

CHAPTER 25

THE UGANDA LAW REFORM COMMISSION ACT.

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CHAPTER 25

THE UGANDA LAW REFORM COMMISSION ACT.

Commencement: 16 November, 1990.

An Act to establish the Uganda Law Reform Commission; to prescribe its composition; to define its functions and powers; to provide for its finances and to make provision for other matters connected therewith or incidental thereto.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “chairperson” means the chairperson of the commission appointed under section 3;
- (b) “commission” means the Uganda Law Reform Commission established by section 2;
- (c) “commissioner” means the chairperson and commissioners appointed under section 3; and
- (d) “secretary” means the secretary of the commission appointed under section 15.

PART II—ESTABLISHMENT AND MEMBERSHIP OF THE COMMISSION.

2. Establishment of the commission.

For purposes of promoting the reform of the law, there is established a commission to be known as the Uganda Law Reform Commission.

3. Composition of the commission and appointment of commissioners.

(1) The commission shall consist of a chairperson and six other commissioners appointed by the President on the advice of the Attorney General.

(2) Except where otherwise expressly provided in this Act, the commission may carry out its functions notwithstanding any vacancy in its membership or the absence of any of the commissioners.

4. Qualifications of commissioners.

(1) The chairperson and four of the other six commissioners referred to in section 3(1) shall be persons who are lawyers and who are—

- (a) retired or sitting judges of the Court of Appeal or High Court of Uganda;
- (b) qualified to be appointed as judges of the Court of Appeal or High Court of Uganda; or
- (c) senior practising lawyers or senior teachers of law at a university or a similar institution of law in Uganda.

(2) Two of the other six commissioners referred to in section 3(1) shall be persons who are nonlawyers and who have distinguished themselves in disciplines relevant to the functions of the commission.

5. Quorum of the commission.

The quorum of the commission shall be constituted by three commissioners, two of whom shall be lawyers as referred to in section 4(1).

6. Tenure of office of the chairperson and commissioners.

(1) Subject to this Act, the chairperson shall hold office on a full-time basis on such terms and conditions as may be specified in the instrument of appointment.

(2) Subject to this Act, the six other commissioners shall serve on the commission on a part-time basis for a period not exceeding three years on such terms and conditions as may be specified in the instruments of appointment.

7. Resignation of a commissioner.

A commissioner may resign his or her office, by writing under his or her hand, addressed to the President through the Attorney General.

8. Removal from office of a commissioner.

(1) The President may, on the advice of the Attorney General, remove a commissioner from office on the ground of inability to perform the

functions of his or her office as a result of infirmity of body or mind or of any other cause or misbehaviour.

(2) In the case of removal from office of a commissioner under this section on the ground of inability to perform the functions of his or her office, for misbehaviour or as a result of any other cause other than infirmity of body or mind, the commissioner shall, before removal, be given an opportunity to be heard on the allegations made against him or her.

9. Reappointment of commissioners ceasing to hold office.

A commissioner who ceases to hold office as a member of the commission shall, subject to this Act, be eligible for reappointment.

PART III—FUNCTIONS OF THE COMMISSION.

10. Functions of the commission.

The commission shall study and keep under constant review the Acts and other laws comprising the laws of Uganda with a view to making recommendations for their systematic improvement, development, modernisation and reform with particular emphasis on—

- (a) the elimination of anomalies in the law, the repeal of obsolete and unnecessary laws and the simplification and translation of the law;
- (b) the reflection in the laws of Uganda of the customs, values and norms of society in Uganda as well as concepts consistent with the United Nations Charter for Human Rights and the Charter of Human and Peoples' Rights of the Organisation for African Unity;
- (c) the development of new areas in the law by making the laws responsive to the changing needs of the society in Uganda;
- (d) the adoption of new or more effective methods or both for the administration of the law and dispensation of justice; and
- (e) the integration and unification of the laws of Uganda.

11. Powers of the commission.

In the performance of its functions, the commission may—

- (a) receive, review and consider any proposals for the reform of the law which may be referred to it by any person or authority;

- (b) prepare and submit to the Attorney General, from time to time, for approval, programmes for the study and examination of any branch of the law with a view to making recommendations for its improvement, modernisation and reform; and those programmes shall include an estimate of the finances and other resources that will be required to carry out any such studies and the period of time that would be required for the completion of the studies;
- (c) undertake, pursuant to any such recommendations approved by the Attorney General, the formulation of drafts in the form of bills or other instruments for consideration by the Government and Parliament;
- (d) initiate and carry out, or, with the approval of the Attorney General, direct the initiation and research necessary for the improvement and modernisation of the law;
- (e) provide, at the instance of the Government, to Government Ministries and departments and other authorities concerned, advice, information and proposals for reform or amendment of any branch of the law;
- (f) encourage and promote public participation in the process of lawmaking and educate and sensitise the public on lawmaking through seminars, publications and the mass media;
- (g) appoint or empanel committees, in consultation with the Attorney General, from among members of the commission, or from among persons outside the commission, to study and make recommendations to the commission on any aspect of the law referred to the committees by the commission.

12. Appointment of experts and consultants.

The Attorney General may, on the advice of the commission, appoint a person who is an expert or a consultant in a specific aspect of any law reform being undertaken by the commission to be an additional commissioner only for the purposes of the particular law reform being undertaken.

13. Procedure of the commission.

The commission shall regulate its own procedure and method of carrying out its functions.

PART IV—SECRETARY AND OTHER STAFF OF THE COMMISSION.

14. Secretariat.

The commission shall be serviced by a secretariat composed of a secretary and other staff.

15. Appointment, qualifications and tenure of office of the secretary.

(1) The secretary of the commission shall be appointed by the Attorney General.

(2) A person to be appointed secretary of the commission shall be a lawyer with considerable practical, professional and administrative experience.

(3) Subject to this Act, the secretary shall hold office on a full-time basis on such terms and conditions as shall be specified in the instrument of appointment.

(4) The secretary may resign his or her office, by writing under his or her hand, addressed to the Attorney General.

(5) The Attorney General may remove the secretary from office on the ground of inability to perform the functions of his or her office as a result of infirmity of body or mind or of any other cause or of misbehaviour.

(6) In the case of removal from office of the secretary under this section on the ground of inability to perform the functions of his or her office as a result of misbehaviour or of any other cause, the secretary shall, before removal, be given an opportunity to be heard on the allegations made against him or her.

(7) Where the office of secretary becomes vacant, the commission shall notify the Attorney General, as soon as possible, of the vacancy.

(8) Where the secretary is temporarily incapacitated from the performance of the functions of his or her office, the commission may, in consultation with the Attorney General, in writing, authorise one of the other members of the staff with qualifications for appointment to the office of

secretary to perform the functions of the secretary for the duration of the incapacity.

16. Functions of the secretary.

(1) The secretary shall be the executive and accounting officer of the commission.

(2) Subject to the general control of the commission, the secretary shall be responsible for—

- (a) carrying out the policy decisions of the commission and for the day-to-day administration and management of the affairs of the commission and for the control of the other staff of the commission; and
- (b) recording and keeping the minutes of the commission at all its meetings.

(3) The secretary shall, unless in any particular case otherwise directed on grounds stated by the commission in writing, be entitled to attend all meetings of the commission; but the secretary shall not have the right to vote on any matter falling to be decided upon by the commission at its meetings.

17. Other staff of the commission.

(1) The other staff of the secretariat of the commission referred to in section 14 shall consist of lawyers and nonlawyer staff as may be necessary for the efficient discharge of the functions of the commission.

(2) The staff of the commission to whom this section applies shall be recruited from among persons who are public officers and persons who are not public officers and shall be appointed by the Attorney General in accordance with this section.

(3) The Attorney General shall have the following functions in relation to the staff of the commission—

- (a) the establishment of posts for lawyers, accountants, other professionals and other staff as the commission may, from time to time, require for the efficient carrying out and discharge of its functions;
- (b) the appointment and promotion of suitably qualified persons to

- occupy the posts established under paragraph (a) of this subsection;
- (c) the making of rules and regulations governing the terms and conditions of service of the persons appointed under paragraph (b) of this subsection;
 - (d) ensuring that reasonable provision is made for the welfare of the staff of the commission and other matters connected therewith; and
 - (e) the discipline, including dismissal, of the staff of the commission.

PART V—REMUNERATION.

18. Remuneration of the chairperson and other commissioners.

(1) There shall be paid to the chairperson such salary, allowances and other benefits as shall be determined by the President on the advice of the Attorney General.

(2) There shall be paid to the other six commissioners such allowances and other benefits as shall be determined by the President on the advice of the Attorney General.

19. Remuneration of committee members, experts and consultants.

(1) There shall be paid to the members of a committee appointed under section 11(g), such allowances as the Attorney General shall determine.

(2) There shall be paid to the experts or consultants appointed to the commission under section 12, such fees and allowances as the Attorney General shall determine.

20. Remuneration of the secretary.

There shall be paid to the secretary such salary, allowances and benefits as shall be determined by the Attorney General.

21. Remuneration of the other staff.

There shall be paid to the other staff of the commission such salaries or wages, as the case may be, allowances and other benefits as shall be determined by the Attorney General.

PART VI—FINANCIAL PROVISIONS.

22. Funds of the commission.

The funds of the commission shall include the following—

- (a) sums of money issued out of the Consolidated Fund;
- (b) loans, grants, donations and gifts from sources within and outside Uganda; and
- (c) such other sums of money as may become payable to the commission in the discharge of its functions.

23. Remuneration and expenditure to be charged on the Consolidated Fund.

There shall be charged and paid out of the Consolidated Fund, without further appropriation than this Act, any payments required under this Act to be made, from time to time, towards remuneration as provided under Part V of this Act, and other expenditures of the commission in the discharge of its functions.

24. Commission to be self-accounting.

The commission shall be a self-accounting body and shall deal directly with the Ministry responsible for finance on matters concerning its finances.

25. Financial year of the commission.

The financial year of the commission shall fall at the same time as the financial year of the Government of the Republic of Uganda.

26. Estimates of the commission.

The commission shall, before the commencement of each financial year, submit to the Minister responsible for finance, estimates of income and expenditure of the commission for the ensuing financial year.

27. Accounts and audit.

- (1) The commission shall keep proper books of account in respect of its income and expenditure, in a form approved by the Auditor General.

(2) The books of account of the commission shall be audited within three months after the end of each financial year by the Auditor General or by an auditor appointed by him or her.

(3) The Auditor General or the auditor appointed by him or her shall be entitled to have access to all books of account and other financial records of the commission and to require any information and explanation in relation to those books and records.

(4) The Auditor General shall, within three months after the end of each financial year, submit to the Attorney General a copy of the audited accounts of the commission together with his or her report on the accounts stating any matter which in his or her opinion has to be brought to the attention of the Attorney General.

(5) The Auditor General shall, within three months after the end of each financial year, submit to the commission a copy of the audited accounts and his or her report submitted to the Attorney General under subsection (4).

28. Attorney General to lay Auditor General's report before Parliament.

The Attorney General shall, as soon as practicable after receiving the audited accounts of the commission and the Auditor General's report under section 27, lay before Parliament the audited accounts of the commission and the Auditor General's report.

PART VII—GENERAL.

29. Annual report.

The commission shall make an annual report to the Attorney General on its proceedings.

30. Attorney General to lay the commission's annual report before Parliament.

The Attorney General shall lay before Parliament—

- (a) any programme prepared by the commission and approved by him or her and any proposals for reform formulated by the commission pursuant to that programme; and

- (b) the annual report of the commission on its proceedings submitted to him or her by the commission under section 29 with any comments on it as he or she may deem necessary.

31. Directions of the Attorney General.

The Attorney General may, subject to this Act, give directions of a general or specific nature relating to policy to the commission.

32. Regulations.

The Attorney General may make regulations for better carrying out the provisions of this Act.

History: Statute 7/1990; Statute 12/1994, s. 15; Statute 13/1996, s.14.

Cross References

Charter of Human and Peoples' Rights of the Organisation of African Unity.
United Nations Charter for Human Rights.