

THE DIVORCE ACT.

Statutory Instrument 249—1.

The Divorce Rules.

Arrangement of Rules.

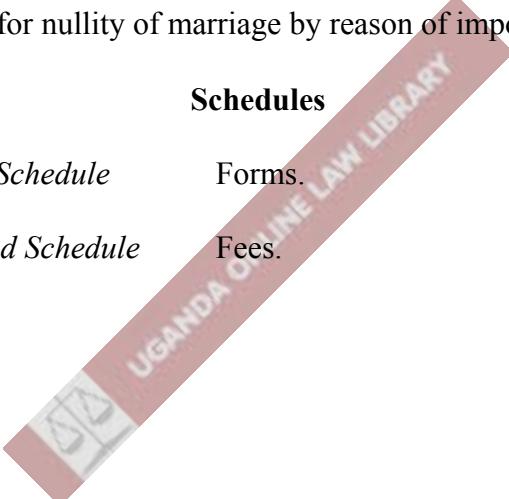
Rule

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

Schedules

First Schedule Forms.

Second Schedule Fees.



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

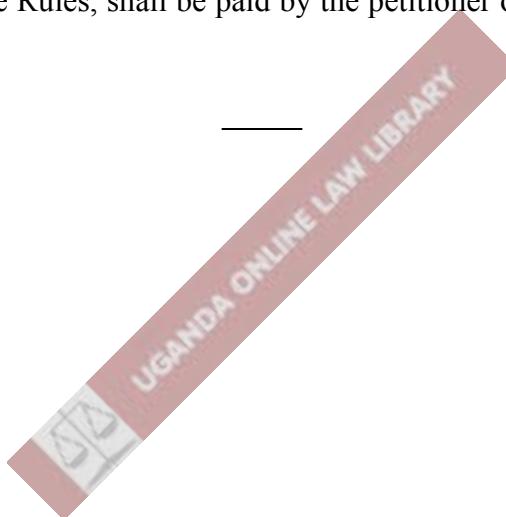
of the parties to the medical inspectors as shall be thought fit.

(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.



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 petition.

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.

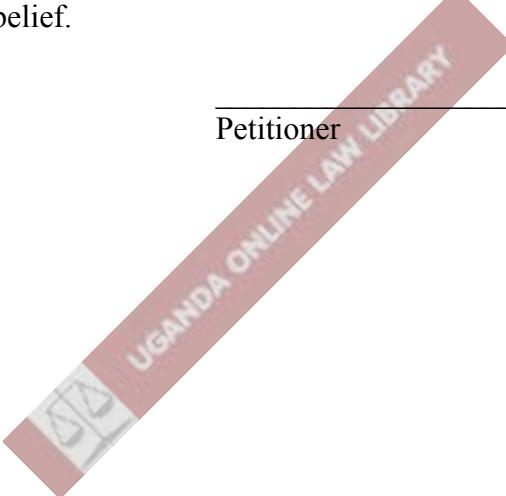
(4) That the respondent pay the costs of and incident to the petition.

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

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.

Petitioner



Form 2.
Summons.
The Divorce Act.

In the _____ Court of _____

Divorce Jurisdiction.

Cause No. _____ of _____

Petitioner

versus

Respondent/
Corespondents

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/
Corespondents

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/
Corespondents

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/
Corespondents

Upon hearing _____ 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

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

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

Cross Reference

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