**National Insurance Corporation v Kafero**

**Division:** Court of Appeal at Kampala

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**Date of judgment:** 25 October 1974

**Case Number:** 29/1974 (3/75)

**Before:** Spry Ag P, Mustafa and Musoke JJA

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

*[1] Insurance – Motor insurance – Nominal defendant – Notice –* 42 *days’ notice only required – Traffic*

*and Road Safety Act* 1970*, s.* 44 (2) (*U*.).

*[2] Limitation of Actions – Proceedings against government – Scheduled corporation – Whether*

*National Insurance Corporation as nominal defendant a scheduled corporation – Civil Procedure and*

*Limitation* (*Miscellaneous Provisions*) *Act* 1969, *s*. 1 (*U*.).

**Editor’s Summary**

The respondent sued the appellant as nominal defendant in respect of injuries caused by an unidentified motor vehicle. He had given the notice required by the Traffic and Road Safety Act 1970, s. 44 (2) but not that required by the Civil Procedure and Limitation (Miscellaneous Provisions) Act 1969, s. 1. The High Court held that notice under the latter Act was not required. On appeal

**Held** –

(i) the provisions of the Traffic Act are intended to be exclusive and only notice under that Act is

required;

( ii) (obiter) (Spry, Ag. P. dissenting) the National Insurance Corporation when sued as nominal

defendant has no status as a scheduled corporation.

Appeal dismissed.

**No cases referred to in judgment**