

THE ACTS OF THE EAST AFRICAN COMMUNITY
ACT, 2004

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THE EAST AFRICAN COMMUNITY

No. 5 OF 2004.

*Date of assent 9th October, 2003**Date of commencement 31st January, 2004*

An Act to provide for the form and Commencement of Acts of the East African Community, for the Procedure following passing of Bills and for other related matters.

ENACTED by the East African Community and assented to by the President of the United Republic of Tanzania, the President of the Republic of Kenya and the President of the Republic of Uganda.

PART I
PRELIMINARY

1. This Act may be cited as the Acts of the East African Community Act, 2004. Short title.

2. In this Act unless the context otherwise requires— Inter-pretation.

“*Act of the Community*” means a law made by the East African Legislative Assembly;

“*Assembly*” means the East African Legislative Assembly;

“*Assent*” means the assent of the Heads of State signifying their approval of a Bill passed by the East African Legislative Assembly under article 63 of the Treaty;

“*Bill*” means the draft of an Act of the East African Legislative Assembly and includes both a private member's Bill and a Council of Ministers Bill;

“*Clerk*” means the Clerk to the East African Legislative Assembly appointed under article 48 of the Treaty or any other person performing the duties of the Clerk by direction of the Speaker;

“*Community Printer*” means a printer in any of the Partner States authorised generally to print and publish written laws and other publications of the Community;

“*Head of State*” means a person designated as such by a Partner State's Constitution;

“*Gazette*” means the official Gazette of the Community;

“*Partner States*” means the United Republic of Tanzania, the Republic of Kenya and the Republic of Uganda and any other country granted Membership to the Community under Article 3 of the Treaty;

“*Session*” means the sittings of the House commencing when it first meets after its prorogation or dissolution and terminating when the Assembly is prorogued or dissolved without having been prorogued;

“*Speaker*” means the Speaker of the East African Legislative Assembly;

“*Treaty*” means the Treaty establishing the East African Community and any annexes and protocols to it.

PART II FORM OF ACTS AND BILLS

3. The provision of this Act shall apply with respect to the forms of Acts of the East African Community and the forms of Bills shall correspond with this Act.

4. Every Act shall bear at the head a short title immediately followed by a long title describing the leading provisions of the Act.

5. (1) The provisions of every Act shall be prefaced by the words of enactment specified in the First Schedule to this Act.

(2) The words of enactment shall be taken to extend to all sections and to any Schedules and other provisions contained in the Act.

Acts and
Bills.

Title.

Words of
enactment.

PART III
PROCEDURE FOLLOWING PASSING OF BILLS.

6. (1) Whenever a Bill has been passed by the Assembly, the Clerk shall within fourteen days after the Bill has been passed cause the text of the Bill as passed to be sent to the Community Printer who shall within thirty days print ten copies of the Bill on vellum or on paper of enduring quality and send the copies as printed to the Clerk.

Preparation
of
Presentation
copies.

(2) On receiving the copies, the Clerk shall within ten days—

- (a) cause to be made in the copies such corrections as related to misprints, typographical errors and wrong references, if any as are necessary;
- (b) carefully compare the copies with the text of the Bill as passed;
- (c) if the copies are found to be correct sign on each copy a statement in the form set out in Part I of the Second Schedule to this Act; and
- (d) send the signed copies to the Speaker who shall immediately submit copies of the Bill to the Heads of State for their assent.

(3) The Speaker shall forward the Bill to the Heads of State by signing a statement in the form prescribed in Part II of the Second Schedule to this Act.

7. (1) A Head of State shall within ninety days after a Bill has been passed and presented to him or her—

Assent by
the Heads
of State.

- (a) assent to the Bill presented to him or her under section 6 by signing on each copy of the Bill a statement in the form set out in Part III of the Second Schedule to this Act; or
- (b) return the Bill to the Assembly with a request that the Bill or a particular provision of it be reconsidered by the Assembly; or
- (c) notify the Speaker in writing that he or she withholds his or her assent to the Bill.

(2) Where a Bill has been returned to the Assembly under paragraph (b) of sub-section (1) the Assembly shall reconsider it and if passed again, it shall be presented for a second time to the Heads of State for assent.

(3) Where a Head of State withholds his or her assent to a Bill under paragraph (c) of sub-section (1), the Assembly may reconsider the Bill and if passed, the Bill shall be presented to the Heads of State for assent.

(4) A Bill shall become an Act of the East African Community on the last date of the signature by the Heads of State of the first of the copies referred to in subsection (1).

(5) The procedure prescribed in section 6 shall apply to the re-submission of Bills returned under sub-sections (2) and (3) of this section.

Original copies of Acts assented to by the Heads of States to be Conclusive evidence.

8. (1) Where the procedure prescribed in sections 6 and 7 purports to have been followed in relation to copies of an Act, the copies shall be deemed to be original copies of the Act and shall be conclusive evidence of the terms of the Act, its number and date of assent.

(2) Two of the original copies of each Act under this section shall be retained by each of the Heads of State and a copy each shall be deposited with the Speaker, President of the East African Court of Justice and the Secretary General.

Publication.

9. (1) The Secretary General shall within fourteen days cause every Act of the Community to be published in the Gazette after the Heads of State's assent has been signified—

- (a) with the omission of the statements contained in the original copies by virtue of sections 6 and 7 of this Act;
- (b) with the insertion of a statement of the date on which the Heads of State's assent was signified.

(2) A copy of any Act other than an original copy purported to have been printed or published in the Gazette shall be *prima facie* evidence of the terms of the Act, its number and the date of assent.

PART IV COMMENCEMENT OF ACTS.

Commencement of Acts.

10. (1) Subject to the provisions of this section, the commencement of an Act shall be such date as is provided in or under the Act, or where no date is provided, the date of its publication as notified in the Gazette.

(2) Every Act shall be deemed to come into force at the first moment of the day of commencement.

(3) A provision in an Act regulating the coming into force of the Act or any part of the Act shall have effect notwithstanding that the part of the Act containing the provision has not come into operation.

(4) Where an Act is made with retrospective effect the commencement of the Act shall be the date from which it is given or deemed to be given that effect except that a person shall not be charged or convicted of a criminal offence which is found on an act or omission that was not an offence before the retrospective commencement of an Act.

(5) Sub-section (4) shall not apply to an Act until there is notification in the Gazette, as to the date of its publication and until that date is specified, the Act shall be without effect.

11. The citation of the short title to an Act shall be sufficient to identify the Act. Citation.

PART V MISCELLANEOUS.

12. (1) An Act which has been amended may, with the authority of the Secretary General be reprinted with all the necessary additions, omissions, substitutions and amendments effected by the amending Act. Reprint and revised edition.

(2) The Council of Ministers may, by statutory order, approve the Act reprinted under subsection (1) and shall, in that order appoint a day from which every copy of the Act reprinted shall be judicially noticed as an authentic copy of the Act as amended.

(3) The Council of Ministers may, by statutory instrument, order a revised edition of the written law or an part of it to be printed subject to such conditions as may be specified in the instrument.

(4) An instrument made under sub-section (3) shall be laid before the Assembly and shall be subject to annulment by the Assembly by resolution passed within ten sitting days after it has been laid and shall cease to have effect when so annulled but without prejudice to the making of further instrument.

13. (1) The date on which an Act is passed is the day on which all the Heads of State signify on the Bill for the Act the giving of the Heads of State assent to the Bill as provided for under this Act. Date of passing of Act.

(2) Where the date appearing on an Act printed or purporting to be printed by the Community Printer, purports to be the day on which the Heads of State assented to it, the apparent date shall be received as evidence that it was the date that it purports to be and shall be judicially noted accordingly.

SCHEDULES.

FIRST SCHEDULE.

WORDS OF ENACTMENT.

Section 5.

Enacted by the East African Community and assented to by the President of the United Republic of Tanzania, the President of the Republic of Kenya and the President of the Republic of Uganda.

SECOND SCHEDULE.

FORMS.

PART I.

Section 6.

FORM OF AUTHENTICATION STATEMENT.

This printed impression has been carefully compared by me with the Bill which was passed by the East African Legislative Assembly and found by me to be a true copy of the Bill.

Signed:.....
Clerk to the East African Legislative Assembly.

Date of Authentication.....

PART II.

Section 6.

FORM OF STATEMENT BY THE SPEAKER ON SUBMISSION OF ASSENT COPIES OF BILLS TO HEADS OF STATE.

Forwarded by me is the printed copy of the Bill entitled..... that was passed by the East African Legislative Assembly on the day of for your assents.

Signed:.....
Speaker of the East African Legislative Assembly.

PART III

Section 7

FORM OF STATEMENT OF THE HEADS OF STATES' ASSENT.

Signed

President of the United Republic of Tanzania

Date of Assent:

Signed

President of the Republic of Kenya

Date of Assent:

Signed

President of the Republic of Uganda

Date of Assent: