

*Arbitration and Conciliation*

**Bill No. 21**

*(Amendment) Bill*

**2007**

(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.

(2) A contract made in accordance with this section 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.

**70 M. Fees.**

(1) The Centre in the performance of its functions may charge fees for its services.

(2) The Minister shall prescribe the fees to be charged by the Centre.”

**Cross References.**

Arbitration and Conciliation Act, Cap. 4.

Public Finance and Accountability Act, 2003, Act No. 6 of 2003.

Stamps Act, Cap. 342.

**BILLS  
SUPPLEMENT No. 13**

**31st August, 2007.**

**BILLS SUPPLEMENT**

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**THE ARBITRATION AND CONCILIATION (AMENDMENT)  
BILL, 2007.**

**MEMORANDUM.**

The object of this Bill is to amend Part VI of the Arbitration and Conciliation Act, Cap. 4 to provide for the funding of the Centre for Arbitration and Dispute Resolution (CADER) by Government to enable CADER to effectively discharge its functions, in particular, facilitate alternative dispute resolution.

(DR) E. KHIDDU MAKUBUYA (MP),  
*Attorney General and Minister of Justice and Constitutional Affairs.*

THE ARBITRATION AND CONCILIATION (AMENDMENT)  
BILL, 2007.

ARRANGEMENT OF CLAUSES.

Clause

Insertion of new sections 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70I, 70J, 70K, 70L and 70M in the Arbitration and Conciliation Act.

A Bill for an Act

ENTITLED

**THE ARBITRATION AND CONCILIATION (AMENDMENT)  
ACT, 2007.**

**An Act to amend the Arbitration and Conciliation Act in order to provide for funding of the Centre for Arbitration and Dispute Resolution by Government and to provide for other related matters.**

BE IT ENACTED by Parliament as follows—

**Insertion of new sections 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70 I, 70J, 70K, 70L and 70M in the Arbitration and Conciliation Act.**

The Arbitration and Conciliation Act is amended by inserting immediately after section 70, the following—

**“70 A. Funds of the Centre.**

The funds of the Centre shall include the following—

- (a) sums of money issued out of the Consolidated Fund;
- (b) loans, grants, donations and gifts from sources within and outside Uganda; and

- (c) such other sums of money as may become payable to the Centre in the discharge of its functions.

**70 B. Borrowing powers.**

(1) The Centre may, with the prior approval of the Minister responsible for finance, borrow such sums of money required by the Centre in the discharge of its functions from such sources and on such terms as the Centre deems fit.

(2) The approval referred to in subsection (1) may be general or limited to a particular borrowing and may be unconditional or conditional.

**70 C. Investment by the Centre.**

The Centre may invest monies in excess of what is required for the operations of the Centre in investments determined by the Centre with the prior approval of the council.

**70 D. Remuneration.**

(1) There shall be paid to the members of the Council such remuneration and allowances as may be determined by the Minister with the approval of Cabinet.

(2) There shall be paid to the executive director and other staff of the Centre such remuneration as may be determined by the Council.

**70 E. Centre to be self-accounting.**

(1) The Centre shall be a self accounting body and shall deal directly with the Ministry responsible for finance on matters concerning its finances.

(2) All funds of the Centre shall be administered and controlled by the executive director who shall be the accounting officer in accordance with the Public Finance and Accountability Act and the regulations made under that Act.

**70 F. Financial year.**

The financial year of the Centre shall be the same as that of the Government.

**70 G. Estimates of the Centre.**

The Centre shall, before the commencement of each financial year, submit to the Minister responsible for finance, estimates of income and expenditure of the Centre for the ensuing financial year.

**70 H. Accounts and audit.**

(1) The Centre shall keep proper books of account in respect of its income and expenditure in a form approved by the Auditor General.

(2) The books of account of the Centre shall be audited within three months after the end of each financial year by the Auditor General or by an auditor appointed by him or her.

(3) The Auditor General or the auditor appointed by the Auditor General shall be entitled to have access to all books of account and other financial records of the Centre and to require any information and explanation in relation to those books and records.

(4) The Auditor General shall, within three months after the end of each financial year, submit to the Minister a copy of the audited accounts of the Centre together with his or her report on the accounts stating any matter which in his or her opinion has to be brought to the attention of the Minister.

(5) The Auditor General shall, within three months after the end of each financial year, submit to the Centre a copy of the audited accounts and his or her report submitted to the Minister under subsection (4).

**70 I. Minister to lay Auditor General's report before Parliament.**

The Minister shall, as soon as practicable after receiving the audited accounts of the Centre and the Auditor General's report under section 70.H, lay before Parliament the audited accounts of the Centre and the Auditor General's report.

**70 J. Annual report.**

The Centre shall make an annual report to the Minister on its operations.

**70 K. Minister to lay Centre's annual report before Parliament.**

The Minister shall lay before Parliament—

(a) any program prepared by the executive director of the Centre and approved by the Council and any proposals for reform formulated by the Centre pursuant to that programme; and

(b) the annual report of the Centre on its proceedings submitted to him or her under section 70.J with any comments on it as he or she may consider necessary.

**70 L. Contracts.**

(1) Contracts on behalf of the Centre may be made in the following—

(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;

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(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.

(2) A contract made in accordance with this section 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.

70 M. Fees.

(1) The Centre in the performance of its functions may charge fees for its services.

(2) The Minister shall prescribe the fees to be charged by the Centre."

Cross References.

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- Public Finance and Accountability Act, 2003, Act No. 6 of 2003.
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