



THE JUDICIARY OF UGANDA

# Administration & Management of Finances in the Judiciary, and the Terms & Conditions of Service of Magistrates Grade I

## INDUCTION OF NEWLY APPOINTED MAGISTRATES GRADE I

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# PURPOSE OF THE PRESENTATION

To acquaint the newly appointed Magistrates Grade I with:

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



# 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. As such, the Judiciary is comprised of judicial officers to adjudicate cases and these are supported by a number of departments to enable them fulfil this mandate efficiently and effectively. Thus this presentation aims at highlighting the various aspects of this support.



## 2.0 DEPARTMENTS/UNITS

- **Headed** by the Permanent Secretary/Secretary to the Judiciary/Accounting Officer as provided for under Articles 174 and 164 of the Constitution, and Section 17 of the Administration of Judiciary Act, 2020 (AJA)
- **Comprise:**
  - i. Finance & Administration Department
  - ii. Human Resources Management Department
  - iii. Engineering & Technical Services Department
  - iv. Policy and Planning Department
  - v. Procurement and Disposal Unit
  - vi. Internal Audit Unit



## 2.1 ROLES OF THE PERMANENT SECRETARY UNDER ARTICLE 174 OF THE CONSTITUTION

- i. Organisation and operation of the department or Ministry
- ii. Tendering advice to the responsible Minister in respect of the business of the Department or Ministry
- iii. Implementing policies of the Government of Uganda
- iv. Subject to Article 164 of the Constitution, responsibility for the proper expenditure of public funds by or in connection with the department or Ministry



## 2.2 ROLES OF THE SECRETARY TO THE JUDICIARY UNDER S. 17 OF THE ADMINISTRATION OF THE JUDICIARY (AJA)

- i. Organisation of the Judiciary;
- ii. Tendering advice to the Chief Justice in respect of the administrative business of the Judiciary;
- iii. Implementing policies of the Government of Uganda;
- iv. Implementing the administrative activities in the Judiciary Strategic Plan;
- v. Subject to Article 164 of the Constitution, the expenditure of public funds by or in connection with the Judiciary; and
- vi. Any other duty assigned by the Chief Justice, Deputy Chief Justice or Principal Judge.



## 2.3 SECRETARY TO THE JUDICIARY AS ACCOUNTING OFFICER

By virtue of the S.17(1)(e) of the AJA, the Secretary to the Judiciary is the Accounting Officer of the Judiciary and thus plays a number of roles espoused in the Public Finance and Management Act 2015 (PFMA) particularly S.45:

- i. Controlling the regularity and proper use of money appropriated to the vote;
- ii. Authorizing any commitment made by the vote;
- iii. Controlling the resources received, held or disposed of by or on account of the vote;



- iv. In respect of all resources and transactions of a vote, put in place effective systems of risk management, internal control and internal audit;
- v. Entering into an annual budget performance contract with the Secretary to the Treasury which binds him/her to deliver on the activities in the work plan of the vote for a financial year, submitted under Section 13 (15); and
- vi. Responsible and personally accountable to Parliament for the activities of the vote.





## 2.4 DEPARTMENT OF FINANCE & ADMINISTRATION

- i. Management of financial resources through control and reporting;
- ii. Development and implementation of policies;
- iii. Management of physical assets;
- iv. Provision of logistics;
- v. Office/court premises management; and
- vi. Library services.



## 2.5 HUMAN RESOURCES MANAGEMENT DEPARTMENT

- i. Recruitment and retention
- ii. Payroll management
- iii. Performance management
- iv. Training and Development
- v. Human Resource Planning
- vi. Records Management
- vii. Exit management



## 2.6 ENGINEERING & TECHNICAL SERVICE DEPARTMENT

Plan, control and coordinate all engineering services of the Judiciary through:

- i. Design and supervision of construction of buildings, and related facilities like water and power supply infrastructure.
- ii. Develop plans, specifications and budgets for the construction, repair and maintenance of the Judiciary buildings.



## 2.7 INFORMATION & COMMUNICATION TECHNOLOGY (ICT) DEPARTMENT

- i. Develop appropriate policies, plans, programmes, strategies and guidelines for effective information and communication management;
- ii. Manage the design and development of ICT to support the Judiciary mandate; and
- iii. Provide support services on matters relating to coordination, procurement, installations and maintenance of ICTs.



## 2.8 POLICY AND PLANNING DEPARTMENT

The Department supports the Accounting Officer in the planning, budgeting, monitoring and reporting function as follows:

- i. Initiating and coordinating the preparation of the Strategic Plan.
- ii. Preparing the Budget Framework Paper, Annual Budget and Work plans and Policy Statement.
- iii. Monitoring and evaluating implementation and the impact of policies, strategies, plans, programs and projects.
- iv. Analyzing expenditure limits, quarterly allocations and any budget adjustments.
- v. Periodic Performance Reporting on budget implementation.



## 2.9 PROCUREMENT AND DISPOSAL UNIT

- Established under the PPDA Act, the Unit is responsible for coordinating the procurement and disposal processes in the Judiciary.
- Ensuring compliance with the Act, Regulations and Instructions issued thereunder.
- The Unit is also Secretariat for the Contracts Committee.



## 2.10 INTERNAL AUDIT UNIT

- i. Review systems for generating financial information, data and continued assessment of their reliability and adequacy;
- ii. Review and report on the soundness of the internal control systems of the entity ensuring that management has put in place proper systems to safeguard the assets of the Entity; and
- iii. Review and assess the compliance of the Entity with the established Laws, Regulations, Policies and procedures.



## 3.0 MANAGEMENT LEVELS

The Judiciary has administratively been structured into two Management levels for purposes of day to day management at a Macro level:

1. The **Top Management Committee (TPC)** comprising of the Chief Justice (Chairperson), the Deputy Chief Justice, the Principal Judge, the Secretary to the Judiciary and the Chief Registrar; and
2. The **Senior Management Committee (SMC)** comprising of the Secretary to the Judiciary (Chairperson), the Chief Registrar, Registrars and Heads of Department.





## 4.0 FINANCIAL MANAGEMENT ISSUES TO NOTE

### 4.1 EXPENDITURE:

- i. All expenditure must be consistent with work plans. No expenditure request is authorized unless it is reflected in the work plan. *The plans must indicate the activities, expected outputs, output indicators, inputs, timelines, etc.*
- ii. Approval of expenditure is at all times authorized by the Secretary to the Judiciary, or his delegatee (in writing) in case he/she is not at station.
- iii. Where expenditure is undertaken prior to receipt of funds, refund is made only if prior 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 shall be 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.**



## **5.0 TERMS AND CONDITIONS OF SERVICE OF A MAGISTRATE GRADE I**

The Terms and Conditions of Service of Judicial Officers as public officers are stipulated in-

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



## 5.1 SALARY

Salary is an entitlement stipulated in the offer of Appointment Letter, and this may later be revised in line with Government priorities/policies. The current fixed salary of a Magistrates Grade I is **UGX 5,200,000** per month.



## 5.2 ALLOWANCES

- i. Allowances are not entitlements. Officers become eligible for them on a case by case basis depending on the circumstance and 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.



## JUDICIAL OFFICER'S ALLOWANCE

In line with a Cabinet decision aimed at improving the terms of service of judicial officers on the lower bench, a **judicial officer's allowance** is paid monthly. Magistrates Grade I are paid **UGX 330,000** per month.



## 5.3 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. Since the budget was not sufficient to cater for the immediate family of officers as is the practice in some organisations, Staff are encouraged to enrol their close family on the scheme at their cost to take advantage of the negotiated group premium.



## 5.4 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 which Registrars/Heads of Station are required to develop and ensure are complied with.





## 5.5 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)



## 6.0 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**