



THE JUDICIARY OF UGANDA

**THE TERMS AND CONDITIONS OF SERVICE OF REGISTRARS AND  
MAGISTRATES, AND THE ADMINISTRATION OF FINANCES IN THE  
JUDICIARY**

**PRESENTATION AT THE INDUCTION OF REGISTRARS & MAGISTRATES**

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# PURPOSE OF THE PRESENTATION

To acquaint the newly appointed Registrars, Deputy Registrars, Assistant Registrars, Chief Magistrates and Magistrates Grade I with:

- i. their terms and conditions of service, and
- ii. the administration of finances in the Judiciary.



# 1.0 INTRODUCTION

- i. The mandate of the Judiciary is provided under Chapter 8 of the Constitution of the Republic of Uganda. The Judiciary is mandated to adjudicate cases of both civil and criminal nature.
- ii. Therefore, the Judiciary is comprised of judicial officers to adjudicate cases and non-judicial officers to ensure that courts operate efficiently and effectively.
- iii. It is therefore important that newly appointed judicial officers are inducted into their roles, and during the induction they are appraised of how the institution is managed.



## 2.0 TERMS AND CONDITIONS OF SERVICE OF REGISTRARS AND MAGISTRATES

The Terms and Conditions of Service of Registrars and Magistrates, that is management of entry, retention and exit, are stipulated in-

- i. The Constitution of the Republic of Uganda,
- ii. The Administration of the Judiciary Act 2020,
- iii. The Judicial Service Act, and Regulations, and
- iv. The Public Service Standing Orders (2021) among others.



## 2.1 SALARY

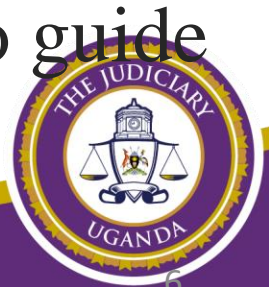
Salary is an entitlement stipulated in the offer of Appointment Letter, and this may be revised in line with Government priorities/policies. The current monthly gross salaries, which do not attract PAYE tax, for Registrars and Magistrates, are as follows:

<b>Position</b>	<b>Salary per month (UGX)</b>
<b>Registrar</b>	<b>13,800,000</b>
<b>Deputy Registrar</b>	<b>12,500,000</b>
<b>Assistant Registrar</b>	<b>10,500,000</b>
<b>Chief Magistrate</b>	<b>9,800,000</b>
<b>Magistrate Grade 1</b>	<b>5,200,000</b>



## 2.2 ALLOWANCES

- i. Officers become eligible for allowances on a case by case basis depending on the availability of funds. Officers are required to requisition for these allowances.
- ii. The full schedule of Allowances payable in the Public Service is contained in the Standing Orders, and the rates are provided by the Service from time to time.
- iii. The Judiciary Top Management Committee approved the use of the 2018 Rates of Allowances issued by the Ministry of Public Service. All officers are required to familiarize themselves with the applicable allowances and rates to guide their requisitions.



## 2.3 HEALTH INSURANCE

- i. The Judiciary provides all staff, save for Specified Officers who receive Medical Allowance, with Health Insurance. The current providers are Jubilee Insurance and Prudential. The Department of HRM guides staff on how to access the service.
- ii. Staff are encouraged to enrol their families on the scheme at their cost to take advantage of the negotiated group premium by requesting the Secretary to the Judiciary to forward their intentions to the provider. The staff make direct payments to the providers for this extra service.





## 2.4 LEAVE FROM DUTY

- i. The Standing Orders specify the types of leave from duty public officers are entitled to. These include Annual Leave, and other qualifying leaves such as maternity leave, paternity leave, sick leave, sabbatical leave, unpaid leave and study leave. The conditions and procedures to follow to benefit from these entitlements can be found in the Standing Orders.
  
- ii. Annual Leave is to be taken in accordance with an approved Leave Schedule and approval of supervisor.





## 2.5 EXIT OF SERVICE

A judicial officer can **leave** Service in one of the following ways;

- i. **Mandatory retirement** following attainment of statutory minimum age which is currently 60 years. At six months to the mandatory retirement age, a public officer is required to submit his notification to retire to the Responsible Officer.
- ii. **Retirement on medical grounds** with medical guidance to the satisfaction of the Judicial Service Commission from the **Medical Board**.
- iii. If he or she wishes to retire from the Judiciary Service, with the **written consent of the JSC**.
- iv. Dismissal or retirement in public interest as provided for by the law

The **Retirement Benefits** of judicial officers are provided for in the Administration of the Judiciary Act 2020 (AJA)



## 3.0 MANAGEMENT OF FINANCES IN THE JUDICIARY

- This part of the presentation is to enable you appreciate key aspects of management of finances in the Judiciary.
- **Financial management** refers to the strategic **planning, organizing, directing, and controlling** of financial undertakings in an organization....It also includes applying management principles to the financial assets of an organization.....

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## 3.1 PUBLIC FINANCIAL MANAGEMENT

- Public Financial Management (PFM) is the prudent allocation and accountability for public funds in order to effectively deliver public goods and services.
- It also entails proper management of physical and human resources since the organisations' financial resources are expended on them.



## 3.2 PFM in Uganda (Legal & Regulatory Framework)

PFM in Uganda is the same for all public entities, **the Judiciary** included. The PFM legal and regulatory framework comprises of, but is not limited to the following:

- The Constitution of the Republic of Uganda
- **The Public Finance Management Act 2015 (PFMA), its Regulations, and Treasury Instructions (2017)**
- The National Audit Act 2008
- The Public Procurement and Disposal of Public Assets Act 2003 and its Regulations



- The Administration of the Judiciary Act 2020
- The Public Service Act
- The Judicial Service Act
- The Pensions Act
- The Specified Officers Act
- The Standing Orders (Current version is 2021)
- Circulars released by the relevant authorities particularly the Ministry of Finance, Planning and Economic Development (MFPED)



## 3.4 PFM IN THE JUDICIARY - KEY PLAYERS

1. The Top Management Committee
2. The Accounting Officer
3. The Senior Management Committee
4. The Finance Committee
5. Vote Controllers: Registrars and Heads of Department/Unit
6. Heads of Station (Heads of High Court Divisions and Circuits, and Magistrates)



## **3.5 ROLES OF KEY PLAYERS IN FINANCIAL MANAGEMENT IN THE JUDICIARY**

### **1. Top Management Committee (TMC)**

Comprising of the Chief Justice, the Deputy Chief Justice, the Principal Judge, the Secretary to the Judiciary and the Chief Registrar, the TMC takes strategic decisions which have a direct bearing on financial management. The TMC also approves the work plan and budget of the Judiciary every financial year.





## 2. The Accounting Officer

**PFMA** defines an Accounting Officer as a person who is:

(a) designated or appointed in writing, as an Accounting Officer, by the Secretary to the Treasury, to be responsible for a vote; or

(b) appointed as Accounting Officer under an Act of Parliament or under an instrument of appointment made under an Act of Parliament, to be responsible for a vote;

The PFMA defines **a vote** as an entity for which an appropriation is made by an Appropriation Act. The Judiciary is **Vote 101**.



- The **Secretary to the Judiciary (SJ)** is the Accounting Officer of the Judiciary as provided for in the AJA S.17.1.e in line with the provisions of the PFMA.
- The roles of Accounting Officers are provided for in Art. 164 of the Constitution and various sections of the PFMA particularly S.16, S.21 and S.45.
- The various legal and regulatory frameworks earlier mentioned e.g. the PPDA Act, National Audit, and the Standing Orders among others provide for various roles to be played by Accounting Officers.



The **SJ/AO** is supported by departments and units as follows:

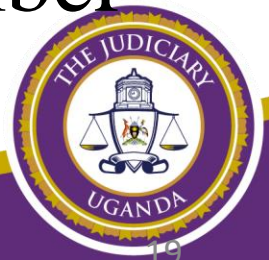
- The Department of **Finance & Administration** headed by an Under Secretary.
- The Department of **Human Resources Management** headed by a Commissioner
- The Department of **Engineering and Technical Services** headed by a Commissioner
- The Department of **ICT** headed by a Commissioner
- The Department of **Policy & Planning** headed by a Commissioner
- The **Procurement & Disposal** Unit headed by an Assistant Commissioner Procurement
- The **Internal Audit** Unit headed by an Assistant Commissioner Internal Audit



### 3. Senior Management Committee (SMC)

Comprising of the SJ, the Chief Registrar, all Registrars and Heads of Department, the SMC plays a key role in financial management in the Judiciary through decisions taken at this level, and consolidating priorities at Registry/Departmental level.

The SMC meets every Monday to appraise critical projects/programs and take decisions on a number of issues.



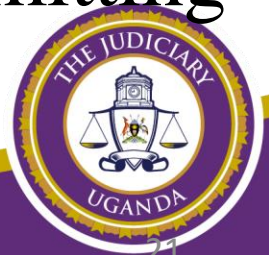
## 4. The Finance Committee

- Established in accordance with the circular of the Secretary to the Treasury, in line with the PFMA.
- The Finance Committee, which comprises Vote Controllers (see definition next slide), is required to meet at least once every quarter to decide on the priorities for the cash limits issued by the MFPED in accordance with the Appropriation and approved work plans.
- The role of the Committee is limited to ensuring proper implementation of the work plan/budget and not to introduce new items in the work plans unless as prescribed by law.



## 5. Vote Controllers

- These are managers of the various sub-subprograms of the Vote. In the case of the Judiciary these include the Chief Registrar, the Registrars and Heads of Department/Unit.
- The Vote Controllers are **required** to recommend to the Accounting Officer expenditure in accordance with the approved work plan.
- The Registrars are **required** to consult with the **Justices and Judges**, the Deputy/Assistant Registrars and the Magistrates, on their requirements before submitting expenditure proposals to the Accounting Officer.



## 6. Heads of Station

- The Head of Station is responsible for managing financial, physical and human resources at his/her station. In the case of High Court Divisions and Circuits, the Heads of Station (Judges) are supported in this role by the Deputy Registrars.
- Support staff are available in form of Office Supervisors and Assistant Accountants to manage finances, and non-financial resources like physical assets and human resources.





In executing their roles, **Heads of Station** are required to:

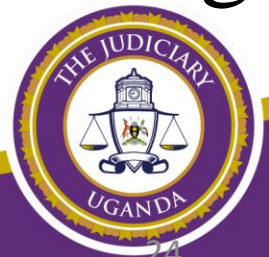
- i. Be mindful of the National and the Judiciary's strategic direction as espoused in the NDPIII and the Judiciary Strategic Plan respectively;
- ii. Provide work plans and the required inputs to the relevant Registrars.
- iii. File performance reports. This includes self appraisal and appraisal of subordinate staff.



## 4.0 FINANCIAL MANAGEMENT ISSUES TO NOTE

### 4.1 EXPENDITURE

- i. Approval of expenditure is at all times authorized by the Accounting Officer only or his delegatee (in writing).
- ii. Where expenditure is undertaken prior to receipt of funds, refund is made only if authorization was sought from the Accounting Officer.



## 4.2 ACCOUNTABILITY

- i. Accountability for funds advanced must be made within 60 days after receipt thereof.
- ii. No additional funds are disbursed to an officer who has not yet accounted for a previous advance.
- iii. Failure to account for funds attracts disciplinary action including deduction of the amounts due from salary and allowances



## 4.3 MANAGEMENT OF PHYSICAL ASSETS

- **Stations are required to maintain a list of assets to mitigate the risk of undetected losses. These lists also facilitate annual boards of survey and inspections. The Treasury Instructions 2017 and the Asset Management Framework and Guidelines issued by the MFPED have details on management of assets.**
- **Items which have outlived their usefulness should be reported to the Accounting Officer for disposal in accordance with the PPDA Act. This includes motor vehicles, motor cycles, ICT equipment and furniture among others.**



# MANAGEMENT OF GOVERNMENT MOTOR VEHICLES

Motor vehicles require special mention due to the abuse observed leading to not only their damage but accidents where lives have been lost in some cases. The following abuses contrary to existing laws and the Standing Orders have been observed:

- i. Driving of the vehicles by unauthorized drivers including children and spouses.
- ii. Carrying of items that damage the vehicles including timber, aggregate stones, animals and other heavy items which are not related to performance of duty.
- iii. Driving late hours, and parking at areas that attract negative comments from the public, putting Government and the Judiciary in disrepute



## 4.4 CASH BAIL & SECURITY DEPOSIT FUNDS

- The Auditor General has raised issues regarding management of bail and security deposit funds because of accumulation of funds on the trust account and complaints from the public.
- The Chief Justice issued Practice Directions on Bail and these provide guidelines on management of Cash Bail. Heads of Station are required to pay particular attention to the management of Refunds and Forfeitures to enable address the recommendations of the Auditor General.



## 4.5 PROCUREMENT

- All procurements must be in the Procurement Plan.
- Courts, Registries and Departments are required to submit their procurement plans to the Procurement Unit for consolidation.
- The procurement plans must be consistent with the approved Annual Work plans.





## 5.0 CONCLUSION

**On 9<sup>th</sup> January 1961, President J.F. Kennedy said:**

**“And when at some future date the High Court of History sits in Judgment on each one of us - our success or failure, in whatever office we may hold, will be measured by the answers to four questions”:**

**i) “Were we truly men of Integrity?”**

This refers to men who never ran out on either the principles in which they believe or people who believe in them.

- ✓ **Integrity is being upright and being honest in whatever you do.**
- ✓ **Integrity is a trend and not an occurrence**



## ii) “Were we truly men of Judgment?”

- ✓ This is perceptive judgment of the future as well as the past.
- ✓ It is perception of our own mistakes as well as mistakes of ours – with enough wisdom to know that we did not know and enough condor to admit it.

**Judgment in the ability to discern right from wrong.**



### iii) “Were we truly men of Dedication?”

- ✓ This is the honour **mortgaged to no single individual** or group
- ✓ It is the honour **not to be compromised** by no private obligation or aim.
- ✓ This is the devotion solely to serving the public good and **national interest**.

**It is the passion to serve as if there is no tomorrow.**



#### iv) “Were we truly men of courage?”

- ✓ This is the courage to stand up to one’s **enemies**
- ✓ The courage to stand up, when necessary, to one’s **associates.**
- ✓ It is the courage to resist public **pressure**
- ✓ It is the courage to resist **private greed.**

**Courage is not the absence of fear but the Mastery of fear.**



**WISHING YOU THE BEST IN  
YOUR SERVICE**

**FOR GOD AND MY COUNTRY**