

Uganda

## Law Development Centre Act Chapter 132

Legislation as at 31 December 2000

FRBR URI: /akn/ug/act/1970/21/eng@2000-12-31

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PDF created on 21 September 2023 at 12:50.

*Collection last checked for updates: 31 December 2000.*

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# Uganda

## Law Development Centre Act Chapter 132

Published

Commenced on 21 August 1970

*[This is the version of this document at 31 December 2000.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

**An Act to provide for the establishment of the Law Development Centre, to make provision for its constitution, management and functions and for related matters.**

### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**centre**" means the Law Development Centre established under [section 2](#);
- (b) "**chairperson**" means the chairperson of the committee;
- (c) "**committee**" means the management committee established under [section 7](#);
- (d) "**director**" means the director of the centre;
- (e) "**financial year**" means a period of twelve months ending on the thirty-first day of December in each year;
- (f) "**Law Council**" means the Law Council established under the Advocates Act;
- (g) "**secretary**" means the secretary of the committee.

### 2. Establishment and incorporation of the centre

There is established a centre to be called the Law Development Centre which shall, in that name, be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name and, subject to this Act, may do and suffer all other acts and things as bodies corporate may lawfully do and suffer.

### 3. Functions of the centre

- (1) The centre shall have the functions of—
  - (a) organising and conducting courses of instruction for the acquisition of legal knowledge, professional skill and experience by persons intending to practise as attorneys in subjects which shall have been determined by the Law Council under the provisions of any law in force;
  - (b) organising and conducting courses in legislative drafting;
  - (c) organising and conducting courses for magistrates and for persons provisionally selected for appointment as magistrates;
  - (d) organising and conducting training courses for officers of the Government and members of the Uganda Peoples' Defence Forces with a view to promoting a better understanding of the law;

- (e) organising and conducting courses for officers and personnel of courts with a view to improving their efficiency;
  - (f) assisting any commissioner who may be appointed in the preparation and publication of a revised edition of the Laws of Uganda;
  - (g) assisting in the preparation of reprints of Acts of Parliament in accordance with any law for the time being in force;
  - (h) assisting the Law Reform Commission in the performance of its functions;
  - (i) undertaking research into any branch of the law;
  - (j) holding seminars and conferences on legal matters and problems;
  - (k) collecting, compiling, analysing and abstracting statistical information on legal and related matters;
  - (l) assisting in the provision of legal aid and advice to indigent litigants and accused persons in accordance with any law for the time being in force;
  - (m) compiling, editing and publishing law reports for Uganda;
  - (n) publishing periodicals, bulletins, digests or other written material concerned with legal and related matters; and
  - (o) disseminating and promoting generally a better knowledge of the law.
- (2) The centre shall have such other functions as the Attorney General may, from time to time, specify by statutory instrument.

#### 4. Powers of the centre

The centre shall have power to do all such things as are calculated to facilitate, or as are incidental or conducive to, better carrying out its functions and may, in particular, but without prejudice to the generality of the foregoing—

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the property;
- (b) subject to [section 20](#), borrow or otherwise raise money on such security as may be necessary and, for that purpose, charge all or any of the property of the centre;
- (c) conduct examinations and confer diplomas, prizes and certificates in accordance with any law in force or as may be required by the Law Council;
- (d) charge such fees for any examinations, courses, seminars or conferences conducted or held as may be approved by the committee;
- (e) charge such amounts for any publications sold or distributed as may be approved by the committee;
- (f) charge such amounts for accommodation or other services provided as may be approved by the committee.

#### 5. Seal of the centre

- (1) The centre shall have a common seal, and the seal of the centre shall be authenticated by the signature of the chairperson or of any other two members of the committee authorised by resolution of the committee generally or specially to act in that behalf.
- (2) The signature of the chairperson or other members of the committee shall be independent of the signing by any other person as witness.

- (3) A certificate signed by the chairperson of the committee that any instrument purporting to be made or issued by or on behalf of the centre was so made or issued shall be conclusive evidence of that fact.
- (4) Every document purporting—
  - (a) to be an instrument made or issued by or on behalf of the centre and to be sealed with the seal of the centre authenticated in the manner provided by subsection (1) or to be signed or executed by the chairperson or other members of the committee authorised to act in that behalf; or
  - (b) to be a certificate such as is mentioned in subsection (3),shall be received in evidence and be deemed, without further proof, to be so made or issued or to be such a certificate, unless the contrary is shown.

## 6. Custody and use of the seal

The common seal of the centre shall be kept in the custody of a person appointed by the committee and shall not be used or affixed to any instrument except in pursuance of a resolution duly adopted by the committee.

## 7. Management committee and membership

The governing body of the centre shall be a management committee consisting of—

- (a) the following *ex officio* members—
  - (i) the Solicitor General;
  - (ii) the head of the department or faculty of law, Makerere University;
  - (iii) the director; and
  - (iv) the Permanent Secretary of the Ministry responsible for education; and
- (b) not more than four and not less than two members appointed by the Attorney General who shall be persons appearing to the Attorney General qualified as having had experience in the practice or administration of the law.

## 8. Functions of the committee

- (1) The committee shall be charged with the administration and management policy of the centre and shall be responsible to see that the same is carried out by the centre.
- (2) The executive authority of the committee to control and manage the centre shall, subject to the general or specific directions given to the director of the centre by the committee, be under the control and management of the director.

## 9. Disqualifications for membership of the committee

- (1) No person shall be appointed a member of the committee who—
  - (a) is a paid employee of the centre;
  - (b) is an insolvent or bankrupt person;
  - (c) is not resident in Uganda; or
  - (d) has been convicted of an offence involving fraud or dishonesty.

- (2) The Attorney General may at any time remove an appointed member from the committee if he or she is satisfied that that member—
  - (a) has become bankrupt or made an arrangement with his or her creditors;
  - (b) is incapacitated by physical or mental illness;
  - (c) has been convicted of an offence involving fraud or dishonesty; or
  - (d) is otherwise unable or is, in the opinion of the Attorney General, unfit to discharge the functions of a member or is unsuitable to continue as a member.

#### **10. Chairperson of the committee**

- (1) The Attorney General may, in writing under his or her hand, appoint any member of the committee other than the director to be chairperson of the committee.
- (2) The chairperson shall hold and vacate office as such in accordance with the terms of his or her appointment.

#### **11. Term of office of members**

- (1) An appointed member of the committee shall hold office for a period of two years.
- (2) An appointed member of the committee may, by notice in writing under his or her hand addressed to the Attorney General, resign his or her membership, and the chairperson may, by the like notice, resign his or her office as chairperson.
- (3) A person who ceases to be an appointed member or ceases to be chairperson shall be eligible for reappointment.
- (4) If any appointed member of the committee, other than the chairperson, is for any reason unable to exercise the powers or perform the duties of his or her office, the Attorney General may, subject to [section 7](#), appoint another person to be a temporary member of the committee during the absence or incapacity of that member.

#### **12. Filling of vacancy**

If any vacancy occurs on the committee by death, resignation, effluxion of time or otherwise, the vacancy shall be filled by the Attorney General.

#### **13. Meetings of the committee**

- (1) The chairperson shall preside at all meetings of the committee and where he or she is absent from any meeting, a member of the committee, nominated by the chairperson, or where no member is nominated by the chairperson, such person as the members present may elect, shall preside at the meeting of the committee.
- (2) The chairperson shall, in the case of an equality of votes, have a casting vote in addition to his or her deliberative vote.
- (3) Meetings of the committee shall be held at intervals of not less than three months at such place and time as the chairperson may, from time to time, appoint.
- (4) The chairperson shall, if requested by notice in writing signed by not fewer than three members of the committee, convene a meeting of the committee.
- (5) At all meetings of the committee, three members, including the chairperson, shall constitute a quorum.

- (6) Questions proposed or arising at any meeting of the committee shall be decided by a majority of votes of the members present and voting thereon.
- (7) Subject to this Act, the committee may regulate its own procedure including the manner in which matters subject to the determination of the committee are to be determined by or on behalf of the committee.
- (8) The chairperson may invite any person not a member of the committee to attend and to speak upon any relevant matter at any meeting of the committee, but no such person shall vote upon any matter before the committee.
- (9) Notice of the time, place and agenda of every meeting of the committee shall be served by or on behalf of the secretary on every member of the committee either personally or by leaving the notice at his or her usual place of residence or at his or her business address; in the case of ordinary meetings not less than seven days' notice before the meeting, and in the case of special meetings not less than twenty-four hours before the meeting, shall be given; but the accidental omission to serve the notice on any member of the committee shall not affect the validity of any meeting.
- (10) Minutes of the proceedings of every meeting of the committee shall be regularly entered in a book to be kept for the purpose by the secretary, and those minutes shall be confirmed at the next meeting, and, when the minutes are confirmed, they shall be signed by the chairperson and the secretary in the presence of the members of the committee.

#### **14. Transaction of business by circulation of papers**

Notwithstanding [section 13](#), the committee may, if it thinks fit, transact any of its business by the circulation of papers; and a resolution in writing approved by all the members of the committee shall be as valid and effectual as if it had been passed at a meeting of the committee by votes of the members so approving the resolution.

#### **15. Validity of proceedings**

The validity of any proceeding of the committee shall not be affected by any defect in the appointment of any member or by the absence of any member from the meeting at which the proceeding occurred or by any vacancy among the members of the committee.

#### **16. Establishment of subcommittees**

- (1) The committee may—
  - (a) appoint subcommittees from among its members and may refer to any such subcommittee any matter for investigation and report to the committee;
  - (b) co-opt any person on any subcommittee appointed under this section.
- (2) Subject to any directions of the committee, a subcommittee appointed under this section may regulate its own procedure and fix a quorum for its meetings.

#### **17. Appointment of staff**

- (1) The committee may, with the approval of the Attorney General, appoint a director of the centre for such period as the committee may determine.
- (2) The committee may appoint a secretary, officers, servants and agents of the centre as it considers necessary for the efficient discharge of the functions of the centre.
- (3) The committee may employ any professional person to advise the centre on any point arising out of or in connection with any of the functions of the centre.

- (4) A person who holds judicial office may be appointed director of the centre without relinquishing that office, but shall not be required to perform his or her duties as the holder of that office while he or she remains director of the centre.

## 18. Remuneration, etc. of staff

- (1) The committee may pay to the secretary, officers, servants and agents of the centre such remuneration and allowances as may be permitted by its standing orders.
- (2) The committee may grant pensions, gratuities or other retiring allowances to the secretary, officers, servants and agents of the centre as may be permitted by its standing orders.

## 19. Funds of the centre

The funds of the centre shall consist of—

- (a) grants by the Government;
- (b) earnings and receipts of the centre from the exercise of its powers under [section 4](#); and
- (c) donations.

## 20. Borrowing powers

- (1) The centre may, with the prior approval of the Minister responsible for finance, borrow such sums of money required by it for meeting any of its obligations or for discharging any of its functions under this Act from such sources and on such terms as the centre sees fit.
- (2) An approval given under subsection (1) may be either general or limited to a particular borrowing or may be either unconditional or subject to conditions.

## 21. Estimates

Before the beginning of each financial year, the committee shall forward to the Minister responsible for finance, for his or her approval, estimates of its income and expenditure for the next financial year.

## 22. Accounts

- (1) The committee shall keep books of account of all income and expenditure and proper records in relation to them in accordance with its standing orders.
- (2) Subject to such directions as to form as the Minister responsible for finance may give, the committee shall prepare, in respect of each financial year, a statement of account which shall include—
  - (a) a balance sheet, a statement of income and expenditure and a statement of surplus or deficit containing such information as, had the centre been a company registered under the Companies Act, would be required to be laid before the company by the directors at the annual general meeting; and
  - (b) such other information in respect of the financial affairs of the centre as the Minister responsible for finance may require.

## 23. Audit of books of account

The books and accounts of the centre shall be audited within four months after the end of each financial year by the Auditor General or an auditor appointed by him or her who shall be entitled to have access to all books of account, vouchers and other financial records of the centre and to require such information and explanation on the financial records as he or she thinks fit.



## 24. Report of centre's activities

The committee shall, not later than three months after the end of each calendar year, send to the Attorney General a report on the centre's activities for the year.

## 25. Investment of funds

All funds of the centre that are not immediately required shall be invested in such investments as the committee, with the prior approval of the Minister responsible for finance, may determine.

## 26. Dealings with the centre

A person dealing with the centre under this Act or with a person claiming under the centre shall not be concerned in inquiring—

- (a) whether any directions have been given to the centre under this Act or whether any directions so given have been complied with; or
- (b) whether the consent or approval of the Minister responsible for finance required for any of the purposes of this Act has been given or whether any condition or limitation, subject to any such consent or approval, has been complied with, and, in favour of any such person, the validity of anything done by the centre shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.

## 27. Contracts

- (1) Contracts on behalf of the centre may be made in the following manner—
  - (a) a contract which, if made between private persons, would be by law required to be in writing, and if made according to any law for the time being in force in Uganda is required to be under seal, may be made on behalf of the centre under the common seal of the centre;
  - (b) a contract which, if made between private persons, would be by law required to be made in writing, signed by the parties to be charged with it, may be made on behalf of the centre in writing, signed by any person acting under its authority, express or implied;
  - (c) a contract which, if made between private persons, would be by law valid although made by parol only and not reduced into writing, may be made by parol on behalf of the centre by any person acting under its authority, express or implied.
- (2) A contract made according to and under subsection (1) shall be effectual in law and shall bind the centre and its successors and all other parties to the contract.
- (3) A contract made according to and under this section may be varied or discharged in the same manner in which it is authorised in this section to be made.

## 28. Service of documents

Any document may be served on the centre by leaving it at or by sending it by registered post to the director of the centre at the offices of the centre.

## 29. Preliminary expenses

Any act done and preliminary expenses sanctioned by the Minister responsible for finance in connection with the establishment of the centre shall have the same effect and validity as if the act had been validly done and the expenses validly incurred by the centre; and the centre may continue any such act or thing commenced under any such sanction but remaining unfinished at the date of the coming into force of this Act as if the act or thing had been initiated and carried through by the centre.

### 30. Exemptions

The centre shall be exempted from—

- (a) the payment of stamp duties under the Stamps Act; and
- (b) the payment of import duties, sales tax or any other tax or duty that is, or may be specifically, imposed under any written law on any goods imported by the centre in furtherance of its objects and which are not for resale to the public.

### 31. Application of the Companies Act

The Companies Act or any statutory modification or reenactment of it shall not apply to the centre.

### 32. Standing orders

- (1) The committee may make standing orders respecting the management and conduct of the centre or any matter connected with the functions or the proper exercise, discharge or performance by the committee of its functions under this Act, and such standing orders may provide for—
  - (a) the salary structure of the secretary, officers, servants and agents of the centre;
  - (b) the appointment, discipline and dismissal of the secretary, officers, servants and agents of the centre;
  - (c) the provision of pensions, gratuities and other such payments for retirement;
  - (d) rules for contributory arrangements to any fund or pension scheme by the employees of the centre;
  - (e) books of account to be kept by the centre; and
  - (f) the allowances and expenses to be paid to members of the committee and subcommittees thereof.
- (2) Standing orders made under subsection (1)(a), (c), (d) and (f) shall be subject to the prior approval of the Minister responsible for finance, and all other standing orders made under that subsection shall be subject to the prior approval of the Attorney General.