

Uganda

Electoral Commission Act

## Electoral Commission (Constituency Boundary Demarcation) (Appeals Tribunal) Rules Statutory Instrument 140-1

Legislation as at 31 December 2000

There may have been updates since this file was created.

PDF created on 17 March 2026 at 09:06.

*Collection last checked for updates: 31 December 2000.*

[View online](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the ULII website and is presented in collaboration with the Laws.Africa Legislation Collection, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.ulii.org](http://www.ulii.org) | [info@ulii.org](mailto:info@ulii.org)

[www.laws.africa](http://www.laws.africa) | [info@laws.africa](mailto:info@laws.africa)

FRBR URI: /akn/ug/act/si/2000/55/eng@2000-12-31

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Electoral Commission (Constituency Boundary Demarcation) (Appeals Tribunal) Rules (Statutory Instrument 140-1)

Contents

Rule 1. – Citation ..... 1

Rule 2. – Application ..... 1

Rule 3. – Interpretation ..... 1

    Act .....  
    appellant .....  
    commission .....  
    court .....  
    registrar .....  
    respondent .....  
    tribunal .....

Rule 4. – Form of appeal ..... 1

    Subrule (3) ..... 1

    Subrule (4) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

        Paragraph (c) ..... 2

    Subrule (5) ..... 2

    Subrule (6) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

    Subrule (7) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

    Subrule (8) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

Rule 5. – Mode of presenting the appeal ..... 2

    Subrule (1) ..... 2

    Subrule (2) ..... 2

    Subrule (3) ..... 2

        Paragraph (a) ..... 2

        Paragraph (b) ..... 2

    Subrule (4) ..... 2

Rule 6. – Service .....	2
Subrule (1) .....	2
Subrule (2) .....	3
Paragraph (a) .....	3
Paragraph (b) .....	3
Paragraph (c) .....	3
Rule 7. – Answer of respondent to appeal .....	3
Subrule (1) .....	3
Subrule (2) .....	3
Subrule (3) .....	3
Rule 8. – Unopposed appeal .....	3
Subrule (1) .....	3
Subrule (2) .....	3
Subrule (3) .....	3
Subrule (4) .....	3
Subrule (5) .....	3
Subrule (6) .....	3
Rule 9. – Place and time of trial .....	3
Subrule (1) .....	3
Subrule (2) .....	3
Subrule (3) .....	3
Subrule (4) .....	3
Subrule (5) .....	4
Subrule (6) .....	4
Paragraph (a) .....	4
Paragraph (b) .....	4
Rule 10. – Expeditious hearing .....	4
Subrule (1) .....	4
Subrule (2) .....	4
Rule 11. – Adjournments .....	4
Rule 12. – Evidence at the hearing .....	4
Subrule (1) .....	4
Subrule (2) .....	4
Subrule (3) .....	4
Subrule (4) .....	4

Rule 13. – Procedure generally .....	4
Rule 14. – Consolidation of appeals .....	4
Rule 15. – Enlargement or abridgement of time .....	5
Rule 16. – Death of appellant .....	5
Subrule (1) .....	5
Subrule (2) .....	5
Subrule (3) .....	5
Rule 17. – Withdrawal of appeal .....	5
Subrule (1) .....	5
Subrule (2) .....	5
Subrule (3) .....	5
Subrule (4) .....	5
Subrule (5) .....	5
Subrule (6) .....	5
Subrule (7) .....	5
Subrule (8) .....	5
Rule 18. – Locus in quo .....	5
Rule 19. – Irregularities .....	5
Rule 20. – Costs .....	6
Subrule (1) .....	6
Subrule (2) .....	6
Schedule (rule 4(1)) .....	6

# Uganda

## Electoral Commission Act

# Electoral Commission (Constituency Boundary Demarcation) (Appeals Tribunal) Rules Statutory Instrument 140-1

Commencement date unknown

*[This is the version of this document at 31 December 2000.]*

*[Note: This legislation was revised and consolidated as at 31 December 2000 and 31 December 2023 by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Under section 41 of the Act.]*

*[S.I. 55/2000]*

### 1. Citation

These Rules may be cited as the Electoral Commission (Constituency Boundary Demarcation) (Appeals Tribunal) Rules.

### 2. Application

These Rules shall apply to the conduct of appeals against boundary demarcation decisions by the Electoral Commission.

### 3. Interpretation

In these Rules, unless the context otherwise requires—

- (a) “**Act**” means [the Electoral Commission Act](#);
- (b) “**appellant**” means a person aggrieved by a decision of the Electoral Commission in respect of a demarcation of a constituency boundary;
- (c) “**commission**” means the Electoral Commission established by article 60 of [the Constitution](#);
- (d) “**court**” means the High Court;
- (e) “**registrar**” means a registrar of a tribunal designated by the Chief Justice in consultation with the Judicial Service Commission under section 42 of the Act;
- (f) “**respondent**” means the person whose decision in respect of a demarcation of a boundary is complained of in the appeal;
- (g) “**tribunal**” means the appeals tribunal established by article 64(2) of [the Constitution](#).

### 4. Form of appeal

- (3) The appeal shall be made in the form of a memorandum as specified in Form A in the Schedule to these Rules.

*[Please note: numbering as in original.]*

- (4) Every memorandum shall state—
  - (a) the grounds of objection to the decision appealed against under distinct heads and without argument or narrative;
  - (b) the points of fact which are alleged to have been wrongly decided; and
  - (c) the address of the place where personal service can be effected on the respondent.
- (5) The memorandum shall be divided into paragraphs numbered consecutively, each of which shall as nearly as possible be confined to a distinct portion of the subject; and no costs shall be allowed for drawing or copying of any memorandum not substantially in compliance with this provision unless the tribunal otherwise orders.
- (6) The memorandum shall be accompanied by an affidavit that shall state, *inter alia*—
  - (a) the right of the appellant to present the appeal; and
  - (b) the facts upon which the appellant relies for the appeal,and the affidavit shall be further accompanied by any documents or certified copies of any documents to be relied upon.
- (7) The memorandum shall conclude with a prayer, as for instance, that the tribunal may order—
  - (a) that the decision of the commission be reversed or varied; or
  - (b) that the decision of the commission be annulled.
- (8) At the foot of the memorandum shall be stated—
  - (a) an address for service to which documents intended for the respondent may be sent; and
  - (b) a note, signed by the appellant giving the name of the appellant's advocate or, as the case may be, stating that the appellant acts for himself or herself.

## 5. Mode of presenting the appeal

- (1) Presentation of the memorandum shall be made by the appellant leaving it in person or by or through his or her advocate, if any, named at the foot of the memorandum, at the office of the registrar within ten days after the decision on a constituency boundary demarcation is published in the *Gazette*.
- (2) With the memorandum shall be delivered ten copies of the memorandum for use by the tribunal and for service on the commission and the Attorney General.
- (3) The appellant or the advocate for the appellant shall, at the time of presenting the memorandum—
  - (a) pay a fee of thirteen currency points; and
  - (b) make a deposit of twenty-five currency points as security for costs.
- (4) If subrule (3) of this rule is not complied with, the appeal shall not be received by the registrar.

## 6. Service

- (1) Upon presentation of the memorandum and compliance by the appellant or his or her advocate with the requirements of rule 5 of these Rules, the registrar shall send a copy of the memorandum to the commission and the Attorney General.

- (2) Service of documents upon the commission and the 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 commission shall be served by personal delivery of any documents to the secretary of the commission; and
  - (c) in either case, receipt of the documents shall be acknowledged by a signature or stamp upon the original copy of any document and that copy shall be returned as proof of service.

### **7. Answer of respondent to appeal**

- (1) If the respondent wishes to oppose the appeal, the respondent shall within ten days after the memorandum was served on him or her, file an answer to the memorandum.
- (2) The respondent's answer shall be filed with the registrar together with ten copies of it for use by the tribunal and for service on the Attorney General.
- (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 his or her answer together with any documents or certified copies of any documents relied upon.

### **8. Unopposed appeal**

- (1) If the respondent does not intend to oppose the appeal, he or she 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.
- (2) The respondent shall provide to the registrar with the notice at the time of filing, a sufficient number of copies of the notice for use by the tribunal and for service on the Attorney General and any other parties as may be specified by the tribunal.
- (3) The respondent shall, immediately upon filing the notice, serve a copy on the appellant or his or her advocate.
- (4) If a notice is filed under subrule (1) of this rule, the registrar shall immediately serve a copy of the notice on the Attorney General.
- (5) The registrar shall also, as soon as possible, cause a copy of the notice to be published in the *Gazette*.
- (6) Notwithstanding that the appeal is not opposed, it shall not be abated on that account.

### **9. Place and time of trial**

- (1) The hearing of an appeal shall take place on such a date and at such time and place as the tribunal shall direct.
- (2) The tribunal shall, in any case, fix the date for hearing of the appeal within five days after due service of the memorandum on the respondent where the respondent has neither filed an answer to the memorandum nor filed a notice of intention not to oppose the appeal.
- (3) In a case to which subrule (2) of this rule 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 also, 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—
  - (a) information of the death of the sole appellant or the survivor of several appellants; or
  - (b) notice of the appellant's intention to apply for leave to withdraw the appeal as provided in these Rules,the registrar shall immediately 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. Expeditious hearing

- (1) The tribunal shall inquire into and determine the appeal expeditiously and shall declare its findings not later than thirty days from the date the appeal is filed.
- (2) The tribunal shall sit from day-to-day and may, for the purpose of hearing and determining the appeal, sit during Sundays and on public holidays where it considers it necessary for ensuring expedition.

## 11. Adjournments

The tribunal 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.

## 12. Evidence at the hearing

- (1) Subject to this rule, all evidence at the appeal, in favour of or against the appeal, shall be by way of affidavit read at the tribunal.
- (2) With the leave of the tribunal, any person swearing an affidavit which is before the tribunal may be cross-examined by the opposite party and reexamined by the party on behalf of whom the affidavit is sworn.
- (3) The tribunal may, of its own motion, examine any witness or call and examine or recall any witness if the tribunal is of the opinion that the evidence of the witness is likely to assist the court to arrive at a just decision.
- (4) A person summoned as a witness by the tribunal under subrule (3) of this rule may, with leave of the tribunal, be cross-examined by the parties to the appeal.

## 13. Procedure generally

Subject to these Rules, the practice and procedure in respect of the appeal 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 tribunal may consider necessary in the interests of justice and expedition of the proceedings.

## 14. Consolidation of appeals

Where more appeals than one are presented in relation to the same constituency boundary demarcation, the tribunal may direct that some or all of the appeals be dealt with as one appeal.

### **15. Enlargement or abridgement of time**

The tribunal 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 the Rules for doing any act, if, in the opinion of the tribunal, there exist such special circumstances as make it expedient to do so.

### **16. Death of appellant**

- (1) An appeal shall be abated by the death of a sole appellant or of the survivor of two or more appellants.
- (2) The abatement shall not affect the liability of the appellant or any other person to the payment of costs previously incurred.
- (3) If the registrar is satisfied as to the death of a sole appellant or the survivor of several appellants, the registrar shall immediately cause a notice of it to be published in the *Gazette*.

### **17. Withdrawal of appeal**

- (1) An appeal shall not be withdrawn except with the leave of the tribunal and after such notice has been given as the tribunal may direct.
- (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 subrule (1) of this rule, an application for leave to withdraw an appeal shall be supported by an affidavit of the appellant and his or her 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 tribunal and for service on the Attorney General and the commission.
- (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 the Rules.
- (6) The secretary to the commission or the Attorney General may appear at the hearing and oppose the withdrawal, and the tribunal may receive the evidence of any person if the Attorney General or his or her representative considers it material.
- (7) If the tribunal gives leave for the withdrawal of the appeal, the tribunal shall make a report to the commission stating reasons for the withdrawal.
- (8) If the appeal is withdrawn, the appellant shall be liable for the costs of the respondent.

### **18. Locus in quo**

Where upon hearing an appeal and before reaching a decision the tribunal is satisfied that a verification of the boundary demarcation is necessary, it may visit the actual area where the boundary is alleged to be.

### **19. Irregularities**

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.

## 20. Costs

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

### Schedule (rule 4(1))

#### Form A – Memorandum of appeal

rule

**4(1). Forms.**

Form A.  
Memorandum of Appeal.  
*The Electoral Commission (Constituency Boundary Demarcation)  
(Appeals Tribunal) Rules.*

In the Boundary Demarcation Appeals Tribunal at

Appeal No. \_\_\_\_\_ of 20\_\_\_\_

between \_\_\_\_\_ Appellant

and \_\_\_\_\_, Respondent

Appeal from the demarcation of \_\_\_\_\_ Constituency  
done on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Memorandum of Appeal.

\_\_\_\_\_, the above-named appellant,  
appeals to the boundary demarcation appeals tribunal against the  
above-mentioned decision, by which the appellant is aggrieved on the  
following grounds—

- (a)
- (b)

The appellant prays that it may be declared that—

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

Appellant/Advocate of the Appellant

Lodged in the registry/subregistry at \_\_\_\_\_ on the  
day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Registrar

Address of service on the appellant.

\_\_\_\_\_  
Occupier

The name of my advocate is \_\_\_\_\_ or  
I am acting for myself.

The address of the respondent is \_\_\_\_\_

Signed \_\_\_\_\_

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

### **Form B – Notice of application to withdraw a constituency boundary demarcation appeal (rule 17(5))**

rule 17(5).

Form B.

Notice of Application to Withdraw a Constituency Boundary Demarcation Appeal.

*The Electoral Commission (Constituency Boundary Demarcation) (Appeals Tribunal) Rules.*

Notice is given that application has been made to the constituency boundary demarcation appeals tribunal for leave to withdraw the appeal presented by

\_\_\_\_\_ touching the constituency boundary demarcation decision for the \_\_\_\_\_ Constituency.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Registrar