,000.
For deducing title to freehold or leasehold property and perusing and completing conveyance (including preparation of contract on conditions of sale (if any)	Percentum 15%	Percentum 10%	Percentum 5%
PURCHASER'S ADVOCATE:-			
For investigating title to freehold or leasehold property and preparing and completing conveyance (including perusal and completing of contract (if any)	15%	10%	5%
MORTGAGOR'S ADVOCATE:-			
For deducing title to freehold or leasehold property, perusing mortgage and completing ...	15%	10%	5%
MORTGAGEE'S ADVOCATE:-			
(i) For investigating title to freehold or leasehold property and completing	15%	10%	5%
(ii) For registering conveyance, assignment or mortgage thereof to the advocate registering the same Shs. 600,000.	—	—	—

Provided that the minimum fee for any transaction under this Schedule shall be Shs. 2,000.

FIRST SCHEDULE—*continued.*

SECOND SCALE.

SCALE OF CHARGES FOR COMMISSION ON SALES,
PURCHASES AND LOANS AFFECTING LAND REGISTERED
IN THE LAND TITLES REGISTRY OR UNREGISTERED.

	(1)	(2)	(3)
	On the first Shs. 1,000,000.	From Shs. 1,000,000 to Shs. 20,000,000.	Over Shs. 20,000,000.
	percentum	percentum	percentum
VENDOR'S ADVOCATES:-			
Commission for successfully negotiating a Sale of property by private treaty	15%	10%	5%
PURCHASER'S ADVOCATE:-			
Commission for successfully negotiating a purchase of property by private treaty	15%	10%	5%
MORTGAGOR'S ADVOCATE:-			
Commission for successfully negotiating a loan	15%	10%	5%
MORTGAGEE'S ADVOCATE:-			
Commission for successfully nego- tiating a loan	15%	10%	5%

NOTES

In the first scale, "mortgage" includes any conveyance, assign-
ment or other assurance or any agreement to convey, assign or other-
wise assure any immovable property or any estate, interest or other
right therein to secure the payment of any moneys, and the word

"charge" includes any agreement to any immovable property or any estate, interest or other right therein to secure the payment of any moneys but neither word shall include memorandum of equitable mortgage by deposit of documents or a memorandum of charge by deposit of title or any agreement exclusively collateral thereto unless such collateral agreement shall contain an agreement or covenant to execute or mortgage or charge at some future time or when called upon.

SECOND SCHEDULE.

r. 12. (b)

FIRST SCALE.

SCALE OF CHARGES AS TO LEASES OR AGREEMENTS FOR LEASES AT RACK RENT.

1. To the advocate preparing, settling and completing lease or agreement and counterpart—
 - (a) where the annual rent does not exceed Shs. 10,000,000 fifteen per centum of the annual rent.
 - (b) where the annual rent exceeds Shs. 10,000,000 but does not exceed Shs. 20,000,000 ten per centum of the annual rent.
 - (c) where the annual rent exceeds Shs. 20,000,000 ... five per centum of the annual rent.
2. To the advocate for perusing and completing one-half of the amount payable to the advocate preparing, settling and completing, but not less than Shs. 100,000.
3. To the advocate for registering a lease or agreement for a lease, Shs. 100,000:
Provided that,
 - (i) where a varying rent is payable, the amount of annual rent means the amount of the largest annual rent payable under the lease or agreement for lease or tenancy agreement;

- (ii) in the case of a lease, agreement for lease or tenancy agreement of a dwelling house or flat for a term exceeding one year but not exceeding three years and not containing an opinion for renewal or extension capable of making the entire term one in excess of three years, an advocate may, in his discretion, reduce the above stated charges by a sum not exceeding fifty per centum thereof;
- (iii) in case of an extension of a term of a lease, agreement for lease or tenancy agreement capable of being effected by way of endorsement on, or annexure to, the original instrument, the charge shall be calculated under the Fifth Schedule.

NOTES.

“rack rent” means rent representing the value of the land and buildings.

“ground rent” means rent representing the value of the land without buildings on it.

SECOND SCHEDULE—*continued.*

SECOND SCALE

SCALE OF CHARGES FOR BUILDING LEASES, RESERVING RENT OR OTHER LONG LEASE NOT AT A RACK RENT OR AGREEMENT FOR THE SAME RESPECTIVELY

1. To the advocate for preparing, settling, completing lease and counterpart—
 - (a) where the annual rent does not exceed Shs. 1,500,000 ... thirty per centum of the annual rent.
 - (b) where it exceeds Shs. 1,500,000 but does not exceed Shs. 4,500,000 ... the same payment as on a rent of Shs. 1,500,000 and five per centum on the excess over Shs. 1,500,000.
 - (c) where it exceeds Shs. 4,500,000 ... the same payment as on a rent of Shs. 4,500,000 and two-and-half per centum on the excess over Shs. 4,500,000.

2. To the advocate for perusing
draft and completing ... one half of the amount
payable to the advocate
preparing, settling and com-
pleting a lease.
3. To the advocate registering a
lease or agreement therefore ... Shs. 100,000.

Note— Where a varying rent is payable, the amount of annual rent means the amount of the largest annual rent payable under the lease or agreement for lease.

THIRD SCHEDULE.

r. 2 (c)

FLOATATION OF COMPANIES.

NOTES.

The reference to “the scale fee” are to the scale of fees set forth at the end of the sixth paragraph of this schedule.

1. Fee for formation and incorporation of a new company with limited liability with share capital:-

(a) in the case of a private company with limited liability and share capital where the nominal capital of the company to be formed:-

(i) does not exceed Shs. 1,000,000, the advocate shall charge ten per centum on the nominal capital but in any case not less than Shs. 75,000;

(ii) exceeds Shs. 1,000,000 but does not exceed Shs. 5,000,000, the advocate shall charge ten per centum for the first Shs. 1,000,000 and three per centum on the excess of Shs. 1,000,000 up to Shs. 5,000,000;

(iii) exceeds Shs. 5,000,000 but does not exceed Shs. 10,000,000, the advocate shall charge ten per centum on the first Shs. 1,000,000 up to Shs. 5,000,000, two per centum on the excess of Shs. 5,000,000 to Shs. 10,000,000;

(iv) exceeds Shs. 10,000,000, the advocate shall charge one per centum on the excess of Shs. 10,000,000;

(b) in the case of a public company, one and one half times the above fees, but not less than Shs. 500,000. The fee shall include the drawing of the Memorandum and Articles of Association, attendances and correspondences in connection therewith, drawing minutes of first meeting of the directors, obtaining Treasury consent where necessary, and other preliminary and incidental work in that connection down to the first general allotment of shares, and shall also include the filing of all documents required by the Registrar of Companies to be lodged with the Memorandum and Articles of Association.

2. Fee for the formation and incorporation of a new company without share capital—Shs. 75,000 to the Shs. 150,000 according to time, complexity and responsibility.

3. The fees in 1 and 2 above include drawing the Memorandum and Articles of Association, preparing and lodging all documents necessary for the purpose of obtaining the certificate of incorporation and attendances and correspondence in connection therewith so far as the same are required to be done by the advocate, but not any work in connection with the preparation or issue of a prospectus.

4. (a) Fee for drawing and preparing vendor's agreement—where there is a sale agreement pursuant to which assets are transferred to a company, the vendor's advocate shall be entitled to charge for the same agreement the scale fee calculated to the value of all the assets agreed to be sold less the value of assets, if any for which instruments falling under the First Schedule to these Rules are prepared, and in respect of which the scale of charges provided in that Schedule shall apply.

(b) For perusing and completing the agreement by the purchaser's advocate, the advocate shall charge half of the fees charged by the vendor's advocate.

5. (a) Fee for the preparation of a single debenture or series of debentures where there is no trust deed:—

(i) where no security is given other than a floating charge the Advocate shall charge double the scale fee on the amount of the debenture;

(ii) where security is given by way of a mortgage, debenture or other form of charge of immovable property in addition to a floating charge, the advocate shall charge the fee prescribed for a mortgagee's or chargee's advocate in the First Schedule to these Rules, and in addition, the scale fee;

(iii) in any case not provided for, the above fee shall be determined under the Fifth Schedule to these Rules.

(b) Fee for the preparation of a debenture, trust deed, securing one or more debentures or series of debentures or debenture stock, the advocate shall charge treble the scale fee on amount secured, and in addition, the fees prescribed in the Fifth Schedule to these Rules in respect of any necessary supplemental security instrument:

Provided that,

(i) where the debenture holder or the trustee (as the case may be) and the company creating the security are separately represented, the company's advocate shall be entitled to charge one-half of the fees chargeable by the advocate for the debenture-holder or trustee;

(ii) where the debenture-holder or the trustee and the company creating the security are represented by the same advocate, such advocate shall be entitled to charge, in addition to the fee mentioned in proviso (i) above, one-fourth of such fees in respect of his work on behalf of the company.

(c) The fees at proviso (i) and (ii) above include attendance, correspondence, the drawing of resolutions and documents and the approval thereof and registration at the companies and land registries, where necessary. Unless otherwise agreed in writing both the fees of the advocate for the debenture-holder or the trustee and those of the advocate for the company are payable by the company.

6. Fee for preparing, settling or approving prospectus on issue of share on loan capital or offer for sale thereof, obtaining stock exchange quotation, drafting and adjusting Press advertisements, the reconstruction or amalgamation of companies or any other non-litigious work in relation to company matters not otherwise provided for, the advocate shall charge according to time, complexity and responsibility.

SCALE OF FEES.

Where the capital involved does not exceed Shs. 1,000,000 ... fifteen per centum but not less than Shs. 100,000;

Where the capital involved exceeds Shs. 1,000,000 but does not exceed Shs. 10,000,000 fifteen per centum on the first Shs. 1,000,000 and five per centum on excess of Shs. 1,000,000 up to Shs. 10,000,000;

Where the capital involved exceeds Shs. 10,000,000 ... five per centum on the excess of Shs. 10,000,000.

7. (a) Fee for registration of foreign companies establishing a place of business within Uganda inclusive of fees for meetings, correspondences, but exclusive of drawing fees, copying and notarial fees, the advocate shall charge such fee as is reasonable according to time, complexity and responsibility.

(b) If it is necessary to draw new Articles of Association the fee chargeable shall be in accordance with one above.

- Cap. 8. For the formal returns required by the Companies Act for completing and filing, the advocate shall charge Shs. 11,000 for the first return and Shs. 20,000 for each other return made at the same time.

9. Fee for drawing and preparing memorandum or contract for filing in regard to shares issued wholly or partly for a consideration other than cash not covered by the above fees, the advocate shall charge Shs. 150,000 per folio, together with the appropriate fees for meetings and correspondence, and Shs. 30,000 for filing.

FOURTH SCHEDULE.

r. 12 (d)

TRADE MARKS. PATENTS AND CHATTELS TRANSFER

A – TRADE MARKS.

1. APPLICATIONS—

	Shs.	Cts
(a) Instructions to register one trade mark in one class and drawing form of authorisation ...	200,000	00
(b) Instructions to register second and further trade marks in the name of the same proprietor simultaneously per trade mark in one class ...	150,000	00
(c) Drawing application for registration and four copies of representation of mark ...	50,000	00

2. REGISTERED USERS—

- (a) Instructions to file an application to enter one registered user of one registered trade mark or more than one registered trade mark of same proprietor incorporated in the same set of documents and subject to the same conditions and restrictions in each case—
- (i) for the first single registered trade mark ... Shs. 200,000
 - (ii) for the second registered trade mark ... Shs. 100,000
 - (iii) for the third registered trade mark ... Shs. 60,000
 - (iv) for the fourth and each subsequent registered trade mark, applications being filed simultaneously ... Shs. 25,000

- (b) Drawing statement of cases, statutory declaration in support and application, depending on the amount of work involved but not less than Shs. 350,000
- (c) Drawing registered user agreement depending on the amount of work involved but not less than Shs. 250,000
- (d) Instructions to file an application under section 31 (8) (b) of the Trade Marks Act for cancellation (Cap. 83) of a registered user in respect of one registered (Vol. 11) trade mark of same proprietor—
- (i) for the first or single registered trade mark Shs. 200,000
 - (ii) for the second registered trade mark ... Shs. 150,000
 - (iii) for the third registered trade mark ... Shs. 70,000
 - (iv) for the fourth and each subsequent trade mark, application being filed simultaneously Shs. 35,000
- (e) Drawing application and statement of grounds, depending on amount of work involved, but not less than ... Shs. 100,000
- (f) And for each subsequent registered trade mark, the grounds for cancellation being the same Shs. 30,000
- (g) Instruction to file an application for variation of terms of appointment of a registered user, including drawing application ... Shs. 200,000

3. ASSIGNMENTS—

- (a) Instructions to file an application to register a subsequent proprietor of one registered trade mark (or more than one registered trade mark standing in the same name under the same devolution of title and filed simultaneously) with or without goodwill—

(i) for the first registered trade mark ... Shs. 150,000

(ii) for the second registered trade mark Shs. 50,000

(iii) for each subsequent registered trade mark Shs. 35,000

(b) Instructions to file application for directions by the Registrar for advertisement of the assignment of Trade Marks in use without goodwill and attending to the advertisement thereof—

(i) for one registered trade mark assigned ... Shs. 150,000

(ii) for every other registered trade mark assigned under the same devolution of title filed simultaneously ... Shs. 30,000

(c) Instructions to apply for extension of time in which to apply for directions to advertise, from ... Shs. 65,000

4. RENEWALS—

(a) Instructions to renew the registration of one trade mark in one class, including drawing the prescribed form and form of authorization Shs. 150,000

(b) Instructions to renew the registration of second and further trade marks in the name of the same proprietor simultaneously, including drawing the prescribed form and form of authorization per mark in one class ... Shs. 100,000

S. 1. (c) Instructions to renew the registration of one
83-3 trade mark in one class under the provisions
Vol. X. of rule 64 of the Trade Marks Rules, including drawing the prescribed forms and form of authorization ... Shs. 150,000

5. CHANGE OF NAME—

(a) Instructions to register change of name of the registered proprietor in respect of one trade mark in one class including drawing the prescribed form and form of authorization Shs. 150,000

- (b) Instructions to register change of name of the registered proprietor in respect of second and further trade marks simultaneously, including drawing the prescribed form and form of authorization for each change of name per trade mark in one class ... Shs. 50,000

6. CHANGE OF ADDRESS—

- (a) Instructions to register change of address of the registered proprietor in respect of one and trade mark in one class including drawing the prescribed form and form of authorization ... Shs. 150,000
- (b) Instructions to register change of address of the registered proprietor in respect of second and further trade marks simultaneously, including the drawing of the prescribed forms and form of authorization for each change of address per trade mark in one class ... Shs. 50,000

7. ALTERATIONS OF AMENDMENTS—

- (a) Instructions to amend or alter one registered trade mark in one class, including the drawing the prescribed form and form of authorization Shs. 200,000
- (b) Instructions to amend or alter second and further registered trade marks simultaneously in one class, including the drawing of the prescribed form and form of authorization for amendment or alteration per trade mark in one class... Shs. 50,000

8. SEARCHES—

- (a) Instructions to search register ... Shs. 80,000
- (b) Instructions to advise on the registrability of a proposed trade mark in one class, including all correspondence ... Shs. 150,000
- (c) Instructions to obtain Registrar's preliminary advice on Forms TM 27 or TM 28, including drawing the prescribed form and all correspondence in connection therewith ... Shs. 60,000

(d) Instructions to search a trade mark file for particulars thereof per trade mark in one class Shs. 50,000

9. OPPOSITION AND RECTIFICATION PROCEEDINGS—

(a) Instructions to enter opposition or to defend opposition proceedings or to apply for rectification or to defend rectification proceedings where such opposition or proceedings are conducted before the Registrar, such fee as the Taxing Officer, in the exercise of his discretion and taking into consideration the nature and importance of the opposition or rectification, the value of the trade mark to the parties concerned, the amount of evidence filed and the time required for the preparation thereof, the general conduct of the proceedings and all other relevant circumstances, shall decide but not less than ... Shs. 500,000

(b) attendances before the Registrar conducting opposition or rectification proceedings every whole day Shs. 150,000

(c) Every half-day or part thereof Shs. 75,000

(d) On interlocutory matters, taking judgments, minutes or part thereof Shs. 10,000

10. MISCELLANEOUS MATTERS—

(a) Attendances on the Registrar for every 15 minutes or part thereof Shs. 10,000

(b) Correspondence letters, re-infringement, opposition, but not concerned with applications, renewals (per letter) Shs. 10,000
(or per folio) Shs. 2,000

(c) Receiving and perusing letters – per letter Shs. 5,000
(or per folio) Shs. 1,000

- (d) Drawing all other necessary documents, notice of opposition, statutory declarations, counter statements, *etc*,
 Per folio Shs. 10,000
 File copies per folio Shs. 2,000

- (e) Perusing documents, pleadings, statutory declarations, *etc*, to be charged for as for perusals at item 6 (a) of the Sixth Schedule.

NOTES.

The fees for instructions in each case enumerated other than that for oppositions or rectification, include the drawing and lodging of all forms of disclaimer, requests for correction of clerical error or for amendment of an application, the payment of association fees, stamping of documents and all other correspondences.

B – PATENTS AND DESIGNS.

- (a) Instructions to register a patent, including drawing form of authorization and stamping it, drawing and lodging application and all correspondences Shs. 200,000
- (b) Instructions to register an assignment of a patent, including drawing form of authorization and stamping it, drawing assignment and lodging application and all correspondence Shs. 150,000
- (c) Instructions to register an extension of a patent, including drawing form of authorization and stamping it and making application for extension Shs. 150,000
- (d) Attending at the registry, searching register of patents—for every 15 minutes Shs. 10,000

All instruction fees prescribed in paragraphs “A” and “B” of this Schedule may, in any case, be increased by the Registrar in his discretion.

C – CHATTELS TRANSFER

The charge shall be as set out under the scale in item 4 of the Third Schedule for a single unsecured debenture.

FIFTH SCHEDULE

r 12 (e)

SCALE OF FEES IN RESPECT OF BUSINESS THE REMUNERATION FOR WHICH IS NOT OTHERWISE PRESCRIBED.

1. INSTRUCTIONS FOR DRAWING AND PERUSING DEEDS, DEED POLLS, AFFIDAVITS AND OTHER DOCUMENTS OR OTHER MATTERS OF A NON-CONTENTIOUS NATURE—

(a) Such fee for instructions as may be fair and reasonable, having regard to the care and labour required, the number and length of papers to be perused, the nature or importance of the matter, the amount or value of the subject matter involved, the interest of the parties, complexity of the matter, and all other circumstances of the case

(b) In ordinary cases, per folio Shs. 10,000

2. ATTENDANCES IN PERSON OR BY TELEPHONE—

(a) In ordinary cases, per 15 minutes or part thereof Shs. 10,000

(b) In other cases, the Taxing Officer may increase or reduce the above charge if for any special reason he sees fit.

3. ABSTRACT OF TITLE—

(a) Where requested by purchaser's or mortgagee's advocate, drawing abstract or memorandum, per folio Shs. 10,000

(b) Fair copy, per folio Shs. 4,000

4. JOURNEYS FROM HOME—

(a) For every day of not less than six hours
employed on business or in travelling ... Shs. 300,000

(b) Where a less time than six hours is so
employed per hour Shs. 50,000

5. TIME ENGAGED WHERE CHARGE IS SO BASED, IN
LIEU OF CHARGES PER ITEM OF WORK DONE—

Per hour, or part thereof Shs. 50,000

6. CORRESPONDENCE—

(a) Letters Shs. 20,000
or per Folio... .. Shs. 4,000

(b) Receiving and perusing a letter Shs. 5,000
or per folio Shs. 1,000

7. OPINIONS—

For formal written opinion, charge such fee as
may be reasonable in the circumstances, having
regard to the same consideration as set out
above for the assessment of instructions, but
not less than Shs. 65,000

8. DEBT COLLECTION—

In respect of non-contentious debt collection
matters, an advocate may opt to charge therefor
upon the following inclusive scale in lieu of
charging per item for work done—

(a) Where the amount of debt does not exceed
Shs. 500,000 ten per centum
of the debt to
be collected
but in any case
not less than
Shs. 20,000;

(b) Where the amount of debt exceeds Shs.
 500,000 but does not exceed Shs. 1,000,000 ten per centum
 of the first
 Shs. 500,000
 and five per
 centum on the
 excess of Shs.
 500,000 up to
 Shs. 1,000,000;

(c) Where the amount of debt exceeds Shs.
 1,000,000 but does not exceed Shs.
 10,000,000 ten per centum
 of the first Shs.
 500,000 and
 five per centum
 on the excess of
 Shs. 500,000
 up to Shs.
 1,000,000, three
 per centum on
 excess of Shs.
 1,000,000 up to
 Shs. 10,000,000.

(d) Where the amount of debt exceeds Shs.
 10,000,000 one per centum
 on the excess of
 Shs. 10,000,000.

Provided that where a letter of demand is followed by suit in court the
 above scale shall not apply and the letter shall be charged under the
 Sixth Schedule.

SIXTH SCHEDULE

rr. 35, 55.

COSTS IN THE HIGH COURT AND MAGISTRATES' COURTS.

1. INSTRUCTIONS TO SUE OR DEFEND—

(a) subject as hereinafter provided, the fees for instructions shall
 be as follows,

- (i) to sue in an ordinary suit in which no appearance is entered under Order XXXIII of the Civil Procedure Rules where no application for leave to appear and defend is made, the fee shall be 65 per centum of the fees chargeable under item I (a) (iv) of the Schedule;
- (ii) to sue or defend in a suit to which the provisions of Order XXXIII of the Civil Procedure Rules apply in which an application for leave to appear and defend was made and refused, the fee shall be 75 per centum of the fee chargeable under item I (d) of this Schedule;
- (iii) in a suit where settlement is reached prior to confirmation of the first hearing date of the suit the fee shall be 85 per centum of the fee chargeable under item I (a) (iv) of this Schedule;
- (iv) to sue or defend in any other case or to present or oppose an appeal where the value of the subject matter can be determined from the amount claimed or the judgment,
 - (a) where the amount does not exceed
 Shs. 500,000 twelve-and-half per centum on the amount claimed;
 - (b) where the amount exceeds Shs. 500,000 but does not exceed Shs. 5,000,000
 twelve-and-half per centum on the first Shs. 500,000 and ten per centum on the next Shs. 4,500,000;
 - (c) where it exceeds Shs. 5,000,000 but does not exceed Shs. 10,000,000 ... twelve-and-half per centum on the first Shs. 500,000 and ten per centum on the next Shs. 4,500,000 seven-and-half per centum on the next Shs. 5,000,000.

(d) where it exceeds Shs. 10,000,000 but does not exceed Shs. 20,000,000 twelve-and-half per centum on the first Shs. 500,000 and ten per centum on the next Shs. 4,500,000 seven-and-half per centum on the next Shs. 5,000,000 and five per centum on the next Shs. 10,000,000;

(e) where it exceeds Shs. 20,000,000 one per centum on the excess of Shs. 20,000,000;

(v) to sue or defend or to present or oppose an appeal in any case not provided for above in any court not less than Shs. 75,000;

(vi) to present or oppose a petition for winding up a company or a divorce or other matrimonial proceedings or to prosecute or oppose a suit by originating summons in any court, not less than Shs. 75,000;

(vii) for applications, notices of motion or chamber applications,

(a) where the application is unopposed not less than Shs. 100,000;

(b) where the application is opposed not less than Shs. 150,000;

(viii) to file objections to an arbitrator's or commissioner's report – the fee shall be as in (iv) or (v) above depending on whether it can be valued or not:

Provided that—

1. Where, due to the complexity of a case, a higher fee is considered appropriate, the advocate for either party may apply to the presiding judge or magistrate, as the case may be, for a certificate allowing him to claim a higher fee; the judge or

magistrate shall then specify the fraction or percentage by which the instruction fee should be increased.

2. Where either party is of the opinion that the case should have been brought in a magistrate's court, may also apply to the presiding judge for a certificate reducing the fees and if the application is granted, then, the judge shall specify the fraction or percentage by which the instruction fee shall be reduced, provided that the reduction certificate shall not exceed one-fifth or twenty per centum of the fees.
 3. In any case in which the costs of more than one advocate have been certified by the presiding judge or magistrate, as the case may be, the instruction fee allowed and other charges shall be increased by one-half to cover the second advocate.
 4. In any case in which the costs of a senior counsel have been certified by the presiding judge or magistrate, as the case may be, the instruction fee allowed and allowance for the attendances at the court conducting cause shall be increased by one-third.
 5. In any case in which the costs of a senior counsel and a junior counsel have been certified by the presiding judge or magistrate, as the case may be, the instruction fee set out above shall be increased by one-half to cover a senior counsel and other charges shall be doubled accordingly.
- (b) As between advocate and client, the instruction fee to be allowed on taxation shall be the actual instruction fee allowed as between party and party increased by one-third.

2. DRAWING COURT PAPERS

- (a) Pleadings, interlocutory application, notice of motion or chamber application, originating summons, affidavit, petition of appeal, interrogatories, notices to admit and produce, agreement for compromise, adjustment or satisfaction of suit, or for reference to arbitration (two folio or less) Shs. 15,000;

- (b) The like, in excess of two folios, additional
per folio after the first two folios... .. Shs. 5,000;
- (c) Creditor's or debtor's petition that debtor be
adjudicated insolvent, Shs. 10,000 per folio,
but not less than Shs. 25,000;
- (d) Notice of objections by debtor to creditor's
petition where court allows costs to the
debtor on dismissal of creditor's petition, ... Shs. 10,000;
per folio, but not less than Shs. 25,000;
- (e) All other necessary documents, Shs. 8,000;
per folio but not less than Shs. 25,000;
- (f) Every agreement raising questions of law or
fact for the decision of the court (unless cer-
tified by the judge or magistrate to be
allowed at a higher rate), Shs. 8,000;
per folio, but not more than Shs. 50,000;
- (g) Bill of costs per folio Shs. 5,000;
- (h) Affidavit of service inclusive of annextures Shs. 10,000.

3. COPIES

- (a) Copies of pleadings, affidavit, petition of
appeal, cross objections to petition, inter-
rogatories, replies to interrogatories, agree-
ment in satisfaction of suit or for reference to
arbitration, exhibit, bill of costs and every
other necessary document (whether for court
or opposing party) per folio Shs. 15,000.
- (b) The actual costs of copies of judge's notes be-spoken from
day-to-day as a case proceeds may be allowed if certified for
by the trial judge.
- (c) The actual cost of printing supported by vouchers shall be
allowed (subject to rule II of these Rules).

- (d) In special cases in addition to preparing and making copies of any account or other documents not being notes or observations relating to the evidence of witness only, which may be necessary for the judge's or advocate's use at the trial, such sum as may be reasonable, not exceeding, per folio ... Shs. 5,000.

4. LETTERS.

- Letter before action or other necessary letter Shs. 20,000;
or per folio Shs. 4,000.

5. ATTENDANCE

- (a) Each necessary telephone call allowed ... Shs. 10,000

- (b) On any necessary application to, or attendance on, the Magistrate or Registrar including taxation, per 15 minutes or part thereof Shs. 15,000

- (c) At offices of court or Registrar or upon opposite party or his advocate on routine matters—

- (i) Advocate Shs. 10,000
(ii) Clerk Shs. 7,000

- (d) To make or oppose any application or motion before the judge or magistrate, not less than Shs. 50,000

- (e) At court on any matter on a date fixed by the court for hearing or for calling over lists when case cannot be taken or summons unserved—

- (i) if in court Shs. 20,000
(ii) if in chambers Shs. 15,000

- (f) At court for orders if defendant appears and admits the claim and judgement is given Shs. 30,000

- (g) At court on settlement of issues or for orders Shs. 30,000
- (h) At court conducting cause—
 - (i) for every day of not less than six hours Shs. 30,000
 - (ii) where a less time than six hours is so employed, per hour... .. Shs. 50,000
- (i) To hear a reserved judgement or to obtain judgement on arbitrator's award or commissioner's report, per half-hour or part thereof Shs. 20,000
- (j) With judge on a view, if in court hours, the same fees as for attendances in court conducting cause, but if out of court hours, per hour, including travelling time, in addition to all expenses properly incurred in getting to and from the place viewed Shs. 50,000
- (k) Where there are several dependents or it is necessary for the purpose of having an affidavit sworn to go a distance or employ an agent, reasonable allowance may be made on special grounds by the Taxing Officer.
- (l) At the meeting of creditors of a bankrupt, per 15 minutes or part thereof Shs. 10,000
- (m) On behalf of petitioning creditor or receiver, after receiver appointed, and giving him all necessary information, per 15 minutes or part thereof Shs. 10,000
- (n) Before a commissioner for adjustment of accounts, per 15 minutes or part thereof ... Shs. 15,000
- (o) Before an arbitrator, same fees as for conducting a case in court.
- (p) For all other necessary attendances, per 15 minutes or part thereof Shs. 12,000

Provided that reasonable and necessary travelling and subsistence expenses within Uganda shall be allowed at the discretion of the Taxing Officer.

6. PERUSALS.

- (a) Perusals of pleading memorandum of appeal, interrogatories and answers thereto, notices to admit, petition to wind-up company, petition in insolvency, notice of motion in courts, chamber summons, affidavits, originating summons or other necessary document not specifically provided for ... Shs. 10,000
or per folio Shs. 5,000
- (b) Perusals of notices and other routine documents Shs. 5,000
- (c) Perusals of necessary letter Shs. 5,000
or per folio Shs. 1,000
- (d) For reading and correcting proofs, printed matter, per folio Shs. 1,000

7. SERVICE

- (a) Where service is in person: Reasonable charge depending on the distance and time taken to be allowed at the discretion to the Taxing Officer.
- (b) For actual travelling and subsistence expenses incurred by the process server; charge the actual expenses incurred.
- (c) Where service is by post or by any other mode substituted service; charge the actual expenses incurred.

8. PLANS, MODELS, *etc*

For plans, charts photographs or models for use of judge at trial, such sum as is actually incurred shall be charged.

9. TRANSLATION

Translation of necessary documents or accounts,
per folio, not less than Shs. 10,000

10. PROBATE PROCEEDINGS.

(a) Perusing will, per folio... .. Shs. 10,000

(b) Instruction to apply for grant of probate or letters of administration with or without will annexed, or for resealing a grant, not less than Shs. 100,000

Provided that where the application is contested, the advocate for the applicant and the advocate for the opposing party shall charge such fee as shall be allowed by the Taxing Officer, but in any case not less than ... Shs. 250,000

(c) Drawing application for letters of administration or probate, oath of executor, affidavit of due execution of will or any other necessary documents charge as in paragraphs 2 (a) and (b) of this Schedule.

(d) Instructions to prepare an inventory or account per Shs. 200,000 of net estate, Shs. 10,000 but not less than Shs. 60,000

(e) Drawing inventory of account per folio, Shs. 121,000 but not less than Shs. 40,000

(f) Copies of inventory and account and other necessary documents per folio-charge same as in paragraph 4 of this Schedule.

(g) Necessary attendances at the Registrar's in connection with taking out letters, or registering a will-charge as in paragraph 5 of this Schedule.

11. BANKRUPTCY PROCEEDINGS.

(a) Petitioning debtor's advocate's costs in summary cases—

(i) Instructions for petition Shs. 180,000

(ii) Instructions to apply for discharge ... Shs. 90,000

(b) Instruction for petition where the assets are certified in non summary cases—

(i) as not likely to realise Shs. 1,000,000 not more than Shs. 10,000

(ii) as likely to exceed Shs. 1,000,000, but not to exceed Shs. 5,000,000 not less than Shs. 500,000

(iii) as likely to exceed Shs. 5,000,000, then the minimum fee shall be increased by Shs. 100,000 for every additional Shs. 1,000,000 or part thereof up to Shs. 10,000,000;

(iv) in excess of Shs. 10,000,000 then the minimum fee shall be increased by Shs. 20,000 for every additional Shs. 1,000,000 or part thereof;

(c) A certificate of the receiver as to the value which the assets are likely to increase shall be produced to the Taxing Officer and the allowance for instructions for petition made accordingly.

(d) In cases where a composition is accepted and confirmed by the court the value of the assets shall be taken at the amount required for the purpose of composition.

(e) Instruction to apply for discharge not less than Shs. 12,000

(f) Debtor's advocate's costs for instructions for and drawing consent to, an order of adjudication on creditor's petition to declare insolvent—

(i) where the assets are certified by the receiver as not likely to realise Shs. 500,000 not less than Shs. 90,000

(ii) as likely to exceed Shs. 500,000, not more than Shs. 150,000

(g) Creditor's advocates's costs for petition to adjudicate debtor insolvent where assets are certified,

- (i) as not likely to realise Shs. 1,000,000, not more than Shs. 300,000
- (ii) as likely to exceed Shs. 1,000,000, but not to exceed Shs. 5,000,000 not less than Shs. 500,000
- (iii) as likely to exceed Shs. 5,000,000, then the minimum fee shall be increased by Shs. 100,000 for every additional Shs. 1,000,000 or part thereof up to Shs. 10,000,000;
- (iv) in excess of Shs. 10,000 then the minimum fee shall be increased by Shs. 20,000 for every additional Shs. 1,000,000 or part thereof;
- (h) Instruction for the appointment of interim receiver of an insolvent's estate, not less than Shs. 100,000
- (i) where the debtor disputes the statements in the petition, further instructions, not less than Shs. 200,000
- (j) Debtor's advocate's costs-where the court allows costs to the debtor on dismissal of a petition in insolvency, instructions to oppose petitions, not less than Shs. 300,000

D. C. Porter
Chairman, Law Council.