
THE EAST AFRICAN COMMUNITY

ACT SUPPLEMENT

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THE SUMMIT (DELEGATION OF POWERS AND FUNCTIONS) ACT, 2008

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**THE SUMMIT (DELEGATION OF POWERS AND
FUNCTIONS) ACT, 2008**

**An Act of the Community to make provision for the
delegation of powers and functions of the Summit.**

DATE OF ASSENT 29th May, 2008.

Date of Commencement: 18th July, 2008.

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

1 This Act may be cited as the Summit (Delegation of Powers and Functions) Act, 2008. 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 and specified in the schedule to this Act.

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. (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.

9. The Summit shall not delegate the exercise or performance of any of the following powers or functions—

Exceptions.

(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.

SCHEDULE

POWERS AND FUNCTIONS OF SUMMIT

- (1) Article 9 (1) (h) - Power to establish organs of the Community;
- (2) Article 12 (5) - Power to determine the procedure for meetings;
- (3) Article 24 (1) - Power to appoint judges;
- (4) Article 26(1) - Power to remove judges;
- (5) Article 51(2) - Power to determine the terms and conditions of service of the members of Assembly;
- (6) Article 63(1) - Power to assent or withhold assent to a Bill of the Assembly;
- (7) Article 67(1) - Power to appoint the Secretary General;
- (8) Article 67(5) - Power to approve terms and conditions of the Secretary General;
- (9) Article 68(1) - Power to appoint Deputy Secretaries General;
- (10) Article 68(1)- Power to approve terms and conditions of service of Deputy Secretaries General; and
- (11) Any such powers and functions as may be conferred upon it by this Treaty or any other law

