



THE JUDICIARY OF UGANDA

# THE STRUCTURE & FUNCTIONS OF THE JUDICIARY AND THE ADMINISTRATION OF THE JUDICIARY ACT

Sarah Langa Siu - Chief Registrar

INDUCTION OF NEWLY APPOINTED ACTING MAGISTRATES GRADE ONE  
30<sup>h</sup> October 2023 – Colline Hotel Mukono

# FOCUS OF THE PRESENTATION

- 1) Introduction & Mandate of the Judiciary
- 2) Operations and Structure of the Judiciary
- 3) The Structural leadership in the Judiciary - Hierarchy and Departments
- 4) Key Functions of the Judiciary
- 5) Functions of Magistrates Grade One
- 6) Highlights of AJA



# INTRODUCTION



- Judicial power is derived from the people - Article 126 (1) of the Constitution
- Article 128 asserts the Independence of Judiciary

The Judiciary is an arm of Government

- Established under Chapter 8 of the Constitution of the Republic of Uganda
- The Administration of the Judiciary Act, 2020



# MANDATE

Core mandate is adjudication of civil and criminal matters under Article 126 (2) of the Constitution. Guiding principles:

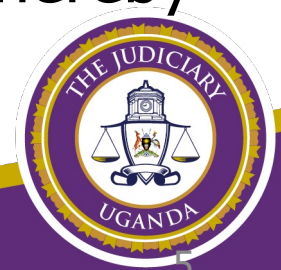
- a. justice shall be done to all irrespective of their social or economic status;
- b. justice shall not be delayed;
- c. adequate compensation shall be awarded to victims of wrongs;
- d. reconciliation between parties shall be promoted; and
- e. substantive justice shall be administered without undue regard to technicalities.



# CONTRIBUTION TO THE ECONOMY

The Judiciary not a consumer but plays a role in the economic transformation of the economy and in creating wealth to drive Uganda to middle income status, in line with the country's Vision 2040, and the National Development Plan III inter alia, through:

- a) Revenue collection through court fees and fines;
- b) Creating peaceful societies by keeping away murderers, terrorists, robbers, embezzlers and all other criminals;
- c) Resolution of commercial and land disputes thereby liberating money and other factors of production



# VISION, & MISSION & CORE VALUES

**VISION:** Justice for All

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**MISSION:** To efficiently and effectively administer justice

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# CORE VALUES

## INDEPENDENCE AND IMPARTIALITY

The Judiciary will ensure that it operates freely in its own best judgment, without taking directives from, or being controlled by, any person or authority.

## INTEGRITY

The Judiciary will carry out its activities in an honest and truthful manner, and will take all reasonable measures to prevent willful wrongdoing by its officials.

## TRANSPARENCY

The Judiciary will be open at all times in dealing with all partners in the administration of justice, documenting its operations and freely disseminating information. The Judiciary will endeavor to win the confidence and trust of all Ugandans and the international community through the quality of its services.

## ACCOUNTABILITY

The Judiciary will take full responsibility for its actions, and will always be answerable to the people of Uganda and to its partners.

## PROFESSIONALISM

The Judiciary will endeavor to have well-trained, professionally competent and self-confident staff that will administer justice to all.

## EQUALITY AND RESPECT

The Judiciary will uphold the principles of equality, equal opportunities and affirmative action in respect to gender and other disadvantaged groups.

# OPERATIONS & STRUCTURE OF THE JUDICIARY

Article 129 (1) provides the structure under which the Judiciary operates;

- The Supreme Court
- The Court of Appeal/Constitutional Court
- The High Court (Divisions and Circuits)
- Magistrates Courts





# OPERATIONS & STRUCTURE OF THE JUDICIARY

## **Supreme Court: Articles 130-132 of the Constitution**

- Established under Article 130
- Headed by the Hon. Chief Justice
- Final Court of appeal and has original jurisdiction in Presidential elections under the Presidential Elections Act, as amended.

## **Court of Appeal/Constitutional Court:**

- Established under Articles 134 -137 of the Constitution
- Headed by the Deputy Chief Justice
- Determines appeals from the High Court and
- Is a final appellate Court for Parliamentary and LC V election petitions under the Parliamentary Elections Act and The Local Government Act, as amended.



# OPERATIONS & STRUCTURE OF THE JUDICIARY

## High Court: Articles 138-140 of the Constitution

- Established under Article 138 of the Constitution
- Headed by the Principal Judge
- Has unlimited original jurisdiction in all matters and also determines appeals from subordinate courts
- Exercises general powers of supervision over Magistrate's Courts - S. 17 of the Judicature Act, as amended.
- 20 operational Circuits across the country, more to be gazatted and operationalized.
- 7 Divisions in Kampala (Civil, Criminal, Land, ICD, ACD, Commercial & Family)



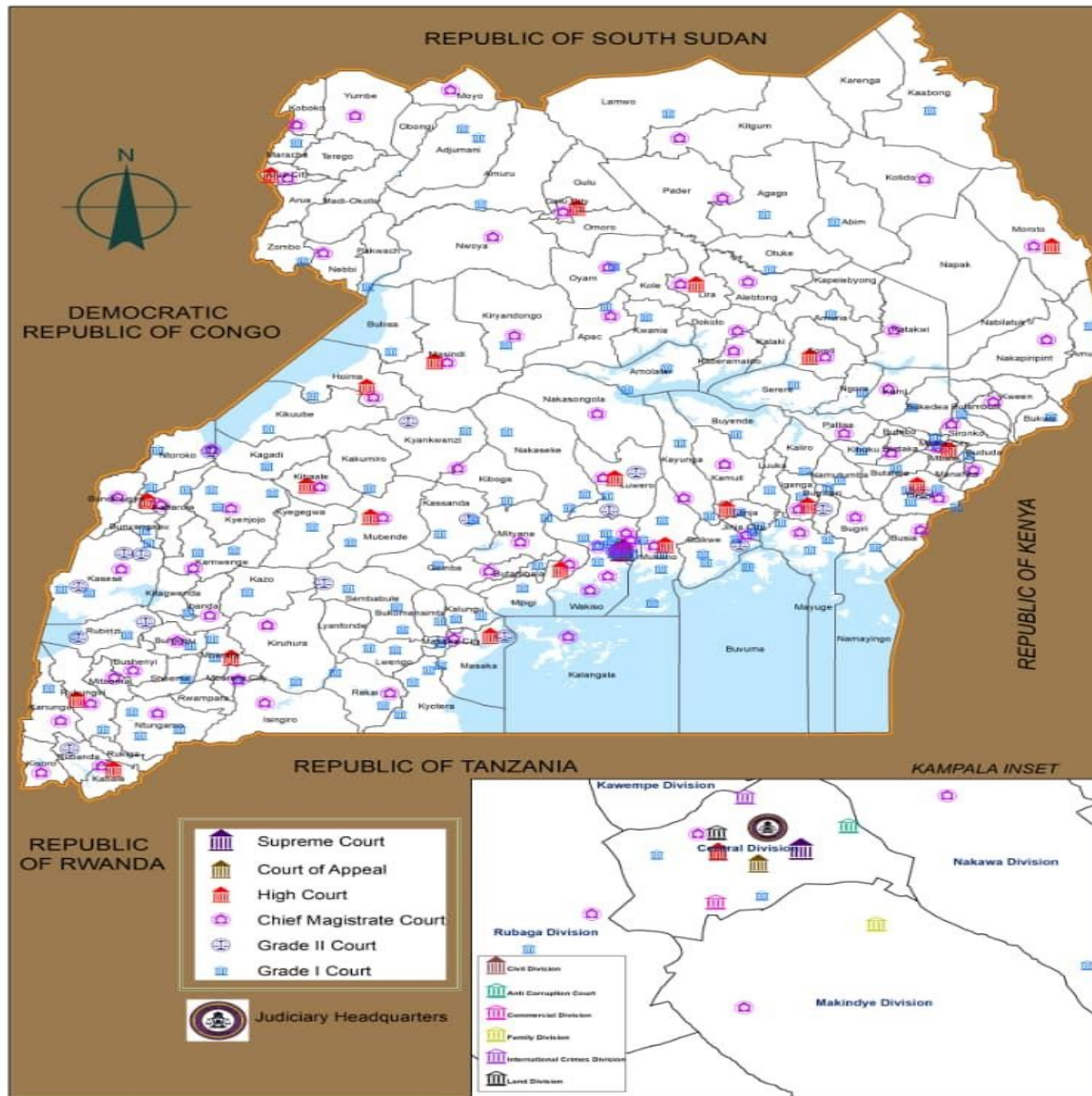
# OPERATIONS & STRUCTURE OF THE JUDICIARY

## Magistrates Courts:

- One of the subordinate Courts provided for under Article 129 (1) (d) of the Constitution.
- Magisterial areas and their establishment is provided for under Sections 2 and 3 of Magistrates Courts Act (MCA) - Currently 82/160 Chief Magisterial areas
- Grades of Magistrates - S.4 (2) of the MCA as amended by Act 7/2007 provides for three grades of Magistrates;
  - Chief Magistrate
  - Magistrate Grade I
  - Magistrate Grade II (phase out ongoing)



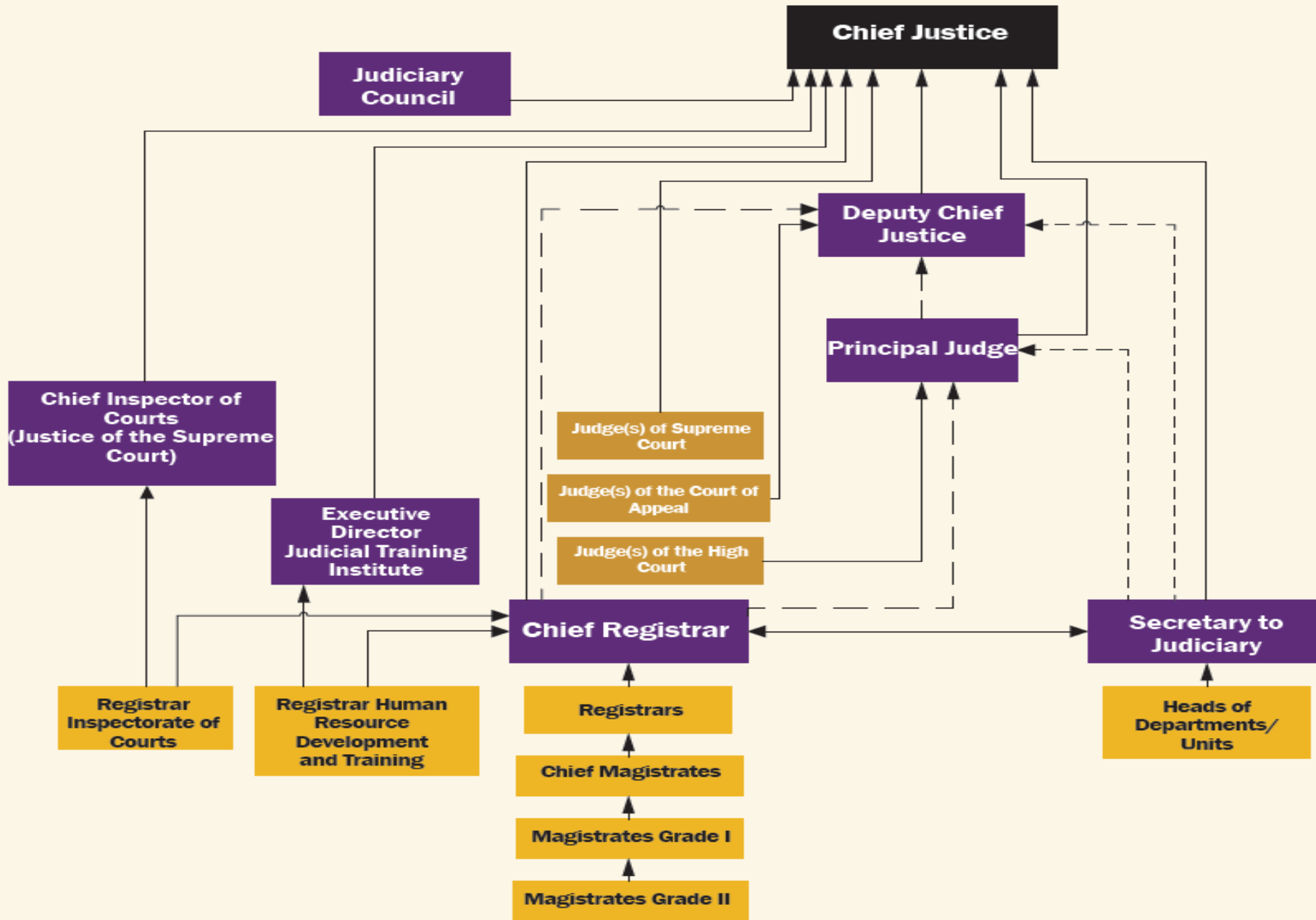
# COVERAGE OF THE JUDICIARY



# ***THE STRUCTURAL LEADERSHIP OF THE JUDICIARY***



# The Judiciary Macro Structure



# ***STRUCTURAL LEADERSHIP OF THE JUDICIARY***

- Chief Justice
  - Head of the Judiciary and responsible for the administration and supervision of all courts in Uganda- Article 133 (1)
  - Issue orders and directions to courts necessary for the proper and efficient administration of justice- Article 133 (2)
  - Assign administrative duties of a higher status to a judicial officer for a specified period of time- S. 3 (a) AJA, 2020
  - Establish performance and evaluation systems for the Judiciary- S. 3 (b) AJA, 2020
  - Chairperson of the Judiciary Council- S. 4 (2) AJA, 2020



# *STRUCTURAL LEADERSHIP OF THE JUDICIARY*

- Deputy Chief Justice
  - Deputize the Chief Justice as and when the need arises-  
Article 136 1 (a)
  - Head of the Court of Appeal and in that capacity assists the Chief Justice in the administration of that Court
  - Perform such other functions as may be delegated or assigned by the Chief Justice





# ***STRUCTURAL LEADERSHIP OF THE JUDICIARY***

- Principal Judge
  - Head of the High Court and in that capacity assists the Chief Justice in the administration of the High Court and the subordinate Courts-Article 141 (1) (a)
  - Perform such other functions as may be delegated or assigned by the Chief Justice-Article 141 (1) (b)



# *STRUCTURAL LEADERSHIP OF THE JUDICIARY*

- Chief Registrar

- Established under Article 145 of the Constitution, S. 43 of the Judicature Act and duties are provided for under Section 15 (2) of the AJA, 2020
- He/she performs judicial functions vested in him/her by law.
- He/she gives effect to policies and directions of the Chief Justice, Deputy Chief Justice and the Principal Judge
- He/she gives effect to the work of overseeing judicial operations of all the Court of Judicature.
- Monitoring and enhancing the quality of services and official procedures.
- Communicating with government and the public on matters relating to the judiciary or any other matter which government may be concerned with



# *STRUCTURAL LEADERSHIP OF THE JUDICIARY*

## • Chief Registrar

- Implement the Judicial activities in the judiciary strategic plan.
- Assisting the Chief Justice, Deputy Chief Justice and the Principal Judge in the facilitation and supervision of Courts
- Linking the Judiciary and the Judicial Service Commission on appointments, promotions and disciplinary matters relating to Registrars and magistrates
- Secretary of the Judiciary Council – S (6) AJA, 2020
- Any other matters assigned by the Chief Justice, Deputy Chief Justice or Principal Judge and he/she reports to the Chief Justice in the exercise of his/her duties.



# ***STRUCTURAL LEADERSHIP OF THE JUDICIARY***

- **The Secretary to Judiciary**

- Is the accounting officer and chief administrator for administrative/non judicial staff serving in the judiciary
- Duties under Section 17 (2) of the AJA, 2020
- Organization of the Judiciary
- Tendering advise to the Chief Justice in respect of the administrative business of the Judiciary
- Implementing policies of the Government of Uganda
- Implementing the administrative activities in the Judiciary Strategic plan
- Expenditure of public funds by or in connection with the Judiciary



# STRUCTURAL LEADERSHIP - REGISTRARS

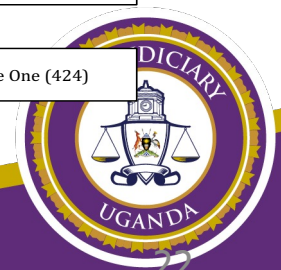
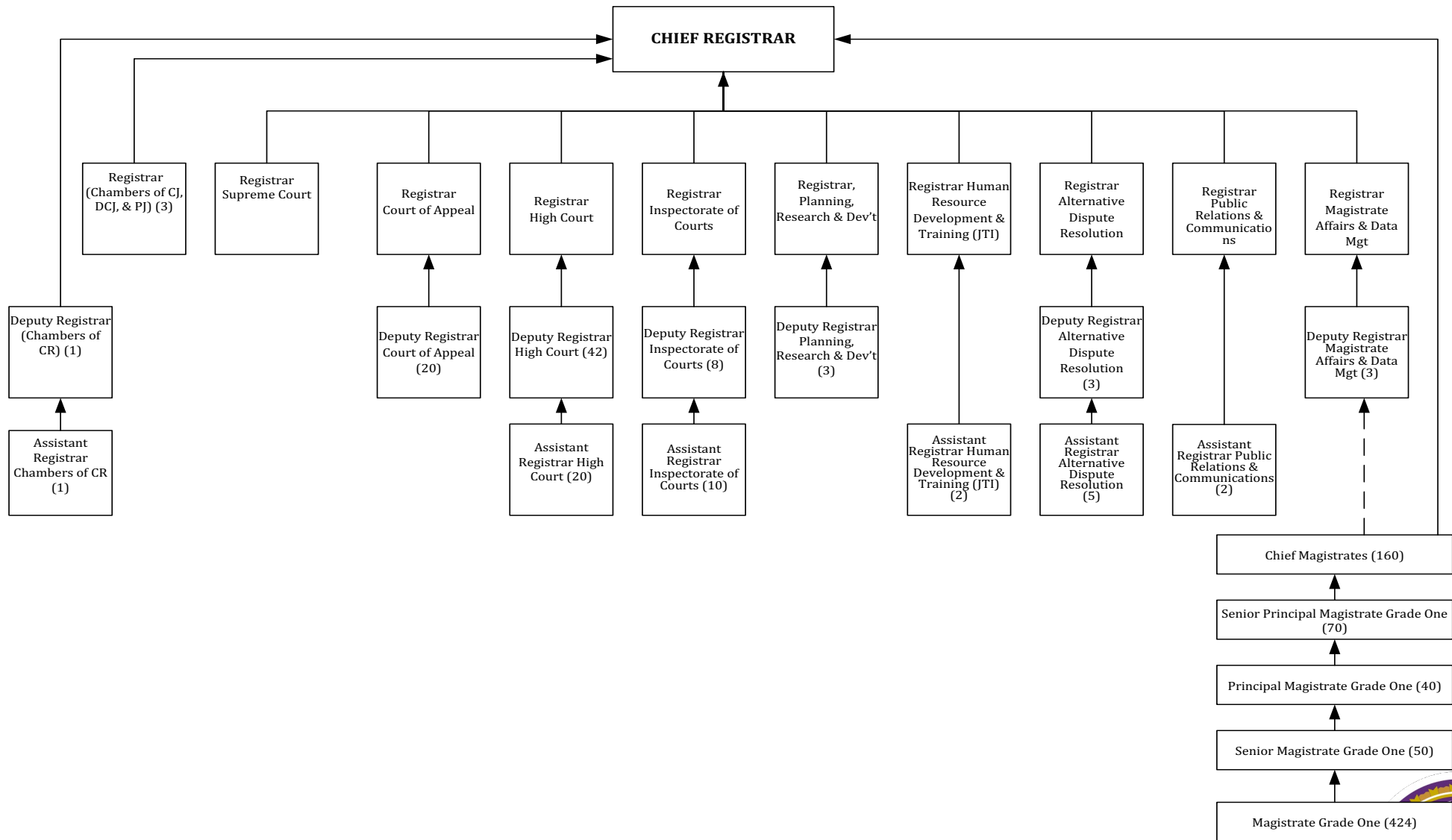
## Registrars:

❑ Established under Article 145 of the Constitution, Section 43 of the Judicature Act and Section 16 of the AJA. 12 Registrars that support the Chief Registrar. 9 have been in existence for some time, 3 were established in the new structure of 2021.

- i. Supreme Court
- ii. Court of Appeal
- iii. High Court
- iv. Inspector of Courts
- v. Magistrates Affairs and Data Management
- vi. Planning, Research and Development
- vii. Human Resource Development and Training
- viii. Alternative Dispute Resolution
- ix. Public Relations and Communications
- x. Private Legal Secretary- CJ,DCJ and PJ



# STRUCTURAL LEADERSHIP OF THE LOWER BENCH



# ***STRUCTURAL LEADERSHIP –DUTIES OF OFFICE***

## ***BEARERS***

- The schedule of duties and key performance indications for Registrars and Magistrates 2016 highlights the key functions and duties for Registrars and Magistrates.
- The said schedule is under review for the development of a comprehensive scheme of service that unpacks person specifications; behavioral competences, duties and responsibilities, key performance indicators among others



# STRUCTURAL LEADERSHIP- DEPARTMENTS & UNITS

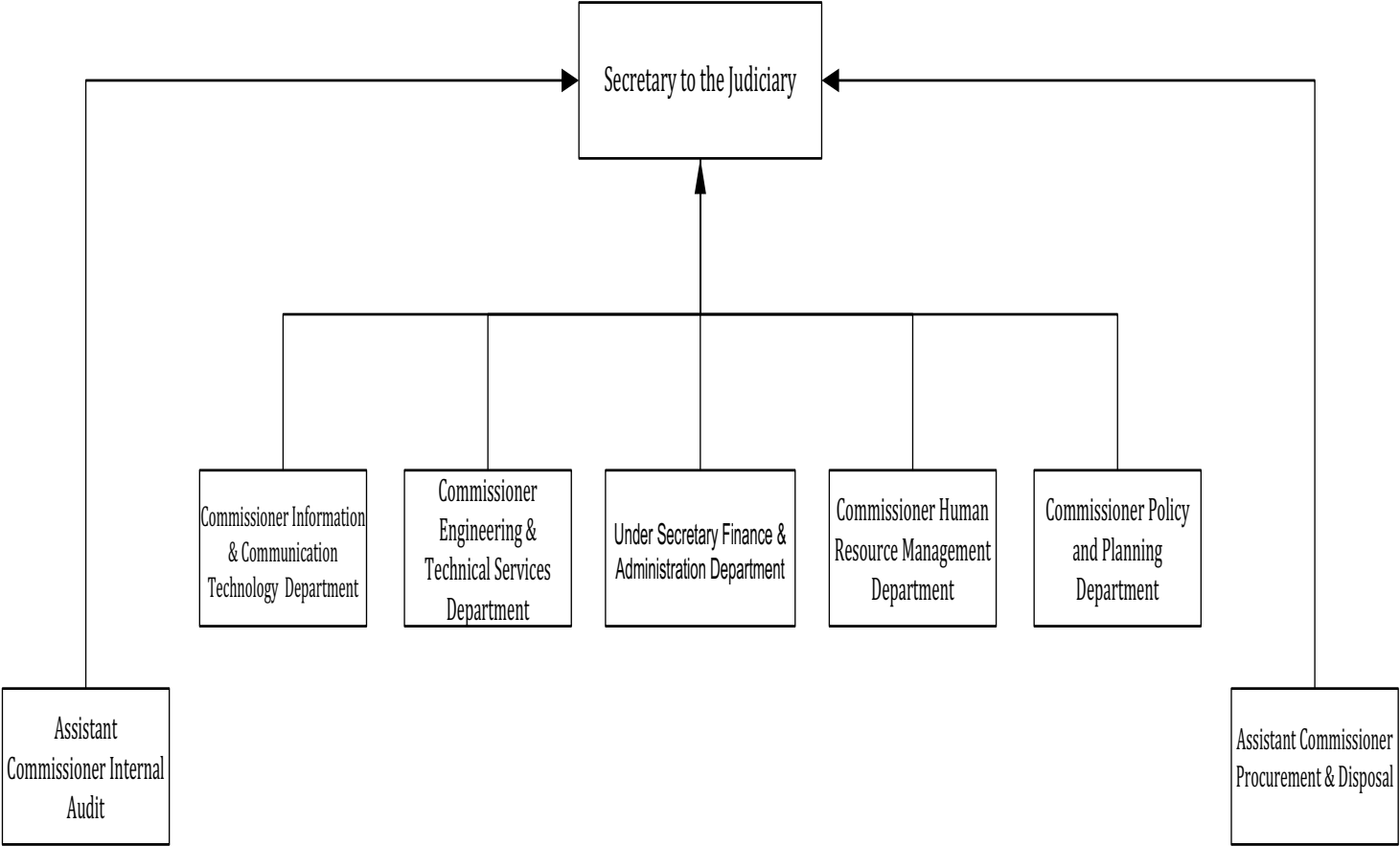
## Departments:

- ❑ 5 departments and 2 specialized units that provide technical support to judicial services through the Secretary to the Judiciary:
  - i. Finance and Administration Department
  - ii. Human Resource Management Department
  - iii. Engineering & Technical Services Department
  - iv. Information & Communication Technology Department
  - v. Policy and Planning Department
  - vi. Internal Audit Unit
  - vii. Procurement & Disposal Unit





# STRUCTURAL LEADERSHIP – DEPARTMENTS AND UNITS



# ***THE FUNCTIONS OF THE JUDICIARY***



# KEY FUNCTIONS OF THE JUDICIARY

1. Adjudication of civil and criminal matters- Article 126 (2) of the Constitution. Guiding principles
  - a. justice shall be done to all irrespective of their social or economic status;
  - b. justice shall not be delayed;
  - c. adequate compensation shall be awarded to victims of wrongs;
  - d. reconciliation between parties shall be promoted; and
  - e. substantive justice shall be administered without undue regard to technicalities.
  
2. Interpret and defend the Constitution and the laws of Uganda;



## KEY FUNCTIONS OF THE JUDICIARY

3. Promote the rule of law;
4. Promote human rights of individuals and groups
5. Enroll and license advocates
6. License and discipline Court Bailiffs;



## KEY FUNCTIONS OF THE JUDICIARY

7. Keep custody of laws enacted as well as disseminate legal literature;

8. Receive government revenue accruing from the Courts;

9. Introduce modalities for alternative dispute resolution (ADR) to reduce the burden of cases on the Courts



# FUNCTIONS OF MAGISTRATES

- Schedule of duties



***THE ADMINISTRATION OF THE  
JUDICIARY ACT, 2020***



# HIGHLIGHTS OF AJA

## a) The Judiciary Service – S. 13 AJA

### Summary of the new structure for the Upper Bench

S/n	Category	Old	New
	Supreme Court		
(i)	Chief Justice	1	1
(ii)	Justices of the Supreme Court	10	20
	Subtotal	11	21
	Court of Appeal		
(i)	Deputy Chief Justice	1	1
(ii)	Justices of Court of Appeal	14	55
	Subtotal	15	56
	High Court		
(i)	Principal Judge	1	1
(ii)	High Court Judge	82	150
	Subtotal	83	151
	Total	108	228

### Summary of the new structure for the Lower Bench

No.	Category	Old	New
1	Chief Registrar	1	1
2	Registrar	9	12
3	Deputy Registrar	47	80
4	Assistant Registrar	32	40
5	Chief Magistrate	100	160
6	Senior Principal Magistrate Grade I	10	40
7	Principal Magistrate Grade I	20	50
8	Senior Magistrate Grade I	30	70
9	Magistrate Grade I	386	514
10	Principal Magistrate Grade II	9	0
11	Senior Magistrate Grade II	7	0
12	Magistrate Grade II	18	0
	Total	669	964





# HIGHLIGHTS OF AJA

## b) Expanded Structure

3 Coram's of the Supreme Court

- 8 regional Courts of Appeal in Mbale, Gulu, Arua, Jinja, Masaka, Mbarara, Fort Portal and Soroti
- Operationalization of the 20 High Court Circuits and more gazetted
- Chief Magistrate in every district
- Magistrate Grade One in every Constituency
- Magistrates Grade One – Research function



# HIGHLIGHTS OF AJA

## c) Strengthen Inspection of Courts – Part III AJA

- Inspectorate creature of statute- Part III of AJA
- Regulations to govern the Inspectorate
- expand capacity of the Inspectorate
- decentralize inspection
- provide vehicles, training etc



# HIGHLIGHTS OF AJA

## d) Performance Management System - Part V – Section 18 AJA

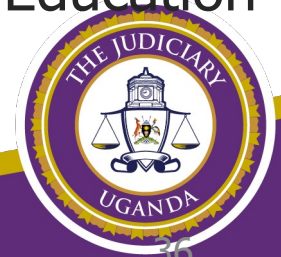
### 360 degree performance weights

Actor	Weight	Aspects to be rated
Self-Appraisal	15%	Technical and behavioural (core and non-core) competences as presented in the performance assessment form (Sections 2-9)
Supervisor	35%	Technical and behavioural (core and non-core) competences as presented in the performance assessment form (Sections 2-9)
Subordinate	10%	Behavioural (core and non-core competences)
Peers	20%	Behavioural (core and non-core competences)
<b>Court Users Survey</b>		
Lawyers who frequent the court	5%	As per survey instrument to be designed by the Judiciary
Prosecutors	5%	As per survey instrument to be designed by the Judiciary
Public	10%	As per survey instrument to be designed by the Judiciary

# HIGHLIGHTS OF AJA

## e) Expansion of the Judicial Training Institute (JTI) – Part VI

- Construction of the state of the art modern training facility out of Kampala- concept being developed
- Develop a training curriculum and calender for Judicial, non judicial staff and others
  - routine refresher courses for judiciary
  - courses JLOS agencies
  - courses for LC Courts
- 2 weeks induction training
- Accreditation of the JTI by the National Council for Higher Education (NCHE)



# HIGHLIGHTS OF AJA

f) Development of Regulations under the Act S. 40 AJA

- Administration of the Judiciary (Establishment of Committees) Regulations, 2022
- Administration of the Judiciary (Judiciary Service) Regulations, 2022
- Administration of the Judiciary (Inspectorate of Courts) Regulations, 2022
- Administration of the Judiciary (JTI) Regulation, 2022



# HIGHLIGHTS OF AJA

## g) Judiciary Council

-Sections 4 and 5 AJA

## g) The Judiciary Council



# PROGRESS OF THE NEW JUDICIARY AT A GLANCE

SN	ITEM	STATUS OF IMPLEMENTATION
1.	Judiciary Service – Structure and Establishment	<input type="checkbox"/> Judicial <ul style="list-style-type: none"> <li>• Approved by Cabinet (228- Superior Courts &amp; 964- lower bench)</li> <li>• Amendment of Judicature Act and Resolution of Parliament for appellate Courts and High Court- work in progress</li> <li>• Some vacancies declared, promotions have taken place, new appointments, other promotions and appointments pending</li> </ul> <input type="checkbox"/> Non Judicial Staff <ul style="list-style-type: none"> <li>• Approved by Cabinet this year</li> <li>• Recruitment ongoing</li> </ul>
2.	Improved remuneration	<input type="checkbox"/> Judicial <ul style="list-style-type: none"> <li>• Approved</li> </ul> <input type="checkbox"/> Non Judicial <ul style="list-style-type: none"> <li>• Pending</li> </ul>
3.	Judiciary Council	Functional and conducting business
4.	Increased budget (Session and operational fund allocations)	Greatly improved. FY 2021/22- 376 billion from 199 billion in FY 2020/2021. in FY 2022/23- 281 billion
5.	Judiciary fleet	<ul style="list-style-type: none"> <li>• From 263 vehicles and 106 motorcycles supplied in FY 2021/2022 to 332 vehicles and 136 motor cycles supplied in the subsequent Financial Years</li> <li>• Registrars and Heads of Department for the first time received new vehicles</li> </ul>
6.	Performance Management System	Consultancy on case weights ongoing to complete the tool

## PROGRESS OF THE NEW JUDICIARY AT A GLANCE- CONTD

SN	ITEM	STATUS OF IMPLEMENTATION
7.	Appellate structures construction projects and a number of construction projects	On course- Supreme Court- December 2023, Court of Appeal- January 2024
8.	Judiciary Strategic Plan V	Being implemented
9.	Payment of retirement benefits	On course and in a timely manner
10.	Health insurance	Being implemented
11.	Annual Performance Reports for the past three Financial Years Published	Report for FY 2022/23 was launched on 20 <sup>th</sup> October 2023
12.	Development of Regulations under AJA	Work in progress- Judiciary Service, JTI, Inspectorate, Committees



*THANK YOU*

