

AN OVERVIEW OF THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) ACT, (ACT NO. 1 OF 2020)

1. Introduction

The Written Laws (Miscellaneous Amendments) Act, (Act No-1 of 2020) amends a number of laws, including, the Civil Procedure Code (Cap 33 R.E. 2019); The Criminal Procedure Act, (Cap 20 R.E. 2019); the Government Proceedings Act, (Cap 5 R.E. 2019); the Local Government (District Authorities) Act, (Cap 287 R.E. 2002); the Local Government (Urban Authorities) Act, (Cap 288 R.E. 2002) and the Executive Agencies Act, (Cap 245 R.E. 2019), among others.

This short overview focuses on the amendments that cloth any Government Agency or Local Government or Public Corporation or Entity with sovereign immunity for purposes of judicial process and execution of judicial awards. These are: -

2. **Amendments to the Civil Procedure Act Cap 33:** intended to align it with the new Arbitration Act, No- 2 of 2020 which introduce new alternative disputes resolution by way of mediation, conciliation and reconciliation, in addition to arbitration. The Civil Procedure Act has now been again amended by the introduction of new section 64B empowering the Minister to establish and maintain a system of accreditation for reconciliators, negotiators, mediators and arbitrators; to appoint a registrar to maintain such register of the persons who will be involved in facilitation of reconciliations, negotiations, mediation and arbitration for a fee and to make it an offence for such people practicing without accreditation and the penalty thereof.
3. **Amendments to (i) the Executive Agencies Act Cap 245; (ii) the Local Government Urban Authorities Act Cap 288; and (iii) the Local Government District Authorities Acts Cap 287:** intended to provide for a mandatory requirement to join the Attorney General in any proceedings against the entities established under the above laws and requiring a 90 day notice for institution of suits against any of the entities. Consequently, all the agencies and authorities established vide the amended legislation enjoy similar immunity as that enjoyed by the Sovereign availed pursuant to the Government Proceedings Act Cap 5, in the event of disputes with third parties. This is achieved by adding to the definition of a government to mean, "*Government ministry, local government authority, independent department, executive agency, public corporation, parastatal organization or a public company established under any written law to which the Government is a majority shareholder*".
4. **Amendments to the Government Proceedings Act Cap 5:** consistent with the amendments discussed under parts 2 and 3 above, there is an omnibus new provision under the Government Proceedings Act No- 5, giving sovereign immunity in relation to suits and execution of judicial awards against any Government ministry, department, local authority, public corporation, executive agency or any public entity established under any law. In terms of this amendment, the Attorney General must be joined in any suit against these entities, and non-joinder shall vitiate the proceedings.