



THE REPUBLIC OF UGANDA
THE TAX APPEALS TRIBUNAL OF UGANDA
APPEAL NO. 128 OF 2025
(Arising from Miscellaneous Application No. 008 of 2025)
(Arising from TAT Application No. 008 of 2023)

KISOZI COMPLEX UGANDA LIMITED.....APPELLANT

VERSUS

UGANDA REVENUE AUTHORITY.....RESPONDENT

AND

STANBIC BANK UGANDA LIMITED.....GARNISHEE

**BEFORE: MR. SIRAJ ALI, MS. CHRISTINE KATWE,
HON. STELLA NYAPENDI CHOMBO**

RULING

I. Introduction

1. This is an appeal brought under **Section 22(6) of the Tax Appeals Tribunals Act**, Section 79(1)(b) and 98 of the Civil Procedure Act, and various rules of the TAT and Civil Procedure Rules. The Appellant seeks to set aside the ruling of the Learned Deputy Registrar, His Worship Solomon Wamai, delivered on 10 June 2025, which dismissed the Appellant's application for a **Garnishee Order Nisi**. The Appellant aims to recover **Shs. 14,503,233** in taxed costs arising from TAT Application No. 008 of 2023.

II. Background Facts

2. The Appellant is a Ugandan Limited liability company. On **31 October 2024**, the Tax Appeals Tribunal delivered a ruling in favor of the Appellant, **Kisozi Complex (U) Limited**, in TAT Application No. 008 of 2023.
3. Following this ruling, the Appellant commenced execution proceedings and taxed its bill of costs, resulting in **outstanding taxed costs of Shs. 14,503,233** owed by the Respondent, the **Uganda Revenue Authority (URA)**.
4. Dissatisfied with the Tribunal's initial ruling, the Respondent filed an appeal in the High Court (**High Court Civil Appeal No. 089 of 2024**). Alongside their appeal, the Respondent filed applications in the High Court for a **stay of execution** (Miscellaneous Application No. 1163 of 2025) and an **interim stay of execution** (Miscellaneous Application No. 1164 of 2025), both of which were pending hearing at the time of these proceedings.
5. On **21 May 2025**, the Appellant filed **Miscellaneous Application No. 008 of 2025** in the Tax Appeals Tribunal. They sought a **Garnishee Order Nisi** against **Stanbic Bank Uganda Limited** to attach funds held in four specific URA account numbers to satisfy the debt of Shs. 14,503,233.
6. Upon filing, the Learned Deputy Registrar directed that the Respondent (the judgment debtor) be served with the application. The Respondent subsequently filed an Affidavit in Reply on 28 May 2025.
7. The application was heard on **30 May 2025**. During the hearing, the Deputy Registrar allowed the Respondent to make oral submissions, despite protests from the Appellant who argued that garnishee proceedings should be strictly *ex-parte*.

8. On **10 June 2025**, the Learned Deputy Registrar, issued a ruling **dismissing the Appellant's garnishee application**. The Registrar noted that since there was a pending appeal and stay application in the High Court, granting the garnishee order would render those proceedings "nugatory" (useless).
9. The Appellant subsequently filed the current matter (**TAT Appeal No. 128 of 2025**) to set aside the Deputy Registrar's dismissal, arguing it was made without jurisdiction and through a flawed process.

III. Issues for determination

10. The following grounds were raised before the Tribunal for determination:
11. The Learned Deputy Registrar erred in law and fact in hearing and determining the Appellant's garnishee application (Miscellaneous Application No. 008 of 2025) without jurisdiction.
12. The Learned Deputy Registrar erred in law and fact when he allowed the Respondent to appear and participate in ex-parte garnishee proceedings that were brought against the Garnishee Bank.
13. The Learned Deputy Registrar erred in law and fact when he held that staying execution was right, thereby staying the decision of this Honourable Tribunal without jurisdiction.
14. The Learned Deputy Registrar erred in law and fact when he declined to issue a Garnishee Order Nisi against the Garnishee Bank, in the absence of an order of stay of execution issued by the High Court.
15. The Learned Deputy Registrar erred in law and fact when he wrongly exercised his discretion in the matter.

IV. Representation

16. The Appellant is represented by Mr. Paul Kaweesa and Ms. Fatuma Nabulya while the Respondent was represented by Mr. Edmond Agaba and Mr. Donald Bakashaba.

V. Submissions of the Appellant

17. The Appellant argued that the Deputy Registrar acted without jurisdiction when hearing and determining the garnishee application. They contended that jurisdiction is a creature of statute, and no provision in the Tax Appeals Tribunals Act or the TAT (Procedure) Rules vests the power to entertain garnishee applications in the Registrar. Consequently, the Appellant submitted that the Registrar's decision was a nullity.
18. In the alternative, the Appellant submitted that if the Registrar did have jurisdiction, he erred by allowing the Respondent to participate in the proceedings. The Appellant argued that garnishee proceedings are strictly *ex-parte* (between the judgment creditor and the garnishee) and that the judgment debtor (the Respondent) has no *locus standi* or legal right to be heard in such matters.
19. The Appellant contended that the Deputy Registrar effectively stayed execution of a Tribunal decision without the jurisdiction to do so. They argued that such power is exclusively vested in the High Court under section 31 of the Tax Appeals Tribunals Act and that there was no formal application for a stay of execution before the Registrar.
20. The Appellant submitted that the Registrar erred by declining to issue the Garnishee Order Nisi simply because the Respondent had a pending appeal or stay application in the High Court. The Appellant argued that in the absence of an actual stay order from the High Court, the Registrar had no discretion and was required to issue the order.

21. Finally, the Appellant argued that the Registrar exercised his discretion wrongly by failing to follow the legal principle that an appeal does not automatically operate as a stay of execution. Since no stay order existed, the Appellant maintained the Registrar should have allowed the garnishee application.

VI. Submissions of the Respondent

22. The Respondent argued that the Deputy Registrar acted within his lawful authority. They cited Section 33(5) of the Tax Appeals Tribunals Act, which vests power in the Registrar to hear interlocutory applications, and Section 33(4), which allows for the exercise of powers delegated by the Chairperson. Furthermore, they noted that Order 50 Rule 4 of the Civil Procedure Rules (CPR) expressly permits Registrars to handle execution-related matters.
23. The Respondent disagreed that the proceedings should have been strictly ex-parte. They submitted that Section 21 of the Tax Appeals Tribunals Act mandates proceedings be conducted in a manner that upholds the right to a fair hearing under Article 28 of the Constitution and that the principle of natural justice required all affected parties, including the judgment debtor, to be given an opportunity to be heard. Citing *Standard Chartered Bank Uganda Ltd v M/S Grand View International Ltd & Another*, the Respondent argued that a judgment debtor can be heard if they have a valid claim or are contesting the debt.
24. The Respondent contended that the Deputy Registrar did not issue a formal stay of execution but rather exercised inherent discretion to refrain from granting enforcement relief. This was done to prevent the pending appeal and stay application in the High Court from being rendered nugatory or academic.; ensure the integrity of ongoing proceedings and prevent a miscarriage of justice, following the principle in *Lawrence Mutyaba v Mukono District Local Government*; Acknowledge that while an appeal is not an automatic stay, a

duly filed application for a stay justifies the temporary suspension of enforcement.

25. A primary submission of the Respondent was that garnishee proceedings against the Uganda Revenue Authority are unlawful and unconstitutional. They argued that as a statutory revenue authority and government agency, the URA enjoys immunity from direct execution and garnishee orders; Sections 15 and 19 of the Government Proceedings Act explicitly prohibit the attachment of government property or bank accounts.; the correct legal procedure for enforcing a monetary judgment against the government is through a Certificate of Order Against Government, not garnishee proceedings.
26. The Respondent concluded that the Appellant's attempt to attach their accounts was procedurally defective and null and void ab initio. They requested the Tribunal to uphold the ruling of the Deputy Registrar and dismiss the appeal with costs.

VII. Appellant Submissions in Rejoinder

27. The Appellant filed its submissions in rejoinder on 2 October 2025, in which it responded to the Respondent's arguments concerning jurisdiction, the character of garnishee proceedings, and the alleged immunity of the Uganda Revenue Authority's bank accounts.
28. The Appellant submitted, first, that the Deputy Registrar lacked jurisdiction to hear and determine the garnishee application. In response to the Respondent's reliance on section 33(5)(a) of the Tax Appeals Tribunals Act, the Appellant argued that garnishee applications are not interlocutory in nature. It was contended that interlocutory matters arise during the pendency of a suit, whereas the present application was filed after the final determination of TAT Application No. 008 of 2023. The Appellant cited authorities, including *Jomayi Property Consultants Ltd v Andrew Maviiri*, in support of the proposition that

proceedings instituted after final judgment cannot be characterised as interlocutory. On that basis, it was submitted that the Registrar lacked statutory authority to entertain the application.

29. Secondly, the Appellant reiterated its position that garnishee proceedings are strictly *ex parte* under Order 23 Rule 1 of the Civil Procedure Rules. It was submitted that such proceedings are separate and distinct from the main suit and are conducted between the judgment creditor and the garnishee bank. The Appellant maintained that the judgment debtor is not a party to those proceedings and has no *locus standi* to participate. It was further argued that the debtor had already been afforded a hearing in the main suit and should not be permitted to interfere with or frustrate the process of execution.
30. Thirdly, the Appellant maintained that by declining to issue the garnishee order, the Deputy Registrar effectively stayed execution of the Tribunal's earlier ruling. It was submitted that the Registrar thereby exceeded the powers conferred under the Tax Appeals Tribunals Act, as authority to grant a stay of execution lies elsewhere under the statutory framework.
31. Finally, in response to the Respondent's assertion of immunity, the Appellant submitted that commercial bank accounts held by the Respondent are not immune from attachment. It was argued that while accounts held at the Bank of Uganda or funds forming part of the Consolidated Fund may enjoy protection, accounts maintained in commercial banks do not.
32. The Appellant further contended that the Uganda Revenue Authority, being a statutory body or agency, is not synonymous with "the Government of Uganda" as defined under Article 257(1) of the Constitution. Reliance was placed on *John Imaniraguha v Uganda Revenue Authority*, in which the High Court referred to specific Stanbic Bank account numbers held by the URA, the same accounts now sought to be attached; and observed that they had previously

been subjected to garnishee proceedings and were not part of the Consolidated Fund.

33. On the basis of those submissions, the Appellant prayed that the appeal be allowed, that a Garnishee Order Nisi be issued against Stanbic Bank in respect of the specified accounts, and that costs be awarded to the Appellant.

VIII. Determination

34. Having heard the evidence of the parties and read the submissions of the parties, the following is the ruling of the Tribunal.

Jurisdiction of the Deputy Registrar

35. The Appellant argues that the Registrar's power is limited to interlocutory applications filed *during* a suit, citing *Jomayi Property Consultants Ltd v Andrew Maviiri*. However, the Respondent correctly points out that Rule 31 of the TAT (Procedure) Rules, 2012, provides for the applicability of the Civil Procedure Rules to Tribunal proceedings. Under Order 50 Rule 4 of the CPR, Registrars are expressly permitted to handle execution-related matters.
36. This Tribunal finds that execution is an integral part of the adjudicative process. Section 33(4) of the TAT Act allows the Registrar to exercise powers delegated by the Chairperson. It would be a narrow and impractical interpretation of the law to suggest the Registrar can tax costs but lacks the power to oversee the initial stages of their recovery. Therefore, the Deputy Registrar was properly seized with jurisdiction.
37. The Appellant relies on the traditional view that garnishee proceedings are a "separate and distinct" matter between the creditor and the garnishee. While Order 23 Rule 1 of the CPR suggests an *ex-parte* application, this Tribunal must prioritize the constitutional mandate for a fair hearing under Article 28.

38. Where a party raises a fundamental point of law, such as the legality of attaching public funds; it would be a failure of justice for the Tribunal to shut its eyes and ears. As held in ***Standard Chartered Bank Uganda Ltd v M/S Grand View International Ltd***, a judgment debtor can be heard if they are contesting the validity of the attachment itself. We find no error in the Registrar allowing the Respondent to point out potential legal hurdles to the execution.

The De Facto Stay of Execution

39. The Appellant argues that by declining the order, the Registrar "technically stayed execution" without power, as Section 31 of the TAT Act vests such power in the High Court.
40. Under the principles of tax jurisprudence and general law, an appeal does not operate as an automatic stay. However, judicial officers possess inherent discretion to ensure their processes do not lead to a miscarriage of justice. The Registrar noted a pending stay application in the High Court and determined that granting the garnishee order would render that pending application nugatory. In ***Lawrence Mutyaba v Mukono District Local Government***, it was established that courts must ensure their processes are not used in a way that makes appeals illusory. The Registrar's decision was a cautious exercise of discretion to preserve the *status quo* pending the High Court's direction.

Immunity of URA Bank Accounts

41. This is the pivotal issue. The Respondent relies on guidance from the Attorney General stating that URA, as a government agency funded through the Consolidated Fund, is protected by the Government Proceedings Act. Section 19 of the Government Proceedings Act and Rule 15 of the Civil Procedure (Government Proceedings) Rules explicitly prohibit the attachment of debts (garnishee) against the Government.

42. The Appellant counters this by citing *John Imaniraguha v URA*, arguing that URA's commercial accounts in Stanbic Bank have previously been held as non-immune. However, this Tribunal must weigh this against the clear statutory prohibition in the Government Proceedings Act. The URA is a statutory body tasked with the collection of national revenue. Its accounts are instruments of public policy and governance.

Particular attention must be given to the allocation of the burden of proof.

43. While the Appellant has the burden to show that these specific accounts are purely commercial and disconnected from public funds, the Respondent has provided evidence via the Attorney General's legal opinion and statutory provisions that these accounts are public in nature. Where there is a conflict between the general provisions of the CPR and the specific protections of the Government Proceedings Act, the latter prevails. The lawful procedure for recovery against the URA is the issuance of a Certificate of Order against the Government, as mandated by Section 15 of the Government Proceedings Act.

DECISION / ORDERS

44. The Deputy Registrar acted within his jurisdiction and properly exercised his discretion to prevent a potential illegality and the frustration of pending High Court proceedings. Attaching the accounts of a national revenue authority via garnishee orders, in contradiction to the Government Proceedings Act, would be procedurally defective and legally impermissible.

Orders:

45. For the reasons set out above, this Appeal fails and is hereby dismissed. The Tribunal orders as follows;
- i. The ruling and orders of the Learned Deputy Registrar delivered on June 10, 2025, are hereby upheld.

ii. The Appellant's prayer for a Garnishee Order Nisi is denied.

iii. Each party shall bear its own costs of this appeal.

Dated at Kampala this 5th day of May 2026.



MR. SIRAJ ALI
CHAIRMAN



MS. CHRISTINE KATWE
MEMBER



HON. STELLA NYAPENDI CHOMBO
MEMBER