

Uganda

Judicature Act

## Judicature (Electronic Filing, Service and Virtual Proceedings) Rules, 2025

Statutory Instrument 21 of 2025

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# Uganda

## Judicature Act

# Judicature (Electronic Filing, Service and Virtual Proceedings) Rules, 2025

## Statutory Instrument 21 of 2025

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Assented to on 13 February 2025

Commenced on 7 March 2025

*[This is the version of this document from 7 March 2025.]*

*[Under section 45(1) and (2)(e) of the Judicature Act, Cap. 16]*

**IN EXERCISE of the powers conferred upon the Rules Committee and the Chief Justice by section 45(1) and (2)(e) of the Judicature Act, these Rules are made this 13th day of February, 2025.**

## Part I – Preliminary

### 1. Citation

These Rules may be cited as the Judicature (Electronic Filing, Service and Virtual Proceedings) Rules, 2025.

### 2. Application

These Rules apply to—

- (a) all courts of Judicature;
- (b) all parties, persons and entities filing or requesting access to electronic court records; and
- (c) judicial officers and other persons conducting business on behalf of the court, including justices, judges, magistrates and registrars responding to requests for electronic court records.

### 3. Objectives

The objectives of these Rules are to provide for—

- (a) simplicity and fairness in the administration of court cases and the elimination of unjustifiable expenses and delay;
- (b) the creation of electronic registers and electronic files;
- (c) electronic filing and electronic service of court documents;
- (d) the exchange of electronic versions of documents, including pleadings, statements, written submissions, proceedings, exhibits, rulings, judgments, orders and decrees;
- (e) electronic signatures and electronic sealing of court documents and such security features as may be required from time to time;
- (f) electronic payment of court fees, fines and deposits;
- (g) the electronic archiving of court files and records;

- (h) the execution of court warrants, orders and decrees;
- (i) electronic auctioning;
- (j) the power of court to exercise the use of technology in particular cases or circumstances in order to provide efficiency;
- (k) electronic hearings, including virtual sessions;
- (l) the taking of evidence in court electronically, including through virtual links;
- (m) relief from giving evidence in court and promoting witness protection; and
- (n) the electronic certification of court documents.

#### 4. Interpretation

In these Rules, unless the context otherwise requires—

“**accept**” or “acceptance” in the context of electronic filing occurs where entry of an electronic document has been submitted to the Electronic Court Case Management Information System and admitted by a judicial officer or an entry of a document submitted for electronic filing determined by a judicial officer that the submission complies with these Rules;

“**accessible by the public**” means that a court record is open to inspection by any member of the public and may be reproduced as permitted by these Rules and any other applicable law;

“**Court**” means a court of Judicature established by or under the authority of [the Constitution](#);

“**database**” means a collection of electronic data that is organised so that its contents can easily be accessed, managed and updated;

“**document conferencing**” means simultaneous access to a document by participants in virtual link proceedings by projecting the document on a screen with a view to considering it in evidence;

“**Electronic Court Case Management Information System or ECCMIS**” means the system approved by the Chief Justice for electronic court case management including the filing and service of electronic documents and electronic hearing;

“**e-filer**” means an individual who is authorised to file documents electronically through the electronic filing system;

“**electronic data**” means information that has been translated into an electronic form that is more convenient to move or process;

“**electronic filing**” means the electronic transmission to the court of a document using the court’s electronic filing system, together with the transmission from the court of a notice of electronic filing containing an electronic hyperlink to the filed document;

“**electronic service**” means the electronic transmission of a document or information to a party or a party’s attorney;

“**electronic signature**” means data in electronic form affixed to or logically associated with a data message, which may be used to identify the signatory in relation to the data message and indicate the signatory’s approval of the information contained in the data message; and includes an advance electronic signature and other secure signature;

“**ESI**” means electronically stored information and includes e-mails, webpages, word processing files, images, sound recordings, videos and databases stored in any device;

“**electronic signature**” means data in an electronic form affixed to or logically associated with a data message, which may be used to identify the signatory in relation to the data message and indicate the signatory’s approval of the information contained in the data message, and includes an advance electronic signature and the secure signature;

“**field**” means a column of data within a database, including each record that makes up a number of pieces of information and may consist of a number of fields which may be displayed as a box to enter or display data in a form or report;

“**ICT**” means information communications technology;

“**image**” means a picture or photograph that has been created or copied and stored in electronic format;

“**judicial officer**” means a Justice, Judge, Registrar or Magistrate;

“**location**” means the location of the virtual link conferencing facilities;

“**medium**” means a mechanism through which a message is communicated;

“**notice of electronic filing**” means a notice automatically generated by the electronic filing system at the time a document is filed with the system, containing the date and time of filing in the standard time of Uganda and an electronic hyperlink to the document filed;

“**presiding judicial officer**” means the judicial officer presiding over a case which is the subject of the proceedings;

“**portable document format**” or PDF means a file format that allows a document to be read by the court using a PDF reader;

“**protocol**” means a specified mode of operation;

“**registered user**” means an individual or entity with an assigned username and password authorised by court to access and utilise the System;

“**submission or submitted**” means successful electronic submission on the System;

“**System**” means the Electronic Court Case Management Information System and includes video conferencing, the court recording system and any other technology approved by the Chief Justice for use in case management;

“**virus**” means a computer program designed to replicate itself, usually having some unexpected and undesirable result for its targets and which can be transmitted by downloading programs from infected sites or which may be present on a storage device received from an infected system;

“**virtual hearing**” means a court hearing conducted by audio-virtual means where cases are progressed without the need for participants to attend the court in person;

“**virtual link**” means to the facility enabling the giving or receiving of evidence through electronic means without a person physically appearing in court;

## Part II – E-Justice

### 5. Use of technology in court processes

- (1) In all judicial proceedings, the court and the parties to the case may, where possible, use technology to expedite the proceedings and make them more efficient and effective.
- (2) The technology referred to in subrule (1) includes—
  - (a) electronic filing;
  - (b) electronic service of documents;
  - (c) digital display devices;
  - (d) transcript devices;
  - (e) evidence presentation devices;

- (f) video and audio conferencing;
  - (g) electronic payments;
  - (h) electronic devices and software for persons with disabilities;
  - (i) electronic devices for usage in court; and
  - (j) any other technology approved by the Chief Justice for use in case management.
- (3) Nothing in these Rules is intended to preclude practitioners from using their own electronic devices at the bar table during hearings.
- (4) A judicial officer who adopts the use of technology shall request the registry to make all the necessary arrangements for the efficient use of the technology required, including providing booths for indigent litigants and juvenile offenders.
- (5) A judicial officer may, in any proceeding, direct the parties to use or not to use information and communications technology in appropriate cases.

## **6. Approval of use of ICT by court**

- (1) The presiding judicial officer shall approve the use of any technology before it is used in the court.
- (2) A request for use of technology under subrule (1) may be made—
- (a) by a party or his or her representative, by oral application or letter; or
  - (b) by a witness, by oral application or letter.

## **7. Electronic register**

- (1) There is established in the Judiciary, an electronic register for criminal and civil matters.
- (2) The electronic register established under subrule (1) shall be the sole repository of all court records filed electronically in a case for the duration of the case and the applicable retention period under the applicable law.
- (3) The electronic register established under subrule (1) shall be maintained by a Registrar or a magistrate as may be applicable and shall contain—
- (a) in the case of civil matters, the particulars of every suit, cause, petition, application, reference, revision, claim and appeal lodged in the courts; and
  - (b) in the case of criminal matters, the particulars of every criminal case, criminal cause, criminal application, criminal appeal, criminal revision and criminal reference.
- (4) The civil register maintained under subrule (2) (a) shall contain—
- (a) the file case number, arranged in the order of filing, including the date and year;
  - (b) the number of any application or appeal arising out of the civil matter;
  - (c) the names and other particulars of the parties and their advocates, if any;
  - (d) the nature of the claim and the relief sought;
  - (e) the date when the essential steps in the proceedings were taken and the result;
  - (f) the date of completion of the case;
  - (g) the particulars of the ECCMIS user who opened or updated the file;
  - (h) the particulars of the judicial officer handling the case;

- (i) the outcome or decision of the case and, in the case of an appeal against the decision, the particulars of the appeal; and
  - (j) the reference to every application made in relation to that case or appeal, whether made before or after the institution of the appeal.
- (5) The criminal register maintained under subrule (2)(b) shall contain—
- (a) the file case number, arranged in the order of filing including the date and year;
  - (b) the number of any application or appeal arising out of the criminal matter;
  - (c) the details of the court in which the matter is filed;
  - (d) the names and particulars of the investigating officer;
  - (e) the names and other particulars of the prosecutor, the accused person and his or her advocate, including telephone number and functional email address;
  - (f) the charge or indictment;
  - (g) the date when the essential steps in the proceedings were taken and the result;
  - (h) the date of completion of the case;
  - (i) the particulars of the ECCMIS user who opened or updated the file;
  - (j) the particulars of the judicial officer handling the case;
  - (k) the outcome or decision of the case and, in the case of an appeal against the decision, the particulars of the appeal; and
  - (l) reference to every application made in relation to that case or appeal, whether made before or after the institution of the appeal.
- (6) Every document filed electronically in a case shall be entered in the electronic register.

## **8. Registering to access electronic services**

- (1) All parties to judicial proceedings shall—
- (a) register for the use of ICT with the Electronic Court Case Management Information System in Form 1 set out in the Schedule to these Rules;
  - (b) comply with the registration conditions when using the System; and
  - (c) maintain one or more working email addresses at which the filer agrees to accept email notifications and service from the System.
- (2) A law firm shall provide details of persons authorised to access the System on behalf of the firm.
- (3) Court forms developed by the Judiciary or prescribed by any applicable law shall be the official court forms and, where an applicable court form exists, it shall be used, whether filed electronically or physically.
- (4) A registered user shall update the register whenever there is any change in the registered details.

## **9. Electronic filing**

- (1) In every court where the System has been deployed, all filing shall be done electronically, unless the court otherwise directs.
- (2) Where a registered user fails to file electronically under subrule (1) within the time prescribed by law due to a technical failure of the System, the e-filer shall notify the registrar or the magistrate in charge of the court as soon as practicable.

- (3) The registered user referred to in subrule (2) shall state in the notification, the date and time of the first unsuccessful attempt to file the document through the system.
- (4) The registrar or magistrate in charge of the court notified under subrule (3) shall assist the registered user to file by—
  - (a) uploading the documents at the court; or
  - (b) filing the paper copies.
- (5) Where the court determines that a technical failure of the System prevented the court from receiving the submitted documents, the court shall deem the document to have been filed on the day on which the user initially attempted to file the document.

## 10. Filing date and time

- (1) For the purposes of these Rules, a “day” begins at 12:00:00 a.m. and ends at 11:59:59 p.m. East African Standard Time.
- (2) Unless otherwise provided under any written law or directed by the court, the deadline for filing any document electronically shall be 11:59:59 p.m. East African Standard time on the day of filing.
- (3) For every document submitted electronically between 12:00:00a.m. and 11:59:59p.m. East African Time on Monday through Friday, the “filing date” shall be the day on which the document is submitted.
- (4) Where a document is submitted on a Saturday, Sunday, or public holiday, the filing date will be the next working day.
- (5) In the case of any question relating to the time and date of filing, the time and date registered by the System shall be conclusive.
- (6) Subject to rule 15 (2), for a document electronically submitted, the filing date will apply for purposes of meeting the statute of limitations or any other prescribed filing deadline.
- (7) A document is submitted for filing when the System receives the document and sends a confirmation receipt, including the date and time of filing, to the e-filer.
- (8) For the avoidance of doubt, e-mailing a document to the registry or to the presiding judicial officer does not constitute filing of the document.

## 11. Format of electronically filed documents

- (1) A document submitted electronically to the court shall be in the form of a Portable Document Format (PDF), be directly converted to PDF, where possible, and shall not exceed 50 megabytes or such other format as the Chief Justice may determine from time to time.
- (2) A document which exceeds the size limit shall be submitted as separate files, with each file not exceeding 50 megabytes.
- (3) Separate files under this rule shall include in the “Comments to Court” field for each submission, a description clearly identifying the part of the document which the file represents.
- (4) An electronic document filed in PDF with a minimum resolution of 300dpi and maximum of 600dpi in black and white or coloured shall be formatted in accordance with the applicable rules governing formatting of paper documents, including page, word limits, format, spacing, index and numbering.
- (5) Color coding shall not be required for electronic documents.
- (6) Electronic documents that form part of the official court record shall be self-contained and shall not contain hyperlinks.

- (7) An electronic document shall be submitted in text searchable PDF and hyperlinks shall be provided, where applicable.
- (8) An electronic document requiring a signature shall be signed with an original signature, a stamped signature or an electronic graphic representation of a signature.
- (9) For the purposes of this rule “dpi” means the output resolution of a printer or image setter.

## **12. Documents to be submitted separately**

- (1) All documents shall be submitted individually as separate files in the same submission.
- (2) A person filing documents through the System shall include in the “filing description” field a description that clearly identifies each document.
- (3) For each separate document submitted through the System, the detailed caption title, filing description in the System and PDF file title shall be substantially identical.

## **13. Consolidated cases**

When the court consolidates two or more cases for purposes of court events, including hearings, but retains separate case numbers, a party electronically filing a document applicable to all the cases shall electronically file and serve the document in each case, using the appropriate case number.

## **14. Exhibits that cannot be converted to PDF**

- (1) Where an exhibit cannot be converted to PDF or PDF/A, a picture of the exhibit shall be taken and uploaded on the System, and a physical exhibit shall be presented in court, where applicable.
- (2) Materials required to be filed in court which cannot be converted into electronic format, including videotapes, radiographs and other items that are not intelligible when scanned, may be filed physically and presented in court.
- (3) A party shall serve the document or material filed under subrule (1) on the other party as though they were not subject to the electronic filing procedures.
- (4) A party filing under this rule shall file a Notice of Conventional Filing which shall be docketed into the System to denote that a conventional filing has been made and that the material is being held in the clerk’s office.

## **15. Acceptance or rejection procedure**

- (1) Following electronic submission, a judicial officer or a staff member under the direction of a judicial officer may accept or reject the electronic document in accordance with these Rules and any other applicable law.
- (2) Where the submission is accepted, it is deemed to be filed and shall be entered in the electronic case file with the file date as determined under these Rules and the System shall automatically send a confirmation of receipt to the submitting party in accordance with these Rules.
- (3) Where a submission is rejected, the System shall automatically send a rejection notice to the submitting party and the submission shall not be entered in the register.
- (4) The rejection notice under subrule (3) shall identify the basis for the rejection.
- (5) Where a submission is rejected under subrule (3), the filing party shall serve the notice of rejection on the opposing parties, where applicable.

## 16. Electronic service of documents

- (1) Where a civil case has been electronically filed through the System, summons, notices and other court documents may be served on the defendant or respondent electronically through a registered e-mail address or telephone, instant messaging applications or any other electronic communication service approved by the Chief Justice.
- (2) The designation of any email recipients as alternative or additional service contacts shall be deemed to provide consent to have electronic documents filed in the case served on those contacts.
- (3) Where in a criminal case, an appeal or application has been electronically filed, a criminal summons or hearing notice may be electronically issued and served—
  - (a) where the accused person or respondent or other person is not in detention, on the accused person or respondent and the accused person or respondent shall appear in court on the date and time indicated in the summons or hearing notice; or
  - (b) where the accused person or respondent or other person is in detention, on the officer in charge of the prison, to produce the accused person in court on the date and time indicated in the summons or hearing notice.
- (4) Where a written reply is required, the party shall electronically file and serve the written reply.
- (5) Notwithstanding any provision of this rule, where a party proves that electronic service is not practicable, the court may allow physical service.
- (6) Proof of electronic service shall be the delivery of confirmation receipt of the service.
- (7) For the avoidance of doubt, the service date of submitted documents shall be the date of submission.

## 17. Consent of registered user

- (1) Upon the initiation of a case, filing of responsive pleading, or submission of entry of appearance in a case, registered users are deemed to have consented to receive electronic service of all documents through the System.
- (2) A party who is not a registered user may be served physically.
- (3) Notwithstanding subrule (2), where a party who was not a registered user becomes a registered user, that party shall be served electronically.

## 18. Filing fees

Where a fee is payable upon the filing of a document with court, the party shall, after filing the document, pay the requisite fee using any payment mode approved by the Chief Justice.

## 19. Electronic exchange of court documents

- (1) All parties may, at all stages of the court process and during trial, exchange information electronically.
- (2) In preparing a case for trial, the parties may—
  - (a) exchange electronic versions of documents, videos and audio recordings; and
  - (b) serve documents electronically through e-mail, instant messaging applications and any other widely used electronic communications services.
- (3) Where a party serves a pleading, affidavit, statement, list of documents or interrogatory on another party electronically, the recipient may request the party serving it to provide a hard copy.

- (4) The court may require parties to accede to reasonable requests for copies of court documents in hard copy.
- (5) A court document provided by a party in hard copy shall contain the same text as the electronic copy, and where a court document contains an annexure, the text of the annexure shall be contained within the electronic copy.
- (6) The court may, at any time during or after court proceedings, deliver a decision electronically, by transmitting a copy of the judgment or ruling to the parties by using the System, e-mail, instant messaging applications or any other widely used electronic communication method.

## 20. Electronic exchange of discovery lists and documents

- (1) Where parties have discoverable Electronically Stored Information (ESI) and efficiency dictates that any discovery and production of such information, if given electronically, shall avoid the need to convert it to a paper format, the court may, in such cases, as a general rule, require the parties—
  - (a) to create electronic lists of their discoverable ESI material;
  - (b) to give for inspection, databases containing copies of discoverable ESI created in accordance with an agreed protocol, but the host and attachment documents shall not be separated in the process; and
  - (c) to change the original file names to document identification numbers.
- (2) The court shall, as a general rule, require the parties in court proceedings to use ICT for discovery and inspection of electronic documents.
- (3) A party shall advise the opposite party at an early stage of the proceedings of potentially discoverable ESI and the parties shall meet to agree upon matters, including—
  - (a) the format of the electronic database for the electronic discovery, noting that metadata, mark-up or other “hidden” data will be automatically discovered if native format is used;
  - (b) the protocol to be used for the electronic discovery, including ESI;
  - (c) the type and extent of the ESI that is to be discovered;
  - (d) how legacy or deleted data is to be dealt with and the existence of ESI that is not reasonably or readily accessible shall be disclosed between the parties, but the court shall not expect it to be retrieved except where it is necessary for the conduct of the proceedings;
  - (e) whether ESI is to be discovered on an agreed basis without prejudice and without the need to go through the information in detail to categorise it into privileged and non-privileged information.
- (4) Without prejudice to an entitlement to subsequently claim privilege over any information that has been discovered and is claimed to be privileged under sections 118 and 119 of the Evidence Act, or at common law, such ESI shall be produced separately on an approved external storage device and appropriately marked to enable the court to determine any privilege issues relating to the information.
- (5) Where there is a substantial amount of ESI, the parties shall consider producing the material in its searchable native format, rather than by production of document images.
- (6) Where a party chooses to produce document images rather than originals of ESI, the costs of providing access to hardware, software or other resources to enable the inspection of original electronic material shall be agreed upon by the parties.

## 21. Proposed or tendered documents

- (1) Where the filing of electronically submitted documents through the system requires leave of court, including an amended plaint or a document to be filed out of time, the registered user shall attach the proposed document as an attachment to the application requesting leave to file.
- (2) Where the court grants the application for leave to file a document out of time under subrule (1), the registered user shall re-file the proposed document as part of the record and the document shall have the word “proposed” preceding the name of the document.
- (3) Where a registered user is submitting a proposed decree, order or other proposed or tendered document, the proposed decree order or other document may be submitted in PDF or PDF/A format and in an editable format.

## 22. Agreement by written protocol

- (1) In any case where there is to be discovery given by production of databases containing discoverable ESI, the parties shall, early in the proceedings but not later than the day for scheduling or at any other time allowed by court—
  - (a) endeavour to reach an agreement on the protocol to be used and the scope of that protocol; or
  - (b) seek either a consent order or direction from the court, if agreement is not reached, concerning the terms of the protocol.
- (2) The protocol shall deal with the following matters—
  - (a) the format of the electronic database for the electronic discovery;
  - (b) the protocol and data format to be used for the electronic discovery;
  - (c) the type and extent of the ESI to be discovered and whether ESI is to be discovered on an agreed basis without prejudice and without the need to go through the information in detail to categorise it into privileged and non-privileged information;
  - (d) whether the document is to be produced in native or image format, but for cost reasons, forensic examination of hard drives shall only be done when the court makes specific orders to that effect; and
  - (e) any other terms and conditions for electronic discovery.

## 23. Verification of electronic lists of documents

- (1) Each party shall consider the manner in which lists of documents shall be verified where data on those documents is to be exchanged electronically.
- (2) Where agreement is not reached, the verification of lists of documents shall be done by a verifying affidavit, indicating the documents which have been exchanged electronically.
- (3) Where a party is of the belief that it is appropriate to dispense with verification of a hard copy list, the party shall seek the direction of the court.
- (4) As an alternative to verification of a hard copy list, the parties may seek the direction of the court for a verifying affidavit to identify the documents by reference to a medium by which the data was served and the date of service.

## 24. Availability of System

- (1) The System shall receive electronic documents, except when the System is unavailable due to maintenance or other cause.

- (2) Any filer may obtain relief if the System is not operating through no fault of the filer.
- (3) Technical problems with the filer's equipment or attempted transmission within the filer's control will not excuse an untimely filing.
- (4) Upon satisfactory proof of the temporary unavailability of the System or other technical problem, the filing date of a document will be the filing date of the first filing attempt as prescribed in rule 9.
- (5) The court may, in its discretion, adjust the schedule for responding to any affected filings, postpone the next court event, or provide other relief.
- (6) The process for resubmission of a filing shall be in accordance with these Rules, and may include, with the resubmission, supporting evidence showing the unavailability of the System.

## **25. Electronic signatures**

- (1) Where a document is required to be signed, the document shall bear an electronic signature.
- (2) The signature of a court reporter on any document or transcript prepared by a court reporter for inclusion in the court record shall be a facsimile signature, a scanned signature, or a typographical signature.
- (3) Whenever a signature is required for filing pleadings or a motion and that pleading or motion is electronically filed, the document shall bear a scanned, facsimile, or typographical signature along with the typed name, address, email address and telephone number of the registered user and, where the filer is an attorney, the details of the attorney's law firm.
- (4) A document to be filed electronically requiring the signatures of opposing parties shall be signed by all parties in accordance with these Rules and any other applicable law and by electronically filing the document, the attorney or self-represented party attests that the document and signature are authentic.
- (5) By electronically filing or submitting a document using the System or presenting a filing to a court that is converted and filed, the filer certifies compliance with the signature requirements of these Rules.
- (6) For the avoidance of doubt, signatures on electronic documents shall have the same legal effect as signatures on the original document.

## **26. Retention of original documents with signatures of person other than filer**

- (1) By electronically filing a converted document, the filer certifies that the converted document is an accurate image of the original.
- (2) A filer who converts a paper document with the handwritten signature of any person other than the filer to an electronic format for filing shall retain the original document in paper form for two years after the later of the entry of final judgment or the conclusion of an appeal, and shall provide the original document upon request by the court.
- (3) This rule does not affect other retention periods for documents required by any applicable law.

## **27. Risk of computer viruses**

Each party shall ensure that a document provided electronically is free from computer viruses.

## **Part III – Audio-virtual links and virtual hearings**

### **28. Circumstances for virtual link evidence**

A court may hear a case by virtual link in the following circumstances—

- (a) where a witness lives outside Uganda or is unable to physically appear in court to give evidence;
- (b) where proceedings relate to sexual or violent offences;
- (c) for the safety of witnesses and victims;
- (d) where a witness or party suffers a disability or infirmity of body or mind; or
- (e) for any other reason that the court deems necessary and appropriate for a witness to give evidence through a virtual audio link.

### **29. Approval of court for use of virtual link**

Where a party seeks to proceed by virtual link, he or she shall apply to court, in Form 2 set out in the Schedule to these Rules for approval of the venue, time and person or institution to facilitate or assist in the proceedings away from the court in accordance with these Rules.

### **30. Suitability of audio-virtual conference facilities**

- (1) Where, at any stage of the proceedings, a court finds that a facility approved under rule 29 does not meet the requisite standards, the court may discontinue the proceedings and direct the facility to make the necessary improvements.
- (2) Where the facility fails to make the necessary improvements under subrule (1), the presiding judicial officer shall make orders for an alternative method of hearing the case.

### **31. Time zones**

Where the location is outside Uganda, the court may take into account the different time zones and hold the proceedings at a time convenient to court and the parties.

### **32. Virtual proceedings**

- (1) The court shall, in a phased manner, implement a video conferencing and virtual court platform to enable remote participation in legal proceedings by judicial officers, parties and witnesses.
- (2) The court may, on its own motion, or on application by a party, allow proceedings to be conducted virtually.
- (3) Where the court directs proceedings to be conducted virtually, it may be conducted by any or a combination of the following methods—
  - (a) electronic exchange of documents between the court and the parties through the System;
  - (b) teleconferencing system;
  - (c) online hearing; or
  - (d) any other method approved by the Chief Justice.

### **33. Attendance of virtual proceedings**

- (1) Members of the public may be allowed to attend virtual proceedings, subject to the conditions imposed by the court.

- (2) Where a member of the public attends virtual proceedings, he or she shall be required to register electronically in advance as a user under rule 8.

#### **34. Commencement of proceedings**

- (1) A party to the proceedings may, subject to rule 30, apply to use the virtual link in Form 2 set out in the Schedule to these Rules.
- (2) An application under subrule (1) maybe made electronically through the System.
- (3) Where the court grants the application, it shall determine the course of the proceedings in respect of—
  - (a) the party that shall bear the applicable costs;
  - (b) the positioning of the interpreters;
  - (c) the conduct of oaths; and
  - (d) any other details necessary for the proper conduct of the proceedings.
- (4) The court may give directions in respect of—
  - (a) witnesses to give evidence by virtual link;
  - (b) whether the evidence in chief of a witness at any subsequent virtual link shall be confined to the witness statement;
  - (c) the date and time of the hearing; and
  - (d) any other matter that the court may deem necessary.

#### **35. Objection to proceedings**

- (1) Where any party objects to virtual link proceedings or a virtual hearing, he or she shall, within five days after receipt of notice of the application for virtual proceedings, file an objection by letter or electronically through the System stating the reasons for the objection, and shall serve a copy on the opposite party.
- (2) The opposite party served with the objection under subrule (1) shall, within five days of receipt of the objection, file a reply.
- (3) Upon the filing of the reply under subrule (2), the court shall give its decision on the matter without undue delay.

#### **36. Documentary evidence**

- (1) Where documents are to be relied upon in the audio-virtual proceedings, the court shall hold document conferencing.
- (2) Where a document is to be adduced by either party, the party adducing the document shall serve the other party and the court before the proceedings.
- (3) Where a document is adduced in the course of the proceedings, a document camera scan, email, or fax may be used by the court to transmit the document between the court location and the facility.
- (4) Subject to subrules (1) and (2), during document conferencing the parties may edit or revise the document using keyboard commands, a mouse, a light pen, or any other means as the court may approve.

### **37. Procedure of conducting virtual hearings**

- (1) Subject to rule 29, a judicial officer shall require that all parties taking part in the proceedings are introduced to one another and shall determine the procedure and mode of conducting proceedings.
- (2) Except as expressly provided for in these Rules, virtual hearing proceedings shall be conducted in accordance with the relevant procedural laws.

### **38. Virtual hearing procedure**

Where proceedings are to be conducted virtually—

- (a) the court shall, at least seven working days before the commencement of the hearing, notify the parties that the matter will be conducted by remote hearing and the notice shall state the date and time of the hearing, the relevant joining instructions for the virtual hearing and a list of any other necessary requirements to facilitate the hearing;
- (b) at least 12 hours before commencement of the remote hearing, the parties or their representatives shall be provided with the court's video conference link, password and instructions to access the service, whichever is applicable;
- (c) the testing of the audio or video feed of each party or their representatives shall take place before the allotted hearing time and before the presiding judge or magistrate joins the hearing;
- (d) the hearing shall start promptly at the scheduled time and the presiding judicial officer shall join the video conference or teleconference in a timely manner;
- (e) where a party served with a notice of hearing and provided with the video link or instructions to access the service under these Rules does not enter appearance without good cause, he or she shall be deemed to have defaulted appearance and the relevant law governing non-appearance of parties shall apply;
- (f) parties and their representatives shall be ready for hearing at the scheduled time and any consultations between them shall take place before the hearing and, except for consultations during the hearing, if any, shall require the prior leave of the presiding judicial officer;
- (g) the solemnity of the proceedings shall be observed as closely as in a courtroom;
- (h) advocates and state attorneys attending the proceedings shall be dressed in a manner compatible with the appropriate rules of etiquette, and parties shall be properly dressed;
- (i) the respective environment in which the court, parties and their representatives are physically sitting, shall be conducive for court proceedings and background noises shall be avoided;
- (j) oath or affirmation by witnesses shall be administered according to the law governing oaths and affirmations; and
- (k) in the course of the hearing, the party and his or her representative and witness shall ensure that there is no interruption or distraction for the whole duration of the remote hearing.

### **39. Examination of witnesses**

- (1) The order of examination of witnesses shall be in accordance with the Evidence Act.
- (2) Unless otherwise ordered by court, during examination in chief, cross examination and re-examination, a witness must be able to see the person asking the question and any other person making statements in regard to the evidence of the witness, and the court should be able to hear and observe the demeanour of the witness.

#### **40. Evidence of child**

- (1) The court shall adopt child friendly procedures when obtaining evidence from a child and may decide that the examination be done with the help of an intermediary.
- (2) Subject to subrule (1), the court may direct that examination of a child witness be done in a manner that is appropriate for the age and mental ability of the child.

#### **41. Evidence of person with disability**

- (1) Where evidence is obtained from a person with a disability, the court shall take into account the nature of the disability and make appropriate orders.
- (2) Where a witness by virtue of his or her disability requires special facilities or interpretation services, the court shall ensure that provision is made for the witness.

#### **42. Reference to authorities**

Where, in a virtual hearing, a party wishes to refer to a judgment in any unreported case or a quote from any book or any other authority which the law and practice requires him or her to produce a copy in court, he or she shall prepare an indexed and paginated electronic bundle of the authorities and present it to the court through the System or by any other means which the court may order, and the authorities shall be served on all other parties or their representatives prior to the proceedings.

### **Part IV – Electronic recording of proceedings**

#### **43. Recording and storage of court proceedings**

- (1) The court may, where electronic recording equipment is available, direct proceedings to be recorded electronically.
- (2) Where proceedings are recorded electronically, they shall be preserved in an electronic device or facility approved by the court to assure the accuracy and integrity of proceedings.
- (3) The Judiciary shall record all virtual proceedings and shall upload the transcript on the System within 14 days from the date of hearing.

#### **44. Request for copy of recorded court proceedings**

- (1) The court shall supply a copy of the transcribed and certified record of proceedings or its transcript upon an electronic application by a party or an interested person.
- (2) Notwithstanding subrule (1), where a party requires an electronic record for any justifiable reason, the court may provide the record.
- (3) A copy shall be supplied to an interested person upon approval by the registrar or the magistrate in-charge, subject to payment of prescribed fees.
- (4) The approval of the request by the registrar or magistrate in-charge under subrule (2), shall be subject to such conditions as to the use of the copy of the electronic record and its transcript so supplied.
- (5) The supplied copy of the electronic record and its transcript shall be certified by court as a true record of the court.

#### **45. Official record of court**

- (1) The electronically recorded proceedings and its transcript shall be the official record of the court.

- (2) In the event of a conflict between the electronically recorded proceedings and its transcript, the electronically recorded proceedings under the custody of the court shall prevail.

## **Part V – Judgments, rulings, decrees and orders**

### **46. Signing and sealing of judgments and court records**

- (1) The court may pronounce, date, seal and sign a judgment, ruling, decree or order or proceedings and make them available to the parties electronically through the System.
- (2) Where the judgment, ruling, order, decree or proceedings is signed and sealed in a conventional way, it shall be scanned and made available to the parties in the manner prescribed under subrule (1).

## **Part VI – Electronic execution of decrees and orders**

### **47. Extraction of decrees and orders**

- (1) The successful party in a suit shall prepare, without delay, a draft decree or order and electronically serve it on the other party to the suit, who shall approve the decree or order with or without amendment, or reject the draft decree, without undue delay.
- (2) Where a party served electronically under subrule (1) does not respond within 14 days from the date of service, he or she shall be deemed to have approved the decree.
- (3) Where the draft decree is approved by the parties, the draft decree or order shall be electronically submitted to the registrar through the System.
- (4) In a Magistrate's court, the decree or order shall be drawn up and signed by the Magistrate who pronounced the judgement, or by his or her successor.
- (5) Where the Registrar is satisfied that the decree or order is drawn up in accordance with the judgment or ruling, he or she shall electronically sign and seal the decree or order accordingly.
- (6) Where the parties and the Registrar do not agree upon the terms of the decree or order within such time as the Registrar shall fix, it shall be settled by the judge who pronounced the judgment, and the parties shall be entitled to be heard on the terms of the decree or order if they so desire.

### **48. Application for execution**

Subject to the direction of court, where the holder of a decree or order desires to execute the decree or order, he or she shall, in accordance with order XXII rules 7 and 8 of the Civil Procedure Rules, apply electronically through the System to the court which passed the decree, or, if the decree or order has been sent to another court; to that court or to the proper officer of that court.

### **49. Issue of notice to show cause**

- (1) Subject to Order XXII rule 19 of the Civil Procedure Rules, the court executing a decree or order shall issue a notice electronically through the System to the person against whom execution is applied for, requiring him or her to show cause, on a date to be fixed, why the decree should not be executed.
- (2) Where a person issued with a notice under subrule (1) objects to the execution of the decree or order, the court may consider the objection virtually and make such order as it deems fit.

#### **50. Examination of judgement debtor**

The examination of a debtor under Order XXII rule 38 of the Civil Procedure Rules or section 22 of [the Insolvency Act](#) may be done virtually.

#### **51. Register for execution applications**

There shall be an electronic register of all applications for execution filed under rule 48.

#### **52. Stay of execution**

A person who wishes to stay execution under Order XXII rule 26 of the Civil Procedure Rules, the Judicature (Court of Appeal Rules) Directions, the Judicature (Supreme Court Rules) Directions or any other applicable law may apply to court electronically through the System.

#### **53. Valuation of attached property**

A valuation report referred to under rule 16 of the Judicature (Court Bailiffs) Rules, 2022 may be transmitted electronically through the System.

#### **54. Sale by public auction**

- (1) Where any immovable property is ordered to be sold by public auction in execution of a decree, the court shall—
  - (a) cause a copy of the order to be served electronically through the System; and
  - (b) in sales of both movable and immovable property, cause public notice and advertisement of the intended sale to be issued electronically through the System or in such other manner as the court thinks fit.
- (2) The court shall draw up the public notice and advertisement and settle the terms of the public notice and advertisement without reference to the decree holder or judgment debtor, or may, in its discretion, afford either party an opportunity to attend at the settling of the terms of the public notice and advertisement.
- (3) The public notice shall contain such conditions of sale as the court may think fit or to which the decree holder and judgment debtor may agree, and the court may provide, in the notice, for the sale of the property in lots and also may direct the officer or other person conducting the sale to withdraw the property or any lot if the highest bid for it appears so clearly inadequate as to make it advisable so to do.
- (4) Every application for an order for sale under this rule shall be accompanied by a statement signed in the manner hereinbefore prescribed for the signing of pleadings and containing, so far as they are known to or can be ascertained by the person so signing, the matters required by subrule (2) of this rule to be specified in the public notice.
- (5) For the purpose of ascertaining the matters to be specified in the public notice, the court may summon any person whom it thinks necessary to summon and may examine him or her in respect of any such matters and require him or her to produce any document in his or her possession or power relating thereto.
- (6) The costs of advertising a sale shall be deemed to be costs of the sale.
- (7) Notification of sale by public auction under Order XXII r 63 of the Civil Procedure Rules may be done electronically through the System in addition to the public notice and advert.

## 55. Auctioning

- (1) Where the mode of execution is sale by public auction under Order XXII rule 70 of the Civil Procedure Rules, the sale may be done electronically through the System.
- (2) A person who wishes to conduct an auction under these Rules shall register on the System.
- (3) A bailiff shall submit a valuation report to the Registrar electronically through the system.
- (4) Where the valuation report referred to in subrule (3) is satisfactory, the court shall issue to the bailiff an order of sale electronically through the System.
- (5) The court shall set the reserve price of the property to be auctioned in fulfillment of a decree or order and post it electronically on the System.
- (6) The order of sale referred to in subrule (4) shall indicate the start date of the auction and the time.
- (7) The Auctioneers Rules, and the Judicature (Court Bailiffs) Rules, 2022 shall apply to the auctioning process.
- (8) Bids may be made electronically through the system.
- (9) The highest bidder at the time of the closing of the auctioning shall be the successful bidder.
- (10) The successful bidder shall pay the amount within 48 hours of closing of the bid, or such other time as may be directed by court, by depositing the said amount of money with the court in an account designated by the Chief Registrar.
- (11) Where a warrant of execution has been issued by the court bailiff shall place an advertisement electronically through the System and in a newspaper of wide circulation inviting people to bid for the property.
- (12) The advertisement referred to in subrule (11) shall indicate—
  - (a) a description of the property;
  - (b) the date and time of bidding;
  - (c) the reserve price; and
  - (d) location of the property for purposes of physical inspection
- (13) The venue of the auction shall be virtual.

## 56. Filing of returns

A bailiff shall, upon the completion of execution, electronically file a return through the System.

## 57. Filing bill of costs by bailiff

Subject to rule 20 of the Judicature (Court Bailiffs) Rules, 2022, a bailiff shall file his or her bill of costs in the court electronically through the System.

## 58. Complaints

Complaints under rule 24 of the Judicature (Court Bailiffs) Rules, 2022 may be made electronically through the System.

## Part VII – Miscellaneous

### 59. Digitisation of case files filed physically

The Judiciary shall, as soon as practicable, scan and digitise all case files filed physically and integrate them with the System.

### 60. Training and capacity building for court users

The court shall, in collaboration with other relevant stakeholders, periodically undertake training and capacity building programmes for court users, judicial officers, unrepresented litigants and members of the public on the use of the Electronic Court Case Management System.

### 61. Public access to System

- (1) Subject to these Rules, any other applicable law or an order of court, electronic court records shall be accessible by the public.
- (2) Parties and their attorneys may access all electronic court records in their cases remotely and at the court house except as provided by law or a court order.
- (3) Any file, document, information or data received or maintained by the court before the implementation of electronic filing that become court records through scanning or other digitization shall be accessible as follows—
  - (a) remotely, or at the court house by the parties or their attorneys; or
  - (b) by the public as permitted by these rules, after the court records have been redacted by the court.
- (4) The time for accessing court records accessible under these Rules shall be determined by the date of acceptance as defined in rule 8.
- (5) Court records shall become accessible upon acceptance, unless otherwise provided in these Rules.
- (6) Where the accessibility of a court record changes under these Rules, or by a court order, the court shall either remove or grant electronic access within a reasonable time.

### 62. Documents in criminal case files for which public access should not be provided

The following documents, in criminal cases, shall not be included in the public case file and shall not be made available through the System—

- (a) records relating to juveniles;
- (b) sealed documents; and
- (c) any documents containing information from which it is necessary to protect the public.

### 63. Misuse of the System

- (1) The court may suspend or revoke the registration of a user of the System who misuses the System.
- (2) For the purposes of these Rules, misuse occurs when a user attempts to harm, disrupt, alter or interfere with the System or any records maintained in the System, or attempts to use or access information on the System without proper authorisation.
- (3) A registered user is responsible for any misuse of the System by a third party whom he or she has authorised or directed to use through his or her account.

#### **64. Electronic archiving and transfer of case files**

- (1) Electronic case files shall be electronically archived under the e-register and may be retrieved with the permission of court.
- (2) An electronic file may be transferred to another court by creating an access link.

#### **65. Revocation and savings**

- (1) The Judicature (Visual-Audio Link) Rules, 2016, S.I. No. 26 of 2016, are revoked.
- (2) The Constitution (Integration of ICT into the Adjudication Processes for Courts of Judicature) (Practice) Directions, 2019, [Legal Notice No. 6 of 2019](#), are revoked.
- (3) Any proceedings, orders and judgments made or commenced under the Rules and Practice Directions revoked by subrules (1) and (2) and which are valid immediately before the commencement of these Rules shall have effect from the commencement of these Rules as if made under these Rules.

### **Schedule**

#### **Forms**

*[Please note: Forms have not been reproduced. Please refer to the publication document.]*