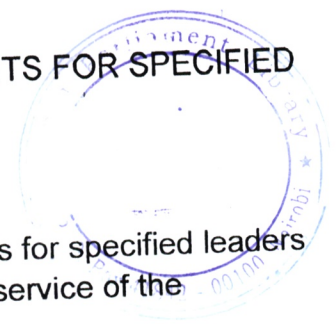


THE EAST AFRICAN COMMUNITY
THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED
HEADS OF ORGANS BILL, 2015

MEMORANDUM



The object of this Bill is to make provision for retirement benefits for specified leaders who have honourably served and completed their terms in the service of the Community.

The Bill specifically provides retirement benefits for the former President of the East African Court of Justice, the former Speaker of the East African Legislative Assembly and the former Secretary General of the East African Community.

The Bill finally makes provision for payment of gratuity to the dependants of a person where the holder dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her. In such case, the appropriate authority shall pay to the dependants a gratuity, which shall be calculated on the basis of the period he or she held the office.

HON. FREDERIC NGENZEBUHORO
Member, East African Legislative Assembly

Paper laid on the
table of the Senate
by Sen. Dullo on
19.10.2016.



THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED
HEADS OF ORGANS BILL, 2015

ARRANGEMENT OF CLAUSES

Clause

PART I- PRELIMINARY PROVISIONS

1. Citation and commencement
2. Application
3. Interpretation

PART II- PROVISIONS GOVERNING THE RETIREMENT BENEFITS

4. Scope of entitlement to the retirement benefits

PART III- RETIREMENT BENEFITS CONFERRED TO A FORMER PRESIDENT
OF THE EAST AFRICAN COURT OF JUSTICE

5. Retirement benefits to former President
6. Grant of gratuity to dependants of a former President
- 7.

PART IV- RETIREMENT BENEFITS CONFERRED TO A FORMER SPEAKER
OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

8. Retirement benefits to former Speaker
9. Grant of gratuity to dependants of a former Speaker

PART V- RETIREMENT BENEFITS CONFERRED TO A FORMER
SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY

10. Retirement benefits to former Secretary General
11. Grant of gratuity to dependants of a former Secretary General

PART VI- MISCELLANEOUS

12. Regulations

THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED
HEADS OF ORGANS BILL, 2015

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY RETIREMENT BENEFITS FOR SPECIFIED
HEADS OF ORGANS ACT, 2015

An Act to make provision for retirement benefits for specified former heads of organs of the Community and provide for other related matters

PART I- PRELIMINARY PROVISIONS

1. Short title and commencement

This Act may be cited as the East African Community Retirement Benefits for Specific Heads of Organs Act, 2015 and shall come into force on such date the Council may, by notice published in the Gazette appoint.

2. Application

This Act applies to former heads of organs of the Community, who have honourably served and finished their term in office in accordance with the laws of the Community.

3. Interpretation

In this Act, unless the context otherwise requires-

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

“Community” means the East African Community established by Article 2 of the Treaty;

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

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

“dependant” means the husband or wife, children and any other person under the responsibility of the former head of organ;

“former President” means a person who has served in office as President of the East African Court of Justice;

“former Secretary General” means a person who has served in office as Secretary General of the East African Community;

“former Speaker” means a person who has served in office as Speaker of The East African Legislative Assembly;

“gratuity” means a payment granted to a person upon cessation of service;

“President” means the President of the Court provided for under Article 24 of the Treaty;

“retirement benefit” means pension, gratuity, winding up allowance or any other award granted under the provisions of this Act;

“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;

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

PART II- PROVISIONS GOVERNING THE RETIREMENT BENEFITS

4. Scope of entitlement to retirement benefits

A former head of organ of the Community shall be entitled to retirement benefits under this Act if any of the following events occur-

(a) upon completion of a term of service in office to which he or she was elected, nominated or appointed;

(b) upon abolition of the office by the duly and competent authority;

(c) upon existence of medical evidence to the satisfaction of the electoral, nominating or appointing authority that he or she is incapable to continue to discharge his or her duties due to infirmity of mind or body; or

(d) upon death while still serving before completion of the term of service, in which case retirement benefits shall be granted to the dependants.

PART III- RETIREMENT BENEFITS CONFERRED TO A FORMER PRESIDENT OF THE EAST AFRICAN COURT OF JUSTICE

5. Retirement benefits to former President

A person who held the office of President of the East African Court of Justice shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of President;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent President;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent President;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;
- (g) one hundred litres of fuel per week; and
- (h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowance.

6. Grant of gratuity to dependants of former President

Where the President dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office.

PART IV- RETIREMENT BENEFITS CONFERRED TO A FORMER SPEAKER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

7. Retirement benefits to former Speaker

A person who held the office of Speaker of the East African Legislative Assembly shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of Speaker;

- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of incumbent Speaker;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent Speaker;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;
- (g) one hundred litres of fuel per week; and
- (h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowance.

8. Grant of gratuity to dependants of former Speaker

Where the Speaker dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office of Speaker.

PART V- RETIREMENT BENEFITS CONFERRED TO A FORMER SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY

9. Retirement benefits to former Secretary General

A person who held the office of Secretary General of the East African Community shall, upon ceasing to honourably hold office be granted-

- (a) a gratuity of the sum equal to fifty percent of the total of sum of money received by him or her as salaries when he or she held the office of Secretary General;
- (b) an annual pension granted monthly of a sum equal to eighty percent of the salary of the incumbent Secretary General;
- (c) a winding up allowance of a sum equal to the amount that would be received as salary in twenty-four months by the incumbent Secretary General;
- (d) a grant of a motor vehicle;
- (e) a driver;
- (f) a diplomatic passport for him or her and for his or her spouse;

(g) one hundred litres of fuel per week; and

(h) an allowance to maintain the motor vehicle at the rate equal to fifty percent of the fuel allowances.

10. Grant of gratuity to dependants of former Secretary General

Where the Secretary General dies in office or if he or she dies after ceasing to hold the office but before retirement benefits are paid to him or her, the appropriate authority shall pay to the dependants, gratuity which shall be calculated on the basis of the period he or she held the office of the Secretary General.

PART VI- MISCELLANEOUS

11. Regulations

The Council may make regulations generally for giving effect to the provisions of this Act.

2000.

204

