THE EAST AFRICAN COMMUNITY

BILL SUPPLEMENT

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THE EAST AFRICAN COMMUNITY

THE SUMMIT (DELEGATION OF POWERS AND FUNCTIONS) BILL, 2007

MEMORANDUM.

The object of this Bill is to provide for the delegation of powers and functions of the Summit to a member of the Summit, the Council of Ministers or to the Secretary General.

RT. HON. ERIYA KATEGAYA, MP,
Chairperson, Council of Ministers.
THE SUMMIT (DELEGATION OF POWERS AND FUNCTIONS) BILL, 2007

ARRANGEMENT OF CLAUSES

Clause

1. Short title.
2. Interpretation.
3. Delegation.
4. Request for delegation of powers or functions.
5. Order for delegation.
6. Contents of the order for delegation.
7. Powers or functions exercised or performed to be of full force and effect.
8. The exercise of delegated power or function.
9. Revocation not to have effect on validity of anything done previously.
10. Exceptions.
A Bill for an Act

ENTITLED

THE SUMMIT (DELEGATION OF POWERS AND FUNCTIONS) ACT, 2007

An Act of the Community to make provision for the delegation of powers and functions of the Summit.

ENACTED by the East Africa Legislative Assembly and assented to by the President of the Republic of Kenya, the President of the United Republic of Tanzania and the President of the Republic of Uganda.

1. This Act may be cited as the Summit (Delegation of Powers and Functions) Act, 2007.

2. In this Act, unless the context otherwise requires—

"Council" means the Council of Ministers of the Community established by Article 9 of the Treaty;

"Gazette" means the Official Gazette of the Community;

"person" means a natural or legal person;
"Secretary General" means the Secretary General of the Community provided for under Article 67 of the Treaty;

"Summit" means the Summit established by Article 9 of the Treaty; and

"Treaty" means the Treaty for the Establishment of the East African Community and any annexes and protocols thereto.

3. Subject to the provisions of section 10, the Summit may delegate to a member of the Summit, the Council or to the Secretary General, the exercise of any power or the performance of any function vested in the Summit by the Treaty.

4. (1) Where a need arises for delegation of powers or functions of the Summit, a request shall be made through the Council to the Summit.

   (2) The Summit shall consider the request for delegation and shall make a decision and inform the Council accordingly.

5. (1) A delegation of the exercise of powers or the performance of functions under section 3 shall be by an order in the Gazette.

   (2) An order made under this section—

      (a) may be made subject to such conditions, qualifications or exceptions as may be prescribed in the order;

      (b) shall have effect from the date specified in the order;
(c) may be varied, amended or replaced by a subsequent order made in a like manner;

(d) shall operate and continue to confer powers and functions until it is revoked, by a subsequent order made in a like manner.

6. (1) The order shall specify—

(a) the nature of powers or functions to be delegated;

(b) the person to whom the powers or functions are delegated; and

(c) the duration of the delegation, if applicable.

(2) An order for delegation shall be signed by all the members of the Summit.

7. A power or function exercised or performed under delegation in accordance with section 3 shall be of the same effect as if it had been exercised or performed by the Summit.

8. The Summit may exercise a power or perform a function notwithstanding that it has delegated the exercise or performance of that power or function to a member of the Summit, the Council or the Secretary General.

9. (1) An order for delegation shall continue to be in force and effect until varied, amended, replaced or revoked by the Summit, or until it expires.

(2) The revocation of an order made under this Act shall not affect the validity of anything previously done under any power or function so delegated.
10. The Summit shall not delegate the exercise or performance of any of the following powers or functions—

(a) the giving of general directions and impetus;

(b) the appointment of Judges to the East African Court of Justice;

(c) the admission of new members and granting of observer status to foreign countries; and

(d) the assent to Bills.