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THE EAST AFRICAN COMMUNITY

***ACT SUPPLEMENT***

***No. 4***

***6th July, 2012***

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THE ADMINISTRATION OF THE EAST AFRICAN LEGISLATIVE  
ASSEMBLY ACT, 2012.

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**THE ADMINISTRATION OF THE EAST AFRICAN  
LEGISLATIVE ASSEMBLY ACT, 2012**

**An act of the Community to make provision for the establishment of a Commission for the administration of the Assembly and for other related purposes.**

*Date of assent* 30th March, 2012

*Date of commencement* 6th July, 2012

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 Administration of the East African Legislative Assembly Act, 2012. Short title

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;

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

“Commission” means the East African Legislative Assembly Commission established by section 3 of this Act;

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

“financial year” means the financial year referred to under Article 132 (7) of the Treaty;

“Rules of Procedure” means Rules of Procedure of the Assembly referred to in Article 49(2)(g) 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;

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

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

“Treaty” means the Treaty establishing the East African Community and any other annexes and protocols thereto.

## PART II—THE EAST AFRICAN LEGISLATIVE ASSEMBLY COMMISSION

Establishment of the Commission.

**3.** (1) There is established a Commission known as the East African Legislative Assembly Commission.

(2) The Commission shall be composed of the Speaker, the Chairperson of the Council who shall be an *ex officio* member and two members of the Assembly from each Partner State, elected by the Assembly.

(3) The Speaker shall be the Chairperson of the Commission.

(4) The Clerk shall be the Secretary to the Commission.

**4. The Commission shall—**

Functions of  
the  
Commission.

- (a) manage, organize the business and programme of the Assembly;
- (b) nominate members of Standing and other Committees;
- (c) make recommendations to the Council on terms and conditions of service of members of the Assembly;
- (d) recommend to the Council the appointment of the Clerk and other officers of the Assembly;
- (e) make recommendations to the Council on salaries and other terms and conditions of service of the Clerk and other officers of the Assembly;
- (f) make recommendations to the Council on appointment, promotion and exercise of disciplinary control over officers and other staff of the Assembly;
- (g) cause to be prepared in each financial year estimates of revenue and expenditure for the Assembly for the next financial year;
- (h) recommend to the Council, Staff Rules and Regulations on the staff of the Assembly;

- (i) perform such other functions as may be necessary for the well being of the members and staff of the Assembly so as to ensure the effective and efficient functioning of the Assembly.

Tenure of office.

**5.** (1) Members of the Commission shall be elected as soon as the Assembly is constituted.

(2) Members of the Commission shall be elected by the Assembly and shall hold office for a period of two and a half years and shall be eligible for re-election.

Vacation of office of Commissioner.

**6.** A member of the Commission shall cease to hold office upon—

(a) the delivery of his or her resignation in writing to the Chairperson;

(b) ceasing to be qualified as a member of the Assembly in accordance with Article 51 of the Treaty.

Removal of Commissioner.

**7.** A member of the Commission, other than the Speaker and the Chairperson of the Council may be removed from office by a resolution supported by not less than two thirds of members of the Assembly, subject to the Rules of Procedure of the Assembly.

Decisions of Commission.

**8.** (1) Every decision of the Commission shall, as far as possible, be by consensus.

(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 of the Commission shall have a casting vote.

(4) The Commission may act notwithstanding the absence of any member or any vacancy in the office of a member.

(5) The Commission may regulate its own procedure.

**9.** (1) The Commission shall meet at least once every two months. Meetings of Commission.

(2) All meetings of the Commission shall be convened by the Chairperson by giving not less than fourteen days notice to the members.

(3) The Commission may, in addition have extraordinary meetings as and when it is deemed necessary.

(4) Two thirds of members of the Commission may, in writing signed by each of them, call for an extra ordinary meeting of the Commission, specifying the agenda to be considered at that meeting.

(5) The Quorum of the Commission shall be by a simple majority.

**PART III—REVIEW OF TERMS AND CONDITIONS OF MEMBERS AND STAFF OF ASSEMBLY**

**10.** (1) The Commission shall, from time to time, recommend to the Council proposals for review of terms and conditions of service of members and staff of the Assembly. Review of terms and conditions of service of members and staff of Assembly

(2) The terms and conditions of service of the members of the Assembly shall be determined by the Summit on the recommendation of the Council.

**PART IV—OFFICES OF ASSEMBLY**

**11.** The Commission may make recommendations to the Council to— Creation of offices of the Assembly.

(a) create such number of offices as will ensure the efficient functioning of the Assembly; and

(b) create, abolish, reclassify and change any designation of offices in the Assembly.

Functions of  
the office of  
Clerk

**12.** The Clerk shall—

- (a) be the head of the Assembly administration and Secretary to the Commission;
- (b) render expert advice to members of the Assembly on parliamentary procedure and practice;
- (c) be responsible to the Chairperson of the Commission for the general working and efficient conduct of the business of the Commission and the Assembly;
- (d) ensure that proper books and records of the Assembly are kept and maintained;
- (e) carry out such other duties and exercise such powers as may be conferred upon him or her by the Treaty, any law, rules, regulations and practices of the Assembly.

Exercise of  
functions of  
Clerk during  
vacancy or  
inability

**13.** If the office of the Clerk is vacant, or if for any reason the Clerk is unable to exercise the functions of his or her office, any other person for the time being performing the duties of the Clerk pursuant to the Staff Rules and Regulations shall have and may exercise all the functions, duties and powers of the Clerk.

Oath

**14.** The Clerk and other officers of the Assembly shall, on appointment, take oath before the Speaker, in the form prescribed in the Schedule.

PART V—FINANCIAL PROVISIONS

Bank  
accounts

**15.** The Commission shall ensure that the Assembly, in consultation with the Secretary General and in accordance with the East African Community financial rules and regulations operate bank accounts as are necessary for the efficient discharge of the Assembly's functions.



**16.** In conformity with Articles 49(2)(b) and 132 (5) of the Treaty, the Commission shall ensure that— Budget and utilization of resources

- (a) the Assembly debates and approves the budget of the Community;
- (b) resources of the Community are utilized to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council.

**17.** The Commission shall ensure that— Financial year estimates.

- (a) chairpersons of committees of the Assembly submit a report on planned activities and financial year estimates to the Commission for each financial year;
- (b) the Commission considers the estimates and report submitted under paragraph (a) and makes such alterations as it may deem appropriate.

**18.** The Commission shall recommend to the Council, the financial rules and regulations of the Community as are necessary for the efficient discharge of the functions of the Assembly. Financial rules and regulations.

PART VI—MISCELLANEOUS.

**19.** The Commission shall submit to the Assembly bi-annual reports on activities and operations of the Commission, which shall include such other information as the Assembly may request. Commission Reports.

**20.** Upon the coming into force of this Act and before the Assembly is constituted under section 5, the functions of the Commission shall be performed by the House Business Committee. Transitional.

SCHEDULE

**Oath/Affirmation of officer of the Assembly**

I..... having been appointed Clerk/ an officer of the East African Legislative Assembly, do swear/solemnly and sincerely declare and affirm that I will not, directly or indirectly, reveal to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information, whatsoever which may come to my knowledge in the course of my duties as Clerk/ an officer of the Assembly

SO HELP ME GOD

Sworn/Declared by the said.....

Before me this.....day of.....

.....  
*Speaker East African Legislative Assembly.*