

LEGAL NOTICES SUPPLEMENT

to The Uganda Gazette No.9, Volume CXIV, dated 27th January, 2021.

Printed by UPPC, Entebbe, by Order of the Government.

Legal Notice No. 2 of 2021.

**THE CONSTITUTION (LAND EVICTIONS) (PRACTICE)
DIRECTIONS, 2021**

ARRANGEMENT OF PARAGRAPHS

Paragraph

PART I—PRELIMINARY

1. Title.
2. Application.
3. Objectives of Practice Directions.
4. Interpretation.

PART II—PRINCIPLES AND REQUIREMENTS

5. Principles for eviction and demolition.
6. Requirements for eviction and demolition.

PART III—ORDERS, NOTICE AND WARRANT

7. Order of eviction.
8. Order of demolition.
9. Notice of eviction or demolition.
10. Warrant of eviction or demolition.
11. Execution of order of sale of immoveable property, etc.

12. Return of eviction or demolition.

SCHEDULE

Forms

Form A—Order of Eviction/Demolition.

Form B—Notice of Eviction/Demolition.

Form C—Return of Court Bailiff on Eviction/Demolition.

THE CONSTITUTION

The Constitution (Land Evictions) (Practice) Directions, 2021 *(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 10th day of February, 2020.

PART I—PRELIMINARY

1. Title.

These Practice Directions may be cited as the Constitution (Land Evictions) (Practice) Directions, 2021.

2. Application.

These Practice Directions apply to all courts of judicature.

3. Objectives of Practice Directions.

The objectives of these Practice Directions are—

- (a) to protect proprietary interests and rights as provided for by article 26 of the Constitution;
- (b) to promote and ensure respect of the fundamental principles of natural justice;
- (c) to promote uniformity and consistency in handling evictions and demolitions;
- (d) to promote harmony among the various key stakeholders in the administration of justice; and
- (e) to give direction on eviction procedures to judicial officers, litigants, bailiffs, police officers, counsel and other stakeholders.

4. Interpretation.

In these Practice Directions, unless the context otherwise requires—

“court bailiff” means a person licensed and appointed as such by the Chief Registrar, Deputy Chief Registrar, assistant registrar or Magistrate;

“eviction” means the removal of a person from possession of a proprietary interest through a valid court order;

“local authority” means the administrative unit of a local government;

“locus in quo” means the place or land which is the subject-matter of a court action;

“order of demolition” means a legally binding order issued by a competent court, compelling or authorising the demolition of a structure or building;

“order of eviction” refers to a legally enforceable order issued by a competent court and signed by a judge, magistrate or registrar, to vacate a property;

“proprietary interest” means a tangible or non-tangible right accorded to a property owner.

PART II—PRINCIPLES AND REQUIREMENTS

5. Principles for eviction and demolition.

Evictions and demolitions shall be carried out in accordance with the following principles—

- (a) every eviction or demolition shall be preceded by a valid court order, properly identifying the persons taking part in the eviction or demolition and upon presentation of the formal authorisations for the eviction or demolition;

- (b) the police and local authority of the area shall be notified and shall be present to witness the eviction or demolition and the police shall preserve law and order during the eviction or demolition;
- (c) every eviction or demolition shall be carried out in a manner that respects the dignity, right to life, property and security of all persons affected;
- (d) measures shall be taken to ensure the effective protection of vulnerable persons, including women, children, the elderly and persons with disabilities;
- (e) there shall be no arbitrary deprivation of property or possessions as a result of an eviction;
- (f) a court bailiff carrying out an eviction shall ensure the provision of storage facilities to store property from eviction or demolition sites for a period of fourteen days, in order to protect the property and possessions from destruction;
- (g) persons carrying out an eviction or demolition shall respect the principles of necessity and proportionality, prior to and during the eviction or demolition;
- (h) persons to be evicted shall be given an opportunity to salvage property or remove illegal structures; and where a person does not comply, the eviction or demolition shall be carried out; and
- (i) evictions or demolitions shall only be carried out between the hours of 8:00am and 6:00pm and no eviction shall be carried out on a weekend, during court vacation or on a public holiday.

6. Requirements for eviction and demolition.

Before an eviction or demolition is carried out—

- (a) there must be a valid court order or decree directing the eviction or demolition;
- (b) there must be an order of eviction or demolition, clearly stating the name of the person or persons to be evicted or the illegal structure to be demolished;
- (c) there must be a notice of eviction or demolition issued to the affected person or persons to be affected;
- (d) there must be a warrant of eviction or demolition.

PART III—ORDERS, NOTICE AND WARRANTS

7. Order of eviction.

An order of eviction shall be in Form A set out in the Schedule to these Practice Directions and shall state—

- (a) the particulars of the person or persons to be evicted;
- (b) the date of the eviction, being not less than ninety days and not more than one hundred and twenty days after the date of the Order, by which the person to be evicted should have vacated the land; and
- (c) any other matter as the court may deem fit.

8. Order of demolition.

(1) Where the court determines that a registered land owner or a person with interest in land has a valid claim to demolish an illegal structure on his or her land, the court shall issue an order of demolition.

(2) An order of demolition shall be in Form A set out in the Schedule to these Practice Directions and shall state—

- (a) the identity of the plaintiff or plaintiffs;

- (b) the identity of the defendants or affected persons;
- (c) the date for the demolition; and
- (d) the persons who constructed the illegal structures on the land.

(3) A court shall, when ordering the demolition of an illegal structure—

- (a) determine a just and equitable date by which the occupants of the illegal structure shall vacate the land;
- (b) give the owner or proprietor an opportunity to remove the illegal structure; and
- (c) determine the date on which the order of demolition and eviction may be executed if the illegal occupant has not removed the structure, or otherwise vacated the land, as ordered.

9. Notice of eviction or demolition.

(1) A court shall, when issuing an order of eviction or demolition, issue adequate and reasonable notice of eviction or demolition of not less than ninety days and not more than one hundred and twenty days to the affected person or persons.

(2) The notice of eviction or demolition shall be in Form B set out in the Schedule to these Practice Directions and shall contain—

- (a) the particulars of the land to which the notice relates;
- (b) the reasons for the proposed eviction or demolition; and
- (c) any other relevant information on the eviction or demolition.

(3) Notice of an eviction or demolition may be broadcast at public barazas or other broadcast media in English and in a local language or other language commonly spoken in the area.

10. Warrant of eviction or demolition.

(1) A judgment creditor or the advocate of the judgment creditor shall apply for a warrant of eviction or demolition in the court responsible for execution.

(2) The application under subparagraph (1) shall state—

- (a) the mode by which execution shall be effected;
- (b) the actual description of the land and where the land is registered and the full particulars of the land;
- (c) the developments on the land, if any, including buildings, crops and other developments; and
- (d) the persons to be evicted.

(3) The court shall, before issuing a warrant of eviction or demolition, take into account and be guided by—

- (a) the court records including judgements and orders; and
- (b) the record of proceedings at the locus in quo during the trial.

(4) Where the judge, magistrate or registrar is satisfied with the application under subparagraph (1), he or she shall issue a warrant of eviction or demolition to a court bailiff.

(5) The court shall, when issuing an order or warrant under this Part, exercise due diligence to avoid sanctioning inaccurate information that may be included in the application.

11. Execution of order of sale of immovable property, etc.

Where the court makes an order of sale of immovable property in execution of and to satisfy a decree or an order as to taxed costs, care shall be taken not to infringe on the rights of tenants in occupation of the property or persons enjoying easements over the property or the rights accruing from other lawful encumbrances.

12. Return of eviction or demolition.

Every court bailiff shall, after carrying out an eviction or demolition, file in court a return on the eviction or demolition in Form C set out in the Schedule to these Practice Directions.

**SCHEDULE
FORM A
ORDER OF EVICTION/DEMOLITION**

Paragraphs 7, 8(2)

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT

.....**JUDGMENT CREDITOR/PLAINTIFF**

VERSUS

..... **JUDGMENT DEBTOR/DEFENDANT**

ORDER OF EVICTION */DEMOLITION*

WHEREAS by a Judgment/Order/Decree of this Court dated,
the Court made the following orders—

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

AND WHEREAS A Notice of EVICTION*/DEMOLITION * dated
..... againstthe judgment
debtor herein, was served upon the said
**Delete whichever is inapplicable.*

AND WHEREAS the said
has not complied with the said Notice;

IT IS HEREBY ORDERED that be evicted
forthwith from the land at
OR the developments on land atbe
demolished forthwith.

IT IS FURTHER ORDERED that a return of eviction /demolition be filed
in this Court on or before.....

GIVEN under my hand and the Seal of this Court this day of
..... 20.....

.....
Judge/Magistrate /Registrar

**Delete whichever is inapplicable*

FORM B

Paragraph 9(2)

NOTICE OF EVICTION/DEMOLITION

WHEREAS by a Judgment/Order/Decree* of the Court dated,
the judgment creditor obtained an order of eviction/demolition

NOTICE IS HEREBY GIVEN OF EVICTION/DEMOLITION* of the
development at
withindays from the date of this notice and in any
case, on or before the day of 20.....

If you do not vacate the land/property/remove the illegal structure by the
date stated above, eviction/demolition* shall take place without any further
warning.

Given under my hand and the Seal of this Court this day of
..... 20.....

.....
Judge/Magistrate/Registrar

**Delete whichever is inapplicable.*

FORM C

Paragraph 12

RETURN OF COURT BAILIFF ON EVICTION/DEMOLITION

.....**JUDGMENT CREDITOR/PLAINTIFF**

VERSUS

.....**JUDGMENT DEBTOR/DEFENDANT**

RETURN OF EVICTION /DEMOLITION

1	Particulars of Court Bailiff Full name of the court bailiff <i>(Attach copy of licence, appointment letter and National ID)</i>	
2	Telephone/mobile number of court bailiff	
3	Physical address of court bailiff	
4	Names of person or persons affected by the eviction/demolition <i>(State particulars of persons affected by eviction/demolition found on the land/structure and any property found on the land/structure.)</i>	
5	Location of the land affected by the eviction/demolition Order. <i>(State particulars of the land and attach sketch map of the land and certificate of visit to the land.)</i>	
6	Date. <i>(Insert date of eviction)</i>	
7	Date on which eviction/demolition took place. <i>(Provide proof of notification /sensitization)</i>	

8	<p>Name(s) of the persons present during the eviction/ demolition.</p> <p><i>(State area police of parties and names of officer(s)</i></p> <p><i>Position/Rank</i></p> <p><i>Signature</i></p> <p><i>Area LCI Chairperson.</i></p> <p><i>Others present</i></p> <p>Names of TV Station(s), radio station, media present.</p> <p>Property at the location.)</p> <p><i>(Attach proof of visit to the land.)</i></p>	
9	Any other information that may be relevant to the Court.	

Dated atthis day of, 20.....

.....
COURT BAILIFF

.....
BART.M.KATUREEBE,
Chief Justice.