

ACTS SUPPLEMENT

to The Uganda Gazette No. 72 Volume XCV dated 10th December, 2002.

Printed by UPPC, Entebbe, by Order of the Government.

Act 27*Advocates (Amendment) Act***2002****THE ADVOCATES (AMENDMENT) ACT, 2002.**

ARRANGEMENT OF SECTIONS.*Section.*

1. Short title.
2. Amendment of Act No. 22 of 1970.
3. Amendment of section 2 of principal Act.
4. Insertion of new section 2A.
5. Amendment of section 3 of principal Act.
6. Insertion of new section 3A.
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20. Replacement of section 23 of principal Act.
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Section.

24. Amendment of section 73 of principal Act.
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26. Miscellaneous amendments.
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28. Insertion of new Schedule 2A.
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THE ADVOCATES (AMENDMENT) ACT, 2002.

An Act to amend the Advocates Act, 1970 to provide for easier access to the Uganda Bar both in terms of required qualifications for entry and procedures, to create a Committee for Legal Education and Training to supervise and control professional legal education; to revise sanctions and penalties; and to provide for other related matters.

DATE OF ASSENT: 29th November, 2002.

Date of Commencement: 10th December, 2002.

BE IT ENACTED by Parliament as follows:

1. This Act may be cited as the Advocates (Amendment) Act, 2002. Short title.

2. The Advocates Act, 1970, in this Act referred to as the "principal Act" is amended in section 1— Amendment of Act No. 22 of 1970.

(A) by substituting for subsection (1) the following subsection.

1(1) There is established a Law Council which shall consist of—
"Establishment of Law Council"

- (a) a Judge of the Courts of Judicature appointed by the Attorney-General after consultation with the Chief Justice, who shall be Chairperson of the Law Council;
- (b) the Chairperson of the Committee on Legal Education and Training;
- (c) the Solicitor-General or his or her representative not below the rank of Principal State Attorney;
- (d) the President of the Uganda Law Society;
- (e) the Director of the Law Development Centre;
- (f) the Dean of the Faculty of Law of Makerere University;
- (g) two practising advocates elected by the Uganda Law Society;
- (h) a judicial officer not below the rank of a Chief Magistrate appointed by the Magistrates through their national professional body by whatever name called;
- (i) a person co-opted by the Law Council as it may deem necessary."

(B) by substituting for subsection(3) the following—

“(3) If the Chairperson or any of the members of the Law Council appointed under paragraph (g) or (h) of subsection (1)—

(a) dies;

(b) resigns;

(c) is absent from Uganda for a continuous period exceeding six months; or

(d) is, in the opinion of the Attorney-General, unable, by reason of infirmity of body or mind to perform the duties of that office,

that office shall become vacant and the vacancy shall be filled by the appointing authority”.

(C) by inserting at the end of the section the following new subsections—

“(4) In arriving at a decision under paragraph (d) of subsection (3) of this section, the Attorney-General shall act on the advice of a medical board which shall be constituted at his or her request by the professional head of the medical services of Uganda.

(5) In this section, “appointing authority” means the authority responsible for appointing or electing under subsection (1), a person to whom subsection (3) of this section applies”.

3. Section 2 of the principal Act is amended—

(a) by substituting for paragraph (a) the following—

“(a) to exercise through the medium of the Committee on Legal Education and Training, general supervision and control over professional legal education in Uganda including continuing legal education for persons qualified to practise law in Uganda”.

(b) by repealing paragraph (b).

4. The principal Act is amended by inserting after section 2 a new section 2A as follows—

Amendment
of section 2
of principal
Act.

Insertion of
new section
2A.

"Funds of
Law Council
and
Committees

2A. (1) The Law Council and the Committees established under this Act shall have powers to charge fees in the performance of their functions under this Act.

(2) The fees under subsection (1) shall include—

(a) fees for application for enrolment under section 7 of this Act;

(b) payment for a special practising certificate under section 12 of this Act;

(c) payment for expenses of the Disciplinary Committee under section 19 of this Act;

(d) any other payments that may appropriately arise under the provisions of this Act.

(3) Notwithstanding the funds obtained under subsections (1) and (2) of this section, any expenses incurred by the Law Council and the Committees established under this Act, in the performance of their functions or duties under this Act, shall be defrayed out of the moneys provided by Parliament."

5. Section 3 of the principal Act is amended—

(a) in subsection (2), by inserting "Law" before "Council";

(b) by substituting for subsection (3) the following subsection—

"(3) The quorum of the Law Council shall be five, but subject to the requirement of a quorum, the Law Council may act notwithstanding any vacancy in its membership".

Amendment
of section 3
of principal
Act.

6. The principal Act is amended by inserting after section 3, the following new section—

Insertion of new section 3A.

“Remuneration and allowances of Law Council and committees

3A A member of the Law Council, the Disciplinary Committee and the Committee on Legal Education and Training shall be paid such remuneration and allowances and at such rates as the Minister responsible for public service may, after consultation with the Minister responsible for finance, determine”.

7. The principal Act is amended by inserting immediately after Part II, a new Part IIA as follows—

New Part IIA of principal Act.

“PART IIA—SUPERVISION OF PROFESSIONAL EDUCATION AND TRAINING

Committee on Legal Education and Training

6A (1) There is established for the purpose of discharging the Law Council’s functions with respect to general supervision of professional legal education, a Committee to be known as the Committee on Legal Education and Training, in this Part referred to as the “Committee”.

Composition

6B (1) The Committee shall consist of—

- (a) an experienced law teacher with distinguished service as a legal practitioner, appointed by the Law Council who shall be Chairperson;
- (b) a Judge of the Courts of Judicature, appointed by the Attorney-General in consultation with the Chief Justice;
- (c) the Dean of the Faculty of Law at Makerere University or his or her representative being a person not below the rank of Senior Lecturer;
- (d) the Director of the Law Development Centre or his or her representative being a person not below the rank of Senior Lecturer;