

LEGAL NOTICE SUPPLEMENT

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Legal Notice No. 3 of 1996.

THE JUDICATURE STATUTE, 1996.

**The Interpretation of the Constitution (Procedure) Rules,  
1992 (Modification) Directions, 1996.**

IN EXERCISE of the powers conferred on the Chief Justice by paragraph (c) of subsection (2) of section 51 of the Judicature Statute, 1996, these Directions are issued this 30th day of May, 1996.

Act No.  
of 1996.

1. These Directions may be cited as the Interpretation of the Constitution (Procedure) Rules, 1992 (Modification) Directions, 1996.

Title.

2. These Directions shall apply to the Constitutional Court in the exercise of its jurisdiction under clause (5) of article 137 of the Constitution, where the matter comes before the Court by reference from another court.

Application.

3. The Interpretation of the Constitution (Procedure) Rules, 1992 are modified in accordance with these Directions so as to read as set out in the Schedule to these Directions.

Modification  
of  
S.I. No. 25  
of 1992.

## SCHEDULE

Direction 3

### THE INTERPRETATION OF THE CONSTITUTION (PROCEDURE) RULES.

- Title.** 1. These Rules may be cited as the Interpretation of the Constitution (Procedure) Rules.
- Interpre-  
tation.** 2. In these Rules, unless the context otherwise requires—
- “Constitution” means the 1995 Constitution of Uganda;
- “Court” means the Constitutional Court as provided by article 137 of the Constitution;
- “original court” means a court of law other than a Field Court Martial, hearing proceedings in the course of which a question as to the interpretation of the Constitution has arisen;
- “reference” means a reference of a question of law as to the interpretation of the Constitution under clause (5) of article 137 of the Constitution.
- Manner of  
making  
reference to  
Court.** 3. (1) Where a reference to the Court regarding any question as to the interpretation of the Constitution is to be made, the original court shall submit the reference in terms of the Form specified in the Schedule to these Rules, stating the specific questions or issues to be answered or resolved by the Court.
- (2) The Registrar of the original court shall submit to the court eight copies of the reference and the reference shall be accompanied by a copy of the record of the proceedings of the original court.
- Service of  
reference.** 4. Where the Court receives the reference from the registrar of the original court, the Registrar of the Court shall serve the reference on all parties to the proceedings in which the question of law has arisen and on the Attorney-General, and the addresses for service shall be as given by the parties in the proceedings in the original court.
- Notice for  
directions.** 5. At the time of the service of the reference, the Registrar of the Court shall give notice to all parties and to the Attorney-General of the date for their attendance on the Court for directions on the following matters—

- (a) whether the questions or issues set out in the reference should be amended;
- (b) whether at the hearing of the issues, apart from arguments of law, there is need for oral or affidavit evidence; except that the Court may, of its own motion call such evidence as will assist it in determining the real issues arising out of the reference;
- (c) whether legal argument shall be written or oral, or both, and at what date legal authorities should be disclosed before trial;
- (d) the date of the hearing and the proposed length of the hearing which shall be within twenty one days or as soon thereafter as may be practicable.

6. The decision of the Court or the decision of the Supreme Court, if there has been an appeal from the decision of the Court, shall be remitted to the original court which made the reference, and the original court shall decide the matter before it in accordance with the decision of the Court or of the Supreme Court.

Decision to be remitted to original court.

7. (1) Subject to the provisions of these Rules, the Civil Procedure Act and the Rules made under it shall apply in relation to proceedings before the Court as they apply to suits in the High Court, but with such modifications as may be necessary.

Civil Procedure Act, etc. to apply.

(2) For the purpose of appeals against a decision of the Court, the Supreme Court Rules shall apply with such modifications as may be necessary.

Cap. 65. S.I. 179 of 1972.

SCHEDULE

FORM

Rule 3.

REFERENCE TO THE CONSTITUTIONAL COURT  
IN THE CONSTITUTIONAL COURT OF UGANDA  
THE INTERPRETATION OF THE CONSTITUTION  
(PROCEDURE) RULES

The Reference of the Hon. Mr./Lady Justice.....of  
the..... Court/the..... Court sitting at.....in  
Civil Suit/Criminal Case No.....of.....

1. The original court being of opinion that a substantial question of  
law as to the interpretation of the Constitution has arisen in the  
above proceedings.

2. The question or issues are—

*(here state the question or issues)*

- 1. ....
- 2. ....
- 3. ....

3. The original court desires the Constitutional Court to determine  
the question or issues in order to dispose of the above suit/case; /or  
A.B. the plaintiff or C.D. the defendant or both parties requested  
the court to refer the above question(s) or issue(s) in order that the  
original Court may dispose of the above suit/case.

DATED THIS.....day of.....1996.

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*Signed*

Judge/Magistrate of the..... Court.

Name(s) of the Plaintiff(s), or name(s) of the Plaintiff's Advocate(s) and address(es) for service.

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*Signed*

Name(s) of the Defendant(s) or name of the Defendant's Advocate and address for service

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*Signed*

Name(s) of the Accused person or the name of the Accused's Advocate and address for service

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*Signed*

S.S.W. WAMBUZI,  
*Chief Justice.*