THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

CIVIL DIVISION

MISC. CAUSE NO. 243 OF 2017

UGANDA LAW SOCIETY ::APPLICANT

VERSUS

1. **KAMPALA CAPITAL CITY AUTHORITY**
2. **ATTORNEY GENERAL ::RESPONDENTS**

BEFORE HON. JUSTICE SSEKAANA MUSA

RULING

BACKGROUND

The applicant filed this application seeking orders that;

1. Time be extended in relation to the filing of this Judicial Review Application;

2. An order for certiorari do issue to quash items 17 (in Part A) and item 25 (in Part C) of the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017 which purport to require law firms/ advocates who are already "licensed" annually to carry on their trade by the Advocates Act (Cap. 267) through the issuance of a practicing certificate and a certificate of Approval of Chambers and payment of dues in respect of both to now also seek a further "license to trade" from the Town Clerk of a Municipal Council and if granted, pay further "licensing dues" in respect of thereof;

3. An order of prohibition do issue restraining and preventing items 17 and 25 of the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017 from taking effect and prohibiting the respondents or their agents, from enforcing the said Trade License provisions against law firms/ advocates;

4. Costs of this Application be provided for;

The application was supported by the affidavit of its then President, Mr. Francis Gimara (President of Uganda Law Society)

The 1st respondent filed an affidavit in reply through Ezra Ssebuwufu the Acting Deputy Director Business Support and Compliance Management of KCCA.

The applicant was represented by *Mr. Timothy Lugayizi* whereas the 1st respondent represented by *Ms. Rita Mutuwa* and *Mr. Johnson Natuhwera* for the 2nd respondent.

The following issues were proposed for determination by this court.

1. ***Whether the time within which to file the application for judicial review should be extended.***

2. ***Whether the decision by the Minister of Trade, Industry and Cooperatives to include Item 17 (Part A) and Item 25 (Part C) in the schedule to the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017 passed on the 13th January 2017 was ultra vires.***

3. ***What remedies are available to the parties.***

The parties were ordered to file written submissions which they filed and I have considered them in this ruling.

DETERMINATION OF ISSUES

Whether time within which to file the application for judicial review should be extended.

Submissions

Counsel for the applicant stated that the 1st respondent wrote to the applicant requiring it to cause law firms apply for "licenses to trade" under the Trade (Licensing) Act, Cap 101 after the Minister of Trade, Industry and Cooperatives issued the Trade (Licensing) (Amendment of Schedule) Instrument S.I No. 2 of 2017 on the 13th January 2017. The said letter was served on the applicant on the 12th May 2017 and the applicant filed this application on the 28th July 2017. It was

stated that ordinarily, the time within which to file this application lapsed on or about the 13th April 2017.

Counsel cited the case of ***Kuluo Joseph Andrew & 2 Ors v AG and 6 Ors HCMC No. 106 of 2010*** where *Hon. Justice Yorokamu Bamwine* where he held that the time limits are more intended to ensure expeditious determination of the applications for judicial review than to oust the jurisdiction of courts to hear the parties after the prescribed period. He stated that there is an allowance for court to exercise discretion in favour of an applicant where it considers that there is a good reason for extending the period within which the application shall be made.

Counsel submitted that the applicant got wind of the Amendment Schedule, 2017 on the 12th May 2017 when it was served with the 1st respondent's aforementioned letter and being the applicant brought the said application on behalf of all advocates in Uganda and therefore had to consult thus taking up some time.

He also stated that this application raises matters of public importance that will affect countless individuals in the country and that concluding it on the technicality that time within which to file this judicial review application lapsed would leave several unanswered questions in the legal industry.

He therefore implored court to agree with the case of Kulou Joseph Andrew (supra) and in the interest of justice without undue technicalities, grant the applicant an extension of time to file/proceed to argue the application on its merits.

Counsel for the 1st respondent relied on *Rule 5 (1) of the Judicature (Judicial Review) Rules* and submitted that the application was filed on the 27th of July 2017 more than 3 months after the grounds on which the application arose. It was further stated that the applicant does not offer any good reason as to why they time should be extended save for a claim that knowledge of the legislation came to the applicant's knowledge on the 12th of May 2017. Counsel further stated that the applicant should be the last to rely on the defense of ignorance as it is well aware that ignorance of law is no defense.

Counsel cited ***Kyogonza Fred v Abdallah Kiganda & Masindi District Local Government HCT-CV-CR-005-2016*** where court noted that the law gives court

discretion to extend the time where it considers that there are good reasons for doing so. But before court does so, the "good reasons" must be brought to its attention.

Counsel therefore prayed that the application be dismissed with costs to the 1st respondent as the applicant has neither obtained an order from court to grant an extension nor put any good reasons on record to support the prayer for extension of time.

Determination

According to the 1st respondent the grounds out of which this application for judicial review arose was on the 13th of January 2017. They further contended that the applicant has filed this application out of stipulated time of three months and have gave no good reason as to why the time should be extended save for the claim that knowledge of the legislation came to the applicant on the 12th of May 2017.

In the circumstances, the 1st respondent does not seem to appreciate the applicant's case. The applicant contends that the 1st respondent wrote to it a letter requiring the applicant to cause law firms apply for licenses to trade and this was served on it on the 12th of May 2017. The applicant filed this application on the 28th of July 2017 after it got wind of the Amendment Schedule, 2017 through the letter and further had to consult with the advocates.

Be as it may, the applicant sought court's leave for extension of time to file/ argue the application on its merits in an omnibus application to which 1st respondent has raised a preliminary objection; the preliminary objection that the applicant brought an omnibus application is devoid of any merit.

This court has the discretion to extend the period within which to bring an application for judicial review for good reason (see; Rule 5 (1) of the Judicial Review) Rules, No. 11 of 2019, ***Kuluo Joseph Andrew (supra),Nampogo Robert & Anor v Attorney General HCMC No. 0120 of 2008)***.

In the circumstances, in the interest of justice and without undue regard to technicalities; this court finds that there is a good reason for extending the period within which the application should be made and therefore having it heard on its

merits since it is one made in the interest of several individuals and not just the applicant. The application for extension of time is accordingly granted.

Issue 1 is therefore resolved in affirmative.

Whether the decision of the minister of Trade, Industry and Cooperatives to include Item 17 (in Part A) and Item 25 (in Part C) in the Schedule to the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017 passes on the 13th January was ultra vires.

Counsel for the applicant stated that applicant is a body corporate established by Uganda Law Society Act whose objectives under section 3 of ULS Act include representation of Advocates with regards to conditions of practice on whose behalf it brings this suit, thus sufficient interest in bring this application (See; Sec. 4 of the Judicature (Judicial Review) (Amendment) Rules, No. 32 of 2019).

Counsel for the applicant submitted that the decision to items 17 and 25 of the Amendment of Schedule Instrument, 2017 was ultravires as it amounts to double taxation which goes against the spirit of the Trade Licensing Act, Cap.110 (as amended). It was stated that practice of advocates is governed by the Advocates Act, Cap 267 which authorizes the Law Council to make Regulations concerning the practice. It is upon this that the Advocates (Inspection and Approval of Chambers) Regulations and under these, Regulation 5 prohibits trading within chambers of an advocate. Services provided by advocates can never be categorized as trade.

It was also stated that upon issuance of both a certificate of approval of chambers and practicing certificate, it is requirement to pay prescribed fees by way of non-tax revenue to government as prescribed by Law Council which is an equivalent of the trading license as purportedly introduced by *items 17 and 25 of the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017*. Counsel relied on the Kenyan case of ***Medina Hospital Limited & 6 Ors v Country Government of Garissa; Misc. Cause No. of 2015*** where a similar application for judicial review was filed by various medical practitioners. Court held that the applicants should not be taxed by the county government since that would amount to double taxation since they were already paying license fees to practice and operate to the central government. Counsel therefore submitted that further requiring the

advocates to pay license fees after already being licensed by Law Council and the Registrar of court would amount to double taxation which is unlawful.

In respect of the Amendment being ultra vires the Trade (Licensing) Act, Cap 110 (as amended), counsel submitted that the said Act governs the licensing of persons selling goods in either trade premises or outside trade premises as retail hawkers or travelling wholesalers and has always existed side by side with the Advocates Act which governs the licensing of the advocates and that the two are mutually exclusive. The applicant submitted that legal services as provided by law firms on the complete reading of the Act does not amount to trade or trading as they do not offer for sale and /or expose for sale anything least not services and neither do they carry out their profession in trading premises as prohibited by Regulation 5.

Counsel stated that it could not have been the intention of parliament that a law firm of advocates that have been licensed to practice under the Advocates Act be prevented from practicing by a refusal by the town clerk of a municipal council to grant them a trading license and that's why it deemed it fit to establish entities like the Law Council and Registrar of Courts which are specialized in workings in the profession to play the licensing role.

Counsel therefore implored this court to be persuaded by the reasoning in ***NC Bank Uganda Ltd & 24 Ors v KCCA and A.G HCMC No 2 of 2018*** and find that law firms do not trade in services within the meaning of the Act and therefore items 17 and 25 of the amended schedule in the Amendment of Schedule, 2017 which lists legal firms as being subject to trade licensing as ultra vires the Principal Act and other fundamental principles of laws.

Counsel for the 1st respondent contended that this application is concerned with the decision and not the decision making process and therefore does not raise issues or grounds for judicial review. Counsel made reference to paragraphs 5, 6, 7, 8,9,10 and 11 of the affidavit in support of the application which clearly show that the applicant is solely aggrieved by the legislation itself and the parent laws and not the process leading to the said legislation. He stated that nowhere does that applicant state how the process of arriving at those legislations and laws was marred with illegality, irrationality or procedural impropriety. Counsel noted that the purpose of judicial review is to ensure that the individual receives fair

treatment not to ensure that the authority after according a fair treatment reaches on a matter it is authorized or enjoined by law to decide from itself a conclusion which is correct in the eyes of the court.

Counsel stated therefore that the applicant structured its application around the actual decision by the Minister but not the process through which the said legislation was passed making this application incompetent.

Counsel stated that this court is unable to make a determination on claims of double taxation and licensing as these require substantial evidence to be adduced but for judicial review procedure adopted cannot cover the merits of the decision itself. He stated that the appropriate procedure to adopt would have been a constitutional petition under Article 137 and prayed that this court dismisses this application with costs to the 1st respondent.

Counsel further submitted that the applicant did not exhaust the available remedies thus bringing the application prematurely. He stated that an applicant is required to exhaust all other remedies before making an application for judicial review. He further stated that this application raises issues that should be dealt with under avenues already established by law (see; ***Paulo Saku Busagwa & Ors v Commissioner Land Registration & Anor HCMA 40 of 2014***).

Counsel also submitted that there is absence of any ultra vires or illegal action/ decision on the part of the 1st respondent or the minister.

Determination

Judicial review is about challenging public bodies for acts which are illegal, irrational and procedurally improper. The making of regulations by the Minister is one of such act which can be challenged for illegality or irrationality or procedural impropriety.

In as far as the argument that this matter is not a grievance to be addressed by the High court as argued by the 1st respondent, this court asserts that Judicial review is concerned with the courts' supervisory jurisdiction to check and control the exercise of power by those in Public offices or person/bodies exercising quasi-judicial functions by the granting of Prerogative orders as the case my fall.

For one to succeed under Judicial Review it trite law that he must prove that the decision made was tainted either by; illegality, irrationality or procedural impropriety. In this case, the applicant has proved to this court that the said decision by the Minister was tainted by illegality against the existing laws governing the legal profession that were passed by Parliament.

The respondent as a public body is subject to judicial review to test the legality of its decisions if they affect the public.

A delegate must exercise its jurisdiction within the four corners of its delegation and if he has acted beyond that, his/her action cannot have any legal sanction and is challengeable by way of judicial review. It is well recognised that a delegated legislation can be challenged by way of judicial review for being ultra vires any of the following reasons;

- *Lack of legislative competence,*
- *Violation of fundamental rights guaranteed under the constitution,*
- *Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by parent Act,*
- *Repugnancy to the laws of the land,*
- *Manifest arbitrariness/unreasonableness or vagueness or uncertainty.*

While considering the validity of delegated legislation, the scope of judicial review is limited but the scope and effect thereof has to be considered having regard to the nature and object thereof. See Page 198 ***Public Law in East Africa*** *Lawafrica Publishers.*

In this particular case, the applicant stated that the decision to include items 17 and 25 of the Amendment of the Schedule Instrument, 2017 was ultra vires as it amounts to double taxation since advocates are required to pay prescribed fees by way of non-tax revenue to government as prescribed by law council which is an equivalent of the trading license as purportedly introduced by *items 17 and 25 of the Trade (Licensing) Amendment of Schedule) Instrument No. 2 of 2017*.

Counsel for the 1st respondent argued that this is not a grievance to be addressed by the high court being called upon to exercise its supervisory role under judicial review but rather a matter for interpretation by the Constitutional court by virtue of Article 137 of the Constitution.

The basic idea behind the ground of review called illegality is that; a public authority must act within the four corners of its power or jurisdiction. Therefore acting outside the statute arises where there is total disregard of the law as it is in the law books. See ***Public Law in East Africa*** by Ssekaana Musa page 95-96.

The basic challenge for the applicant is about the inclusion of the legal firms in the schedule to the Trade (Licensing) Act.

The Act was enacted in 1969 with the sole purpose of regulating trade and business in Uganda. This is clearly set out in *section 7 of the Act* before Amendment in 2015. *No person shall trade in any goods or carry on any business specified in the schedule to this Act unless he is in possession of a trading licence granted to him in that behalf under this Act*.

Section 7(2)(f) provided; No trading Licence shall be required in any event for,

Any trade or business in respect of which a separate licence is required by or under any written law.

There were different statutory Instruments and schedules introduced by the Minister in 1969 in order to regulate trade and business within Uganda in different Municipalities and Towns. Under *Statutory Instrument No. 8 of 1983*, the Minister amended the schedule and added some more business and trade.

The Minister amended the schedule to the Act in 1990 under the Trade (Licensing) (Amendment of Schedule) Instrument No 17 of 1990. It is this schedule that introduced Legal Firms in the bracket of Business or Trade and they were required to pay 50,000/=. The same schedule remained in the law books until the revision of the laws of Uganda and the same was reflected as such.

It is clear the schedule introduced in 1990 was contrary to the Act in respect of Professions or trade /business in respect of which a separate licence was required by or under any written law. Section 7(2)(f) of the Trade (Licensing) Act which became upon revision of laws of Uganda in 2000 Section 8(2)(f).

The Minister introduced an Amendment to the Trade (Licensing) Act in 2015 and it was through the Trade (Licensing)(Amendment)Act, 2015 that the Minister repealed paragraph 8(2)(f). It bears emphasis however, that by the time of Amendment, there was already an illegality by the Minister made in 1990, when

he introduced legal firms which required a separate licence required by or under any written law to be subject to the Trade (Licensing) Act and yet they were licenced by different law.

The applicant is challenging the schedule that included the legal firms for illegality and irrationality. As noted earlier, the schedule made in 1990 was illegal and it added legal firms and yet it was forbidden by Section 8(2)(f). It could indeed be true to say that the Minister in 2017 was misguided or misled by the same schedule to maintain the legal firms. It is no wonder, that the said schedule was never implemented against the law firms until the recent amendment by the Minister.

The Minister in coming up with the schedule ought to have been guided by the history of the Act and mischief it intended to serve since 1969. It could not be imagined that in 1969 there were no law firms, but rather the Act intended to regulate unlicensed trade within the original meaning of the statute. That spirit should be maintained in coming up with the schedule to the Act rather imposing several licences to different trade and business (professions) that are already licenced under different legal regimes which would amount to double taxation.

The Minister has a duty to be rational in his/her decisions that affect the public. In this case she is imposing a revenue obligation towards the applicant's members, thus the duty becomes even higher in order to avoid an irrational decision of making the schedule that would amount to double taxation. The legislative antecedents of the statutory provisions under consideration and pre-parliamentary materials relating to the provisions in the Trade (Licensing) Act must be considered such as reports of committees.

It is clear that the original Trade (Licensing) Act was amended in order to allow the Minister come up with a Schedule of business and trade that would be subject to payment of licence fees. But that exercise of discretion must be exercised with circumspection and with caution in order to avoid any absurdity.

The Minister had to bear in mind that the original Act had a reason why it had barred issuance of licences to those businesses/trade in respect of which a separate license is required by or under any other written law as per section 8(2)(f). By repealing this provision under the Amendment Act, it should not be construed that the Minister was given a blank cheque of power to exercise of

discretion to require licences for those businesses/professions which are already licensed under different legal regimes. A delegated legislation may be struck down or challenged on ground of non-application of the mind of the delegate to the relevant facts and circumstances in taking decisions.

It is wrong to suppose that if the rule-making power is conferred in subjective terms, the rule-making authority/Minister got a *carte blanche* to make any rules which it deems fit to enact and the doctrine of ultra vires is excluded. The power to amend the schedule must be exercised after considering other laws that issue licences to different professions. It does not permit her to make any amendment by including already licensed bodies under different legal regimes. See ***Customs & Excise Commissioners v Cure & Deeley [1961] 3 All ER 641***

Conferment of rule-making power by an Act does not enable the rule-making authority to make a rule which travels beyond the scope of the enabling Act or which is inconsistent therewith or repugnant thereto. The effect of the Order made by the Minister to regulate the lawyers through issuance of trading licences, would dilute the Advocates Act whose sole mandate is to regulate the legal profession through issuance of Practicing Certificates and Approval of chambers annually. It would imply a non-lawyer or a lawyer without a practicing Certificate or whose office is not approved would be at liberty to obtain a trading licence from the district and operate as such since he is licensed to trade.

It is clear that the money paid by the advocates for practicing Certificates and Approval of Chambers is paid to Central Government. The imposition of licences by the local government administration would indeed amount to double taxation as argued by the applicant's counsel. In the case of ***Stanbic Bank of Uganda Ltd, Barclays Bank of Uganda Ltd, Centenary Rural Development bank Ltd and Standard Chartered Bank Ltd vs Attorney General HCT-00-CC-MA 0645-2011*** court held that;

"*It is also my view that the issuance of two licenses for the same business, one by the Central government and another by the local government cannot be a rational manner of improving the collection of revenue. Given the financial linkages between the central government and the local governments it appears to be double collection that would be unfair to the licensee….*"

This court entirely agrees with the reasoning by the learned Judge in the above matter since it is similar in principle with the present case. The conferment of rule-making power by an Act does not enable the rule making authority to make a rule that travels beyond the scope of the enabling Act or which is inconsistent therewith or repugnant thereto or affects other existing legislations.

Similarly, in the Kenyan case of ***Medina Hospital Limited & 6 Ors v Country Government of Garissa; Misc. Cause No. of 2015*** where a similar application for judicial review was filed by various medical practitioners. Court held that;

"*the applicants should not be taxed by the county government since that would amount to double taxation since they were already paying license fees to practice and operate to the central government……*

The two levels of Government should, between themselves, determine who among them should licence and regulate medical practice. Once one level of Government takes taxes and licences operation, the other level cannot levy licence…"

It is necessary that in assessing validity of subsidiary legislation, the courts play a creative role rather than a mechanistic role. The court should draw a balance between administrative legislation and individual rights of parties in order to check excessive or arbitrary exercise of power by the delegate.

This amended schedule is challenged for unreasonableness or irrationality. The courts' position is that the legislature could never have intended to confer the power to make unreasonable rules.

If the subsidiary legislation is found to be partial or unequal in operation as between different classes; if they were manifestly unjust; if they disclosed bad faith; or if they involved such oppressive or gratuitous interference with the rights of those subject to them as could find no justification in the minds of reasonable men, then such subsidiary legislation could be regarded as unreasonable and ultra vires. See ***Mixnam Properties Ltd v Chertsey U.D.C [1964] 1 QB 214***

In the circumstances of this case, the decision to include items 17 and 25 of the Amendment of the Schedule Instrument was illegal and irrational as it was in total disregard of the existing laws mandated to license different businesses or professions such as the Advocates Act, Cap.267 and the Regulations thereunder

and the Trade Licensing Act, Cap 110 (as amended) as it amounted to double taxation and was unfair to the individuals as represented by the plaintiff.

This court is therefore satisfied that the decision of the Minister was illegal and irrational (ultra vires) the existing laws in respect of licensing of advocates in Uganda as it was unfair and amounted to double taxation and directly conflicts with the Advocates Act.

This issue is therefore answered in affirmative.

ISSUE 3

What remedies are available to the parties?

The ever-widening scope given to judicial review by the courts has caused a shift in the traditional understanding of what the prerogative writs were designed for. For example, whereas certiorari was designed to quash a decision founded on excess of power, the courts may now refuse a remedy if to grant one would be detrimental to good administration, thus recognizing greater or wider discretion than before or would affect innocent third parties.

The grant of judicial review remedies remains discretionary and it does not automatically follow that if there are grounds of review to question any decision or action or omission, then the court should issue any remedies available. The court may not grant any such remedies even where the applicant may have a strong case on the merits, so the courts would weigh various factors to determine whether they should lie in any particular case. See ***R vs Aston University Senate ex p Roffey [1969] 2 QB 558, R vs Secretary of State for Health ex p Furneaux [1994] 2 All ER 652.***

The primary purpose of certiorari is to quash an ultra-vires decision. By quashing the decision *certiorari* confirms that the decision is a nullity and is to be deprived of all effect. See ***Cocks vs Thanet District council [1983] 2 AC 286***

In in simple terms, certiorari is the means of controlling unlawful exercises of power by setting aside decisions reached in excess or abuse of power. See ***John Jet Tumwebaze vs Makerere University Council and Another HCMC No. 353 of 2005.***

The effect of *certiorari* is to make it clear that the statutory or other public law powers have been exercised unlawfully, and consequently, to deprive the public body's act of any legal basis. The decision is retrospectively invalidated and deprived of legal effect since its inception.

The applicant has prayed for the quashing to *items 17 (in Part A) and item 25 (in Part C) of the Trade Licensing(Amendment of Schedule) Instrument No. 2 of 2011* which require law firms/ advocates who are already licensed annually to carry on their trade by the Advocates Act, Cap 267 through issuance of a practicing certificate and a certificate of approval of chambers and payment of dues in respect of both to now also seek a further "license to trade" from the town clerk of a municipal council and if granted, pay further licensing dues in respect thereof;

- This court issues an order of ***Certiorari*** quashing *items 17 (in Part A) and item 25 (in Part C) of the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017* which purport to require law firms/ advocates already licensed annually to also seek a further license to trade from the town clerk of a municipal council and if granted, pay further licensing dues in respect thereof.
- This court issues an order of ***Prohibition*** restraining and preventing items *17 and 25 of the Trade (Licensing) (Amendment of Schedule) Instrument No. 2 of 2017* from taking effect and prohibiting the respondents or their agents from enforcing the said Trade License provisions against law firms and advocates.
- This application is allowed with no order as to costs.

I so order.

Obiter dictum

A modern and effective technique of controlling the exercise of power of delegated legislation is "consultation of interests" affected by the proposed rule-making. Public participation in, or what is also known as democratization of, the rule-making process is regarded as a desirable safe-guard, for it enables the interests affected to make their views known to the rule-making authority, and thus help in the framing of the rules. This may serve as a significant safeguard

against an improper exercise of its power. The Administration is not always the repository of ultimate wisdom; it learns from suggestions made by outsiders and often benefits from that advice.

Consultation ensures that delegated legislation is passed by the authority concerned with adequate knowledge of the intricacies involved and it is useful in balancing individual interests and administrative exigencies. It is very true that there is no general duty requiring consultation of affected interests in the rule-making process. But it is necessary to avoid scenario like in the present case where the different professionals are challenging the Statutory Instrument that has included them in *Trade (Licensing) Amendment of Schedule) Instrument, 2017.*

Making a schedule of this nature involving all professions/businesses involving economic, technical and other difficult issues requires expert knowledge and adequate and reliable data. This often needs to be gathered from persons likely to be affected by the rules/schedule and who are able to grasp and assess their significance, effect and practicability. Consultation with such interests by the rule-making authority ensures that the latter will be appraised of all the facets of the problem sought to be dealt with by the rules; and that it would make necessary adjustments before promulgation.

Although the courts have refused to imply any consultative procedure in rule-making in the absence of any such statutory provision/instrument, or legitimate expectation, they do however attach a good deal of importance to such a procedure being followed by the administration. See ***Eaton Towers Uganda Ltd vs AG & Jinja Municipal Council High Court Miscellaneous Cause No. 84 of 2019***; ***Laxmi Khandsari v State of Utta Pradesh [1981] AIR SC 873; Uganda National Dairy Traders Association v The Dairy Development Authority & Attorney General High Court Miscellaneous Cause No. 113 of 2015***

The rule-making authority (Minister responsible) is advised to consult the concerned parties to avoid further litigation.

Dated, signed and delivered be email at Kampala this 8th day of May 2020

SSEKAANA MUSA
JUDGE