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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.*

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

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ARRANGEMENT OF CLAUSES

*Clause*

1. Short title.
2. Interpretation.
3. Delegation.
4. Request for delegation of powers or functions.
5. Order for delegation.
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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. Short title.

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

“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.

Delegation.        **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.

Request for  
delegation  
of powers  
or  
functions.        **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.

Order for  
delegation.        **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.

Contents of  
the order for  
delegation.

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.

Powers or  
functions  
exercised or  
performed  
to be of full  
force and  
effect.

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.

The  
exercise of  
delegated  
power or  
function.

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.

Revocation  
not to have  
effect on  
validity of  
anything  
done  
previously.

(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.

Exceptions.

**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.