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UGANDA

BUGANDA COURTS ORDINANCE,

1940.

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## UGANDA PROTECTORATE.

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Buganda Courts Ordinance, 1940.

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# UGANDA PROTECTORATE.



I ASSENT,

L. S.

P. E. MITCHELL,

*Governor.*

4TH APRIL, 1940.

## No. 4 of 1940.

An Ordinance to make better Provision for the Constitution of Native Courts in Buganda, for the Administration of Justice and to implement the Uganda Agreement (Clan Cases), 1924, the Uganda Agreement, 1900, and the Uganda (Judicial) Agreement, 1905, as varied by the Native Courts in Buganda Proclamation, 1917.

[*By Notice.*]

Enacted by the Governor of the Uganda Protectorate, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Buganda Courts Ordinance, 1940, and shall come into operation on a date to be fixed by the Governor by notice in the Gazette.

Short title,  
commence-  
ment and  
application.

(2) This Ordinance shall only apply to Buganda.

2. In this Ordinance, unless the context otherwise requires—

Interpretation.

“court” means a court established under section 4 of this Ordinance and includes the Lukiko Court;

“Gombolola Court” means a court established under section 4 of this Ordinance the President of which is a Gombolola Chief;

“Judicial Adviser” means the Judicial Adviser appointed by the Governor and includes an Assistant Judicial Adviser;

“Kabaka” means the Kabaka recognised in pursuance of Article 6 of the Uganda Agreement, 1900, and includes any Regents appointed to exercise the powers of the Kabaka;

“Katikiro” means the Prime Minister appointed under Article 10 of the Uganda Agreement, 1900;

“Lukiko Court” means the Court of the Lukiko referred to in section 3 of this Ordinance;

“magistrate” means any person deemed to be a magistrate under subsections (3) and (5) of section 6 of the Subordinate Courts Ordinance, 1940;

“native” means any person whose tribe is a tribe of the Protectorate or of the Colony and Protectorate of Kenya, the Tanganyika Territory, Nyasaland, the Sudan, the Belgian Congo or the mandated territory of Ruanda-Urundi, and includes a Swahili;

“native law” means a law made under the Buganda Agreement (Native Laws), 1910, and the Buganda (Declaratory) Agreement (Native Laws), 1937, as confirmed by the Buganda Native Laws (Declaratory) Ordinance, 1938;

“Omulamuzi” means the Chief Justice appointed under Article 10 of the Uganda Agreement, 1900;

“Omuwanika” means the Treasurer appointed under Article 10 of the Uganda Agreement, 1900;

“Resident” means the Resident, Buganda;

“Saza Court” means a court established under section 4 of this Ordinance, the President of which is a Saza Chief;

“subordinate court” means a court established under the Subordinate Courts Ordinance, 1940.

3. (1) It is hereby confirmed that the Court of the Lukiko recognised by Article 11 of the Uganda Agreement, 1900, is the principal court of Buganda and has, subject to the provisions of this Ordinance, full jurisdiction, civil and criminal, throughout Buganda over all natives. It shall be lawful for the Kabaka, with the approval of the Governor, to declare by notice in the Gazette, the style by which such Court shall be known.

(2) The Lukiko Court shall consist of the following members—

(a) the Kabaka;

(b) the Omulamuzi;

(c) the Katikiro and the Omuwanika;

(d) three chiefs not below the rank of Gombolola Chief appointed by the Kabaka for such period as the Kabaka, with the approval of the Governor, shall deem fit.

(3) The Lukiko Court shall be duly constituted if it consists of not less than three members.

(4) The Lukiko Court shall be presided over by the Kabaka, or, in his absence, by the Omulamuzi, or, in the absence of both of them, by a member of the Court appointed by the Omulamuzi.

(5) For the purpose of expediting the business of the Lukiko Court, the Kabaka, with the approval of the Governor,

Ord. No. 2 of  
1940.

Ord. No. 6 of  
1938.

Ord. No. 2 of  
1940.  
Recognition,  
constitution  
and  
jurisdiction of  
the Lukiko  
Court.

may appoint from time to time a special court additional to the Lukiko Court for such period as may be necessary. Such special court shall consist of two chiefs not below the rank of Gombolola Chief and one chief not below the rank of Saza Chief (who shall be president of the Court), appointed by the Kabaka with the approval of the Governor and shall exercise the jurisdiction exercisable by the Lukiko Court.

4. (1) Other courts which shall be subordinate to the Lukiko Court may be established by the Kabaka, with the consent of the Governor, by the issue of a warrant defining the area within which the court exercises jurisdiction and imposing such limitations upon the jurisdiction and powers of the court as, subject to the provisions of this Ordinance, he may deem fit.

Establishment  
of other  
courts.

(2) The establishment of any court under this section may, with the prior approval of the Governor, be suspended or revoked by the Kabaka and, subject to the provisions of this Ordinance, its jurisdiction or powers may be varied by the Kabaka. Upon the suspension or revocation of the establishment of a court, or upon any variation of its jurisdiction or powers, the warrant of the court shall be surrendered forthwith to the Kabaka who shall retain or amend the same, as the case may be.

5. (1) The Kabaka may prescribe by the warrant of a court the constitution of such court, the order of precedence of the members thereof, the method of arriving at a decision if the members of the court are in disagreement, the number of members of the court which shall constitute a quorum, and whether any penalty to be imposed is to be fixed by the court as a whole or by any specified member, or members of it.

Constitution  
of courts.

(2) Unless the contrary be shown any court shall be deemed to be lawfully constituted.

6. (1) Subject to any limitation contained in its warrant or in this or any other law, a court may exercise jurisdiction over all causes and matters where, in proceedings of a civil nature, all parties are natives, or where, in proceedings of a criminal nature, the accused is a native.

Jurisdiction  
of courts.

(2) When, in the opinion of the Governor, any classes of persons who are not natives should, having regard to their general mode of life, nevertheless be made amenable to the jurisdiction of any court as if they were natives, the Governor may make an order conferring jurisdiction on any court over such classes of persons and thereupon the warrant of such court shall be varied by the Kabaka accordingly.

(3) Where in the course of any proceedings in a court any person claims that he is not justiciable by such court, the court shall refer the matter to a magistrate posted to the area in which such court exercises jurisdiction and such magistrate, after making such enquiries as he thinks necessary, shall, in his discretion, decide whether such person is or is not a person

subject to the jurisdiction of such court and shall thereupon send to the court a certificate accordingly which for the purposes of such proceedings shall be conclusive and final.

(4) Subject to any restrictions to the contrary in its warrant, and notwithstanding the provisions of any other law, any court shall have jurisdiction to hear and determine any proceedings instituted by or against the Crown or the Buganda Native Government acting by an officer duly authorised in that behalf, where the other party is a person subject to the jurisdiction of such court:

Provided that in the case of proceedings against the Crown the leave of the Attorney-General shall first be obtained, and in the case of proceedings against the Buganda Native Government, the leave of the Resident shall first be obtained.

Transfer of cases from the High Court and subordinate courts.

7. Where any proceedings of a civil or criminal nature which a court has jurisdiction to try are commenced in a subordinate court or the High Court, they shall be transferred for hearing to a court having jurisdiction:

Provided that this section shall not apply to proceedings of a criminal nature arising out of offences committed within the boundaries of any place declared to be a township under the Townships Ordinance, unless a subordinate court or the High Court, as the case may be, shall consider it desirable to transfer the proceedings to a court having jurisdiction.

Ord. No. 9 of 1938.

Territorial limits of jurisdiction.

8. Subject to any limitations contained in its warrant or in this or any other law, the jurisdiction of a court shall extend only to cases and matters arising within the local area of jurisdiction of the court, and to cases and matters arising elsewhere when the defendant is ordinarily resident within such area save that causes or matters relating to immovable property shall be heard in the court exercising jurisdiction in the area in which such property is situate.

Cases excluded from the ordinary jurisdiction of a Court.

9. Subject to any express provision to the contrary, no court shall have jurisdiction in any proceedings—

(a) in which a person is charged with an offence in consequence of which death is alleged to have occurred;

(b) concerning marriage or divorce regulated by the Marriage Ordinance, the Marriage of Natives Ordinance or the Divorce Ordinance;

(c) taken under any Ordinance or any English or Indian law in force in the Protectorate unless such court has been authorised to administer or enforce such Ordinance or law by the terms of an Ordinance or under section 12 of this Ordinance;

(d) removed from the jurisdiction of such court by the terms of its warrant;

(e) to which the Uganda Agreement (Clan Cases), 1924, relates;

(f) for the sale or delivery by way of execution of any land registered under the Registration of Titles Ordinance or any Ordinance amending or replacing the same.

Cap. 103.  
Cap. 105.  
Cap. 58.

Cap. 153.

10. Subject to the provisions of this Ordinance a court shall administer and enforce only— Law to be administered.

- (a) the provisions of any native law;
- (b) the native customary law prevailing in Buganda on or after the coming into force of this Ordinance;
- (c) the provisions of all lawful orders made by a chief in pursuance of native law and custom;
- (d) the provisions of any Ordinance or other law which the court is authorised to administer or enforce by the terms of any Ordinance; and
- (e) the provisions of any Ordinance which the Court may be authorised to administer or enforce under section 12 of this Ordinance.

11. (1) A case involving questions of title to or any interest in land registered in the Mailo Register under the Registration of Titles Ordinance or any Ordinance amending or replacing the same shall be tried only by the Lukiko Court, except a case arising under Part VII of the said Ordinance. Cases involving question of title to or any interest in mailo land registered under the Registration of Titles Ordinance. Cap. 153.

(2) Where any case as aforesaid has been decided by the Lukiko Court, the proceedings in such case shall be forwarded for confirmation—

(a) to the Judicial Adviser if the case is one where an appeal, if lodged, would lie to the Judicial Adviser; or

(b) to the High Court, if the case is one where an appeal, if lodged, would lie to the High Court.

(3) The Judicial Adviser or the High Court is hereby empowered on the receipt of any proceedings forwarded under subsection (2) of this section to confirm or vary the judgment in such proceedings and thereupon to make any consequential order as the justice of the case may require and any such order shall be deemed to be an order binding on the Registrar of Titles for the purposes of the Registration of Titles Ordinance.

12. The Kabaka, with the consent of the Governor, by order in the Gazette, or in the warrant establishing a court may confer jurisdiction upon any court to administer or enforce all or any of the provisions of any specified Ordinance subject to any restriction or limitation that may be imposed by such order or warrant. Jurisdiction under specified Ordinances.

13. (1) Subject to the provisions of this or any other law and to any limitations imposed on a court by its warrant a court in cases of a criminal nature may order— Orders in cases of a criminal nature.

(a) the imposition of a fine;

(b) the infliction of a term of imprisonment;

(c) the administration of corporal punishment;

and may make any other order (including an order for compensation) which the justice of the case may require;

Provided that any order in any case shall be reasonable having regard to the nature and circumstances of the case.

(2) It shall be lawful for a court to make any or any combination of the orders mentioned in subsection (1) of this section.

(3) A court may order that any fine which it shall impose shall be paid at such time or times or by such instalments as it shall think just, and in default of the payment of any fine or of any instalment of the same when due the court may order that the amount of the fine or of the instalment, as the case may be, shall be levied by the sale of any property belonging to the offender.

(4) Where a court makes an order for the payment of a fine it shall have the power to direct by its sentence that, in default of the payment of the fine, the offender shall suffer such period of imprisonment as will satisfy the justice of the case:

Provided that no such period of imprisonment shall be in excess of the maximum period which a court is empowered by its warrant to impose:

Provided further that, subject to the express provision of this or any other law, in no case shall the imprisonment exceed the maximum fixed by the following scale—

<i>Amount.</i>		<i>Maximum period.</i>	
Not exceeding Shs. 10	... ..	... ..	... 14 days.
Exceeding	„ 10 but not exceeding Shs. 20	... ..	... 1 month.
„	„ 20 „ „ „ „	„ „	„ 100 ... 3 months.
„	„ 100 „ „ „ „	„ „	„ 400 ... 4 months.
„	„ 400 ... ..	... ..	... 6 months.

(5) The imprisonment which is imposed in default of the payment of a fine shall terminate whenever the fine is either paid or levied by process of law.

(6) Where a term of imprisonment is imposed by a court in default of the payment of a fine that term shall, on the payment or levy of a part of such sum, be proportionately reduced.

(7) Any compensation awarded by a court under this section may be ordered to be paid at such time or times or by such instalments as it shall think just and in default of the payment of any compensation or any instalment of the same when due, the court may order that the amount of the compensation or the instalment as the case may be shall be levied by the sale of any property belonging to the person ordered to pay the compensation.

(8) When a court orders compensation to be paid under this section to any person injured or aggrieved by the act or

omission in respect of which such compensation has been imposed, such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damage for the loss or injury sustained by him by reason of such act or omission.

14. Persons sentenced by a court to imprisonment or taken in execution of the process of such court shall be detained in a place authorised by the Kabaka as a prison: Places of imprisonment.

Provided that on the application of the Omulamuzi, with the sanction of the Resident and the concurrence of the Commissioner of Prisons, any such person or class of persons may be detained in a prison established under the Prisons Ordinance, and in such case any person so detained shall be subject to all the provisions of the said Ordinance. Cap. 140.

15. A court, in cases of a civil nature may order—

(a) the award of compensation (which may include an amount for costs and expenses incurred by a successful party or his witnesses); Awards in cases of a civil nature.

(b) the specific performance of a contract;

(c) the restitution of any property;

and may make any other order which the justice of the case may require.

16. Any compensation awarded by a court under section 15 of this Ordinance may be ordered to be paid at such time or times or by such instalments as it shall think just and in default of the payment of any compensation or any instalment of the same when due, the court may order that the amount of the compensation or the instalment as the case may be shall be levied by the sale of any property belonging to the person ordered to pay the compensation. Instalments and recovery of compensation in cases of a civil nature.

17. On the occasion of his birthday the Kabaka, with the prior approval of the Governor, may remit the sentence of imprisonment passed by a court on any person detained in a place authorised by the Kabaka as a prison. Remission of sentences.

18. Any person subject to the jurisdiction of a native court who, without lawful excuse— Contempt of court.

(a) omits to produce or deliver up any document or thing on the order of such court; or

(b) refuses to answer any question asked by the court; or

(c) refuses to sign any statement which the court requires him to sign; or

(d) intentionally insults the court or any member thereof; or

(e) intentionally interrupts the proceedings of the court; or

(f) having the means to pay any compensation awarded against him, refuses or wilfully fails to make such payment after due notice,

shall be guilty of a contempt of court and shall be liable on conviction to a fine not exceeding Shs. 100 or in default of payment to imprisonment not exceeding six weeks.

Power to  
summon  
witnesses.

19. (1) Every court shall have power to summon before the court for the purpose of giving evidence any person within the area in respect of which the court is constituted and subject to the provisions of any rules made under section 28 of this Ordinance or any rules made by the Chief Justice under paragraph (a) of subsection (4) of section 28 of the Native Courts Ordinance, any person without such area :

Ord. No. 3 of  
1940.

Provided that where the person to whom the summons is directed is not subject to the jurisdiction of the court the summons shall not be deemed to be valid within the meaning of this section unless it is endorsed by the Judicial Adviser or a magistrate. The Judicial Adviser or a magistrate shall not so endorse a summons unless he is satisfied that the attendance of the person summoned is necessary for the proper decision of the proceedings and that the reasonable expenses of the person summoned will be tendered to him if, in the opinion of the Judicial Adviser or the magistrate, such expenses ought to be paid. Where in any case a summons is sent by a court for endorsement as aforesaid and the Judicial Adviser or the magistrate is satisfied that the evidence of any person not subject to the jurisdiction of a court is necessary for the proper decision of the proceedings, but for any reason the Judicial Adviser or the magistrate considers that the attendance of such person before the court should not be required he may, instead of endorsing the summons, issue process to require the attendance of such person before a subordinate court having jurisdiction over such person, and such subordinate court shall, in the presence of the parties to the proceedings (if they wish to appear) record such person's evidence. Evidence so taken shall be transmitted to the court and shall form part of the record of the case before such court.

(2) Any person who, without reasonable excuse, shall fail to obey any valid summons issued under this section shall be guilty of an offence and shall be liable on conviction by a court having jurisdiction over him to a fine not exceeding Shs. 100 or in default of payment to imprisonment for a period not exceeding six weeks.

(3) Where a witness does not appear in obedience to a summons, the court having jurisdiction over him, on proof of the proper service of the summons a reasonable time before, may issue a warrant to bring him before the court at such time and place as may be specified therein.

Practice and  
procedure.

20. Subject to any matter which may be prescribed under subsection (1) of section 5 of this Ordinance or by rules under

section 28 of this Ordinance or by any native law or custom the practice and procedure of courts shall be regulated in accordance with directions issued by the Omulamuzi on the advice of the Resident.

21. (1) Every court shall, if called upon to do so, submit in writing to the Omulamuzi a return of the cases tried in such court in such form as the Omulamuzi shall direct.

Return of cases to be submitted.

(2) The Judicial Adviser, or a magistrate, may call for any return so submitted.

22. Save as may be prescribed by rules under section 28 of this Ordinance no advocate or legal practitioner may appear or act for any party before a court or the Judicial Adviser but a court or the Judicial Adviser may permit the husband, wife, son or guardian of any party, or any other native willing to act as next friend without reward who shall give satisfactory proof that he or she has authority in that behalf to appear and to act for such party:

Appearance on behalf of parties.

Provided that nothing in this section contained shall prevent the Crown or the Buganda Native Government from appearing by any person subject to the jurisdiction of the court duly authorised in that behalf in any case justiciable by a court under the provisions of subsection (4) of section 6 of this Ordinance.

23. (1) Every magistrate shall at all times have access to courts subordinate to the Lukiko Court in the area to which he is posted and may send for and examine the record of any proceedings before a court for the purpose of satisfying himself as to the correctness, legality or propriety of any finding sentence or order recorded or passed, and as to the regularity of any proceedings of any such court.

Supervisory powers of magistrates and Saza Chiefs.

(2) If any magistrate acting under subsection (1) of this section considers that any finding sentence or order of such court is illegal or improper he shall forward the record with such remarks thereon as he thinks fit to the court exercising revisionary powers over such court in pursuance of section 25 of this Ordinance.

(3) Any magistrate acting under subsection (1) of this section may order that any sentence passed in any criminal proceedings which in his opinion is inhuman, excessive or illegal be suspended until such time as action has been taken under subsection (2) of this section and section 25 of this Ordinance.

(4) Every Saza Chief may, in relation to the courts subordinate to the Saza Court in his area, exercise the powers conferred on a magistrate by this section.

24. (1) The Judicial Adviser may—

(a) at all times have access to all courts and to the records and proceedings of such courts;

(b) of his own motion, revise any original or appellate

Revisionary powers of the Judicial Adviser and the Omulamuzi.

proceedings of a court by revising, amending or varying in any manner the decision given so, however, that the proceedings so revised shall not be in excess of the jurisdiction of the court of first instance:

Provided that no sentence in any criminal matter shall be enhanced upon revision without an opportunity being given to the convicted person of being heard;

(c) quash any proceedings and, when it is considered desirable, may make an order for the case to be re-heard *de novo* either before the same court or some other court, or where no court has jurisdiction, by a subordinate court having jurisdiction:

Provided that, where proceedings are quashed and an order for re-hearing is made as aforesaid no plea of *res judicata* or *autrefois acquit* or *autrefois convict* shall be deemed to arise out of the proceedings so quashed.

(2) In exercising the powers of revision under this section the Judicial Adviser shall not be entitled to hear any evidence but he may, if he sees fit, before giving his decision, return the case to the court of trial with a direction to hear further evidence, and when such evidence has been taken, such court shall then return the record to the Judicial Adviser for his decision.

(3) The Omulamuzi when inspecting courts subordinate to the Lukiko Court may exercise any of the powers vested in the Judicial Adviser by paragraphs (b) and (c) of subsection (1) of this section.

(4) No proceedings shall be revised under this section after the expiration of twelve months from the termination of such proceedings and no proceedings shall be further revised under this section in respect of any matter arising thereon which has previously been the subject of a revisional order as aforesaid.

Revisionary  
powers of  
courts.

25. (1) Any court to which an appeal lies from the decision, order or sentence of some other court may of its own motion or when a case is forwarded to it under subsection (2) of section 23 of this Ordinance exercise any of the powers specified in paragraphs (b) and (c) of subsection (1) of section 24 of this Ordinance in respect of such other court:

Provided that where in the exercise of such powers such court quashes any proceedings which terminated in an order of acquittal of a person on a charge of a criminal nature and orders a re-hearing thereof, no such order shall be valid unless and until it has been confirmed by the Judicial Adviser.

(2) The provisions of subsections (2) and (4) of section 24 of this Ordinance shall apply *mutatis mutandis* to proceedings in revision under this section.

26. (1) An appeal shall lie to the High Court from decisions of the Lukiko Court in its original jurisdiction— Appeals.

(a) in criminal cases where a court has passed a sentence of imprisonment exceeding five years or a fine exceeding Shs. 2,000; and

(b) in civil cases where the amount or value of the subject matter of the case exceeds Shs. 2,000.

(2) The Chief Justice may make rules governing the filing and hearing of appeals in the High Court.

(3) Where an appeal does not lie to the High Court an appeal shall lie to the Judicial Adviser from any decision of the Lukiko Court in its original jurisdiction. Any person aggrieved by a decision of the Judicial Adviser in his appellate jurisdiction under this subsection may appeal to the High Court on a matter of law (not including severity of sentence) but not on a matter of fact.

(4) From any decision of a court established under section 4 of this Ordinance, an appeal shall lie to such court or courts or to the Judicial Adviser as may be specified by the Kabaka with the approval of the Governor in the warrant establishing a court. The Kabaka may, with the like approval, further prescribe in the warrant establishing a court that an appeal shall not lie in any specified class of case, whether civil or criminal, either at all or beyond any specified court:

Provided that, save as may be otherwise prescribed under this subsection, no appeal shall be allowed to the Lukiko Court or to the Judicial Adviser—

(a) in criminal cases where a court has passed a sentence of imprisonment not exceeding one week or a fine the imprisonment in default of payment of which does not exceed one week;

(b) in civil cases where the amount or value of the subject matter of the case does not exceed Shs. 100.

(5) Any person who deems himself aggrieved by any order, decision or sentence of a court may, if an appeal lies, appeal to the appropriate court of appeal (which expression for the purpose of subsections (3) and (6) of this section shall include the Judicial Adviser) in the prescribed manner within thirty days from the date of such order, decision or sentence:

Provided that the court of appeal to which the appeal lies may for good cause extend the time.

(6) In exercising its appellate jurisdiction such court of appeal shall be empowered—

(a) to hear any additional evidence;

(b) whether any additional evidence is heard or not, to reverse, amend or vary in any manner, the decision appealed against, so, however, that the decision so altered shall not be in excess of the jurisdiction of the court of first instance;

(c) to quash any proceedings and, if it is considered desirable, thereupon to order the case to be re-heard *de novo* either before the court of first instance or some other court having jurisdiction:

Provided that where proceedings are quashed and an order for re-hearing is made as aforesaid no plea of *res judicata* or *autrefois acquit* or *autrefois convict* shall be deemed to arise out of the proceedings so quashed.

Substantial justice to be done without undue regard to technicalities.

27. It is hereby declared that no proceedings in a court and no summons, warrant, process, order or decree issued or made thereby shall be varied or declared void upon appeal or revision solely by reason of any defect in procedure or want of form but every authority exercising powers of appeal or revision under this Ordinance shall decide all matters according to substantial justice without undue regard to technicalities.

Power to make rules.

28. (1) The Kabaka, on the advice of the Lukiko and with the approval of the Governor, may make rules for carrying this Ordinance into effect.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the practice and procedure of courts in their original jurisdiction;

(b) the provisions relating to the committal of accused persons for trial to courts having jurisdiction;

(c) the procedure relating to the swearing of witnesses;

(d) the procedure relating to the remand of accused persons;

(e) the procedure relating to the institution, prosecution and hearing of appeals;

(f) the procedure relating to civil cases;

(g) the provisions relating to bail;

(h) the provisions relating to the institution of criminal complaints;

(i) the procedure relating to the arrest of accused persons;

(j) the practice governing the imposition and administration of corporal punishment including provisions as to the confirmation of any such orders and the detention or admission to bail of persons sentenced to corporal punishment pending confirmation or appeal;

(k) the provisions relating to execution and attachment in civil and criminal cases;

(l) the regulation of the appearance of advocates or legal practitioners before courts and the Judicial Adviser;

(m) the fees to be paid in courts;

(n) the costs to be allowed in civil and criminal cases;

(o) the causes or classes of causes to be treated as of a criminal or civil nature;

(p) the disposal and application of fines and fees received by courts;

(q) the forms to be used by courts.

29. (1) The Courts Ordinance is hereby repealed so far as it relates to Native Courts in Buganda.

Repeals and savings.  
Cap. 39.

(2) Sections 9 and 307 (3) of the Criminal Procedure Code are hereby repealed.

Cap. 41.

(3) The words "or native court" which occur in lines 2 and 3 of subsection (1) of section 321 of the Criminal Procedure Code are hereby repealed.

(4) Subsections (2) and (3) of section 321 of the Criminal Procedure Code are hereby repealed.

(5) The words "or native court" which occur in line 2 of subsection (1) of section 323 of the Criminal Procedure Code are hereby repealed.

(6) The provisions repealed by subsections (2) to (5) inclusive of this section shall be deemed to be repealed in so far as they relate to native courts in Buganda.

(7) Notwithstanding the other provisions of this section any proceedings pending in any native court established before the coming into force of this Ordinance shall continue to be tried and determined by such court as if this Ordinance had not been enacted.

Passed in the Legislative Council on the 1st day of April, 1940.

C. RANKIN,

*Clerk of Council.*