2. The Reciprocal Enforcement of Judgments (Pakistan) Order, 1953(a), is hereby revoked provided that in relation to judgments given before the date of this Order the High Courts of Dacca and Lahore, the Chief Court at Karachi and the Judicial Commissioners' Courts at Peshawar and Quetta shall continue to be deemed to be Superior Courts for the purposes of Part I of the Act.

3. Part I of the Act shall extend to all the territories of Pakistan.

4. The following Courts of Pakistan shall be deemed Superior Courts for the purposes of Part I of the Act, that is to say:—

(*a*) The Supreme Court of Pakistan and all High Courts.

(*b*) All District Courts.

(*c*) All other Courts whose civil jurisdiction is subject to no pecuniary limit provided that the Judgment sought to be registered under the Act is sealed with a seal showing that the jurisdiction of the Court is subject to no pecuniary limit.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to revise the list of Courts of Pakistan deemed to be Superior Courts for the purpose of Part I of the Act, and to continue the application of Part I of the Act in respect of judgments of Courts of Pakistan which have ceased to exist.

JUDICIAL COMMITTEE

JURISDICTION

1958 No. 1748

The Buganda Constitution (Appeal to Privy Council) Order in Council, 1958

Made - - - -	*22nd October,* 1958
Laid before Parliament	*28th October,* 1958
Coming into Operation	*29th October,* 1958

At the Court at Buckingham Palace, the 22nd day of October, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers in this behalf by the Judicial Committee Act, 1833(b), the Foreign Jurisdiction Act, 1890(c) or

(a) S.I. 1953/193 (1953 I, p. 916). (b) 3 & 4 Will. 4. c. 41. (c) 53 & 54 Vict. c. 37.

otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Buganda Constitution (Appeal to Privy Council) Order in Council, 1958, and shall come into operation on the twenty-ninth day of October, 1958.

Interpretation

2.—(1) In this Order, unless the context otherwise requires :—

" appeal " means appeal to Her Majesty in Council ;

" Court " means Her Majesty's High Court of Uganda ;

" reference " means a reference under paragraph (7) of Article 2 of the Constitution of Buganda, as set out in the First Schedule to the Buganda Agreement, 1955(a), to the Court by the Governor of a question relating to the interpretation of the Constitution ;

" decision " means the determination or decision of the Court of a question referred to the Court under paragraph (7) of Article 2 of the Constitution of Buganda ;

" party " means the appellant or respondent ;

" record " means the aggregate of papers relating to an appeal proper to be laid before Her Majesty in Council on the hearing of the appeal ;

" Registrar " means the Registrar or other proper officer having the custody of the records in the Court ;

" respondent " means any person required to be served with notice under section 3 of this Order and any person added as a respondent by direction of the Court under section 5 of this Order.

(2) The Interpretation Act, 1889(b), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Certificate of appeal

3. Any person who was heard by the Court on the hearing of a reference shall be entitled to appeal from the decision of the Court on the reference. Any such person who desires to appeal shall apply to the Court for a certificate that he is entitled to appeal. Application for such a certificate shall be made within sixty days from the date of the decision and the applicant shall give all other persons who were heard by the Court on the hearing of the reference notice of his intended application.

Conditional leave to appeal

4. A certificate under section 3 of this Order shall, in the first instance, be granted by the Court only—

(*a*) upon condition of the applicant, within a period to be fixed by the Court but not exceeding ninety days from the date of the hearing of the application for the certificate, entering into good and sufficient security to the satisfaction of the Court in a sum not exceeding £500 for the due prosecution of the appeal and the payment of all such costs as may become payable by the applicant in the event

(a) Uganda Gazette, Vol. XLVIII Supplement, p. 383. (b) 52 & 53 Vict. c. 63.

of the applicant not obtaining a final certificate that he is entitled to appeal, of the appeal being dismissed for non-prosecution, or of the applicant being ordered to pay costs of the appeal (as the case may be); and

(*b*) upon such other conditions (if any) as to the time or times within which the applicant shall take the necessary steps for the purposes of procuring the preparation of the record and the despatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

Power to add persons as parties

5. The Court may, if it thinks it desirable, give leave to any person to apply for a certificate under section 3 of this Order as if he was a person entitled to be heard by the Court on the hearing of the reference or direct that any person shall be added as a respondent to an appeal as if he was a person entitled to be heard as aforesaid.

Final certificate of appeal

6. When an applicant has complied with the conditions set out in section 4 of this Order the Court shall on his application therefor grant him a final certificate that he is entitled to appeal.

Powers of single judge

7. A single Judge of the Court shall have power and jurisdiction—

(*a*) to hear and determine any application under section 3, 5 or 6 of this Order;

(*b*) generally, in respect of any appeal under this Order pending before Her Majesty in Council, to make such other order and to give such other directions as he shall consider the interests of justice or the circumstances of the case to require; and

(*c*) where the Court grants a certificate under section 3 of this Order, to order that any action to be or being taken by any person in consequence of the decision of the Court shall be suspended:

Provided that any order or direction made or given in pursuance of the power conferred by this section may be varied, discharged or reversed by the Court.

Preparation of record

8.—(1) The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

(2) The reasons given by Judges of the Court for their decision on the reference out of which the appeal arises shall be included in the record.

Consolidation of appeals

9. Where there are two or more applications under section 3 of this Order arising out of the same matter, the Court may direct the appeals to be consolidated.

Rescinding certificate of appeal

10. Where an appellant, having obtained a certificate under section 3 of this Order and having complied with the conditions imposed on him by the Court, fails thereafter to apply with due diligence to the Court for a final certificate under section 6 of this Order the Court may, on application in that behalf made by the respondent rescind the certificate, notwithstanding the appellant's compliance with the conditions imposed on him, and may give such directions as to the costs of the appeal and security entered into by the appellant as the Court may think fit or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

Notice to other persons

11.—(1) On an application under section 6 of this Order, the Court may enquire whether notice or sufficient notice of the application has been given by the appellant to the respondent and, if not satisfied as to the notices given, may defer the granting of the final certificate, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

(2) The Registrar shall, with all convenient speed, transmit to the Registrar of the Privy Council a certificate to the effect that the respondent has received notice, or is otherwise aware of the granting of the final certificate under section 6 of this Order and of the transmission of the record to England.

Prosecution of appeal

12. An appellant who has obtained a final certificate under section 6 of this Order shall prosecute his appeal in accordance with the Rules for the time being regulating the general practice and procedure in appeals to Her Majesty in Council and the said Rules shall apply to an appeal under this Order.

Withdrawal of appeal

13.—(1) An appellant who has obtained a certificate under section 3 of this Order may at any time prior to the granting of a final certificate under section 6 of this Order withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

(2) Where an appellant, having obtained a final certificate under section 6 of this Order desires, prior to the dispatch of the record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed as from the date of such certificate, to stand dismissed without express Order of Her Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Dismissal for non-prosecution

14. Where an appellant, having obtained a final certificate under section 6 of this Order, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the record to England, any respondent may, after giving the appellant due notice of his intended application, apply to the Court for a certificate that the appeal has not been effectually prosecuted by the appellant, and if the Court sees

fit to grant such a certificate the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of Her Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Substituting parties

15.—(1) Where at any time before the dispatch of the record to England, the record has become defective by reason of the death or change of status of a party to the appeal, the Court may, notwithstanding the granting of a final certificate under section 6 of this Order on an application in that behalf made by any person interested, grant a certificate stating who, if anyone, in the opinion of the Court, should be substituted or entered on the record in place of or in addition to the party who has died or undergone a change of status, and the name of such person (if any) shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express order of the Court or Order of Her Majesty in Council.

(2) Where the record subsequently to its dispatch to England becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, if anyone, in the opinion of the Court, should be substituted, or entered on the record, in place of, or in addition to, the party who has died or undergone a change of status.

Costs in Uganda

16. Where the Judicial Committee directs a party to bear the costs of an appeal incurred in Uganda, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

Enforcing Order

17. Any Order which Her Majesty in Council may think fit to make on an appeal shall be enforced in like manner as any judgment or order of the Court should or might have been executed.

Special leave to appeal

18. Nothing in this Order contained shall be deemed to interfere with the right of Her Majesty upon the humble petition of any person to admit an appeal from a decision of the Court upon such conditions as Her Majesty in Council shall think fit to impose.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order regulates the procedure which must be followed in appeals from a determination by the High Court of Uganda of a reference to that Court by the Governor of Uganda of a question relating to the interpretation of the Constitution of Buganda.