



THE REPUBLIC OF UGANDA

**THE NON-GOVERNMENTAL ORGANIZATIONS
(ADJUDICATION COMMITTEE PROCEDURE) RULES, 2020**

STATUTORY INSTRUMENTS

2020 No. 40

STATUTORY INSTRUMENTS SUPPLEMENT
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S T A T U T O R Y I N S T R U M E N T S

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STATUTORY INSTRUMENTS

2020 No. 40.

The Non-Governmental Organisations (Adjudication Committee Procedure) Rules, 2020

(Under Section 53 (6) of the Non-Governmental Organizations Act, 2016)

IN EXERCISE of the powers conferred upon the Minister responsible for internal affairs by section 53(6) of the Non – Governmental Organisations Act, 2016, these Rules are made this 10th day of January, 2020.

PART I—PRELIMINARY

1. Title

These Rules may be cited as the Non-Governmental Organisations (Adjudication Committee Procedure) Rules, 2020.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the Non-Governmental Organisations Act, 2016;

“Bureau” means the National Bureau of Non-Governmental Organisations established under section 5 of the Act;

“committee” means the adjudication committee established under section 53 of the Act;

“Minister” means the Minister responsible for internal affairs;

“Organisation” means a legally constituted non-governmental organisation under the Act, which may be a private voluntary grouping of individuals or associations established to provide voluntary services to the community or any part, but not for profit or commercial purposes.

3. Business of the committee.

The business of the committee shall, unless otherwise directed by the chairperson, be conducted during official working days and hours designated for Government business.

4. Sitzings of the committee.

(1) The sittings of the committee and the matters to be disposed of at such sittings shall be determined by the chairperson.

(2) The sittings of the committee shall be advertised and notified in such manner as the chairperson may direct.

(3) Nothing in these Rules precludes the committee from disposing of any business that has not been advertised or notified as long as the parties are present.

5. Establishment of registries.

(1) There is established a principal registry of the committee at head the office of the Bureau and branch registries at every branch office of the Bureau.

(2) The chairperson may create such other registries of the committee, as the chairperson may designate by notice in a newspaper of wide circulation.

PART II—FILING OF COMPLAINT OR APPEAL

6. Filing of an application.

(1) An appeal or complaint to a committee shall be commenced by filing an application in the registry at the head office of the Bureau or at a branch registry or any other registry designated by the chairperson.

(2) All subsequent documents required to be lodged in relation to an application shall be lodged in the registry where the application is filed.

(3) The executive director of the Bureau shall upon receipt of the complaint or appeal forward it to the chairperson within four working

days for the chairperson to constitute a sitting of the committee under rule 4 of these Rules.

(4) The appeal or complaint shall be filed within forty-five days from the date when the decision was made.

7. Status of the application.

Where an appeal or complaint is filed at a branch registry or at any other registry designated by the chairperson, the officer in charge of that respective registry shall, after entering the application in the register, immediately transfer the application to the chairperson and thereafter, the application shall be dealt with as if it had been filed at the head office registry.

8. Form of the appeal or complaint.

An appeal or complaint filed with the committee shall be in writing filed in triplicate and shall clearly state, the facts arising to the appeal or complaint, the reasons for the appeal and, in numerical order, the issues on which a decision is sought.

9. Filing of the appeal or complaint.

The officer in charge of the registry shall on receipt of a complaint or appeal deal with it in the following manner—

- (a) stamp, date and sign three copies of the complaint or appeal shall, upon receipt;
- (b) the first copy shall be retained for the use of the committee; and
- (c) the second and third copies shall be returned to the applicant to be served on the Executive Director of the Bureau or any other interested party in accordance with rule 11 of these Rules.

10. Extension of time of filing an appeal or complaint.

Where a complaint or an appeal is not filed within forty-five days after an applicant has received the decision from the Bureau or the cause of

action from which the complaint or appeal arose, the chairperson may, in his or her discretion, extend the time for making a complaint or an appeal.

11. Service on the Bureau.

(1) An applicant shall, within fifteen days after filing a complaint or an appeal with the committee, serve a copy of the appeal or complaint to the Bureau.

(2) Service of a complaint or an appeal on the Bureau under subrule (1) of this rule shall be by delivering to the Bureau the second and third copies of the appeal or complaint the second copy shall be stamped and dated as evidence of service and returned to the applicant, and the third copy shall be retained by the Bureau.

12. Filing of material documents.

(1) The Bureau or any other person shall, within thirty days after being served with an appeal or complaint under rule 11 of these Rules, cause to be lodged with the chairperson two copies of the all documents in the possession of the Bureau which are necessary to enable the committee to resolve the complaint or an appeal.

(2) The Bureau may file a reply to a complaint or an appeal.

PART III—HEARING OF AN APPEAL OR COMPLAINT

13. Notice to parties to appear.

(1) The chairperson shall give all parties to a complaint or an appeal not less than fourteen days' notice of the date fixed for the hearing of a complaint or an appeal.

(2) The hearing notice shall be prescribed in Form 1 in the Schedule.

14. Representation.

In any proceedings before the committee, a party may appear by himself or herself or by an agent including an employee of the organisation they are employed or founding member of the organisation or may be represented by an advocate.

15. Hearing of the appeal or complaint.

(1) The committee shall call on the hearing date fixed under rule 13, upon the appellant or claimant to present his or her case including calling any witness that he or she may wish to rely on.

(2) Where the claimant closes his or her case, the committee shall call upon the respondent or the Bureau to present its case and upon closure of the respondent's case, the committee shall call upon the claimant to make a reply to the respondent, after which the hearing shall be closed.

16. Witnesses.

(1) Where a party wishes to call a witness, the name and address of the witness shall be included in a list of witnesses and it shall be attached to the appeal or complaint or reply filed in the registry of the committee.

(2) A witness may object to answering a question or to producing a document on the ground that it incriminates him or her.

17. Examination and cross examination.

A party is entitled to examine a witness called by him or her and may cross examine a witness called by the other party.

18. Evidence.

(1) Evidence given to the committee during the proceedings shall be given on oath or affirmation.

(2) All documentary evidence tendered in the committee shall be original or where an original cannot be found, a certified copy of the original.

19. Recording of evidence.

(1) The evidence of the parties and that of each witness shall be taken down in writing by the members of the committee during the proceedings or by any person authorised to do so, in a form to be determined upon by the members of the committee and shall on completion of taking down be signed by the members of the committee at that proceeding.

(2) Notwithstanding subrule (1) of this rule, the evidence given during the proceedings may be recorded in shorthand or by mechanical means and if the parties to the proceeding agree, the transcript of anything recorded shall, if certified by the members of the committee be deemed to be a true record of such evidence for the purposes of the proceeding.

PART IV—DECISIONS OF THE COMMITTEE.

20. Decision to be made in presence of parties.

After concluding the hearing of the evidence and submissions of the parties, the committee shall, as soon as is practicable, make a decision in the presence of the parties or their advocates or representatives and shall cause a copy, duly signed and certified by the members of the committee which heard the application, to be given to each party to the proceedings.

21. Contents of the decision.

The decision of the committee shall be in writing and shall contain—

- (a) the nature of a complaint or an appeal;
- (b) a summary of all the relevant evidence produced before the committee and the reasons for accepting or rejecting the evidence;
- (c) the reasons for the decision;
- (d) the relief or remedy, if any, to which the applicant is entitled; and
- (e) an order as to costs.

22. Decision of the committee.

(1) After hearing the parties, the committee shall make a decision based on the evidence adduced before it.

(2) The decision of the committee shall be by consensus reached by the members of the committee.

(3) Where the committee is unable to reach a decision by consensus, the matter shall be decided by the chairperson.

(4) The decision of the committee shall take effect from the date determined by the committee but in any case, not earlier than the date the dispute arose.

(5) The committee may, when making a decision, determine the period during which the decision shall remain in force where applicable.

23. Enforcement of the decisions of the committee.

(1) A decision of the committee shall be enforceable in the same way as a decision in a civil matter in the High Court.

(2) A party to an award or decision of the committee who fails or refuses to abide by the terms of the award or decision of the committee shall be held liable for contempt of the committee.

PART VI—GENERAL

24. Appeals from decisions of the committee.

(1) A person who is dissatisfied with a decision of the committee, he or she may appeal to the High Court.

(2) Appeals under this rule shall be in accordance with the Judicature Act Cap 13 and the Civil Procedure Act, Cap 71.

25. Application of the Civil Procedure Rules SI 71-1

In any matter relating to the proceedings of a committee for which these Rules do not provide, the Civil Procedure Rules shall apply, subject to such modifications as the committee may direct.

26. Fees and application of the Judicature (Courts Fees) Rules.

(1) The fee payable for filing an appeal or complaint under these Rules is one hundred thousand shillings and is not refundable.

(2) The fees payable in respect of any other matter or proceeding before the committee shall be the fees prescribed by the Judicature (Courts Fees) Rules.

27. Reports to the Minister.

The chairperson of the committee shall on quarterly basis submit to the Minister, a copy of a report detailing the matters handled by the committee.

SCHEDULE
FORMS

FORM 1

THE REPUBLIC OF UGANDA

rule 13 (2)

THE NON-GOVERNMENTAL ORGANISATIONS ACT, 2016

_____ : : : : : APPLICANT
VERSUS
_____ : : : : : RESPONDENT

To:

HEARING NOTICE

Whereas _____ (*insert the details of the applicant*)
has instituted proceedings for _____ (*insert
the details of the subject matter and orders sought*) you are summoned
to appear before the committee in person or by an advocate duly
instructed on the _____ day of _____, 20 _____,
at _____ o'clock in the _____ noon, to answer to the claim.

TAKE NOTICE that, in default of your appearance on the day
above-mentioned, the application shall be heard and determined, and
such order as is deemed fit will be rendered in your absence.

GIVEN under my hand and the seal of this committee on the _____
day of _____, 20 _____.

CHAIRPERSON OF THE COMMITTEE

HON. (GEN) JEJE ODONGO (MP)
Minister of Internal Affairs.

Cross reference

The Judicature Act, Cap. 13

The Civil Procedure Act, Cap. 71

The Judicature (Courts Fees) Rules