**Sempa v National Insurance Corporation & another**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 14 December 1973

**Case Number:** 107/1972 (69/74)

**Before:** Kakooza Ag J

**Sourced by:** LawAfrica

*[1] Limitation of Actions – Public duty – Driver employed by National Insurance Corporation –*

*Whether acting in execution of public duty – Civil Procedure and Limitation* (*Miscellaneous Provisions*)

*Act* 1969, *s.*3 (*U*).

**Editor’s Summary**

The plaintiff sued for damages for the death of his son in an accident on a Sunday in which a vehicle owned by the first defendant and driven by the second defendant, its servant, was involved. The first defendant was a scheduled corporation and the action was filed more than a year after the accident. The question for decision was whether the action against the second defendant was barred by the provisions of the Civil Procedure and Limitation (miscellaneous Provisions) Act 1969. The second defendant contended that he was employed by a scheduled corporation and was acting in execution of a public duty.

**Held –**

(i) an employee of the National Insurance is not a public officer;

( ii) an employee of the Corporation could be engaged in the execution of a public duty (*Greenwood v.*

*Atherton* (3) followed);

(iii) not all authorised acts are acts in the execution of a public duty;

(iv) the object of the Corporation is to carry on insurance business;

(v) driving a motor vehicle can only be incidental to the business of the Corporation and not an act in the execution of a public duty.

Order accordingly.

**Cases referred to Judgment:**

(1) *Bradford Corporation v. Myers*, [1916] 1 A.C. 242.

(2) *Daniels v. Vaux*, [1938] 2 K.B. 203; [1938] 2 All E.R. 271.

(3) *Greenwood v. Atherton*, [1939] 1 K.B. 388; [1938] 2 All E.R. 475.

(4) *Firestone Tire and Rubber Co. v. Singapore Harbour Board*, [1952] A.C. 452; [1952] 2 All E.R.

219.

(5) *Reeves v. Deane-Freeman*, [1952] 2 All E.R. 506.

(6) *Pioneer Garage v. Barclays Bank*, [1969] E.A. 447.

(7) *Njombe District Council v. Kanti Printing Works*, [1971] E.A. 193.

(8) *Mohamed v. Attorney-General*, [1971] E.A. 241.

[**Editorial Note:** The case of *Reeves v. Deane-Freeman*