

**SPECIAL ISSUE**

**EAST AFRICAN COMMUNITY**

*E.A.C. Gazette Supplement No. 12*

*29th July 1970*

*(Acts No. 1)*

**Act No. 1 of 1970**

PARLIAMENT  
OF KENYA  
LIBRARY

**SUPPLEMENTARY APPROPRIATION**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of  
Tanzania.*

*Date: 23rd June 1970.*

**A. MILTON OBOTE,**

*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**

*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to authorize the payment out of the General Fund of certain sums of money to meet the expenditure of the Community for the year ending on 30th June 1970**

*Date of Commencement: 1st July 1970*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly as follows:—

1. This Act may be cited as the Supplementary Appropriation Act 1970.

Short title.

2. In this Act—

Interpretation.

“the Finance Council” means the Finance Council established under Article 53 of the Treaty”;

“the General Fund” means the General Fund established by Article 65 of the Treaty.

## No. 1

## Supplementary Appropriation

1970

Grant out of the General Fund of Sh. 1,003,727 for the year ending 30th June 1970.

Appropriation of money granted.

Payment out of the General Fund by Accountant-General.

3. There may be paid out of the General Fund, in the manner provided by section 5 of this Act, for the year ending on the 30th June 1970 the sum of one million, three thousand, seven hundred and twenty-seven Tanzania shillings.

4. The sum granted out of the General Fund by section 3 of this Act shall be appropriated for the services and purposes specified in the Schedule to this Act.

5. (1) The Accountant-General of the Community is hereby authorized, upon a warrant under the hand of the Chairman of the Finance Council, to pay out of the General Fund for the year ending on 30th June 1970 and for the services and purposes specified in the Schedule to this Act the sums respectively specified in relation thereto.

(2) Any warrant of the Chairman issued under this section shall specify, in relation to any service or purpose, the amount of the payment authorized by the warrant.

SCHEDULE		(ss. 4 and 5)
Vote	Services and Purposes	Tanzanian Shillings
4	Office of the Secretary-General and E.A. Legislative Assembly .. .. .	10,010
6	Common Market and Economic Affairs Secretariat	82,200
11	Communications and Research Secretariat ..	100,000
13	Natural Resources Research .. .. .	384,325
14	Medical Research .. .. .	427,153
15	E.A. Literature Bureau .. .. .	39
	TOTAL	Sh.1,003,727

**Act No. 2 of 1970**

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**CONTROL OF PESTICIDES (AMENDMENT)**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of  
Tanzania.*

*Date: 23rd June 1970.*

**A. MILTON OBOTE,**

*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**

*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to amend the Control of Pesticides  
Act 1969**

*Date of Commencement: By Notice*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

1. This Act may be cited as the Control of Pesticides (Amendment) Act 1970 and shall come into operation on such day as the Authority by notice in the Gazette appoints.

Short title  
and  
commencement.

2. The Control of Pesticides Act 1969 is hereby amended as follows—

Amendment of  
Act No. 11  
of 1969.

(a) in the long title by replacing the words "sale and distribution" with the words "sale, distribution and use";

(b) in section 2 thereof by replacing the word "weed-pests" which appears in paragraph (a) of the definition of "pesticides" with the words "weeds, pests";

(c) in section 4 (1) thereof—

(i) by replacing paragraph (a) with the following paragraph—

(a) the Director of the Tropical Pesticides Research Institute who shall be the Chairman;

- (ii) by replacing the word "Industrial" which appears in paragraph (b) with the words "Agricultural and Forestry";
- (d) in section 5 (1) thereof, by replacing paragraph (b) with the following paragraph—
  - (b) to approve and register pesticides and to prescribe minimum standards of quality in respect of pesticides;
- (e) in section 11 thereof by replacing the word "composition" with the words "specified minimum quality";
- (f) in section 15 thereof by inserting immediately after the words "exposes for sale" the words "or uses or causes to be used";
- (g) in section 16 (1) thereof by replacing the words "chemical and other ingredients" and the words "each ingredient" with the words "active ingredient chemical" and "active ingredient", respectively;
- (h) in section 26 (a) thereof by deleting the words "or any substance capable of being used in the manufacture of pesticides".

**Act No. 3 of 1970****EAST AFRICAN PRIMARY REFERENCE  
STANDARDS**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of*

*Date: 23rd June 1970.*

*Tanzania.*

**A. MILTON OBOTE,**

*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**

*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to provide for the acquisition, maintenance and periodic verification of the Primary Reference Standards of Weight and Measure for East Africa and for purposes incidental thereto**

*Date of Commencement: By Notice*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

1. This Act may be cited as the East African Primary Reference Standards Act 1970 and shall come into operation on such day as the Authority by notice in the Gazette appoints.

Short title  
and  
commencement.

2. In this Act—

Interpretation.

“the East African Primary Reference Standards” means the standards acquired under section 4 of this Act and any such standards replaced under section 7 of this Act;

“the General Conference of Weights and Measures” means the General Conference of Weights and Measures convened from time to time by the International Bureau of Weights and Measures.

Units of measurement to be used in East Africa.

3. (1) The units of measurement of the International System of Units (SI), together with their abbreviations, specified and defined in the First Schedule to this Act shall be the units of measurement used in East Africa.

(2) The measurement of the weight of any thing shall be expressed, by reference to the units of measurement specified in the First Schedule to this Act, in the same terms as its mass.

(3) The measures and weights to be procured for use as East African Primary Reference Standards shall be those specified in the Second Schedule to this Act.

Acquisition of standards.

4. The Secretary-General shall acquire prototype standards of the metre and the kilogram as defined in the First Schedule to this Act and shall acquire the standards of measure and weight specified in Parts I, IV and V of the Second Schedule to this Act by reference to which, in East Africa, the accuracy of all other standards of those units (including any other unit of measurement derived wholly or partly therefrom) shall be maintained.

Value of standards and standards to be judicially noticed.

5. (1) Each of the East African Primary Reference Standards shall have the values assigned to it by the International Bureau of Weights and Measures.

(2) Each of the East African Primary Reference Standards shall be judicially noticed in the Partner States.

Custody and maintenance of standards.

6. The East African Primary Reference Standards shall be in the custody of the Secretary-General who shall make suitable arrangements for their security and for their regular care and maintenance by public officers appointed by him for the purpose.

Periodic verification of standards.

7. Upon acquiring the East African Primary Reference Standards (whether initially or by way of replacement under this section), and once at least in every ten years thereafter, the Secretary-General shall cause each of them to be verified at the International Bureau of Weights and Measures and to be replaced if necessary.

Provision of instruments for comparison.

8. The Secretary-General shall provide instruments of precision and ancillary equipment of suitable material and form for the purpose of comparing the national standards of the Partner States with the East African Primary Reference Standards.

Amendment of Schedules.

9. (1) The Secretary-General may by order amend the First Schedule to this Act for the purpose of including therein any further unit of measurement of the international system of

measurement (including any units of measurement associated therewith or derived therefrom) released by the General Conference of Weights and Measures or for the purpose of giving effect to any changes in the International definition of any unit of measurement specified in that Schedule.

(2) The Secretary-General may by order amend the Second Schedule to this Act.

FIRST SCHEDULE  
UNITS OF MEASUREMENT

<i>Item</i>	<i>Unit of</i>	<i>Unit</i>	<i>Abbreviation</i>	<i>Definition</i>
(1)	LENGTH	metre	m	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of the metre.
(2)	MASS	kilogram	kg	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of the kilogram.
(3)	TIME	second	s	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of the second.
(4)	ELECTRIC CURRENT	ampere	A	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of the ampere.
(5)	ABSOLUTE TEMPERATURE	degree Kelvin	°K	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of degree Kelvin.
(6)	LUMINOUS INTENSITY	candela	cd	Shall have the meaning assigned to it by the Secretary-General by order, being the meaning appearing to the Secretary-General to reproduce in English the current international definition of candela.

## SECOND SCHEDULE

MEASURES AND WEIGHTS WHICH MAY BE PROCURED FOR USE AS  
EAST AFRICAN PRIMARY REFERENCE STANDARDS

## PART I

*Measures of Length*

Measures of—

20 metres	1 metre
10 metres	1 decimetre
3 metres	1 centimetre
2 metres	

which may be in whole or in part with divisions representing the following, namely, metres, decimetres, centimetres and millimetres.

## PART II

*Square Measures*

Measures of, or of any multiple of, 1 square decimetre.

## PART III

*Cubic Measures*

Measures of, or of any multiple of, 100 cubic decimetres.

## PART IV

*Capacity Measures*

Measures of—

	any multiple of 10 litres
10 litres	100 millilitres
5 litres	50 millilitres
2½ litres	25 millilitres
2 litres	20 millilitres
1 litre	10 millilitres
500 millilitres	5 millilitres
250 millilitres	2 millilitres
200 millilitres	1 millilitre

## PART V

*Weights*

1. Weights of—

20 kilograms	2 grams
10 kilograms	1 gram
5 kilograms	500 milligrams
2 kilograms	200 milligrams
1 kilogram	100 milligrams
500 grams	50 milligrams
200 grams	20 milligrams
100 grams	10 milligrams
50 grams	5 milligrams
20 grams	2 milligrams
10 grams	1 milligram
5 grams	



## SECOND SCHEDULE—(Contd.)

## 2. Weights of—

500 metric carats	1 metric carat
200 metric carats	0.5 metric carat
100 metric carats	0.25 metric carat
50 metric carats	0.2 metric carat
20 metric carats	0.1 metric carat
10 metric carats	0.05 metric carat
5 metric carats	0.02 metric carat
2 metric carats	0.01 metric carat

**Act No. 4 of 1970**

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**ACTS OF THE COMMUNITY (MISCELLANEOUS  
AMENDMENTS)**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**  
*President of the United Republic of  
Tanzania.*

*Date: 23rd June 1970.*

**A. MILTON OBOTE,**  
*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**  
*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to make minor amendments to  
certain Acts of the Community**

*Date of Commencement: 1st July 1970*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

Short title.

**1.** This Act may be cited as the Acts of the Community (Miscellaneous Amendments) Act 1970.

Amendment of  
Acts of the  
Community.

**2.** The provisions of the Acts of the Community specified in the first column of the Schedule to this Act are amended in the manner and with effect from the dates specified in relation thereto in the second and third columns, respectively, of that Schedule.

## SCHEDULE

(s. 2)

<i>Act</i>	<i>Amendment</i>	<i>Date</i>
<p>1. The Pensions Act (Cap. 9) s. 2 (1)</p> <p>s. 17</p>	<p>(a) In the definition of "public service" replace paragraph (d) with the following new paragraphs—</p> <p>(d) service as the holder of the office of President, Vice-President, Justice of Appeal, Registrar, officer or servant of the Court of Appeal for Eastern Africa or, with effect from 1st December 1967, the Court of Appeal for East Africa;</p> <p>(e) any other service which the Authority may determine to be public service for the purposes of this Act.;</p> <p>(b) in the definition of "other public service" insert immediately after the word "Community" the words "the Court of Appeal for Eastern Africa or, with effect from the 1st December 1967, the Court of Appeal for East Africa".</p> <p>Replace subsection (5) thereof with the following subsections—</p> <p>(5) In the case of the death of an officer whose dependants are entitled to compensation under any law relating to workmen's compensation, the pensions authority may take such compensation into account to such extent as it thinks fit in fixing the amount of pension to be paid under this section.</p> <p>(6) This section shall not apply in the case of the death of any officer where benefits corresponding to the benefits granted by this section are payable under the Colonial Superannuation Scheme in respect of such death.</p>	<p>Date of publication of Act.</p>

## SCHEDULE—(Contd.)

<i>Act</i>	<i>Amendment</i>	<i>Date</i>
2. The Customs and Excise Revenue Allocation Act 1949 (No. 10 of 1949) s. 3	Replace with the following—  3. All sums collected or received by the Department as customs and excise revenue or as unallocated duty shall be apportioned among the Governments of the Partner States in accordance with Article 68 of the Treaty and the proportion due to each Government shall, as soon as may be, be paid over to the appropriate accounting officer of the Partner State.	Date of publication of Act.
s. 5	Replace the words “the Fund established by the Community under Article 65 of the Treaty” with the words “the General Fund”.	
s. 6	Delete subsection (3).	
3. The East African Customs and Transfer Tax Management Act 1952 (No. 12 of 1952) s. 107	In subsection (1) (b) replace the word “sterling” with the words “the currency of any Partner State”.	Date of publication of Act.
s. 184	(a) Replace paragraph (b) with the following—  (b) who has seized any goods or by whose aid any goods are seized under the provisions of this Act such reward, not exceeding the value of the goods seized, as he may think fit;;  (b) insert the following paragraph immediately after paragraph (c)—  (d) by whose aid any offence is compounded in accordance with the provisions of Part XV of this Act such reward as he may think fit.	

## SCHEDULE—(Contd.)

Act	Amendment	Date
4. The East African Excise Management Act 1952 (No. 13 of 1952) s. 33  s. 104	Insert in the proviso thereto the words "whether specific or <i>ad valorem</i> " immediately after the words "higher rate of duty" where they first appear.	Date of publi- cation of Act.
5. The East African Inland Water Trans- port Act 1958 (No. 11 of 1958) s. 2	Insert the following new paragraph immediately after paragraph (c)— (d) by whose aid any offence is compounded in accordance with the provisions of Part XI of this Act such reward as he may think fit.	Date of publi- cation of Act.
s. 3 (2)	(a) In the definition of "inland waters" replace paragraphs (c), (d) and (e) with the following— (c) the River Nile and all lakes in Uganda and any river or stream flowing into or out of such lakes to the extent that such rivers or streams are navigable; (d) Lake Rudolf and any river or stream flowing into or out of such lake to the extent that such river or stream is navigable; (e) Lake Naivasha and any river or stream flowing into or out of such lake to the extent that such river or stream is navigable;; (b) delete the word "native" from the definition "native canoe". (a) In paragraph (a) delete the word "native"; (b) in paragraph (d) insert after the words "Partner States" the words "except where such vessel is used for the carriage of passengers for hire or reward;".	Date of publi- cation of Act.

## SCHEDULE—(Contd.)

Act	Amendment	Date
s. 11	<p>Renumber as subsection 11 (1) thereof and insert the following new subsection—</p> <p>(2) Without prejudice to any penalty provided for in this Act in relation to an offence contrary to the provisions of paragraph (a) of subsection (1), an authorized employee of the East African Railways Corporation or a police officer may require such number of passengers or such amount of cargo as may be necessary to leave or be removed from a vessel so as to abate the continuance of an offence under the provisions of paragraph (a) of subsection (1).</p>	
6. The East African Legislative Assembly (Powers and Privileges) Act 1962 (No. 1 of 1962) s. 31	Delete.	Date of publication of Act.
7. The East African Civil Aviation Act 1964 (No. 22 of 1964) s. 6	<p>Replace paragraphs (c), (d) and (e) with the following new paragraphs—</p> <p>(c) the Permanent or Principal Secretary in each Partner State responsible for communications or a person deputed by him in writing;</p> <p>(d) the Permanent or Principal Secretary in each Partner State responsible for tourism or a person deputed by him in writing.</p>	Date of publication of Act.
s. 12	<p>Replace subsections (4) and (5) with the following new subsection—</p> <p>(4) Any Regulations made under this section may provide in respect of any contravention thereof or non-compliance therewith, for the imposition of penalties not exceeding a fine of 120,000 shillings or two years imprisonment in default.</p>	

## SCHEDULE—(Contd.)

Act	Amendment	Date
<p>8. The Public Service Commissions Act 1962 (No. 6 of 1962) s. 2 (1)</p> <p>s. 13A</p> <p>Second Schedule</p>	<p>In the definition of "office of emolument" replace the words "which is shown under a Personal Emoluments sub-head in the current Estimates of the Organization" with the words "in the service of the Community".</p> <p>Delete.</p> <p>Delete regulation 36 (2).</p>	<p>1st January 1967.</p>
<p>9. The Laws of the Community (Revision) Act 1968 (No. 3 of 1968) s. 5</p> <p>s. 6</p>	<p>Replace the expression "1st January 1969" with the expression "1st January 1971".</p> <p>In subsection (1) thereof replace the expression "Revised Edition 196 " with the expression "Revised Edition 1970".</p>	<p>Date of publication of Act.</p>
<p>10. The Official Secrets Act 1968 (No. 4 of 1968) s. 8</p>	<p>Delete.</p>	<p>Date of publication of Act.</p>
<p>11. The Laws of the Community (Interpretation) Act 1969 (No. 6 of 1969) s. 2</p> <p>s. 9</p>	<p>In subsection (1) thereof insert in their proper alphabetical order the following definitions—</p> <p>"the General Fund" means the General Fund provided for by Article 65 of the Treaty;</p> <p>"the Assembly" means the East African Legislative Assembly;</p> <p>Insert immediately after the word "revocation" the words "or repeal".</p>	<p>Date of publication of Act.</p>
<p>12. The E.A. Railways Corporation Act 1967 (L.N. 3 of 1967) s. 29</p>	<p>(a) In subsection (1) insert immediately after the words "revenue and expenditure of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation" and immediately after the words "a statement of accounts of the Corporation" the words "and such subsidiary corporation";</p>	<p>1st January 1971.</p>

## SCHEDULE—(Contd.)

Act	Amendment	Date
	(b) in subsection (2) insert immediately after the words "the accounts of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".	
s. 30 (1)	Insert immediately after the word "Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".	
s. 70	<p>Replace paragraph (p) thereof with the following new paragraph—</p> <p>(p) being an employee of the Corporation receives from any passenger or from any other person delivering goods to the Corporation, any amount of money and,</p> <p>(i) in the case of any amount of money received as a passenger fare, fails to issue a ticket immediately in respect of such amount of money, and</p> <p>(ii) in any other case, fails within reasonable time not exceeding half an hour to issue a receipt in respect of such amount of money.</p>	Date of publication of Act.
13. The E.A. Airways Corporation Act 1967 (L.N. 4 of 1967) s. 20	(a) In subsection (1) insert immediately after the words "revenue and expenditure of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation" and immediately after the words "a statement of accounts of the Corporation" the words "and such subsidiary corporation";	1st January 1971.



## SCHEDULE—(Contd.)

Act	Amendment	Date
s. 21	<p>(b) in subsection (2) insert immediately after the words "the accounts of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p> <p>Insert immediately after the word "Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p>	
<p>14. The E.A. Posts and Telecommunications Corporation Act 1967 (L.N. 5 of 1967)</p> <p>s. 104</p>	<p>(a) In subsection (1) insert immediately after the words "revenue and expenditure of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation" and immediately after the words "a statement of accounts of the Corporation" the words "and such subsidiary corporation";</p> <p>(b) in subsection (2) insert immediately after the words "the accounts of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p> <p>In subsection (1) thereof insert immediately after the word "Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p>	1st January 1971.
s. 105		
<p>15. The E.A. Harbours Corporation Act 1967 (L.N. 6 of 1967)</p> <p>s. 24</p>	<p>(a) In subsection (1) insert immediately after the words "revenue and expenditure of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation" and immediately after the words "a statement of accounts of the Corporation" the words "and of such subsidiary corporation";</p>	

SCHEDULE—(Contd.)

Act	Amendment	Date
s. 25	<p>(b) in subsection (2) insert immediately after the words "the accounts of the Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p> <p>In subsection (1) thereof insert immediately after the word "Corporation" the words "and of any subsidiary corporation established or acquired and wholly owned by the Corporation".</p>	

**Act No. 5 of 1970****UNIVERSITY OF EAST AFRICA AND CONSTITUENT COLLEGES (REPEAL)**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of*

*Date: 23rd June 1970.*

*Tanzania.*

**A. MILTON OBOTE,**

*Date: 30th June 1970.*

*President of Uganda.*

**JOMO KENYATTA,**

*Date: 3rd July 1970.*

*President of Kenya.*

**An Act of the Community to repeal the University of East Africa Act, the Makerere University College Act, the University College, Nairobi, Act and the University College, Dar es Salaam, Act and to make provision for matters connected therewith and incidental thereto**

*Date of Commencement: 1st July 1970*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

1. This Act may be cited as the University of East Africa and Constituent Colleges (Repeal) Act 1970 and shall come into operation on the 1st July 1970, hereinafter referred to as the operative date.

Short title and commencement.

2. The University of East Africa Act 1962 is hereby repealed.

Repeal of Act 16 of 1962.

3. (1) On the operative date there shall be transferred to and vest in the Community, by virtue of this section and without further assurance the assets and liabilities of the University of East Africa in its corporate capacity and from that date the Community shall, in respect of the assets and

Vesting of assets and liabilities of the University of East Africa.

liabilities so transferred and vested, have all rights and be subject to all liabilities which the University of East Africa has, or is subject to, immediately before that date.

(2) On or after the operative date every contract made by or on behalf of the University of East Africa in relation to the University, (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder can be assigned by the University) shall have effect as if for references therein to the University of East Africa or any officer or authority thereof, there were substituted, in relation to anything falling to be done on or after the said date, reference to the Community.

(3) Any proceedings by or against the University of East Africa in relation to the University pending on the operative date shall be continued by or against the Community.

(4) The assets vested in the Community by virtue of subsection (1) of this section shall be held by the Community for the use of the Inter-University Committee for East Africa.

**4.** (1) The Makerere University College Act is hereby repealed.

(2) On or after the operative date—

(a) the assets and liabilities of the Makerere University College in its corporate capacity shall be disposed of in such manner as may be provided for by an Act of the Parliament of Uganda; and

(b) every contract made by or on behalf of the Makerere University College in relation to the College, (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder can be assigned by the College) shall be assigned, and any proceedings pending on the said date by or against the College shall be continued, in such manner as may be provided for by an Act of the Parliament of Uganda.

**5.** (1) The University College, Nairobi, Act is hereby repealed.

(2) On or after the operative date—

(a) the assets and liabilities of the University College, Nairobi, in its corporate capacity shall be disposed of in such manner as may be provided for by an Act of the Parliament of Kenya; and

Repeal of  
Cap. 16 and  
disposal of  
assets and  
liabilities of  
Makerere  
University  
College.

Repeal of Act 4  
of 1960 and  
disposal of  
assets and  
liabilities of  
the University  
College,  
Nairobi.

- (b) every contract made by or on behalf of the University College, Nairobi, (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder can be assigned by the College) shall be assigned, and any proceedings pending on the said date by or against the College shall be continued, in such manner as may be provided for by an Act of the Parliament of Kenya.

6. (1) The University College, Dar es Salaam, Act 1963 is hereby repealed.

Repeal of  
Act 14 of 1963  
and disposal  
of assets and  
liabilities of  
the University  
College,  
Dar es Salaam.

(2) On or after the operative date—

- (a) the assets and liabilities of the University College, Dar es Salaam, in its corporate capacity shall be disposed of in such manner as may be provided for by an Act of the National Assembly of Tanzania; and
- (b) every contract made by or on behalf of the University College, Dar es Salaam, (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder can be assigned by the College) shall be assigned, and any proceedings pending on the said date by or against the College shall be continued, in such manner as may be provided for by an Act of the National Assembly of Tanzania.

**Act No. 6 of 1970****COMMUNITY EMBLEMS**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of  
Tanzania.*

*Date: 23rd June 1970.*

**A. MILTON OBOTE,**

*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**

*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to make provisions for the declaration of the Emblems of the Community and the protection thereof against disrespect and misuse**

*Date of Commencement: 1st July 1970*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

Short title.

**1.** This Act may be cited as the Community Emblems Act 1970.

Interpretation.

**2.** In this Act—

“specified emblem” means the flag, heraldic device or seal specified in the Schedule to this Act, or the words “East African Community” or any abbreviation thereof.

Community flag and emblem.

**3.** (1) The flag of which the dimensions and description are set out in Part I of the Schedule to this Act is hereby declared to be the flag of the Community (in this Act referred to as the Community Flag).

(2) The heraldic device of which the design and description are set out in Part II of the Schedule to this Act is hereby declared to be the heraldic device of the Community (hereinafter referred to as the Community Emblem).

4. (1) The seal of which the design is set out in Part III of this Act is hereby declared to be the Official Seal of the Community:

Official Seal  
of Community.

Provided that nothing in this Act shall affect the validity of any instrument which was duly sealed with a seal used as the Official Seal of the Community during the period from 1st December 1967 until the date of publication of this Act.

(2) The Official Seal shall be in the custody of the Secretary-General who shall make suitable arrangements for its security and use.

5. Any person who, except with the permission of the Authority dully notified in the gazette, uses or displays the Community Flag or the Community Emblem shall, without prejudice to his liability, if any, to be proceeded against under section 6 of this Act, be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Unauthorized  
display of  
Community Flag  
or Emblem an  
offence.

6. (1) Any person who, except with the permission of the Authority dully notified in the Gazette—

Unauthorized  
use for trade,  
etc. of specified  
emblem an  
offence.

(a) uses or permits to be used in connexion with any trade, business, calling or profession any specified emblem or any imitation thereof; or

(b) uses any specified emblem or any imitation thereof in the title of any patent, or in any trade mark or design; or

(c) manufactures or imports any thing bearing any specified emblem or any imitation thereof,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Nothing in subsection (1) (a) of this section shall apply to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or as advertisement, for, any trade, business, calling or profession.

7. Any person who shows disrespect, in speech, manner or writing, to or with reference to any specified emblem, or any representation thereof, shall be guilty of an offence and liable

Insulting  
specified  
emblem an  
offence.

to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

## Regulations.

8. The Authority may make Regulations for the better carrying out of the provisions of this Act.

## Consequential amendment of Act 6 of 1969.

9. Section 2 (1) of the Laws of the Community (Interpretation) Act 1969 is amended by substituting for the definition of "the Official Seal" which appears therein the following definition—

"the Official Seal" in relation to the Community means the official seal of the Community as declared under the Community Emblems Act 1970.

## SCHEDULE

## PART I

*Community Flag*1. *Dimensions*

(a) The ratio of the length to breadth of the Flag is 3:2.

A choice of any particular measurements can be used to make Flags of any of the following sizes:—

6 × 4

9 × 6

12 × 8

(b) Specifications of the sizes of the colour stripes of the Flag in a Flag of length 36 units by 24 units to be as follows—

(i) the two dominant colours, green and blue, which form the upper and lower horizontal stripes respectively to be of  $6\frac{1}{2}$  units in width each;

(ii) the white stripes which sandwich the black, green, yellow and red stripes to be of one unit each in width;

(iii) the yellow stripe is one unit in width;

(iv) the black, two inner green stripes and the red stripes are each two units in width.

2. *Description of the Flag*

The Community Flag has two dominant colours, green and blue, that form the upper and lower horizontal stripes respectively. The two thin white stripes follow immediately after the outer stripes and are in turn flanked by a bigger black stripe at the top and a red one at the bottom. The black and red stripes are equal in width.

A yellow stripe of the same width as that of the white stripes is at the centre and is sandwiched by two green stripes of the same width as that of the black and red stripes.

Three red stars, representing the Partner States, appear in the left-hand corner of the upper green stripe.



## PART II

*The Community Emblem**Description*

The Emblem of the Community embodies the following features which appear on the Coats of Arms of the three Partner States:—

- (i) Two spears.
- (ii) A burning torch.
- (iii) A mountain.
- (iv) A shield.
- (v) Some agricultural products; and a background of the Community Flag.

The Oval Shield is supported by two Spears on the sides. The two Spears stick up above the top oval part of the Shield. At the centre of the Shield is a burning torch standing on a hexagon in which the letters EAC are inscribed in black.

The lower part of the Shield rests on a framework depicting some agricultural products. The words "East African Community" are inscribed in black at the bottom of this framework. At the background of the burning torch is a mountain, capped by snow.

The Mountain background rests on the Community Flag. At the centre of the Flag stands a burning torch, as described above.

## PART III

*The Official Seal of the Community*

**Act No. 7 of 1970****APPROPRIATION**

Assented to on behalf of the East African Community.

**JULIUS K. NYERERE,**

*President of the United Republic of*

*Date: 23rd June 1970.*

*Tanzania.*

**A. MILTON OBOTE,**

*President of Uganda.*

*Date: 30th June 1970.*

**JOMO KENYATTA,**

*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to authorize the payment out of the General Fund of certain sums of money to meet the expenditure of the Community for the Financial Year Ending on 30th June 1971**

*Date of Commencement: 1st July 1970*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

Short title.

**1.** This Act may be cited as the Appropriation Act 1970.

Interpretation.

**2.** In this Act—

“the Finance Council” means the Finance Council established under Article 53 of the Treaty;

“the General Fund” means the General Fund established by Article 65 of the Treaty.

Grant out of General Fund of Sh. 300,754,005 for year ending 30th June 1971.

**3.** There may be paid out of the General Fund, in the manner provided by section 5 of this Act, for the year ending on 30th June 1971 the sum of three hundred million, seven hundred fifty-four thousand and five Tanzania shillings.

Appropriation of money granted.

**4.** The sum granted out of the General Fund by section 3 of this Act shall be appropriated for the services and purposes specified in the Schedule to this Act.

5. (1) The Accountant-General of the Community is hereby authorized, upon a warrant under the hand of the Chairman of the Finance Council, to pay out of the General Fund for the year ending on 30th June 1971 and for the services and purposes specified in the Schedule to this Act the sums respectively specified in relation thereto.

Payment out  
of General Fund  
by Accountant-  
General.

(2) Any warrant of the Chairman issued under this section shall specify, in relation to any service or purpose, the amount of the payment authorized by the warrant.

## SCHEDULE

(ss. 4 and 5)

Vote	Service and Purposes	Tanzania shillings
1	Court of Appeal for East Africa .. .. .	1,355,575
2	East African Legislative Assembly .. .. .	1,082,934
3	Community Service Commission .. .. .	793,100
4	Office of the Secretary-General .. .. .	2,872,628
5	Chambers of the Counsel to the Community ..	1,666,105
6	Common Market and Economic Affairs Secretariat .. .. .	7,395,031
7	Finance and Administration Secretariat .. ..	18,598,878
8	Miscellaneous Services .. .. .	20,575,165
9	E.A. Customs and Excise Department .. .. .	42,267,301
10	E.A. Income Tax Department .. .. .	31,161,390
11	Communications and Research Secretariat ..	3,869,563
12	E.A. Industrial Research Organization .. ..	1,689,514
13	Natural Resources Research .. .. .	23,147,375
14	Medical Research .. .. .	9,584,151
15	E.A. Literature Bureau .. .. .	2,490,382
16	Higher Education .. .. .	1,269,212
17	E.A. Directorate of Civil Aviation .. .. .	35,226,397
18	E.A. Meteorological Department .. .. .	17,958,652
19	Audit Department .. .. .	3,271,245
20	Capital Expenditure .. .. .	74,479,407
	TOTAL ..	<u>Sh. 300,754,005</u>

**Act No. 8 of 1970****EAST AFRICAN INDUSTRIAL LICENSING**

Assented to on behalf of the East African Community.

JULIUS K. NYERERE,  
*President of the United Republic of  
Tanzania.*

*Date: 23rd June 1970.*

A. MILTON OBOTE,  
*President of Uganda.*

*Date: 30th June 1970.*

JOMO KENYATTA,  
*President of Kenya.*

*Date: 3rd July 1970.*

**An Act of the Community to make provision for the orderly promotion and development of certain industries by means of industrial licensing effected on an East African basis through the East African Industrial Council, and for purposes connected therewith**

*Date of Commencement: By Notice*

ENACTED by the President of the United Republic of Tanzania, the President of the Republic of Uganda and the President of the Republic of Kenya on behalf of the East African Community, with the advice and consent of the East African Legislative Assembly, as follows:—

Short title,  
commencement  
and duration.

1. (1) This Act may be cited as the East African Industrial Licensing Act 1970 and shall come into operation on such date as the Authority may, by notice in the Gazette, appoint.

(2) This Act shall continue in force until the 31st October 1973, and shall then expire.

Interpretation.

2. (1) In this Act except where the context otherwise requires—

“Appeals Tribunal” means the Industrial Licensing Appeals Tribunal established under section 13 of this Act;

“applicant” means any person making an application under this Act; and “application” means an application under this Act for the issue, renewal, variation or transfer of a licence or an application for a declaration;

“cottage industry” means, in relation to the manufacture of any scheduled article, any single unit of industry in which not more than ten workers are employed and no prime mover is utilized;

“Council” means the East African Industrial Council established under section 3 of this Act;

“declaration” means a declaration made by the Council upon an application under section 8 (1) (b) of this Act;

“factory” means any place, other than a place where a cottage industry is carried on, and any machinery or plant therein, used or intended to be used for the manufacture of any scheduled article;

“licence” means a licence issued by the Council upon an application under section 8 (1) (a) of this Act; and “licensee” means the holder of a licence;

“manufacture” means to process any physical matter (including a scheduled article) in such manner as to convert it, by changing its substance, character or appearance into a scheduled article;

“objector” means any person who has, in accordance with section 8 (3) of this Act, objected to an application;

“prime mover” means any engine, motor or other appliance which provides mechanical energy in excess of five horsepower derived from steam, water, wind, electricity, the combustion of fuel, or other source;

“Registrar” means the person appointed to be Registrar under section 5 of this Act;

“scheduled article” means an article falling within a scheduled class of products;

“scheduled class of product” means a class of product specified in the First Schedule of this Act;

“specified article” means any scheduled article which a licensee is, under and in accordance with his licence, authorized to manufacture for sale, or for the manufacture of which for sale he is authorized to erect, establish or operate a factory.

(2) In determining for the purposes of this Act whether an article is a scheduled article or a class of product is a scheduled class of product, regard shall be had to the normal trade usage in relation to that article or class of product.

Establishment of  
East African  
Industrial  
Council.

3. (1) There is hereby established a council, to be called the East African Industrial Council, which shall have the functions assigned to it by or under this Act.

(2) The Council shall consist of—

(a) the Secretary, Common Market and Economic Affairs Secretariat of the Community, who shall be the Chairman;

(b) the Counsel to the Community or, in his absence the Deputy Counsel;

(c) three members appointed by the Government of Tanzania;

(d) three members appointed by the Government of Uganda;

(e) three members appointed by the Government of Kenya.

(3) A member appointed under paragraph (c), paragraph (d) or paragraph (e) of subsection (2) (hereinafter referred to as an appointed member) shall hold office until such time as his appointment is revoked by the Partner State which appointed him.

(4) An appointed member may resign his office by instrument in writing addressed to the Chairman.

(5) In the event of a vacancy caused by the death, permanent incapacity, resignation or removal from office, of an appointed member, the appointing authority shall appoint in his place another member.

Meetings and  
proceedings of  
Council.

4. (1) The Council shall meet at least once every year.

(2) The Chairman may at any time convene a meeting of the Council, and shall do so within one month of the receipt by him of a written request signed by at least three members.

(3) In the absence of the Chairman from any meeting of the Council, the members present shall elect one of their number to preside at such meeting.

(4) At a meeting of the Council the Chairman or other member presiding shall have no deliberate vote, but shall have a casting vote which shall be exercisable only in the event of the votes of the other members of the Council being equal.

(5) Save as is provided in the proviso to section 10 (1) of this Act, the decision of the majority of the members present and voting at a meeting of the Council shall be deemed to be a decision of the Council and such decision shall be effective notwithstanding that the minutes of that meeting have not been confirmed in accordance with subsection (6) of this section.

(6) Minutes of the proceedings of every meeting of the Council shall be regularly kept and the minutes of the proceedings of a meeting shall be placed before the next ensuing meeting and, if then passed as correct, shall be confirmed by the signature of the member presiding thereat.

(7) The Council may co-opt to serve on it for such length of time as it thinks fit any person whose assistance or advice it may require, but a person so co-opted shall not be entitled to vote at any meeting of the Council or be counted as a member for the purpose of forming a quorum.

(8) The quorum for any meeting of the Council shall be seven, with at least one appointed member from each Partner State being present.

(9) Subject to subsection (8), the powers of the Council shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment of a person purporting to be a member of the Council.

(10) Subject to this Act, the Council shall have power to regulate its own procedure.

5. (1) The Authority shall, by notice in the Gazette, appoint an officer in the service of the Community to be Registrar for the purposes of this Act.

Appointment of  
Registrar.

(2) The Council may give to the Registrar directions of a general or special character as to the exercise of his functions under this Act, and the Registrar shall give effect to any directions so given.

Licence  
required for  
manufacture for  
sale of  
scheduled  
articles.

**6. (1)** No person shall in East Africa—

- (a) in any factory, manufacture for sale any scheduled article; or
- (b) erect, establish or operate any factory for the manufacture for sale of any scheduled article,

otherwise than under and in accordance with the terms of a licence issued to him and for the time being in force.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and such imprisonment.

(3) For the purposes of this section—

- (a) where a scheduled article is manufactured in the course of, and solely for the purpose of, manufacturing a specified article, then the scheduled article so manufactured shall be deemed not to have been manufactured for sale; and
- (b) where a scheduled article is manufactured in the course of the manufacture for sale of an article other than a scheduled article, then the scheduled article so manufactured shall be deemed to have been manufactured for sale.

Licences not  
transferable  
except with  
consent of  
Council.

**7.** A licence shall not be transferable except with the consent of the Council given upon an application, and any licensee who transfers or purports to transfer his licence to another person without the consent of the Council shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

Applications for  
licences and  
declarations and  
objections  
thereto.

**8. (1)** Any person who—

- (a) desires to obtain a licence to manufacture for sale any scheduled article, or to erect, establish or operate any factory for the manufacture for sale of any scheduled article, or to obtain the renewal, variation or transfer of a licence already issued to him; or
- (b) being a licensee or an applicant for a licence, desires to obtain a declaration, or the renewal of a declaration, from the Council that no other licence to manufacture for sale, or to erect, establish or operate



any factory for the manufacture for sale shall be granted by the Council in respect of any specified article to which his licence relates or, as the case may be, in respect of any scheduled article to which his application relates,

shall make application to the Council in such form as the Council may specify, and shall furnish such information as the Council may reasonably require.

(2) The Registrar shall submit to the Council any application made under this section and shall—

- (a) forward a copy of such application to each of the Governments of the Partner States; and
- (b) cause a notice of the application to be published, in the appropriate form in the Second Schedule of this Act, in the Gazette of the Community and in the Gazette of each of the Partner States.

(3) (a) Any person who claims that, in respect of any industry, commerce or trade in East Africa in which he has a financial interest, he is liable to be injuriously affected by the grant of the application referred to in a notice published under subsection (2) (b) of this section may, within the time specified in the notice, object in writing to the Registrar to the grant of the application.

(b) An objection under this subsection shall state the grounds upon which the objector claims that he is liable to be injuriously affected by the grant of the application and shall be certified to the effect that a copy of the objection has been served by post by the objector on the applicant referred to in the notice.

(4) Every application and any objection thereto shall be inquired into by the Council in the manner provided in section 9 of this Act.

(5) Any person who makes or causes to be made, either orally or in writing, any declaration or representation which he knows or has reason to believe to be false for the purpose of obtaining the grant of his application shall be guilty of an offence and liable to imprisonment for a term not exceeding six months.

Inquiry into applications to be held by Council.

9. (1) The Council shall, as soon as practicable, meet for the purpose of inquiring into any application and any objection thereto, and the Registrar shall in writing inform the applicant and any objector of the date, time and place of such inquiry.

(2) In considering any application at an inquiry held by the Council, the Council shall have regard to the object of effecting on an East African basis the orderly promotion and development of industries manufacturing or seeking to manufacture for sale scheduled articles and shall, in addition to any other relevant matter, have regard to—

- (a) the capital, technical skill, and raw materials available to the applicant;
- (b) the siting, or proposed siting of any factory in relation to the availability of power, fuel, labour, transport, raw materials, land and water;
- (c) the potential production of, and the potential demand for, both within and without East Africa, the scheduled articles in respect of which the application is made in so far as, in the opinion of the Council, such production and demand is likely to affect the undertaking in respect of which the application is made;
- (d) the interests and conditions of service of the labour employed or to be employed by the applicant;
- (e) the interests of the potential consumers of the scheduled article in respect of which the application is being made;
- (f) the general promotion and development of industries and the avoidance of uneconomic competition.

(3) The Council shall investigate and consider every application and any objection thereto, and shall hear, record the substance of, and consider, all relevant evidence and matters submitted by or on behalf of the applicant and objector, if any.

(4) At an inquiry held under this section, the applicant shall be entitled to be present or be represented during the whole hearing.

(5) Save with the express consent of the applicant, an objector shall not be entitled to be present or be represented by an advocate at the hearing of an application held under the provisions of this section except during the hearing of evidence of independent expert witnesses and witnesses giving evidence in rebuttal of his objection.

(6) At any inquiry held under this section the Council may administer oaths and may, for the purpose of dealing with any matter before it, summon any person to attend and give evidence and to produce any relevant documents.

(7) Subject to this section, the Council shall have power to regulate its procedure at an inquiry held under this section.

10. (1) Upon the conclusion of an inquiry held under section 9 of this Act, the Council may in its discretion decide to grant an application or to refuse to grant an application, and may in granting an application impose such conditions as it thinks desirable:

Issue of  
licences and  
making of  
declarations.

Provided that an application for a declaration shall not be granted unless the majority of the members appointed to the Council by the Partner State in which such declaration will be effective if granted vote in favour of granting the application.

(2) The Council shall forward to the Registrar a copy of its decision, and if such decision is that the application be refused the grounds upon which such decision is based shall be specified.

(3) The Registrar shall give effect to a decision of the Council and shall—

- (a) if such decision is that a licence be issued, renewed, varied or transferred, issue, subject to subsection (4) of this section, a licence in the appropriate form in the Second Schedule of this Act, or renew, vary or transfer a licence already issued;
- (b) if such decision is that a declaration be made, give written notice of such declaration to the applicant;
- (c) if such decision is that an application be refused, give written notice of such decision to the applicant stating in the notice the grounds of refusal,

and shall in each case give written notice of the decision to the objector, if any.

(4) No licence shall be issued, renewed, varied or transferred under this section until the expiration of the period prescribed under section 14 (1) (a) for the exercise of the right of appeal to the Appeals Tribunal, or, where the right has been exercised, until the appeal has been withdrawn or determined.

(5) Every licence issued under this Act shall specify the scheduled articles in respect of which it is granted and shall be endorsed with every condition imposed by the Council.

(6) A declaration made under this Act shall not prejudice the rights of a licensee under any licence issued to him before the making of the declaration.

(7) The Council may with the consent of the licensee on whose application a declaration has been made, and notwithstanding such declaration, grant an application for a licence to manufacture for sale any scheduled article in respect of which the declaration was made and such licence shall specify any conditions imposed by the consenting licensee in giving his consent.

Duration of  
licences and  
declarations.

**11.** (1) Any licence granted under this Act shall be valid for such period, not extending beyond the date upon which this Act expires, as the Council may determine.

(2) Any declaration made under this Act shall expire on such date, not being a date after the date upon which this Act expires, as the Council may determine.

Revocation of  
licences and  
declarations.

**12.** (1) If in the opinion of the Council, a licensee has—

(a) failed to comply with any condition attached to his licence; or

(b) failed or ceased to manufacture for sale any specified article, or to operate any factory for the manufacture for sale of such specified article, in respect of which the licence is granted; or

(c) failed to maintain a minimum level of production of such specified articles,

the Council may, in its discretion, call upon him to show cause why his licence should not be varied or cancelled; and for such purpose the Council may hold such inquiry as it may think fit.

(2) If a licensee who has under subsection (1) been called upon to show cause why his licence should not be varied or cancelled, as the case may be, fails to do so, or fails to do so to the satisfaction of the Council, the Council may vary or cancel such licence from such date as the Council may decide or may make such other order as it may think fit.

(3) Where any declaration has been made on the application of any licensee whose licence is cancelled under this section, the Council may direct that such declaration shall expire with effect from the date on which the licence is cancelled.

(4) Upon the variation or cancellation of a licence under this section the Registrar shall give written notice of such variation or cancellation to the licensee stating in the notice the reasons therefor.

**13.** (1) There is hereby established a tribunal, to be called the Industrial Licensing Appeals Tribunal, which shall consider and determine appeals to it under this Act, and whose decision in every such appeal shall be final.

Establishment  
of Appeals  
Tribunal.

(2) The Appeals Tribunal shall consist of three members, being persons qualified for appointment as judges of the High Courts of the Partner States, who shall be appointed by the Authority by notice in the Gazette.

(3) Decisions of the Appeals Tribunal shall be by a majority.

(4) Subject to any directions which may be given by the Authority, the Appeals Tribunal shall have power to regulate its own procedure.

**14.** (1) Any applicant, licensee or objector who is aggrieved by the decision of the Council under section 10 of this Act, and every licensee whose licence is varied or cancelled under section 12 of this Act, may appeal to the Appeals Tribunal on a matter of law only—

Appeals.

(a) by giving a written notice of appeal to the Appeals Tribunal within thirty days of the date of any notice given to him by the Registrar under section 10 or section 12 of this Act; and

(b) by submitting in writing to the Appeals Tribunal, within a further fourteen days of the date of his notice of appeal, his grounds of appeal.

(2) In any appeal before the Appeals Tribunal—

- (a) the appellant and any objector shall have the right to appear before the Tribunal or to be represented by an advocate;
- (b) the Tribunal may administer oaths and may, for the purpose of dealing with any matter before it, summon any person to attend and give evidence and to produce any relevant documents;
- (c) the Tribunal may award costs and direct that the whole or any portion of any fee paid in respect of the appeal be refunded;
- (d) the Tribunal may direct that any application be granted on such conditions as it may after consultation with the Council impose;
- (e) the Tribunal may direct that any licence cancelled by the Council be restored to the appellant or that any licence shall not be varied or shall be varied in such manner as the Tribunal may, after consultation with the Council, specify.

(3) The Registrar shall give effect to any award or direction of the Appeals Tribunal.

Fees.

**15.** The fees specified in the Third Schedule of this Act shall be payable for the acts and matters specified in relation thereto in that Schedule.

Offence in respect of proceedings before the Council or the Appeals Tribunal.

**16.** Any person who without reasonable cause fails, when summoned by the Council or by the Appeals Tribunal, to attend as a witness or to produce any document which he is required to produce under this Act shall be guilty of an offence and liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

Liability of body corporate.

**17.** Where an offence under this Act is committed by a body corporate, then, as well as the body corporate, any person who, at the time of the commission of the offence, was concerned, as a director or officer, with the management of the affairs of such body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the Court that he had no knowledge and could not, by the exercise of reasonable diligence, have had knowledge of the commission of the offence.

**18. The Authority may—**

- (a) by order delete any scheduled class of product or any scheduled article from the First Schedule;
- (b) by order amend the Second and Third Schedules;
- (c) after consultation with the Council, make regulations generally for giving effect to this Act, and in particular, for controlling and regulating cottage industries.

Regulations and orders.

**19. (1)** The proceedings of the fifty-fifth and fifty-sixth meetings of the East African Industrial Council constituted under the East African Industrial Council Order 1962 shall be deemed to be, and are hereby declared to be, valid, and every act, thing, decision, determination or order done, made or given, and every business transacted by that Council at those meetings shall be deemed to have been, and are hereby declared to have been, validly done, made, given or transacted, as the case may be, notwithstanding the absence from any of those meetings of the chairman or any other member, or any other irregularity in the composition or constitution of that Council during any of those meetings or any part thereof.

Validation of proceedings of certain meetings of Council constituted under G.N. 49 of 1962 and of decisions, etc., of Appeals Tribunal.

(2) Any act, thing, decision, determination or order done, made or given by the Industrial Licensing Appeal Tribunal (established under the East African Industrial Licensing Ordinance of Tanzania, the East African Industrial Licensing Act of Uganda and the East African Industrial Licensing Act of Kenya) on an appeal to it in respect of any matter arising from the proceedings of the fifty-fifth and fifty-sixth meetings of the East African Industrial Council referred to in subsection (1) shall be deemed to have been, and are hereby declared to have been validly done, made or given.

T. Cap. 324.  
U. Cap. 102.  
K. Cap. 496.

**20.** The East African Industrial Council Order 1962 is hereby revoked.

Revocation of G.N. 49 of 1962

## FIRST SCHEDULE

(s. 2)

## SCHEDULED CLASSES OF PRODUCTS

(a) In Tanzania, Uganda and Kenya:—

1. Cotton yarn.
2. Cotton piece-goods other than knitwear.
3. Cotton blankets.
4. Woollen piece-goods other than knitwear.
5. Woollen blankets.

FIRST SCHEDULE—(Contd.)

6. Steel drums of 5 to 60 gallons capacity of 26 to 12 gauge.
  7. Glassware of all types whether plain or moulded, excluding sheet or window glass.
  8. Sheet or window glass.
  9. Metal window frames, metal doors, metal door frames, manufactured as single or composite units, any metal fittings for such window frames, doors or door frames.
  10. Enamel holloware, that is to say, basins, plates and domestic utensils made from ferrous or non-ferrous metal and having enamel coating over the whole or the majority of the article.
- (b) In Tanzania and Kenya:—  
 Fabric spun or woven from soft fibres other than fibres of animal origin or derived from cotton or flax.
- (c) In Uganda:—  
 1. Yarn spun from synthetic fibres.  
 2. Woven fabrics.

SECOND SCHEDULE (ss. 8 (2) (b)

FORM 1 and 10 (3) (a)

FORM OF PUBLICATION OF NOTICE OF APPLICATION FOR THE GRANT, RENEWAL, VARIATION OR TRANSFER OF A LICENCE

In accordance with the provisions of section 8 of the East African Industrial Licensing Act, it is hereby notified for general information that an application dated ..... has been received from ..... of ..... for the grant/renewal/variation/transfer\* of a licence to manufacture for sale/\*to erect, establish or operate any factory for the manufacture for sale of (here set out the scheduled articles in respect of which the application is made) .....

2. Any person having a financial interest in East Africa who claims that, in respect of any industry, commerce, or trade in which he is concerned, he is liable to be injuriously affected by the granting of this application may, not later than thirty days from the date of publication of this notice, lodge with the Registrar an objection and shall serve a copy thereof on the applicant. Any objection so made must be in writing and must set out the grounds upon which the objector claims that he is liable to be injuriously affected by the granting of such application. An objection must be certified to the effect that a copy thereof has been served on the applicant.

.....  
 Registrar

Date .....

\* Delete as necessary.



SECOND SCHEDULE—(Contd.)

FORM 2

FORM OF PUBLICATION OF NOTICE OF APPLICATION FOR A DECLARATION

In accordance with section 8 of the East African Industrial Licensing Act, it is hereby notified for general information that an application dated ..... has been received from ..... for a declaration under section 8 of the Act that, subject to existing rights, no further licences for the manufacture of (here set out the specified articles in respect of which the application is made) ..... shall be issued for a period of ..... years from .....

2. Any person having a financial interest in East Africa who claims that, in respect of any industry, commerce, or trade in which he is concerned, he is liable to be injuriously affected by the granting of this application may, not later than thirty days from the date of publication of this notice, lodge with the Registrar an objection and shall serve a copy thereof on the applicant. Any objection so made must be in writing and must set out the grounds upon which the objector claims that he is liable to be injuriously affected by the granting of such application. An objection must be certified to the effect that a copy thereof has been served on the applicant.

.....  
*Registrar*

Date .....

FORM 3

FORM OF LICENCE

Licence No. .... issued at ..... under section 10 (3) of the East African Industrial Licensing Act.

..... (name of licensee) of ..... is hereby licensed to manufacture for sale and to erect, establish and operate a factory for the manufacture for sale of (here set out specified articles) .....

..... at ..... subject to the provisions of the East African Industrial Licensing Act and to the following conditions .....

This licence expires on .....

.....  
*Registrar*

Date .....

## THIRD SCHEDULE

(s. 15)

## FEES

	<i>Sh.</i>
1. On the grant of an application for a licence or renewal of a licence .. .. .	200
2. On the grant of an application for the variation or transfer of a licence .. .. .	100
3. On the grant of an application for a declaration or renewal of a declaration .. .. .	50
4. On the giving of a notice of appeal under section 14 (1) (a) of the Act .. .. .	200
5. On the submission of the grounds of appeal under section 14 (1) (b) of the Act .. .. .	2,000