

# **THE DIVORCE ACT.**

Statutory Instrument 249—1.

## **The Divorce Rules.**

### **Arrangement of Rules.**

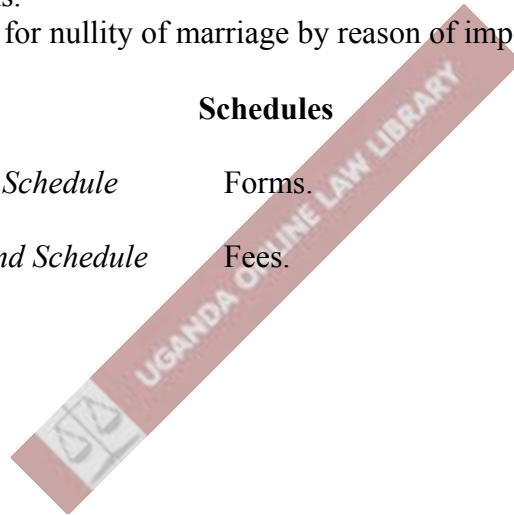
#### **Rule**

1. Citation.
2. Summons.
3. Service.
4. Forms.
5. Suits for nullity of marriage by reason of impotence.

#### **Schedules**

*First Schedule*      Forms.

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## **THE DIVORCE ACT.**

Statutory Instrument 249—1.

### **The Divorce Rules.**

*(Under section 42 of the Act.)*

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

These Rules may be cited as the Divorce Rules.

#### **2. Summons.**

A summons shall issue in all suits under the Act, and a copy of the petition shall be attached to the summons.

#### **3. Service.**

Service shall be effected in the manner provided for the service of summonses and notices under the Civil Procedure Rules.

#### **4. Forms.**

The forms in the First Schedule to these Rules may be used in proceedings under the Act.

#### **5. Suits for nullity of marriage by reason of impotence.**

(1) In a suit for nullity of marriage by reason of impotence, when the answer has been filed or when the respondent has failed within proper time to appear or to file an answer, an order may be made by the court for the appointment of two medical inspectors and for the medical examination of the parties by those inspectors; in the case of suits filed in the High Court such orders may be made by the registrar.

(2) Notwithstanding subrule (1) of this rule, no person shall be ordered to attend for medical examination without his or her consent.

(3) At the time of the making of such orders the court or registrar, as the case may be, shall make such further order with regard to identification

of the parties to the medical inspectors as shall be thought fit.

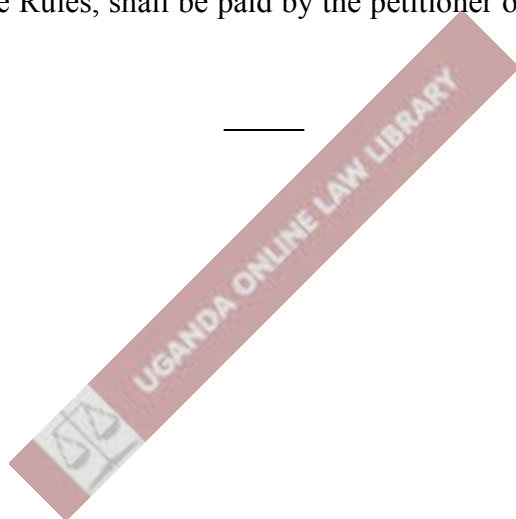
(4) On the making of such an order summonses shall be issued to the parties to attend for examination before the medical inspectors on a day and at a time and place to be named in the summons.

(5) After the examination the medical inspectors shall make a report to the court.

(6) The report shall be filed and shall be open for inspection by the parties to the suit.

(7) Fees for the order and the summonses, as set out in the Second Schedule to these Rules, shall be paid by the petitioner on filing his or her petition.

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## SCHEDULES

### *First Schedule.*

rule 4.

#### **Forms.**

Form 1.

Petition.

*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction

To the \_\_\_\_\_ Court of \_\_\_\_\_

The humble petition of \_\_\_\_\_ shows

#### *Residence of petitioner.*

1. That your petitioner at present resides at \_\_\_\_\_  
\_\_\_\_\_ in Uganda.

#### *Religion.*

2. That your petitioner professes the Christian religion.

#### *Marriage.*

3. That your petitioner was on the \_\_\_\_\_ day of \_\_\_\_\_  
lawfully married to the respondent at the church of \_\_\_\_\_  
at \_\_\_\_\_ in the district/area of \_\_\_\_\_ in  
\_\_\_\_\_, and that—

- (a) the marriage was solemnised under the provisions of the  
\_\_\_\_\_ Act in force in \_\_\_\_\_;
- (b) after the marriage your petitioner lived and cohabited with the  
respondent, \_\_\_\_\_, at  
\_\_\_\_\_, and at \_\_\_\_\_,  
and that there are issue of the marriage \_\_\_\_\_  
children, to wit \_\_\_\_\_.

*(In petitions for the dissolution of marriage by husband).*

*Adultery.*

4. That since the solemnisation of the marriage your petitioner's wife, on or about the \_\_\_\_\_ day of \_\_\_\_\_ and on other days between that day and \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ in \_\_\_\_\_ did commit adultery with \_\_\_\_\_ (or with some person or with divers persons unknown to your petitioner).

*(In petitions for dissolution of marriage by wife.)*

*Change of faith with marriage with another woman.*

5. That since the solemnisation of the marriage your petitioner's husband has changed his profession of Christianity for the profession of the \_\_\_\_\_ religion, and has gone through a form of marriage with \_\_\_\_\_.

*Incestuous adultery.*

6. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ and on other days between that day and \_\_\_\_\_, your petitioner's husband, \_\_\_\_\_, at \_\_\_\_\_ committed incestuous adultery with \_\_\_\_\_, a \_\_\_\_\_ of your petitioner.

*Bigamy with adultery.*

7. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ the ceremony of marriage was duly performed between your petitioner's husband, \_\_\_\_\_, and one \_\_\_\_\_, your petitioner his lawful wife being then alive, whereby your petitioner's husband, \_\_\_\_\_, committed bigamy, and that from and after the above date, particularly on or about the \_\_\_\_\_ day of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, and \_\_\_\_\_

cohabited and committed adultery together.

*Marriage with another woman with adultery.*

8. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_, the ceremony of marriage was duly performed between \_\_\_\_\_ and one \_\_\_\_\_, your petitioner his lawful wife being then alive, and that from and after the above date, particularly on or about the \_\_\_\_\_ day of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, and \_\_\_\_\_ cohabited and committed adultery together.

*Rape.*

9. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, committed a rape upon the person of \_\_\_\_\_.

*Sodomy.*

10. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, committed the offence of sodomy.

*Bestiality.*

11. That on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, committed the offence of bestiality.

*Adultery with cruelty.*

12. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ and on other days between that day and \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, at \_\_\_\_\_ in the district/area of \_\_\_\_\_

\_\_\_\_\_ committed adultery with \_\_\_\_\_ or with some person or with divers persons unknown to your petitioner; and—

- (a) that your petitioner's husband, \_\_\_\_\_, in or about the month of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ violently assaulted your petitioner by striking her in the face with his clenched fist and by knocking her down; or
- (b) that on the \_\_\_\_\_ day of \_\_\_\_\_ in the said year at \_\_\_\_\_ as aforesaid your petitioner's husband, \_\_\_\_\_, violently assaulted your petitioner and dragged her out of bed by the hair of her head, and kicked her and threatened to kill her.

*Adultery with desertion.*

13. That on or about the \_\_\_\_\_ day of \_\_\_\_\_ and on other days between that day and \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ committed adultery with \_\_\_\_\_ or with some person or with divers persons unknown to your petitioner; and that on or about the \_\_\_\_\_ day of \_\_\_\_\_ your petitioner's husband, \_\_\_\_\_, deserted your petitioner without reasonable excuse, and from that time down to the present, being for the space of two years and upwards, has continued to desert your petitioner.

*(In petitions for nullity of marriage.)*

*Marriage.*

14. That on the \_\_\_\_\_ day of \_\_\_\_\_ at the church of \_\_\_\_\_ at \_\_\_\_\_ in the district/area of \_\_\_\_\_ in \_\_\_\_\_ the ceremony of marriage was performed between the petitioner and \_\_\_\_\_ of \_\_\_\_\_.

*Impotency.*

15. That \_\_\_\_\_ was at the time of

that marriage, and has ever since been, wholly unable to consummate the marriage, by reason of the malformation/frigidity and impotence of his/her parts of generation and that the malformation/frigidity and impotence of \_\_\_\_\_ is wholly incurable by art or skill.

*Consanguinity or affinity.*

16. That at the time when the ceremony of marriage was performed your petitioner was the lawful (or natural) \_\_\_\_\_ of \_\_\_\_\_.

Dynamics

*Lunacy or idiocy.*

17. That on the \_\_\_\_\_ day of \_\_\_\_\_ when the ceremony of marriage was performed in fact between \_\_\_\_\_ and \_\_\_\_\_ the said \_\_\_\_\_ was, and had for some time been, of unsound mind, and unable to contract marriage.

*Former wife or husband living.*

18. That on the \_\_\_\_\_ day of \_\_\_\_\_, when the ceremony took place between your petitioner and \_\_\_\_\_, the husband/wife of \_\_\_\_\_ was living, and his/her marriage with the respondent had in no way been annulled or dissolved.

*Force.*

19. That your petitioner was induced to be a party to the ceremony of marriage, not of her own free will, but through fear and terror of the respondent.

*Fraud.*

20. That your petitioner was induced to be a party to the ceremony of marriage by reason of false representations fraudulently made to her by the respondent, to the effect \_\_\_\_\_ which representations your petitioner believed to be true.

*(In petitions for judicial separation.)*



21. Cruelty, adultery, desertion.

*(In petitions for the restitution of conjugal rights.)*

*Withdrawal from cohabitation.*

22. That \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_ withdraw from cohabitation with your petitioner, and has ever since, without any just cause, kept and continued away from her, and has also refused and still refuses to render her conjugal rights.

*(In all above petitions except 22.)*

*Absence of collusion or connivance.*

23. That no collusion or connivance exists between myself and \_\_\_\_\_.

*(Claim for damages.)*

*Damages.*

24. That your petitioner claims from \_\_\_\_\_ as damages in respect of the adultery the sum of \_\_\_\_\_.

Your petitioner therefore humbly prays for a decree—

(1) That—

- (a) the marriage of your petitioner with the respondent may be dissolved;
- (b) the marriage celebrated as aforesaid between your petitioner and the respondent is null and void;
- (c) your petitioner may be judicially separated from \_\_\_\_\_;
- (d) \_\_\_\_\_ take home and receive your petitioner as his wife and render her conjugal rights.

(2) That the petitioner may have the custody of the child or children of the marriage.

(3) That \_\_\_\_\_ may be condemned in

such damages as may be awarded in respect of the adultery; that the damages be applied for the benefit of your petitioner and of the children, respectively, of the marriage, or otherwise, as may seem meet to the honourable court.

(4) That the respondent pay the costs of and incident to the petition.

(5) That your petitioner may have such further and other relief in the premises as to the honourable court may seem meet.

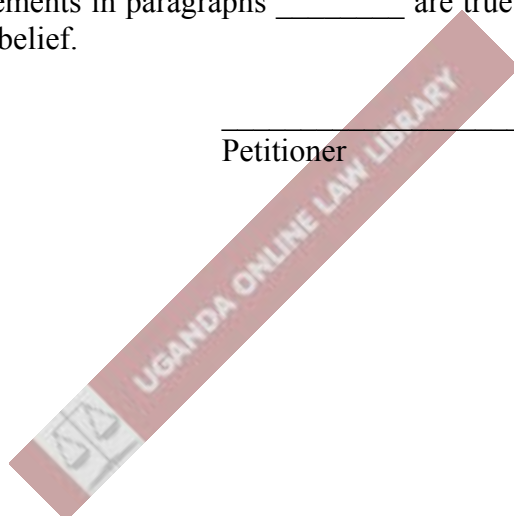
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Petitioner

I certify that the statements in paragraph \_\_\_\_\_ are true to my knowledge, and that the statements in paragraphs \_\_\_\_\_ are true to the best of my information and belief.

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Petitioner



Form 2.  
Summons.  
*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction.

Cause No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Petitioner

versus

\_\_\_\_\_ Respondent/  
Correspondents

Whereas the petitioner has petitioned this court for a decree for \_\_\_\_\_ *(a copy of which petition is attached to this summons)*, you are summoned to appear in this court in person or by agent on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, or as soon thereafter as the case can be heard, to answer the above petitioner and for such further orders as the court may make for the disposal of the suit. And take notice that in default of your so doing the petition will be heard and determined in your absence.

\_\_\_\_\_  
Registrar/Magistrate

To \_\_\_\_\_

Form 3.  
Decree Nisi.  
*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction.

Cause No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Petitioner

versus

\_\_\_\_\_ Respondent/  
Corespondents

This cause coming on the \_\_\_\_\_ day of \_\_\_\_\_ for hearing  
before \_\_\_\_\_ in the presence of \_\_\_\_\_.  
It is ordered that unless before the \_\_\_\_\_ day of \_\_\_\_\_  
appearance is entered in this court by any person to show cause to the  
contrary or intervene the marriage between the parties solemnised at  
\_\_\_\_\_ in \_\_\_\_\_ on the \_\_\_\_\_  
day of \_\_\_\_\_ be dissolved.

It is further ordered that the \_\_\_\_\_ have the custody of the child  
\_\_\_\_\_ of the marriage, and that \_\_\_\_\_  
\_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Registrar/Magistrate

Form 4.  
Decree Absolute.  
*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction.

Cause No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Petitioner

versus

\_\_\_\_\_ Respondent/  
Correspondents

Upon the application of \_\_\_\_\_, the petitioner,  
and upon it appearing that no person has applied to show cause to the  
contrary or intervene the decree nisi for the dissolution of the marriage  
solemnised between the parties on the \_\_\_\_\_ day of \_\_\_\_\_ is  
made absolute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Judge/Magistrate

Form 5.  
Order for Medical Examination.  
*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction.

Cause No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Petitioner

versus

\_\_\_\_\_ Respondent/  
Correspondents

To: \_\_\_\_\_  
(Petitioner/Respondent)

Whereas the chief registrar of the High Court/magistrate of \_\_\_\_\_  
has made an order for your medical examination, you are summoned to  
appear in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at  
\_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and thereafter to appear before the  
medical inspectors at such time and place to be appointed.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Registrar/Magistrate

Form 6.  
Appointment of Medical Inspectors.  
*The Divorce Act.*

In the \_\_\_\_\_ Court of \_\_\_\_\_

Divorce Jurisdiction.

Cause No. \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ Petitioner

versus

\_\_\_\_\_ Respondent/  
Correspondents

Upon hearing \_\_\_\_\_ I order that  
\_\_\_\_\_ of \_\_\_\_\_ and  
\_\_\_\_\_ of \_\_\_\_\_ be appointed  
as inspectors to examine the parts and organs of generation of  
\_\_\_\_\_, the petitioner in this cause, to report in  
writing whether he is capable of performing the act of generation, and if  
incapable of so doing whether the impotency can or cannot be relieved or  
removed by art or skill; and also to examine the parts and organs of  
generation of \_\_\_\_\_, the respondent in this cause, and  
to report in writing whether she is or is not a virgin, and has or has not any  
impediment on her part to prevent the consummation of marriage, and  
whether the impediment (if any) can or cannot be removed by art or skill.  
And I further order that the reports be delivered by the inspectors, or one of  
them under their hands, to the chief registrar of the High Court/magistrate  
\_\_\_\_\_; and I also order that the petitioner and  
respondent attend before the chief registrar of the High Court/magistrate  
\_\_\_\_\_, at such time and place as he or she may  
appoint in order that the petitioner and respondent may then and there be  
respectively identified as the parties in this cause.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Registrar/Magistrate

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*Second Schedule.*

rule 5.

**Fees.**

	Shs.
On the order for medical examination	6
On each summons to attend before the medical inspectors (to include service within two miles of the court effecting service)	2
For the medical examination, to each medical inspector	21

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**History:** S.I. 215-1; S.I. 135/1968.

**Cross Reference**

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

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