

Uganda

## Interpretation Act

### Chapter 2

Legislation as at 31 December 2023

There may have been updates since this file was created.

PDF created on 29 October 2024 at 10:12.

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

[View online](#)



#### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

[www.laws.africa](http://www.laws.africa)  
[info@laws.africa](mailto:info@laws.africa)

FRBR URI: /akn/ug/act/decre/1976/18/eng@2023-12-31

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

## Interpretation Act (Chapter 2)

### Contents

Part I – Preliminary .....	1
1. Application of Act .....	1
Part II – Meaning of certain expressions and references .....	1
2. Definitions .....	1
3. Grammatical variations, gender and number .....	4
4. References to holders of office .....	4
5. References to “the President” .....	4
6. References to “the United Kingdom Parliament” .....	4
7. References to “the Minister” and “the Treasury” .....	5
8. General references to written law .....	5
9. Particular references to written law .....	5
Part III – Repeals .....	5
10. Repeal and substitution .....	5
11. Repeal to include repeal of amendments .....	5
12. Effect of repeal on statutory instruments .....	5
13. Effect of repeal .....	6
Part IV – Statutory instruments .....	6
14. Definition of statutory instrument .....	6
15. Citation of statutory instrument .....	6
16. Publication of statutory instruments .....	6
17. Commencement of statutory instruments .....	6
18. General provisions relating to statutory instruments .....	7
19. Publication of specified instruments .....	7
20. Reprint of amended instruments .....	7
Part V – Powers and duties .....	8
21. Exercise of power between publication and commencement of Act .....	8
22. Time for exercise of power .....	8
23. Implied power .....	8
24. Power to appoint includes power to remove .....	8
25. Power to appoint member of board, etc. temporarily .....	8
26. Power to appoint chairperson, etc. ....	8
27. Appointment by name or office .....	8
28. Power of majority .....	9
29. Law officers .....	9

30. Powers of certain bodies not affected by vacancy, etc. ....	9
31. Exercise of Minister's power .....	9
Part VI – Miscellaneous .....	10
32. Distance .....	10
33. Time .....	10
34. Computation of time, etc. ....	10
35. Service by post .....	10
36. Disposal of forfeits, etc. ....	10
37. Penalties prescribed to be maximum penalties .....	11
38. Penalty under statutory instrument .....	11
39. Provision as to offences under two or more laws .....	11
40. Evidence of signature of Attorney General or Director of Public Prosecutions .....	11
41. Saving of rights of Government .....	11
42. Acts for benefits of particular persons .....	11
43. Deviation from form .....	11
44. Fees .....	11
45. Power to issue licences, etc. subject to conditions .....	12
46. Change in designation of public office .....	12
47. Power to appoint substantively pending retirement, etc. of existing holder .....	12
48. Ex officio proceedings not to abate on death, etc. ....	12
49. Power to amend Schedule .....	12
Schedule (Sections 1, 49) .....	13

# Uganda

## Interpretation Act

### Chapter 2

Commenced on 23 July 1976

*[This is the version of this document at 31 December 2023.]*

*[Note: The version of the Act as at 31 December 2023 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

*[Amended by [Public Finance Management Act, 2015 \(Act 3 of 2015\)](#) on 6 March 2015]*

*[Amended by [Law Revision \(Miscellaneous Amendments\) Act, 2023 \(Act 17 of 2023\)](#) on 28 July 2023]*

**An Act to provide for the law relating to the construction and interpretation of Acts of Parliament; to regulate certain other matters relating to Acts of Parliament and to statutory powers and duties and for related matters.**

*[Decree 18/1976; [Statute 12/1994](#), s. 5; Act 10/2000, s. 12; Cap. 3 (Revised Edition, 2000); Act 3/2015; Act 17/2023]*

## Part I – Preliminary

### 1. Application of Act

- (1) Subject to this section, this Act shall apply—
  - (a) for the construction and interpretation of, and otherwise in relation to, all Acts of Parliament, including this Act and Acts enacted before the commencement of this Act;
  - (b) for the construction and interpretation of statutory instruments and specified instruments, including instruments made before the commencement of this Act; and
  - (c) in all other cases where its provisions are relevant and capable of being applied.
- (2) Where—
  - (a) it is expressly provided that this Act or any provision of it shall not apply; or
  - (b) there is something in the subject or context inconsistent with the application of this Act or any provision of it,this Act or that provision of it, as the case may be, shall not apply.
- (3) This Act shall not apply for the construction or interpretation of the constitutional instruments or an applied law.

## Part II – Meaning of certain expressions and references

### 2. Definitions

The following words and expressions shall have the meanings hereafter assigned to them respectively—

“**Act**” or “Act of Parliament” used with reference to legislation means a law made by Parliament;

“**act**” used with reference to an offence or civil wrong includes a series of acts, and words which refer to acts done extend to illegal omissions;

**“administrative officer”** means a resident district commissioner and any public officer or class of public officers declared by the Minister by statutory order to be an administrative officer or administrative officers;

**“advocate”** means a person entitled to practise as such in Uganda under the law for the time being in force;

**“aircraft”** includes every description of craft used in aerial navigation;

**“amend”** includes repeal, revoke, rescind, cancel, replace, add to or vary and the doing of any two or more of those things simultaneously or in the same written law;

**“applied law”** means an Act of the Parliament of the United Kingdom or an Order-in-Council or other legislative instrument made thereunder otherwise than by an authority in Uganda (excluding the constitutional instruments), which has effect in Uganda;

**“Attorney General”** means the Attorney General of Uganda;

**“Cabinet”** means the Cabinet constituted under Article 111 of the Constitution;

**“calendar year”** means a period of twelve months ending on 31st December;

**“cent”** means a cent in the currency of Uganda;

**“coin”** means any coin legally current in Uganda;

**“commencement”** used with reference to any Act means the date on which the Act comes into force;

**“common law”** means the common law of England;

**“Common Services Organisation”** means the former East African Common Services Organisation;

**“Commonwealth”** includes any independent country of the Commonwealth and any dependency of that country and the Republic of Ireland;

**“Community”** means the East African Community established by the Treaty for the Establishment of the East African Community, dated 30th November, 1999;

**“Consolidated Fund”** means the Consolidated Fund of Uganda;

**“Constitution”** means the Constitution of Uganda as by law established;

**“constitutional instruments”** means the Uganda Independence Act, 1962, of the Parliament of the United Kingdom and the Constitution;

**“contravene”** in relation to any requirement or condition prescribed in any Act of Parliament, or in any grant, permit, lease, licence or authority granted by or under any Act includes a failure to comply with that requirement or condition;

**“court”** means a court of competent jurisdiction in Uganda;

**“Court of Appeal”** means the Court of Appeal of Uganda established under Article 129 of the Constitution;

**“currency point”** has the value assigned to it in the Schedule to this Act;

**“Deputy Speaker”** means the Deputy Speaker of Parliament;

**“district”** means a district of Uganda;

**“East African Legislative Assembly”** means the East African Legislative Assembly of the Community;

**“enactment”** includes any provision contained in any Act;

**“financial year”** means the period of twelve months ending on the 30th day of June in any year, or any other period declared by the President to be the financial year;

- “foreign service officer”** means a person holding or acting in an office in the foreign service of Uganda;
- “Gazette”** means The Uganda *Gazette* (including any supplement or *Gazette* Extraordinary);
- “Government”** means the Government of Uganda;
- “High Court”** means the High Court of Uganda;
- “import”** means bring or cause to be brought into Uganda;
- “Kenya”** means the Republic of Kenya;
- “land”** includes messuages, tenements, hereditaments, houses and buildings of any tenure and land covered by water;
- “magistrate”** means a magistrate deemed or appointed to be a magistrate of any grade under the Magistrates Courts Act;
- “master”** used with reference to a ship, means any person, except a pilot or harbour master, having for the time being control or charge of the ship;
- “medical practitioner”** means a person registered or licensed in Uganda as a medical practitioner under the law for the time being in force, subject, in the case of a person so licensed, to the terms and conditions of his or her licence;
- “Minister”** means a Minister of the Government of Uganda;
- “month”** means a month reckoned according to the Gregorian calendar;
- “municipality”** means a municipality in Uganda established by law;
- “oath”** or **“affidavit”** in the case of persons for the time being allowed by law to affirm or declare instead of swearing includes affirmation and declaration, and **“swear”**, in the like case, includes affirm and declare;
- “Parliament”** means the Parliament of Uganda;
- “person”** includes any company or association or body of persons corporate or unincorporate;
- “police officer”** means an attested member of a police force established by the Constitution or by the Police Act;
- “prescribed”** means prescribed by or under the Act in which the word occurs;
- “President”** means the President of Uganda;
- “public holiday”** means a day declared to be a public holiday in Uganda under the law for the time being in force;
- “public office”**, **“public officer”** and **“public service”** have the same meanings as in the Constitution;
- “public seal”** means the public seal of Uganda;
- “registered”** used with reference to a document means registered under the provisions of the law for the time being applicable to the registration of such documents;
- “rules of court”** used in relation to a court means rules, orders or other legislative instruments for regulating the practice and procedure of that court made by the authority having for the time being the power to do so;
- “section”** means a section of the Act in which the word occurs;
- “sell”** includes barter, exchange, offer for sale and expose for sale;
- “shilling”** means one hundred cents in the currency of Uganda;
- “ship”** includes every description of vessel used in water navigation not exclusively propelled by oars or paddles;

- “**sign**” used with reference to a person who is unable to sign his or her name includes “mark”;
- “**Speaker**” means the Speaker of Parliament;
- “**specified instrument**” means the specified instrument as defined in section 19;
- “**statutory declaration**” means a statutory declaration made under the Statutory Declarations Act;
- “**statutory instrument**” means the statutory instrument as defined in section 14;
- “**subsection**” means a subsection of the section in which the word occurs;
- “**Supreme Court**” means the Supreme Court of Uganda established under Article 129 of the Constitution;
- “**Tanzania**” means the United Republic of Tanzania;
- “**town**” means a town in Uganda established by law;
- “**United Kingdom**” means the United Kingdom of Great Britain and Northern Ireland;
- “**vessel**” includes any ship or boat or other description of vessel used in water navigation;
- “**Vice President**” means the Vice President of Uganda;
- “**will**” includes codicil;
- “**writing**” includes printing, photography, lithography, typewriting and any other modes of representing or reproducing words in visible form;
- “**written law**” means the constitutional instruments, Acts, statutory instruments and any other legislative instruments having effect in Uganda;
- “**year**” means a year reckoned according to the Gregorian calendar.

### 3. Grammatical variations, gender and number

- (1) Where any word or expression is defined in any Act, the definition shall extend to the grammatical variations of the word or expression so defined.
- (2) Words and expressions importing the masculine gender include females.
- (3) Words and expressions in the singular include the plural, and words and expressions in the plural include the singular.

### 4. References to holders of office

A reference to the holder of an office by the term designating his or her office shall be construed as meaning the person for the time being lawfully holding, acting in or performing the functions of that office.

### 5. References to “the President”

A reference to the President, however expressed, shall be construed as a reference to the President for the time being.

### 6. References to “the United Kingdom Parliament”

A reference to the Parliament of the United Kingdom shall be construed as including a reference to the Parliament of the former United Kingdom of Great Britain and Ireland, the Parliament of Great Britain and the Parliament of England.

## 7. References to “the Minister” and “the Treasury”

- (1) A reference to “the Minister” shall be construed as a reference to the Minister for the time being responsible for the matter in connection with which the reference is made.
- (2) A reference to “the Treasury” shall be construed as a reference to the Ministry responsible for finance.

## 8. General references to written law

- (1) A general reference to Acts shall be construed as including—
  - (a) a general reference to any Ordinance, Statute or Decree included in a revised edition of the Laws of Uganda and re-designated as an Act when so included; and
  - (b) except in the Acts of Parliament Act and section 13, a general reference to statutory instruments.
- (2) A general reference to statutory instruments shall be construed as including a general reference to any proclamations, rules, regulations, byelaws, orders or other instruments having legislative effect which—
  - (a) were made before the commencement of this Act; and
  - (b) are included in a revised edition of the Laws of Uganda taken into use after that commencement; and
  - (c) are redesignated as statutory instruments when so included.
- (3) In this section, the expression “general reference” used in relation to Acts and statutory instruments means any reference to Acts or statutory instruments, either in the singular or the plural and however expressed, except a reference to a particular Act or instrument or to particular Acts or instruments.

## 9. Particular references to written law

- (1) A reference to a particular Act shall be construed as including a reference to that Act as amended from time to time and to any statutory instrument made under that Act.
- (2) A reference to a particular statutory instrument shall be construed as including a reference to that instrument as amended from time to time.

# Part III – Repeals

## 10. Repeal and substitution

Where any Act repeals wholly or partially any enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into force.

## 11. Repeal to include repeal of amendments

Where any Act which has been amended by any other Act is itself repealed, that repeal shall include the repeal of all those Acts by which such first-mentioned Act has been amended.

## 12. Effect of repeal on statutory instruments

Where any Act or part of an Act is repealed and re-enacted, with or without modification, statutory instruments made under it shall, unless a contrary intention appears, remain in force, so far as they are not inconsistent with the repealing Act, until they have been revoked or repealed by statutory instruments



made under the repealing Act, and until that revocation or repeal, shall be deemed to have been made under the repealing Act.

### 13. Effect of repeal

- (1) Where this Act or any other Act repeals and reenacts, with or without modification, any provision of a former Act, references in any other enactment to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.
- (2) Where any Act repeals any other enactment, then unless the contrary intention appears, the repeal shall not—
  - (a) revive anything not in force or existing at the time at which the repeal takes effect;
  - (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed;
  - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;
  - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
  - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.
- (3) Upon the expiry of any Act, this section shall apply as if the Act had been repealed.

## Part IV – Statutory instruments

### 14. Definition of statutory instrument

Where any Act confers on the President, a Minister or any other authority, a power to make or a power exercisable by making proclamations, rules, regulations, byelaws, statutory orders or statutory instruments, any document by which that power is exercised shall be known as a statutory instrument, and the provisions of this Act shall apply to it accordingly.

### 15. Citation of statutory instrument

Any statutory instrument may be cited by reference to its short title, if any, or by reference to the number of the notice under which it appeared in the *Gazette*.

### 16. Publication of statutory instruments

Every statutory instrument shall be published in the *Gazette* and shall be judicially noticed.

### 17. Commencement of statutory instruments

- (1) Subject to this section—
  - (a) the commencement of a statutory instrument shall be such date as is provided in or under the instrument or, where no date is so provided, the date of its publication as notified in the *Gazette*;
  - (b) every statutory instrument shall be deemed to come into force immediately on the expiration of the day next preceding its commencement.

- (2) A statutory instrument may be made to operate retrospectively to any date which is not earlier than the commencement of the Act under which the instrument is made.
- (3) Nothing in this section shall be deemed to empower the making of a statutory instrument so as to make a person liable to any penalty in respect of any act committed before the date on which the instrument was published in the *Gazette*.
- (4) A statutory instrument made and published on the date of commencement of the Act under which the instrument is made shall be deemed to come into force simultaneously with that Act.
- (5) References in this section to the commencement of the Act under which a statutory instrument is made shall, where different provisions of that Act come into force on different dates, be construed as references to the commencement of the particular provision under which the instrument is made.
- (6) The provisions of this section shall be without prejudice to the operation of section 21.

## 18. General provisions relating to statutory instruments

- (1) Any reference in a statutory instrument to “the Act” shall be construed as a reference to the Act under which the instrument was made.
- (2) Terms and expressions used in a statutory instrument shall have the same meaning as in the Act under which the instrument was made.
- (3) A statutory instrument may at any time be amended by the authority by which it was made or, if that authority has been lawfully replaced by another authority, by that other authority.
- (4) Any provision of a statutory instrument which is inconsistent with any provision of the Act under which the instrument was made shall be void to the extent of the inconsistency.
- (5) Any act done under or by virtue of or in pursuance of a statutory instrument shall be deemed to be done under or by virtue of or in pursuance of the Act conferring power to make the instrument.
- (6) Every statutory instrument shall be deemed to be made under all powers enabling it, whether or not it purports to be made in exercise of a particular power or particular powers.
- (7) Section [13\(2\)](#) shall apply on the revocation of a statutory instrument as it applies on the repeal of any Act.

## 19. Publication of specified instruments

- (1) All specified instruments shall be published in the *Gazette* and shall be judicially noticed.
- (2) In this section, “specified instruments” means—
  - (a) orders, regulations and statutory instruments made in the exercise of power conferred by the constitutional instruments on the President or on a commission established by the Constitution; and
  - (b) rules, regulations, orders and other instruments having legislative effect made by an authority in Uganda in the exercise of a power conferred by an applied law.

## 20. Reprint of amended instruments

Section 16 of the Law Revision Act shall apply where statutory instruments and specified instruments have been amended as it applies to the reprinting of amended Acts of Parliament.

## Part V – Powers and duties

### 21. Exercise of power between publication and commencement of Act

Where, by any Act which is not to come into force immediately on its publication, there is conferred—

- (a) a power to make or a power exercisable by making statutory instruments;
- (b) a power to make appointments; or
- (c) a power to do any other thing for the purposes of the Act,

that power may be exercised at any time on or after the date of publication of the Act in the *Gazette*\*, but no instrument, appointment or thing made or done under the power shall, unless it is necessary to bring the Act into force, have any effect until the commencement of the Act.

### 22. Time for exercise of power

Where any Act confers any power or imposes any duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

### 23. Implied power

Where any Act confers a power on any person to do or enforce the doing of any act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

### 24. Power to appoint includes power to remove

Where, by any Act, a power to make any appointment is conferred, the authority having power to make the appointment shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, re-appoint or reinstate any person appointed in the exercise of the power.

### 25. Power to appoint member of board, etc. temporarily

Where, by any Act, a power is conferred on any authority to appoint any person to be a member of any board, commission, committee or similar body, that authority may, if during any period owing to absence or inability to act from illness or any other cause any member so appointed is unable to act as such, appoint some other person to act temporarily for that member during the period of absence or inability.

### 26. Power to appoint chairperson, etc.

Where, by any Act, a power is conferred on any authority to appoint the members of any board, commission, committee or similar body, that authority may appoint a chairperson, a vice chairperson and a secretary of that board, commission, committee or similar body.

### 27. Appointment by name or office

Where, by any Act, any authority is empowered to appoint a person—

- (a) to exercise any power or perform any duty;
- (b) to be a member of any board, commission, committee or similar body; or

- (c) to be or to do any other thing,

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the term designating his or her office; and any such appointment of the holder of an office shall be construed as the appointment of the person for the time being lawfully holding, acting in or performing the functions of the office.

## **28. Power of majority**

Where, by any Act, any act or thing may or is required to be done by more than two persons, a majority of them may do it.

## **29. Law officers**

Any power conferred or duty imposed on the Attorney General by or under any Act may be exercised or performed by the Solicitor General—

- (a) in any case where the Attorney General is unable to act owing to illness or absence; and
- (b) in any case or class of cases where the Attorney General has authorised the Solicitor General to do so.

## **30. Powers of certain bodies not affected by vacancy, etc.**

- (1) Any body to which this section applies may act notwithstanding any vacancy in its membership; and its proceedings shall not be invalidated by—
  - (a) the presence or participation of any person not entitled to be present at or to participate in the proceedings; or
  - (b) any minor irregularity in the convening or conduct of any meeting.
- (2) The bodies to which this section applies are—
  - (a) the council of a district and any committee of that council;
  - (b) any municipal council or town council established under the law for the time being in force and any committee of any such council;
  - (c) any board, commission or similar body, whether corporate or unincorporate, established by any Act.
- (3) This section shall be deemed always to have been in force—
  - (a) in respect of the bodies to which it applies; and
  - (b) in the case of a body mentioned in subsection (2)(a) or (b), in respect of any council or authority or committee thereof, established in the area where that body is established before that body came into existence.

## **31. Exercise of Minister's power**

Where a power is conferred on a Minister by any Act—

- (a) the exercise of the power may be signified under the hand of the President or any Minister; and
- (b) the President or the Minister signifying the exercise of the power shall be deemed to be the Minister for the time being authorised to exercise it.

## Part VI – Miscellaneous

### 32. Distance

Any distance to be measured for the purposes of any Act shall be measured in a straight line on a horizontal plane.

### 33. Time

Where any expression of time occurs in any Act, the time referred to shall signify the standard time of Uganda which, unless the President prescribes otherwise by proclamation, shall be three hours in advance of Greenwich Mean Time.

### 34. Computation of time, etc.

- (1) In computing time for the purpose of any Act—
  - (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day in which the event happens or the act or thing is done;
  - (b) if the last day of the period is a Sunday or a public holiday, which days are in this section referred to as “excluded days”, the period shall include the next following day, not being an excluded day;
  - (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day; or
  - (d) where any act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of time.
- (2) Where no time is prescribed or allowed within which anything shall be done, that thing shall be done without unreasonable delay and as often as due occasion arises.
- (3) Where, by any Act, a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend that time, that power may be exercised by the court or other authority although the application for the exercise of the power is not made until after the expiration of the time prescribed.

### 35. Service by post

Where any Act authorises or requires any document to be served by post, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of the post.

### 36. Disposal of forfeits, etc.

- (1) Where, under any Act of Parliament, any animal or any thing is adjudged by any court or other authority to be forfeited, it shall be forfeited to the Government, and the net proceeds of the animal or thing, if it is ordered by a competent authority to be sold, shall be paid into the Consolidated Fund.
- (2) Nothing in this section shall affect any provision in any Act by which any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

(3) Any fine or pecuniary penalty imposed under any Act shall be paid into the Consolidated Fund.

### **37. Penalties prescribed to be maximum penalties**

Where, in any Act, a fine or penalty is prescribed for an offence against that Act, that provision shall indicate that the offence shall be punishable upon conviction by a fine or penalty not exceeding the fine or penalty prescribed.

### **38. Penalty under statutory instrument**

A statutory instrument may provide in respect of any contravention of it that the offender shall be liable, to a fine, not exceeding six currency points or to imprisonment for a term not exceeding three months, or both.

### **39. Provision as to offences under two or more laws**

Where an act constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

### **40. Evidence of signature of Attorney General or Director of Public Prosecutions**

- (1) Where, under any Act, the consent or authority of the Attorney General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney General or the Director of Public Prosecutions shall be received as *prima facie* evidence in any proceeding without proof being given that the signature to the consent or authority is that of the Attorney General or the Director of Public Prosecutions, as the case may be.
- (2) Where, under section 29, the Solicitor General is exercising the powers of the Attorney General, this section shall apply to the Solicitor General as it applies to the Attorney General.

### **41. Saving of rights of Government**

No Act shall in any manner affect the rights of the Government, unless it is expressly provided in that Act or unless it so appears by necessary implication.

### **42. Acts for benefits of particular persons**

Every Act which affects or benefits some particular person or association or body corporate shall be deemed to contain provision saving the rights of the Government, of all bodies politic and corporate and of all other persons except persons affected or benefited by the Act and those claiming by or under them.

### **43. Deviation from form**

Where any form is prescribed by any Act, an instrument or document which purports to be in such form shall not be void by reason of any deviation from that form which does not affect the substance of the instrument or document or which is not calculated to mislead.

### **44. Fees**

- (1) Where any Act confers power on any person to prescribe fees or charges, the instrument prescribing the fees or charges may provide for all or any of the following matters—
  - (a) the imposition either generally or under specified conditions or in specified circumstances of —
    - (i) specific fees or charges;

- (ii) maximum or minimum (or maximum and minimum) fees or charges; or
    - (iii) no fee or charge;
  - (b) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.
- (2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, that reduction, waiver or refund may be expressed to apply or be applicable either generally or specifically—
- (a) in respect of certain matters or transactions or classes of matters or transactions;
  - (b) in respect of certain documents or classes of documents;
  - (c) when any event happens or ceases to happen;
  - (d) in respect of certain persons or classes of persons; or
  - (e) in respect of any combination of such matters, transactions, documents, events or persons,
- and may be expressed to apply or be applicable subject to such conditions as may be specified in the instrument or in the discretion of any person specified in the instrument.
- (3) Fees and charges imposed by any Act shall, when collected, be paid into the Consolidated Fund.

#### **45. Power to issue licences, etc. subject to conditions**

Where any Act confers a power to issue any licence, permit or authorisation, then, unless a contrary intention appears, the licence, permit or authorisation may be issued subject to such conditions, not inconsistent with that law, as the authority issuing it deems expedient.

#### **46. Change in designation of public office**

Where the Minister is satisfied that a change in the designation of a public office has been or is about to be made, he or she may, by order published in the *Gazette*, declare the new designation and appoint a day on which the change shall take effect; and from the day so appointed, any reference to the former designation shall be construed as a reference to the designation declared in the order.

#### **47. Power to appoint substantively pending retirement, etc. of existing holder**

Where a substantive holder of any office in the service of the Government is on leave of absence pending relinquishment of his or her office, another person may be appointed substantively to the same office; and in respect of every power conferred or duty imposed on the holder of that office, the person last appointed to the office shall be deemed to be the holder of that office.

#### **48. *Ex officio* proceedings not to abate on death, etc.**

Any civil or criminal proceedings taken by or against any person by virtue of his or her office shall not be discontinued or abated by his or her death, resignation, absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being lawfully holding, acting in or performing the functions of that office.

#### **49. Power to amend Schedule**

The Minister responsible for finance may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

**Schedule (Sections 1, 49)****Currency point**

A currency point is equivalent to twenty thousand shillings.