

Uganda

Judgments Extension Act Chapter 12

Legislation as at 31 December 2000

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Judgments Extension Act
Contents

1. Transfer and execution of Kenya, Malawi and Tanzania decrees	1
2. Execution of warrants of above courts in Uganda	1
3. Security to be taken from plaintiff and courts to be indemnified	2
4. Fees	2
5. Power of Minister to extend the act to decrees of other Commonwealth countries.	2

Uganda

Judgments Extension Act

Chapter 12

Commenced on 15 March 1908

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

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

An act to make provision for the execution by the courts of Uganda of decrees and warrants in court cases made and granted by the courts of Kenya, Malawi and Tanzania.

1. Transfer and execution of Kenya, Malawi and Tanzania decrees

Where a decree has been obtained or entered in the Supreme Court of Kenya or in the High Court of Malawi or of Tanzania, or in any court subordinate to any of those courts, for any debt, damages or costs, and where it is desired that the decree shall be executed upon the person or property of the defendant in Uganda, the decree may be transferred to the High Court or to any of the courts subordinate to it (hereafter called subordinate courts) for execution, and the provisions of the Civil Procedure Act for the transfer and execution of decrees shall apply in the same manner as if the decree had been obtained or entered in one court and were transferred for execution to another court within the jurisdiction of the High Court, and all proceedings shall, and may be, had and taken as if the decree had been a decree originally obtained in the High Court or a subordinate court, and all the reasonable costs and charges with regard to the transfer and execution of the decree shall be recovered in like manner as if it were part of the original judgment.

2. Execution of warrants of above courts in Uganda

When any warrant is issued by the Supreme Court of Kenya or the High Court of Malawi or of Tanzania, or by any court subordinate to any such court for the arrest of a defendant in a civil case either before or after judgment, a judge of the High Court or a magistrate shall have power—

- (a) to endorse and execute the warrant; or
- (b) to issue before that endorsement a provisional warrant for the arrest of the defendant, upon receipt of such telegraphic or other information and in such circumstances as would in his or her opinion justify the issue of a warrant in a civil case within his or her jurisdiction,

except that—

- (c) a person arrested under the provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may in the circumstances seem requisite;
- (d) no such warrant shall be endorsed or executed, and no such provisional warrant shall be issued, unless the warrant or information from the court desiring the arrest is accompanied by an intimation that the court indemnifies the High Court or magistrate's court against all costs, charges and expenses to be incurred by the High Court or magistrate's court;
- (e) the provisions of the Civil Procedure Act for the arrest of defendants before and after judgment shall apply in the same manner as if the suit had been originally instituted in the High Court or a magistrate's court, and all reasonable costs and expenses with regard to proceedings for such arrests shall be recoverable in like manner as if they had been incurred in the court in which the suit has actually been instituted.

3. Security to be taken from plaintiff and courts to be indemnified

A judge of the High Court or a magistrate requesting the arrest of a defendant under any law similar to this Act which may be enacted in Kenya, Malawi or Tanzania shall, before communication with a court in any such country, take security from the plaintiff in such sum as shall be sufficient to cover all the costs, charges and expenses to be incurred by the court to which application is made, and shall indemnify the court against all such costs, charges and expenses.

4. Fees

The fees to be paid for any process or proceeding under this Act shall be such as may be fixed from time to time by the High Court with the approval of the Minister.

5. Power of Minister to extend the act to decrees of other Commonwealth countries.

The Minister may, by statutory order, extend the provisions of this Act to decrees passed or warrants issued in any other country of the Commonwealth, and upon the publication of such order all the provisions of this Act with reference to the execution of decrees passed or warrants issued by the above-mentioned courts shall have as full force and effect with reference to the decrees of the courts of the other country mentioned in the order as if the courts had been mentioned in this Act together with the Supreme Court of Kenya, and the High Court of Malawi, and of Tanzania and the courts subordinate to any of those courts.