

**92. Compensation order.**

(1) A person convicted of an offence under this Act may be held liable for any loss or damage caused by the offence and may be ordered by the court, in addition to any penalty imposed by the court for the offence, to pay an amount of compensation for the damage.

(2) An order made under subsection (1) may be enforced as if it were a judgment in a civil action or suit before a court.

PART XIII—ELECTRICITY DISPUTES TRIBUNAL.

**93. Establishment of tribunal.**

There is established the Electricity Disputes Tribunal.

**94. Chairperson and vice chairperson of tribunal.**

(1) The Minister, in consultation with the Judicial Service Commission, shall appoint the chairperson and vice chairperson of the tribunal.

(2) A person is not qualified to be appointed chairperson or vice chairperson of the tribunal unless he or she is qualified to be a judge of the High Court.

**95. Appointment of other members.**

(1) The other members of the tribunal shall be appointed by the Minister on the recommendation of the Public Service Commission.

(2) A member of the tribunal may be appointed on a part-time or full-time basis.

**96. Qualifications for appointment.**

A person may only be appointed as a member of a tribunal if the person is of high moral character and proven integrity and has proven experience in at least one of the following areas—

(a) technical knowledge, either in the generation, transmission or

- distribution of electricity;
- (b) law or administration;
- (c) finance or economics;
- (d) the energy industry; or
- (e) environment.

**97. Tenure of office.**

A member of the tribunal shall hold office for five years and is eligible for reappointment.

**98. Conditions of appointment.**

Subject to this Act, a member of the tribunal shall hold office on such terms and conditions as are prescribed in his or her letter of appointment.

**99. Disqualification from appointment to tribunal.**

A person shall not be appointed a member of the tribunal or be requested to give technical advice who—

- (a) is a shareholder, a member of the board, an employee, or the holder of a licence, of any entity engaged in providing services to the electricity industry likely to cause a conflict of interest;
- (b) is an undischarged bankrupt or has made any arrangements with his or her creditors;
- (c) is incapacitated by mental or physical illness;
- (d) has been convicted of any offence involving moral turpitude in Uganda or elsewhere; or
- (e) is otherwise unable or unfit to discharge the functions of member of the tribunal or to give technical advice.

**100. Oath of office.**

A person who is appointed a member of the tribunal shall, before assuming the duties of his or her office, take and subscribe the Oath of Allegiance and the Judicial Oath in the Fourth Schedule to the Constitution.

**101. Termination of appointment.**

- (1) This section applies to all members of the tribunal.

(2) A member of the tribunal may resign his or her office by notice in writing delivered to the Minister.

(3) The Minister may, in consultation with the Judicial Service Commission, remove from office a member of the tribunal who—

- (a) is unable to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaves or conducts himself or herself in a manner unbecoming of the office of member of the tribunal;
- (c) is incompetent;
- (d) becomes an undischarged bankrupt;
- (e) fails to disclose to the tribunal any interest in any contract or matter before the authority in accordance with section 102; or
- (f) is convicted of an offence and sentenced to imprisonment for six months or more by a competent court in Uganda or elsewhere.

#### **102. Disclosure of interest.**

Where a member of the tribunal as constituted for the purposes of a proceeding has any interest, pecuniary or otherwise, that could conflict with the proper performance of the member's functions, he or she shall disclose the interest to the parties to the proceedings and shall not take part in the proceeding or exercise any powers in relation to the matter to which the proceeding relates.

#### **103. Official seal.**

(1) The tribunal shall have a seal which shall be judicially noticed.

(2) The seal of the tribunal shall be affixed by or with the authority of the tribunal to such documents as are required by direction of the chairperson to be sealed with the seal of the tribunal.

#### **104. Arrangement of business.**

(1) Subject to this Act, the chairperson is responsible for ensuring the orderly and expeditious discharge of the business of the tribunal.

(2) Without limiting the operation of subsection (1), the chairperson shall give directions relating to—

- (a) the arrangement of the business of the tribunal;

- (b) the places at which the tribunal may sit generally; and
- (c) the procedure of the tribunal at a particular place.

(3) The times and places of the hearings of the tribunal shall be determined by the chairperson with a view to securing a reasonable opportunity for applicants to appear before the tribunal with as little inconvenience and expense as is practicable.

#### **105. Constitution of tribunal for exercise of powers.**

(1) The tribunal shall be constituted for a proceeding when three of the members are present.

(2) The chairperson shall preside at all sittings of the tribunal and in the absence of the chairperson, the vice chairperson shall preside.

#### **106. Technical advice.**

(1) The tribunal may seek technical advice from persons whose specialised knowledge or experience may assist the tribunal in its proceedings.

(2) A person giving technical advice shall cease to advise the tribunal if he or she—

- (a) is subsequently disqualified from appointment in accordance with section 99;
- (b) fails to disclose to the tribunal any interest in the electricity sector or in a contract or other matter before the authority or the tribunal;
- (c) subsequently acquires any interest in the electricity sector.

#### **107. Remuneration.**

A member of the tribunal or a person giving technical advice to the tribunal shall be paid an allowance that may be determined by the Minister.

#### **108. Funds of tribunal.**

The funds of the tribunal shall consist of—

- (a) monies appropriated by Parliament for enabling the tribunal to perform its functions;

- (b) grants or donations from sources acceptable to the Minister and the Minister responsible for finance.

#### **109. Jurisdiction of tribunal.**

(1) The tribunal shall have jurisdiction to hear and determine all matters referred to it relating to the electricity sector.

(2) For the avoidance of doubt, the jurisdiction of the tribunal does not include the trial of any criminal offence or the hearing of any dispute that a licensee and any other party may have agreed to settle in accordance with their agreement.

(3) The tribunal shall in the exercise of its jurisdiction under this Act have all the powers of the High Court.

#### **110. Power of review and appeals from tribunal.**

(1) The tribunal may, of its own motion or upon application by an aggrieved party, review its judgments and orders.

(2) Judgments and orders of the tribunal shall be executed and enforced in the same manner as judgments and orders of the High Court.

(3) Any person aggrieved by a decision of the tribunal may, within thirty days from the date of the decision or order, appeal to the High Court.

(4) The law applicable to appeals from the High Court in civil matters shall, with the necessary modifications or other adjustments as the Chief Justice may direct, apply to appeals from the tribunal to the High Court.

(5) Except in the case of an appeal under this section, it shall not be lawful for any court or tribunal to entertain any action or proceeding of any nature for the purpose of questioning any judgment, finding, ruling, order or proceeding of the tribunal.

(6) A person aggrieved by the decision of the High Court under this section may, within thirty days of the date of the decision, appeal to the Court of Appeal.

### **111. Procedure of tribunal.**

- (1) The tribunal shall meet as and when there is need to exercise its jurisdiction under this Act.
- (2) A decision of the tribunal shall be binding if it is supported by a majority of the members.
- (3) A witness before the tribunal shall have the same immunities, obligations and privileges as a witness before the High Court.
- (4) The tribunal shall conduct its proceedings without procedural formality but shall observe the rules of natural justice.
- (5) Except as prescribed in this Act, the tribunal may regulate its own procedure.

### **112. Registrar of tribunal.**

- (1) The tribunal shall have a registrar who shall be a person qualified to be a registrar of the High Court and who shall be appointed by the Minister in consultation with the Judicial Service Commission.
- (2) The registrar shall be responsible for the day-to-day administration of the tribunal, the keeping of a public record of the discussions of the tribunal and the processing of the papers of the tribunal.
- (3) The tribunal shall have a registry and such other staff as may be necessary for the functioning of the registry.

## **PART XIV—MISCELLANEOUS.**

### **113. Exemptions.**

- (1) The authority may, by statutory order, grant an exemption from the requirement to hold a licensee for the generation, distribution or sale of electricity by categories of persons or by a particular person, for the promotion of rural electrification where the generation capacity does not exceed two megawatts, but that exemption shall not preclude the authority from exercising its other regulatory functions under this Act.