

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**S T A T U T O R Y   I N S T R U M E N T S**

**2009 No. 39.**

**THE ADVOCATES (PRO BONO SERVICES TO INDIGENT PERSONS)  
REGULATIONS, 2009**

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# STATUTORY INSTRUMENTS

2009 No. 39.

## **The Advocates (Pro bono Services to Indigent Persons) Regulations, 2009.**

*(Made under sections 15A and 77(1) (a) of the Advocates Act, Cap 267)*

IN EXERCISE of the powers conferred upon the Law Council by sections 15A and 77(1) (a) of the Advocates Act, these Regulations are made this 1st day of October, 2008.

### **1. Title**

These Regulations may be cited as the Advocates (Pro bono Services to Indigent Persons) Regulations, 2009.

### **2. Interpretation**

In these Regulations—

“Act” means the Advocates Act, Cap 267;

“Board” means the Board of Trustees established under regulation 6;

“currency point” is equivalent to twenty thousand shillings;

“indigent person” means a person to whom an advocate gives advice or provides representation and who has no other access to the courts and the legal system or where access is inadequate or the case raises a wider issue of public interest;

“pro bono services” means the professional services referred to in regulation 3.

### **3. Provision of pro bono services**

(1) Every advocate shall provide, free of charge, pro bono services of forty hours in a calendar year to an indigent person.

(2) Pro bono services shall include—

- (a) giving advice or providing representation to indigent persons;
- (b) involvement in free community legal education;
- (c) involvement in giving free legal advice or representation to a charitable or community organisation or to a client of such an organisation;

(3) Pro bono services may include professional services relating to—

- (a) administrative law;
- (b) business law, in relation to non profit making organisation;
- (c) child care and protection;
- (d) criminal law;
- (e) debt and credit;
- (f) discrimination;
- (g) employment and industrial law;
- (h) family and succession law;
- (i) wills and estates;
- (j) human rights;
- (k) land rights;
- (l) tenancies;
- (m) women's rights;
- (n) environment and health; and
- (o) any other matter approved by the Law Council or a body delegated by the Law Council for that purpose.

- (4) Professional services do not include the following—
- (a) business law in relation to profit making organisations;
  - (b) intractable disputes between neighbours;
  - (c) personal injury and professional negligence;
  - (d) traffic matters and motor vehicle accidents; or
  - (e) local government and planning issues.

#### **4. Payment of fee in lieu of pro bono services**

(1) An advocate who is unable to provide pro bono services as required by regulation 3 shall, for every two professional service hours, pay the equivalent of one currency point to the Law Council in lieu of the provision of the service.

(2) The fees collected under subregulation (1) shall be paid into the pro bono scheme and shall be used for the purposes of facilitating and administering pro bono services.

#### **5. Pro Bono Scheme**

The Law Council shall establish a Pro Bono Scheme, in these Regulations referred to as the Scheme.

#### **6. Board of Trustees**

(1) The pro bono scheme shall be managed by a Board of Trustees, which shall consist of—

- (a) two members of the Law Council, one of whom shall be the chairperson of the Board;
- (b) the President of the Uganda Law Society;
- (c) the Chief Registrar or his or her representative; and
- (d) a representative of the Attorney General.

(2) The chairperson and members of the Board shall be paid such allowances as may be determined by the Law Council.

(3) The members of the Board shall hold office for a period of three years and are eligible for re appointment.

(4) A member of the Board may, at any time, resign his or her office in writing addressed to the chairperson of the Law Council.

(5) The Board may co-opt any person to assist it in the performance of its functions.

## **7. Functions of the Board**

The functions of the Board are—

(a) to ensure effective and efficient management of the pro bono scheme;

(b) to promote pro bono services within the legal profession and the community;

(c) to approve pro bono services provided by advocates under these Regulations;

(d) to manage moneys paid into the pro bono scheme; and

(e) to do any other thing incidental to or conducive to the attainment of the objects of the pro bono scheme.

## **8. Meetings of the Board**

(1) The chairperson shall preside at the meetings of the Board.

(2) Where the chairperson is not present at a meeting, the members present shall elect one of their number to preside at the meeting.

(3) The quorum for a meeting of the Board is three members, but subject to the requirement of a quorum, the Board may act notwithstanding any vacancy in its membership.

(4) The chairperson may at any time convene a meeting of the Board.

(5) Three or more members may request the chairperson to convene a meeting of the Board.

(6) Subject to these Regulations, the Board may regulate its own procedure or any matter relating to its meetings.

## **9. Decisions of the Board**

A decision of the Board shall be by a majority of votes of members present and voting and in the case of a tie in the votes; the chairperson shall have a casting vote in addition to his or her deliberative vote.

## **10. Funds of the Scheme**

The funds of the scheme shall include—

- (a) fees collected under regulation 4(1);
- (b) moneys referred to in regulation 12 (b) and (c);
- (c) donations;
- (d) grants from Government;
- (e) moneys from any other source.

## **11. Management team**

(1) The Board may delegate the day-to-day operations and management of the pro bono scheme to the staff of the Secretariat of the Law Council, in these Regulations referred to as the management team.

(2) The functions of the management team shall include—

- (a) to keep financial records, including books of accounts of the scheme;
- (b) to render financial statements to the Board and to the Law Council;

- (c) to issue notices of meetings of the Board;
- (d) to keep minutes of all meetings of the Board;
- (e) to monitor the provision by advocates of pro bono services under regulation 3;
- (f) to keep proper records of the scheme; and
- (g) to carry out any other duties as may be assigned by the Board.

## **12. Monetary awards on pro bono represented cases**

Where a monetary award is granted in favour of an indigent person, either by judicial judgment, mediation or private settlement, the proceeds shall be distributed in the following manner—

- (a) first, a restitutionary amount arising from the cause of action, to the indigent person;
- (b) second, exemplary damages the indigent person is entitled to; and
- (c) third, any advocate-client costs or costs for disbursements which shall be deposited into the Pro Bono Scheme.

## **13. Refusal to issue practicing certificate**

An advocate shall not be issued with a practicing certificate unless the Board determines that the advocate—

- (a) has provided professional services as required by regulation 3; or
- (b) has paid fees in lieu of the provision of such service as required by regulation 4.

HON. JUSTICE J.W.N TSEKOOKO, JSC  
*Chairperson, Law Council.*