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THE EAST AFRICAN COMMUNITY  
**BILLS SUPPLEMENT**

No. 9

19th May, 2017.

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THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017

**MEMORANDUM**

The object of this Bill is to provide for the taking and administering of oaths in relation to specific persons appointed to serve in the Organs or Institutions of the Community or required to take oath before giving evidence in the East African Court of Justice.

An oath is a solemn declaration or attestation by which an individual signifies that he or she is bound in conscience to perform a particular act truthfully, faithfully or with loyalty to a particular body.

Whereas there are specific persons who are required by the Treaty like in the case of Judges and Registrars of the East African Court of Justice or an Act of the Community like in the case of Members of the East African Legislative Assembly, in all other cases oaths of office or allegiance are administered and taken in accordance with staff rules and regulations or by practice.

The taking and administering of an oath should be provided for by statute.

The Bill therefore seeks to provide an obligation on persons in the employment or service of the Community and those appearing before judicial or quasi-judicial organs or institutions of the Community to take or make oath before discharging their specific duties. In each case the Bill provides for the person to administer the oath and the organ, institution or person before whom the oath should be taken or made.

Rt. HON. DR. ALI KIRUNDA KIVEJINJA,  
*Chairperson Council of Ministers.*

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017

ARRANGEMENT OF CLAUSES

*Clause*

1. Short title.
2. Interpretation.
3. Obligation to take an oath.
4. Unnecessary repetition of oaths.
5. Omission to take oath.
6. Form and manner in which oaths are taken.
7. Affirmation.
8. Regulations.

First Schedule— Administration of Oaths  
Second Schedule— Oaths to be taken  
Third Schedule— Affirmations to be taken

THE EAST AFRICAN COMMUNITY OATHS BILL, 2017.

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY OATHS ACT, 2017.

**An Act to provide for the taking and administering of oaths and for other connected purposes.**

ENACTED by the East African Community and assented to by the Heads of State

1. This Act may be cited as the East African Community Oaths Act, 2017. Short title.

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

“Council” means the Council of Ministers of the East African Community established by Article 9 of the Treaty;

“Community” means the East African Community established by Article 2 of the Treaty;

“Judge” means a Judge of the East African Court of Justice serving on the First Instance Division or the Appellate Division;

“Oath” means a solemn declaration signifying undertaking to serve the Community; and

“Treaty” means the Treaty for the Establishment of the East African Community.

Obligation to take an oath.

**3.** (1) A person appointed to an office specified in the first column of the First Schedule shall take the oath of allegiance and the oath of secrecy to the Community.

(2) The oaths referred to in subsection (1) are set out in the Second Schedule.

(3) The oaths shall be administered by the person specified in the second column of the First Schedule and taken or made before the authority specified in the third column of the First Schedule.

Un-necessary repetition of oaths.

**4.** A person who is called upon to assume the duties and responsibilities of a post above his or her own in acting capacity provided he or she has the necessary qualifications for appointment to such a post shall not be required to take any oath on the occasion of that appointment.

Omission to take oath.

**5.** (1) This Act shall not render invalid any act done by a person specified in column 1 of the First Schedule in the execution of his or her official duties by reason only of the omission by that person to take any oath or to make any affirmation which the person should take or should have taken or should make or should have made.

(2) A person who declines, neglects or omits to take the oath or affirmation under this Act shall\_

(a) if he or she has assumed the duties of the office, be deemed to have vacated that office from the date of refusal; and

(b) if he or she has not assumed the duties of the office, be disqualified from assuming the duties of the office.

6. (1) Whenever a person is required to take an oath under this Act, or any other law of the Community, the person taking the oath shall, if that person is a Christian hold the Bible or if that person is a Muslim, hold the Quran, in his or her uplifted hand, and shall say the words indicated in the appropriate oath. Form and manner in which oaths are taken.

(2) For the purposes of this section, where a person taking the oath is physically incapable of holding the Bible or Quran, whichever the case may be, in his or her uplifted hand, he or she may hold the copy otherwise, or, if necessary, the copy may be held before him or her by the person administering the oath.

7. A person appointed to an office of the Community who does not take oath as required under section 3 shall in lieu of taking oath make an affirmation of secrecy and allegiance as prescribed in the Third Schedule. Affirmation.

8. The Council may make regulations for the better carrying into effect, the provisions of this Act. Regulations.

**SCHEDULES**

**FIRST SCHEDULE**

s.3 (1).

**Taking and administering oaths**

| <b>Person required to take oath</b>   | <b>Administering authority</b> | <b>Organ/Institution/ person before whom Oath is taken</b> |
|---|--------------------------------|--|
| Secretary General   |                                |  |
| Deputy Secretary General  | Judge                          | Summit   |
| Speaker of the Assembly   | Clerk of the Assembly          | Assembly   |
| Judge   | Registrar                      | Summit   |
| Member of the Assembly  | Clerk of the Assembly          | Speaker of the Assembly                                    |
| Clerk   | Counsel to the Community       | Speaker of the Assembly                                    |
| Registrar   | Counsel to the Community       | Summit   |
| Other Member of Staff of the Community  | Counsel to the Community       | Secretary General or his or her appointed representative.  |
| Person performing quasi-judicial functions on behalf of the Community           | Counsel to the Community       | Secretary General or his or her appointed representative.  |
| Commissioner of the East African Community and such other similar designations. | Counsel to the Community       | Secretary General or his or her appointed representative.  |
| Witness in the East African Court of Justice                                    | Court Clerk                    | Judge  |