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- 2. The Respondent opposes the Application, asserting that the LCII Court acted within its statutory mandate under the Local Council Courts Act, 2006 (Act No. 13 of 2006). The Respondent, in his affidavit in reply, argues that LC Courts are empowered under Section 23 of the Local Council Courts Act to adjudicate matters with flexibility in evidence and procedure, and that Section 10 of the Act confers jurisdiction over civil and land disputes. He prays for the Application to be dismissed with costs.
- 3. Having reviewed the Application, affidavits, written submissions, and the record of proceedings from the LCII Court, this Court now will analyse the same and later deliver its ruling.

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Representation and hearing

- 4. The Applicant was represented by M/s Nyanzi & Nyanzi Advocates, while the Respondent appeared in person. Court directed the parties to file written submissions, which have been duly considered alongside the Application, affidavits, and LCII Court record.

Issue for Determination

- 5. The central issue for determination is whether the Application raises sufficient grounds to justify the revision and setting aside of the LCII Court's judgment and orders.

Analysis.

- 6. The High Court's revisionary jurisdiction is governed by *Section 83 of the Civil Procedure Act Cap 282*, which provides:

"*The High Court may call for the record of any case which has been determined under this Act by any Magistrate's Court, and if that Court appears to have a. exercised a jurisdiction not vested in it in law; b. failed to exercise a jurisdiction so vested; or c. acted in the exercise of its jurisdiction illegally or with material irregularity or injustice, the High Court may revise the case and may make such order in it as it thinks fit*..."

- 7. However, Section 83 expressly applies to Magistrate's Courts, raising the question of its applicability to LC Courts. *The Local Council Courts Act, 2006, under Section 40*, delegates supervisory powers over LC Courts to the Chief Magistrate on behalf of the High Court, stating: "*The general powers of supervision over Magistrates' Courts conferred upon the High Court by the Judicature Act may be exercised by the Chief Magistrate over local council courts on behalf of the High Court*." The use of "may" suggests discretion, not an absolute bar on the High Court's revisionary powers.

- 8. In **Paskali Juma Wesike Vs. Alex Onyango Situba Taabu Nyaba & Anor (HCT-04- CV-MA-0004-2010)**, Musota J held that the High Court may revise LC Court decisions under **Section 40 of the Local Council Courts Act** and **Section 98 of the Civil Procedure Act**. Similarly, In **Isoto Vs. Atai (Miscellaneous Application No. 140 of 2022) [2023] UGHCCD 58**, the High Court at Soroti revised LCII and LCIII decisions, suggesting flexibility in exceptional cases.

- 9. In this case, given the constitutional and jurisdictional complexities, this Court will exercise its inherent supervisory jurisdiction under **Section 98 of the Civil Procedure Act** and **Article 139(1) of the Constitution** to ensure justice, while addressing the Applicant's jurisdictional challenge as a threshold issue.
- 10. Jurisdiction is a fundamental prerequisite for any Court's authority. As held in **Gabula vs. Wakidaka (HCCA No. 29 of 2006)** and **Assanand & Sons (U) Ltd vs. East African Records Ltd (1959) EA 360**, a Court lacking jurisdiction renders its proceedings null and void, irrespective of the correctness of its findings. The Applicant's primary contention is that the Byakabanda LCII Court lacked jurisdiction, necessitating an examination of its legal constitution.
- 11. The Constitutional Court's decision in **Rubaramira Ruranga vs. Electoral Commission & Attorney General (Constitutional Petition No. 21 of 2006) [2007]** declared LC Courts elected or constituted under the pre-2005 movement system unconstitutional following the 2005 Constitutional amendment to a multiparty system. This ruling invalidated LC I and LC II Courts unless reconstituted through elections by the Electoral Commission, a process not undertaken as of the date of this ruling.
- 12. The Court of Appeal in **Muteteri Feibe vs. Bamudali Charles (Civil Appeal No. 38 of 2012) [2019]** reaffirmed this position, citing **Ocitti Bwomono vs. Okello Ocen (High Court Civil Miscellaneous Application No. 54 of 2014)**. The Court held that LC I and LC II Courts, lacking legally elected executives, are not constitutionally constituted and thus lack judicial power, except for LC III Courts acting as appellate bodies under **Section 32(1)(2)(b) of the Local Council Courts Act.** Section 50(3) of the Act allows only pending cases under the repealed Executive Committees (Judicial Powers) Act to continue, excluding new disputes like the present one filed in 2021.
- 13. The record confirms that the Byakabanda LCII Court's decision stemmed from a 2021 dispute, post-dating the **Rubaramira Ruranga** ruling. There is no evidence of a valid election of its members by the Electoral Commission, rendering it constitutionally and legally un-constituted. Consequently, the LCII Court lacked jurisdiction to hear and determine the matter, rendering its proceedings, judgment, and orders null and void ab initio.

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- 14. This finding aligns with the principle that jurisdictional defects cannot be cured by procedural fairness or substantive merit. The Applicant's additional allegations, lack of recorded evidence, irregular judgment signing, and coercion reinforce the procedural irregularities but are secondary to the jurisdictional flaw. The Respondent's reliance on *Sections 10 and 23 of the Local Council Courts Act* is misplaced, as statutory jurisdiction presupposes a legally constituted Court, which the Byakabanda LCII Court was not. The Court takes judicial notice of the absence of LC I and LC II elections, a fact corroborated by the Electoral Commission's records as of April 2025.
- 15. For the foregoing reasons, I find that the Byakabanda LCII Court lacked jurisdiction to adjudicate the dispute between the Applicant and the Respondent. Its proceedings, judgment, and orders are hereby set aside as null and void.
- 16. The following orders are issued:
 - a. The proceedings, judgment, and orders of the Byakabanda LCII Court in the matter between Kimbugwe John and Bazira Peter are set aside for lack of jurisdiction.
 - b. Each party shall bear their own costs, in the interest of promoting reconciliation and given the jurisdictional nature of the dispute.

I so order.

Ruling signed and delivered electronically at Masaka this 18 th day of April 2025

> **LAWRENCE TWEYANZE JUDGE. 18 th April, 2025.**

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