

# LEGISLATIVE DRAFTING AND STATUTORY INTERPRETATION II

 Venue : Arusha City, Tanzania

 Date : 24th - 28th February, 2020

 Charges :

-USD 900 per person

-USD 850 for paid up EALS members



*EALS Institute, the training wing of the East Africa Law Society (EALS), invites you to a 5-day bespoke workshop on Legislative Drafting and Statutory Interpretation.*

## ABOUT THE WORKSHOP

The Course is designed for Lawyers, Clerks and Parliamentary staff, Members of Parliament or Assemblies who deal with legislation and the law-making process.

The Course is divided into two parts:

### Part One

Legislative Drafting which is intended to enhance the capacity of participants with deeper appreciation of Good Governance, Rule of law and Constitutionalism, principles and tenets of Parliamentary Practice and Procedures, evidence based legislation, domestication of international treaties and Agreements, codification of Statutes and the ever increasing volume of Subsidiary legislation. This Part is building on the Course on Legislative Drafting that took place 24th - 28th February, 2020.

Legislation is technically prepared and processed and is required to be prepared in specified forms and formats. The process of developing, drafting, debating and scrutinising legislation can be intricate and protracted.

Increasingly, laws are delegating powers to make laws to Ministers, Institutions and bodies outside the Legislatures. The Course will equip lawyers and Policy makers from these institutions on the principles that govern the exercise of delegated legislative power and drafting of delegated legislation.

In Parliament, the legislative process is executed through prescribed procedures which provide for the form and manner of presentation, scrutiny, debating or commenting on specific legislative processes and understanding the policy behind the legislation. In Common Law Jurisdictions, Parliamentary Practice and procedure is entrenched in traditions and procedures that constitute standing orders which every person dealing with legislation should be well acquainted with. The Course is intended to provide participants with practical skills and best practices in Parliamentary practice and procedures.

### Part Two

Interpretation of Statutes is intended to equip and enhance the capacity of the participants to consistently construe and interpret legislation. There are specific rules that govern the interpretation of legislation. There are also presumptions that apply to interpretation of statutes and guidelines on how laws are construed in order to guide operational and implementation aspects of any law.

The Course will also give participants an opportunity to share experiences on the challenges and best practices in drafting legislation and parliamentary practice and procedures.





## Course Topics

The Course will cover the following topics

### ▶ PART ONE - LEGISLATIVE DRAFTING

- i. Good Governance, Rule of Law and Constitutionalism
- ii. Evidence-based Legislation
- iii. Post-Legislative Scrutiny
- iv. Domestication of Treaties and International Agreements
- v. Codification of Statutes
- vi. Parliamentary Practice and Procedures
  - Use of Committees
  - Introduction of Bills
  - Debate and passing of Bills
  - The intention of Parliament
- vii. Role of Committees in the Legislative Process
- viii. Subsidiary/ Subordinate or Delegated legislation

### ▶ PART TWO - STATUTORY INTERPRETATION

- i. Origin of Statutory interpretation and interpretation clauses
- ii. Maxims and Presumptions on law-making authorities
- iii. Rules of Statutory Interpretation
  - The Literal Rule
  - The Golden Rule
  - The Mischief Rule
  - The Purposive approach
- vi. Guidelines on construing provisions of law
  - Use of long title, purpose provisions
  - Construing the various components of an Act (Titles, Parts, Headings, Schedules)
  - Construing an Act as a whole
  - Approach of Courts to interpretation of Statutes
- v. Resolving Conflicts and contradictions in law
- vi. Rules governing interpretation of Constitutions
  - Rule of Harmony

## Who Should Attend

The Course is designed for Lawyers, Clerks and Parliamentary staff, Members of Parliament or Assemblies who deal with legislation and the law-making process.

Members of devolved units and county governments will also find the course relevant as it covers policy and law making processes at sub-country levels.

Lawyers in public institutions that have mandate to make regulations, including tax and financial sector regulators, energy sector regulators and judicial bodies will also find the course relevant. Lawyers in private practice are increasingly engaged to provide drafting services to public bodies.

The training provides an opportunity for an all-round appreciation of legislative and policy-making for beginners while serving as a refresh-course for experienced practitioners. The course also provides opportunities for trainers in the subject areas to update their knowledge and skills.

## ABOUT THE FACULTY

We maintain a dynamic faculty composed of highly experienced and hands-on experts. The Course will be delivered by the following Experts in Legislative Drafting and Parliamentary Practice and Procedure.



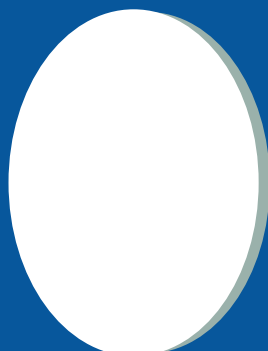
### Denis Kibirige

Mr. Kibirige has been drafting national, regional and international legal instruments and policy for 15 years. He is the Legislative Draftsman of the East African Community where he is responsible for drafting legislation and providing legislative services to the East African Legislative Assembly and all other Organs and Institutions of the East African Community.

He drafted the African Union Protocol on Free Movement of Persons, Right of Residence and Right of Establishment which was adopted by the African Union Heads of State in January, 2018.

He has trained Members of Parliament in Uganda, Ethiopia, Zimbabwe and South Sudan and lawyers, policy makers and human rights advocates in policy, law making, constitutionalism and governance and legislative drafting in several African countries.

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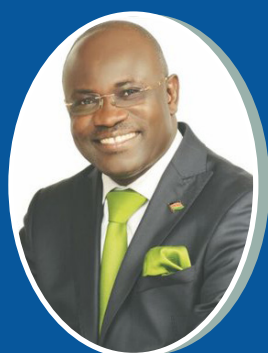
### Dr. Johnson Okello

Dr. Okello is the Director, Legal Services, in the Senate of the Republic of Kenya. He is a Member of the governing Council of the Commonwealth Association of Legislative Counsel where he represents the African Region. He is also the Secretary General of the African Colloquium of Legal Counsel to Parliaments that brings together all lawyers in Africa working in Provincial, National and Regional Assemblies.

He brings to the Course wide experience from his years of teaching law at the Kenya school of Law and the Kenya Law Reform Commission and numerous consultancies for several Countries and regional bodies on legislative matters and parliamentary

procedures. He has trained several Members of Parliament, Legal Drafters and Parliamentary staff in legislative drafting and parliamentary practice.

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### Hon. David Ochieng'

Hon. David is a Member of Parliament in the Republic of Kenya. He is an Advocate of the High Court of Kenya and an international trade law and policy expert. He holds a Masters degree in International Law and Economics from the World Trade Institute-University of Bern, Switzerland.

David has served as a policy consultant on regional integration, trade and governance matters for the Government of Kenya, the East African Community, IGAD and many other international organizations. He brings to the faculty unrivaled experience in translating policy into law both as a legislator and as a practitioner.



## REGISTRATION

To enable us meet the cost of putting together training resources, a fee of **\$900** is applicable to every participant and **paid-up EALS members** to pay **\$850**.

The fee covers daily conference package (for 5 days), day meals and refreshments, training materials, movement between training venues during the day and the networking events (welcoming and closing receptions).

Delegates are expected to cover their travel and accommodation costs to the training. We have negotiated accommodation rates with major hotels in Arusha. For assistance with hotel bookings please write to us [training@ealawsociety.org](mailto:training@ealawsociety.org)

## How to Register

Delegates should register by filling out the attached form and email back to us through the email [training@ealawsociety.org](mailto:training@ealawsociety.org)

Payments should be made through our bank accounts details:

A/C Name: **EAST AFRICA LAW SOCIETY**  
Bank: **KENYA COMMERCIAL BANK**  
BRANCH: **ARUSHA**  
A/C No. **3390207473**  
SWIFT: **KCBLTZTZ**  
Currency: **USD**

## Benefits of Training with Us

All our courses are recognized by the national law societies and count towards continuous professional development requirements. At the end of each course participants are issued with certificates of completion that are recognized by major bodies globally.

## ABOUT EALS INSTITUTE

Founded in 2017, EALS Institute has grown rapidly as a reputable center in legal studies. In its first year of operations, EALS Institute concluded unprecedented capacity building programs and partnerships. EALS Institute hosted the first major construction law workshop in the region tailored for the legal profession. Hosted in collaboration with Cornerstone Seminars, the FIDIC Contracts workshop attracted over 150 lawyers from across East Africa and laid a solid foundation for future training activities.

EALS Institute has concluded partnership agreements with Conference of Western Attorney Generals (CWAG) and has hosted several activities under the partnership, notably the Kigali Workshop on Cybercrimes and Forensic Evidence.

The partnership with CWAG especially targets capacity building in the justice administration sectors, targeting not only legal practitioners but also law enforcement agencies and judicial officers. Future trainings under this partnership include trial advocacy, criminal justice, white collar crimes, anti-bribery and anti-counterfeit measures.

- We have also partnered with the Africa Legal Support Facility to establish the ALSF Academy as a pan-African legal capacity building mechanism.

- Through the initiative, the inaugural ALSF Academy training targeting young lawyers drawn from East Africa, Southern Africa and French-speaking Central and West Africa has kicked off.

- EALS Institute has also entered into partnership with the University of Nairobi School of Law and Strathmore University School of Law to promote legal studies and mentorship of young lawyers and law students. Through our partnership with Strathmore University, we have sponsored student moot courts in the extractive industry and aim to deepen knowledge of the extractive industry among key stakeholders.

- We have also entered into partnership with the Advocates for International Development (A4ID) to carry out business and human rights trainings across the region.



## ABOUT EAST AFRICA LAW SOCIETY

East Africa Law Society is the regional bar for the East African Community. Our membership comprises of all the national bars in the East African Community - the Law Society of Kenya, Tanganyika Law Society, Uganda Law Society, Zanzibar Law Society, Rwanda Bar Association, Burundi Bar Association and the South Sudan Bar Association.



**Willy Rubeya**  
President, EALS



**Hannington Amol**  
Chief Executive Officer, EALS

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## CONTACT US

EALS House, Plot No. 310/19, PPF AGM Area, PPF Road off Njiro Road,  
P.O. Box 6240, Arusha - Tanzania; Tel: (+255 27) 254 3226/7;  
Cell (+255 786) 821010, (+255 786) 836545; (+254 721) 836545  
Email: [info@ealawsociety.org](mailto:info@ealawsociety.org); [ceo@ealawsociety.org](mailto:ceo@ealawsociety.org);



[www.ealawsociety.org](http://www.ealawsociety.org)



East Africa Law Society



@ealawsociety



## COURSE REGISTRATION FORM

Complete this form and return it by email to [training@ealawsociety.org](mailto:training@ealawsociety.org)  
(attach the bank pay-in slip)

GENERAL INFORMATION		
NAME:		PROFESSION:
CURRENT POSITION:		ORGANIZATION:
CONTACT DETAILS		
TEL:		E-MAIL:
EALS MEMBERSHIP		
Are you EALS Member?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
PAYMENT DETAILS		
(Indicate the paid amount in USD):	<input type="text"/>	
<p>Payment should be made in United States Dollar to the following bank account: A/C Name: <b>EAST AFRICA LAW SOCIETY</b> Bank: <b>KENYA COMMERCIAL BANK</b> BRANCH: <b>ARUSHA</b> A/C No. <b>3390207473</b> SWIFT: <b>KCBLTZTZ</b> Currency: <b>USD</b></p>		

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