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THE DISTRESS FOR RENT (BAILIFFS) ACT.

Statutory Instrument 76—1.

The Distress for Rent (Bailiffs) Rules.
*(Under section 5 of the Act.)**Preliminary.***1. Citation.**

These Rules may be cited as the Distress for Rent (Bailiffs) Rules.

2. Interpretation.

In these Rules, “certificate” means a certificate to act as a bailiff granted or renewed under the Act.

*Certificates.***3. Types and forms of certificates.**

(1) Certificates may be either general or special.

(2) A special certificate shall specify the particular distress or distresses to which it applies.

(3) Certificates shall be in Forms 1 and 2 in the First Schedule to these Rules, with such variations as circumstances may require; and the date at which a general certificate will become terminable shall be added at the foot of the certificate.

4. General certificates.

A general certificate shall authorise the bailiff named in it to levy at any place in Uganda.

5. Advocates, etc. entitled to certificates.

Any advocate of the High Court or auctioneer duly licensed under the Auctioneers Act shall, on application, and on payment of the prescribed fee, be entitled to a general or special certificate.

6. Conditions for granting certificates.

Subject to rules 4 and 5 of these Rules, a general or special certificate may, on payment of the prescribed fee, be granted to any applicant who satisfies the authority granting it that he or she is a fit and proper person to hold a certificate.

7. Applicants for general certificates.

An applicant for a general certificate shall satisfy the certifying officer that he or she is resident or has his or her principal place of business in the area in which the court exercises jurisdiction, and shall state whether he or she has ever been refused a certificate or had a former certificate cancelled or declared void.

*Security.***8. Security if not a ratepayer.**

Where an applicant for a certificate is not a ratepayer, rated on a rateable value of not less than ten thousand shillings per year, he or she may, if the authority applied to thinks fit, be required to give security for the due performance of his or her duties.

9. Amount of security.

(1) The security shall be security to the satisfaction of the certifying officer.

(2) In the case of a general certificate the amount shall be ten thousand shillings, and in the case of a special certificate the amount shall be twenty-five hundred shillings.

10. Type of security.

- (1) The security shall be given to the certifying officer.
- (2) The security may be given by deposit, by bond, or by guarantee, as the certifying officer may think fit.

Duration and renewal of certificates.

11. Duration.

(1) A general certificate shall (unless previously cancelled or declared void) have effect until the 1st February next after the expiration of twelve months from the granting of the certificate.

(2) A certifying officer exercising jurisdiction in the district or area where the certificate was granted may renew the certificate from time to time for the like period.

12. Renewal.

On an application for the renewal of a certificate the certifying officer shall be satisfied that the security, if any, required under these Rules is subsisting.

13. Form of renewed certificate.

A renewed certificate shall be in Form 3 of the First Schedule to these Rules, and the date at which the renewed certificate will become terminable shall be added at the foot of the certificate.

Cancellation of certificates.

14. Security forfeited.

On any application to cancel or declare void a certificate the certifying officer may, whether he or she cancels the certificate or not, order that the security shall be forfeited either wholly or in part, and that the amount directed to be forfeited shall be paid to the party aggrieved.

15. Fresh security.

Where the certifying officer orders that the security shall be forfeited, either wholly or in part, but does not cancel or declare void the certificate, he or she may direct that the bailiff shall give fresh security as a condition of retaining his or her certificate.

16. Cancellation of security; return of deposit.

Subject to rule 14 of these Rules, where a certificate is cancelled or declared void by the certifying officer, the security shall also be cancelled, and the deposit, if any, returned.

17. Cancellation, etc. of certificate.

Where a certificate is cancelled or declared void, Form 4 in the First Schedule to these Rules shall be used.

18. Effect of cancellation, etc.

Where a certificate is cancelled or declared void or expires in consequence of nonrenewal, it shall, nevertheless, continue to have effect for the purpose of any distress where the bailiff has entered into possession before the date on which the certificate is cancelled or declared void or expires.

*List of bailiffs holding certificates.***19. List of bailiffs holding certificates.**

There shall be made and signed by the magistrate of every district or area on the 1st February in every year and exhibited in the office of his or her court a list of the bailiffs holding certificates for the time being, and if any such certificate is cancelled or declared void the fact of it having been cancelled or declared void shall be notified by the certifying officer on that list and published by him or her in the Gazette.

*Fees, charges and expenses.***20. Fees, etc. for levying distress.**

No person shall be entitled to any fees, charges or expenses for levying a distress, or for doing any act or thing in relation thereto, other than those specified in and authorised by the scales in the Second Schedule to these Rules.

21. Scale of fees, etc.

Where the rent demanded and due exceeds four hundred shillings the fees, charges and expenses specified in Scale I in the Second Schedule to these Rules shall be allowed, and where the rent demanded and due does not exceed four hundred shillings the fees, charges and expenses specified in Scale II of that Schedule shall be allowed.

22. Taxing fees, etc.

(1) In case of any difference as to fees, charges and expenses between the parties, or any of them, the fees, charges and expenses shall be taxed by a certifying officer in the district or area in which the distress is levied.

(2) A certifying officer may make such order as he or she thinks fit as to the costs of that taxation.

23. Table of fees, etc. to be displayed.

A copy of the table of fees, charges and expenses authorised by these Rules shall be posted up by the magistrate of every district or area in a conspicuous place in his or her office.

24. Production of certificates.

Every bailiff levying a distress shall on the request of the tenant produce to the tenant his or her certificate, and a copy of the table of fees, charges and expenses authorised by these Rules.

25. Fees.

The fees set out in the Third Schedule to these Rules shall be payable in respect of the matters and things set out in that Schedule.

*General.***26. Saving.**

Nothing in these Rules shall be deemed to affect the provisions of the Auctioneers Act.

SCHEDULES*First Schedule.*

rule 3.

Forms.

Form 1.

General Certificate.

Date _____

In the _____ Court of _____

Pursuant to section 2 of the Distress for Rent (Bailiffs) Act, and the rules made under it, I authorise _____, of _____, to act as a bailiff to levy distresses for rent in Uganda.

(L.S.) _____
Magistrate

This certificate will become terminable on the _____ day of February, 20 ____.

rule 3.

Form 2.
Special Certificate.

Date _____

In the _____ Court of _____

Pursuant to section 2 of the Distress for Rent (Bailiffs) Act, I authorise _____, of _____, to act as a bailiff to levy distresses on the premises of _____, of _____, for rent alleged to be due to _____ of _____.

(L.S.) _____
Magistrate

rule 13.

Form 3.

Renewed General Certificate.

Date _____

In the _____ Court of _____

Pursuant to section 2 of the Distress for Rent (Bailiffs) Act, and the rules made under it, I, by this renewed certificate authorise _____, of _____, to act as a bailiff to levy distresses for rent in Uganda.

(L.S.)

Magistrate

This certificate will become terminable on the _____ day of February, 20 ____.

rule 17.

Form 4.

Cancellation of Certificate.

Date _____

In the _____ Court of _____

In pursuance of section 3 of the Distress for Rent (Bailiffs) Act, I cancel and declare void the certificate granted to _____, of _____, to act as a bailiff for rent in Uganda to levy distresses except as to any distress where he or she has entered into possession before the date of this cancellation (or to act as bailiff to levy a distress on the premises of _____, of _____, for rent alleged to be due to _____ of _____).

(L.S.)

Magistrate

Second Schedule.

rule 20.

Table of fees, charges and expenses.

Scale I—Distress for rent where the sum demanded and due exceeds 400 shillings.

1. For levying distress—
 - (a) 3 percent on any sum not exceeding 1,000 shillings;
 - (b) $2\frac{1}{2}$ percent on any additional sum up to 4,000 shillings; and
 - (c) 1 percent for any additional sum.
2. For a person in possession, 7 shillings per day; to provide his or her own board in every case.
3. For appraisalment, where the tenant or owner of the goods and chattels by writing requires the appraisalment to be made $2\frac{1}{2}$ percent on the value as appraised, whether by one broker or more, in addition to the amount for the stamp, with a minimum fee of 5 shillings for each broker, the costs of the appraisalment to be borne by the tenant or owner requiring it.
4. For removal, at the request in writing of the tenant or owner of the goods and chattels distrained, the reasonable costs and charges attending the removal to be borne and paid by that tenant or owner, and to be subject to taxation under rule 22 of the Rules.
5. For advertisements, the sum actually and necessarily paid.
6. For commission to the auctioneer on sale by auction, 10 percent on the sum realised not exceeding 2,000 shillings, 5 percent on the next 4,000 shillings, 4 percent on the next 4,000 shillings, and on any additional sum 3 percent up to 20,000 shillings, and $2\frac{1}{2}$ percent on any sum exceeding 20,000 shillings.
7. Reasonable fees, charges and expenses where distress is withdrawn, or where no sale takes place, and for negotiations between landlord and tenant respecting the distress, subject to taxation under rule 22 of the Rules.

Scale II—Distress for rent where the sum demanded
and due does not exceed 400 shillings.

1. For levying distress, where the sum demanded and due does not exceed 200 shillings, 5 shillings; exceeds 200 shillings, 7/50 shillings.
2. For a person in possession, 6 shillings per day; to provide his or her own board in every case.
3. For appraisalment, where the tenant or owner of the goods and chattels by writing requires the appraisalment to be made, $2\frac{1}{2}$ percent on the value as appraised, whether by one broker or more, in addition to the amount for the stamp, with a minimum fee of 5 shillings for each broker, the costs of appraisalment to be borne and paid by the tenant or owner requiring it.
4. For removal, at the request in writing of the tenant or owner of the good and chattels distrained, the reasonable costs and charges attending the removal to be borne and paid by that tenant or owner, and to be subject to taxation under rule 22 of the Rules.
5. For all expenses of advertisements, if any, 10 shillings.
6. For catalogues, sale and commission and delivery of goods, $7\frac{1}{2}$ percent on the sum realised.
7. Reasonable fees, charges and expenses, where distress is withdrawn, or where no sale takes place, and for negotiations between landlord and tenant respecting the distress, not to exceed in any event 5 percent on the sum demanded and due for rent, and to be subject to taxation under rule 22 of the Rules.

Third Schedule.

rule 25.

Fees payable in respect of certificates and other matters and things.

	Shs. Cts.
For every application for a general certificate	5 00
For every application for a special certificate	2 50
For every application for the renewal of a general certificate	2 00
For approving of security by bond	10 50
For receiving deposit in lieu of bond	4 00
For taxation, where required, if the rent demanded and due exceeds 400 shillings	10 00
For taxation, where required, if the rent demanded and due does not exceed 400 shillings	5 00

History: S.I. 68-1.**Cross Reference**

Auctioneers Act, Cap. 270.