

LEGAL NOTICES SUPPLEMENT

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Legal Notice No. 5 of 2019.

**THE CONSTITUTION (ADJOURNMENTS FOR COURTS OF
JUDICATURE) (PRACTICE) DIRECTIONS, 2019**

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**The Constitution (Adjournments for Courts of Judicature)
(Practice) Directions, 2019.**

(Under Article 133 (1) (b) of the Constitution)

IN EXERCISE of the powers conferred upon the Chief Justice by Article 133 (1) (b) of the Constitution, these Practice Directions are issued this 25th day of January, 2019.

PART I—PRELIMINARY

1. Title.

These Practice Directions may be cited as the Constitution (Adjournments for Courts of Judicature) (Practice) Directions, 2019.

2. Application.

These Practice Directions apply to all courts of judicature.

3. Objectives of these Practice Directions.

The objectives of these Practice Directions are—

- (a) to promote practice that conforms to the requirements under articles 28(1) and 126(2)(b) of the Constitution aimed at speedy and fair hearings;
- (b) to promote consistency and uniformity in the management of adjournments;
- (c) to ensure readiness for trial with a view to hearing cases on a day-to-day basis; and
- (d) to provide guidance to the court and litigants on adjournments.

4. Interpretation.

In these Practice Directions, unless the context otherwise requires—

“adjourn” means to postpone court proceedings or hearings for a given period, or to a future date;

“any other cause” means a cause that is akin to or related to the factors stated in these Practice Directions.

PART II—ADJOURNMENTS

5. Applying for adjournments.

An adjournment shall be sought orally by any of the parties to the suit or at the instance of court, with stated reasons.

6. Adjournment at instance of court.

(1) Except in exceptional circumstances, court shall not allow an adjournment of scheduled proceedings.

(2) The exceptional circumstances in paragraph (1) include—

- (a) unforeseeable circumstances or matters related to the trial which arise during the course of the proceedings;
- (b) where a witness in a matter is unable to attend court proceedings and the trial cannot proceed without hearing that witness;
- (c) where a litigant needs to seek legal representation or needs an interpreter;
- (d) where evidence is presented to the court showing that the litigant or counsel is ill; or
- (e) any other cause as the court may deem fit.

7. Fixing of date.

Upon adjournment of a case, the court shall fix the next hearing to the earliest possible date.

8. Holding brief.

An advocate holding brief for another advocate shall ordinarily be expected to have instructions to proceed in the matter.

BART.M.KATUREEBE,
Chief Justice and Chairperson, Rules Committee.