

## **THE ADVOCATES ACT.**

Statutory Instrument 267—5.

### **The Advocates (Taxation of Costs) (Appeals and References) Regulations.**

#### **Arrangement of Regulations.**

##### Regulation

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## **THE ADVOCATES ACT.**

Statutory Instrument 267—5.

### **The Advocates (Taxation of Costs) (Appeals and References) Regulations.<sup>1</sup>** *(Under section 62 of the Act.)*

#### **1. Citation.**

These Regulations may be cited as the Taxation of Costs (Appeals and References) Regulations.

#### **2. Interpretation.**

In these Regulations, unless the context otherwise requires—

- (a) “appeal” means an appeal to a judge of the High Court brought under section 62(1) of the Act;
- (b) “reference” means a reference to a judge of the High Court made with the consent of the parties under section 62(3) of the Act.

#### **3. Appeals.**

(1) Every appeal shall be by way of summons in chambers supported by affidavit, which shall set forth in paragraphs numbered consecutively particulars of the matters in regard to which the taxing officer whose decision or order is the subject of the appeal is alleged to have erred.

(2) A copy of the summons and supporting affidavit shall be served on all persons affected by the order or decision, except as provided in regulation 10 of these Regulations.

#### **4. Institution of appeals and references.**

Proceedings by way of appeal or reference may be instituted at the option of the appellant or parties to the reference either in the office of the registrar at

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<sup>1</sup>These Regulations were promulgated as Rules under the Advocates Act, 1964 Revision, Cap. 258, and were saved by the Advocates Act, Act 22/1970, the Third Schedule.

Kampala or in the district registry in the area of which the taxation proceedings giving rise to the appeal or reference took place.

**5. References by taxing officer.**

When, under section 62(2) of the Act, a taxing officer on his or her own motion refers any matter arising out of the taxation of a bill of costs to a judge of the High Court, no person affected by the reference shall have any right to be heard either in person or by advocate before the judge, but the judge may, in his or her discretion, hear any person so affected or his or her advocate.

**6. Written consent for reference.**

(1) The consent of the parties to a reference shall be in writing, signed by the parties or their advocates, and shall set out in paragraphs numbered consecutively the matters in dispute.

(2) If the taxing officer, on being furnished with the written consent, decides to refer the matter to a judge, he or she shall endorse the consent accordingly.

**7. Hearing of reference.**

(1) Where a matter is referred with the consent of the parties to a judge for his or her opinion, notice of the date of the hearing of the reference shall be given to the parties or their advocates.

(2) At the hearing of the reference, which shall be in chambers unless the judge otherwise directs, the parties shall be entitled to be heard either in person or by advocate.

**8. Decision on appeal or reference.**

On the termination of the hearing of an appeal or a reference, the judge may either at once, or on some future day which shall either be then appointed for the purpose or of which notice shall subsequently be given to the parties or persons affected, deliver his or her order or opinion in chambers; except that if the judge so directs, his or her order or opinion shall be read in chambers by the taxing officer at a time and place appointed or notified as aforesaid.

**9. Costs.**

A judge may make such order as to the costs of an appeal or reference as he or she thinks just.

**10. Service of documents.**

(1) Any notice or other document relating to an appeal or reference shall be served in accordance with Order V of the Civil Procedure Rules relating to the service of a summons.

(2) No person or party who was not present either in person or by advocate at the taxation proceedings which are the subject of an appeal or reference need be served with any document relating to the appeal or reference unless the judge otherwise directs.

**11. Fees.**

The fee leviable in respect of an appeal or reference shall be the same as the fee leviable under the Judicature (Court Fees) Rules on an appeal from a registrar under Order XLVIII, rule 7 of the Civil Procedures Rules, and there shall be leviable in respect of any other matter or proceedings provided for in these Regulations the fee prescribed therefor by the Judicature (Court Fees) Rules.

**History:** S.I. 258-6.

**Cross References**

Civil Procedure Rules, S.I. 71-1.

Judicature (Court Fees) Rules, S.I. 13-2.

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