**Kampala City Council v Nuliyati**

**Division:** Court of Appeal at Kampala

**Date of judgment:** 27 September 1974

**Case Number:** 44/1974 (112/74)

**Before:** Spry V-P, Mustafa and Musoke JJA

**Sourced by:** LawAfrica

**Appeal from:** High Court of Uganda – Nyamuchoncho, J

*[1] Limitation of actions – Notice before action – To local authority – Not proved to have been given in*

*time – Action fails – Civil Procedure and Limitation (Miscellaneous Provisions) Act* 1969 *s*. 1 (*U*.).

*[2] Limitation of actions – Local authority – Suit by person under disability – May be brought outside*

*one year limit – Civil Procedure and Limitation* (*Miscellaneous Provisions*) *Act* 1969 *s*. 4 (*U*.).

*[3] Limitation of actions – Fatal accident – Suit by person under disability – May not be brought*

*outside three year limit – Civil Procedure and Limitation* (*Miscellaneous Provisions*) *Act* 1969 *s*. 8 (*U*.).

**Editor’s Summary**

The respondent, a minor, sued the Kampala City Council, a local authority for damages for the death of her father in a road accident. The action was filed more than three years after the accident. The defences were that no statutory notice had been delivered to the appellant prior to the filing of suit, and that the suit was barred by effluxion of time at the expiry of 12 months. The High Court held that a minor may bring an action out of time for the death of a parent and against a local authority.

On appeal

**Held** –

(i) service of notice on the appellant at least 60 days before filing suit had not been proved;

( ii) action against a local authority by a minor is extended beyond one year;

(iii) no action even by a minor may be brought in respect of the death of a deceased more than three

years after the death.

Appeal allowed.

**No cases referred to in judgment**