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ACT SUPPLEMENT

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THE EAST AFRICAN PARLIAMENTARY INSTITUTE ACT, 2012

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART II—ESTABLISHMENT OF THE EAST AFRICAN
PARLIAMENTARY INSTITUTE

3. Establishment of Institute
4. Functions of Institute

PART III—INSTITUTIONAL ARRANGEMENTS

5. Board of Trustees
6. Governing Council
7. Decisions of Board of Trustees and Governing Council
8. Meetings of Board of Trustees
9. Meetings of Governing Council
10. Secretariat

PART IV—STAFF OF THE INSTITUTE

11. Executive Director
12. Functions of Executive Director
13. Other offices
14. Terms and conditions of staff



Section

PART IV—FINANCIAL PROVISIONS

- 15. Funds of Institute
- 16. Bank accounts
- 17. Financial estimates
- 18. Budget
- 19. Financial rules and regulations
- 20. Accounts and audit

PART V—MISCELLANEOUS

- 21. Reports



**THE EAST AFRICAN PARLIAMENTARY INSTITUTE
ACT, 2012**

**An Act to establish the East African Parliamentary
Institute and to provide for other related matters**

Date of assent 15th April, 2012.

Date of commencement See Section 1.

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

PART I—PRELIMINARY

1. This Act may be cited as The East African Parliamentary Institute Act, 2012, and shall come into force on such date as the Council may, by notice published in the Gazette appoint.

Citation and
commence-
ment

2. In this Act unless the context otherwise requires—

Inter-
pretation.

“Assembly” means the East African Legislative
Assembly established by Article 9 of the
Treaty;

“Audit Commission” means the Audit Commission established by Article 134 of the Treaty;

“Clerk” means the Clerk of the East African Legislative Assembly appointed under Article 48 of the Treaty;

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

“Board of Trustees” means the Board of Trustees established by section 5;

“financial year” means the financial year referred to under Article 132 of the Treaty;

“Governing Council” means the Governing Council established by section 6;

“National Assembly” with grammatical variation and cognate expression means the national legislature however designated of a Partner State;

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

“Secretary General” means the Secretary General of the Community provided for under Article 67 of the Treaty;

“Speaker” means the Speaker of the Assembly provided for under Article 53 of the Treaty;

“Speaker of National Assembly” means the Speaker of the National Assembly of a Partner State;

“Staff Rules and Regulations” means staff rules and regulations provided for under Article 14(3) (g) of the Treaty;

“Summit” means the Summit of the Heads of State established by Article 9 of the Treaty;

“terms and conditions of service” includes salary, wages, overtime pay, pay and wage structures, leave, passages, transport for leave purposes, pensions and other retirement benefits, redundancy and severance payments, hours of duty, grading of posts, medical arrangements, housing, arrangements for transport and travelling on duty, and allowances;

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



PART II—ESTABLISHMENT OF THE EAST AFRICAN
PARLIAMENTARY INSTITUTE

3. (1) There is established an institution of the Community known as the East African Parliamentary Institute. Establishment of Institute

(2) The headquarters of the Institute shall be in any Partner State, upon that Partner State's successful application to host the Institute in accordance with the East African Community criteria for hosting institutions of the Community.

4. The functions of the Institute shall be to—

Functions of
Institute

(a) provide training on parliamentary procedures and practices and thus widening and deepening co-operation among Partner States in political, economic and social fields for mutual benefit;

- (b) establish a mechanism for capacity and skills development of law makers, parliamentary staff and other stakeholders in order to promote professionalism;
- (c) promote recognition and respect for parliamentary democracy in the East African Region and beyond;
- (d) foster the process of deepening and widening integration by providing an avenue for generating and disseminating knowledge on parliamentary procedures; practices and traditions;
- (e) establish a forum which fortifies linkages with law makers in the East African Region and enhances collaboration with similar institutions in the African region and globally;
- (f) do such other things as may be necessary for promotion of the functions of the Institute under this Act.

PART III—INSTITUTIONAL ARRANGEMENTS

Board of
Trustees

5. (1) The Institute shall be governed by the Board of Trustees comprising of Speakers of the National Assemblies of the Partner States.

(2) The Speaker of the Assembly shall be the Chairperson of the Board of Trustees.

(3) The Clerk shall be the Secretary to the Board of Trustees.

(4) Functions of the Board of Trustees shall be to—

- (a) approve policies of the Institute;
- (b) engage external partners in sourcing funds;
- (c) provide overall leadership and guidance.

6. (1) The Institute shall have a Governing Council comprising of the Clerks of the National Assemblies of the Partner States, and such other persons as the Board may appoint.

Governing
Council

(2) The Clerk of the Assembly shall be the Chairperson of the Governing Council.

(3) Functions of the Governing Council shall be to—

- (a) implement the decisions of the Board of Trustees;
- (b) over see the operations of the Secretariat;
- (c) monitor and evaluate the operations of the Institute;
- (d) submit quarterly reports to the Board of Trustees on the operations of the Institute.



7. (1) Every decision of the Board of Trustees or the Governing Council shall, as far as possible, be by consensus.

Decisions of
Board of
Trustees
and
Governing
Council

(2) Where on any matter consensus cannot be obtained, the matter shall be decided by voting, and the matter shall be taken to have been decided if supported by the votes of the majority of members present and voting.

(3) The Chairperson shall have neither an original nor a casting vote.

(4) The Board of Trustees and Governing Council may act notwithstanding the absence of any member or any vacancy in the office of a member.

(5) The Board of Trustees and Governing Council may regulate their own procedure.

Meetings of
Board of
Trustees

8. (1) The Board of Trustees shall meet at least bi-annually.

(2) The Board of Trustees may also have extraordinary meetings as and when it is necessary.

(3) All meetings of the Board of Trustees shall be convened by the Chairperson by giving not less than one month notice to the members.

(4) Quorum of the Board of Trustees at any meeting shall be simple majority.

Meetings of
Governing
Council

9. (1) The Governing Council shall meet at least on a quarterly basis.

(2) The Governing Council may also have extraordinary meetings as and when it is necessary.

(3) All meetings of the Governing Council shall be convened by the Chairperson by giving not less than one month notice to the members.

(4) The quorum of the Governing Council at any meeting shall be simple majority.

10. (1) The institute shall have a Secretariat which shall be established by the Board of Trustees. Secretariat

(2) The Secretariat shall comprise an Executive Director and such number of officers as the Governing Council may consider necessary to facilitate the execution of the day to day activities of the Institute.

(3) The functions of the Secretariat shall be to—

- (a) execute the day to day activities of the Institute;
- (b) implement the decisions of the Board of Trustees; and
- (c) provide secretarial services to the Governing Council and Board of Trustees.

PART III—STAFF OF THE INSTITUTE

11. (1) The Executive Director shall be appointed by the Council on the recommendation of the Board of Trustees. Executive Director

(2) The Executive Director shall be appointed for a term of five years and shall be eligible for re-appointment for a further five years term.

12. The Executive Director shall—

- (a) be the head of the Secretariat and Secretary to the Governing Council;
- (b) render expert advice to the Institute on training in parliamentary procedure and practice;
- (c) be responsible to the Chairperson of the Governing Council for the general working and efficient conduct of the business of the Institute;

Functions of
Executive
Director

(d) ensure that proper books and records of the Institute are kept and maintained;

(e) carry out such other duties as may be determined by the Governing Council.

Other
offices

13. The Board of Trustees may make recommendations to the Council—

(a) to create such number of offices as may be necessary to ensure the efficient functioning of the Institute; or

(b) to abolish, reclassify or change any designation of any office of the Institute.

Terms and
conditions
of staff

14. (1) The terms and conditions of service of the staff of the Institute shall be determined by the Council in accordance with the Rules and Regulations of the Community.

(2) The Board of Trustees shall, from time to time, recommend to the Council proposals for review of terms and conditions of service of the staff of the Institute.

PART V—FINANCIAL PROVISIONS

Funds of
Institute

15. The sources of funding for Institute shall include—

(a) Partner State National Assemblies;

(b) development partners; and

(c) course fees paid by non-member institutions.

Bank
accounts

16. The Institute shall in consultation with the Secretary General operate bank accounts as may be necessary for the exercise of the functions of the Institute.

17. At least six months before the commencement of each financial year, the Executive Director shall, in consultation with the Governing Council prepare and submit to the Board of Trustees estimates of the expenses of the Institute for that year. Financial estimates

18. (1) The Budget and accounts of the Institute shall be kept and maintained in United States dollars. Budget

(2) The financial year of the Institute shall run from 1st July to 30th June.

19. The Institute shall adhere to the East African Community Financial Rules and Regulations. Financial rules and regulations

20. The accounts of the Institute shall be audited and reported upon by the Audit Commission in accordance with Article 134 of the Treaty. Accounts and audit

PART IX—MISCELLANEOUS

21. (1) The Institute shall submit quarterly reports on its activities and operations to the Governing Council. Reports

(2) The Governing Council shall transmit its reports to the Council for onward transmission to the Assembly.

(3) Reports of the Institute shall be presented to the Board of Trustees by the Clerk on a quarterly basis.