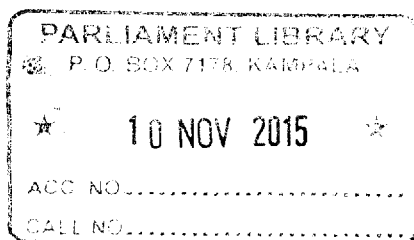




THE REPUBLIC OF UGANDA

THE TRADE (LICENSING) (AMENDMENT) ACT, 2015.





THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.

Yoweri Museveni

President

Date of assent:

6th of Nov. 2015.

ARRANGEMENT OF SECTIONS

Section.

1. Amendment of section 1 of the Trade (Licensing) Act, Cap. 101.
2. Amendment of section 2 of the Principal Act.
3. Amendment of section 5 of the principal Act.
4. Repeal of section 7 of the principal Act.
5. Amendment of section 8 of the Principal Act.
6. Amendment of section 11 of the principal Act.
7. Replacement of section 13 of the principal Act.
8. Amendment of section 15 of the principal Act.
9. Amendment of section 16 of the principal Act.
10. Replacement of section 17 of the principal Act.
11. Amendment of section 20 of the principal Act.
12. Replacement of section 21 of the principal Act.
13. Amendment of section 25 of the principal Act.
14. Amendment of section 26 of the principal Act.
15. Amendment of section 28 of the principal Act.
16. Amendment of section 29 of the principal Act.
17. Amendment of section 30 of the principal Act.
18. Amendment of section 33 of the principal Act.
19. Insertion of new section 33A and 33B.
20. Schedules.



THE REPUBLIC OF UGANDA

THE TRADE (LICENSING) (AMENDMENT) ACT, 2015.

An Act to amend the Trade (Licensing) Act to provide that the restriction on trading by noncitizens in certain areas, goods and services does not apply to citizens of the Partner States of the East African Community; to convert the fines and other financial amounts into currency points and revise the penalties; to provide the procedure of renewal and appeal against refusal; to change the period of validity of a licence; to provide for the keeping of books of accounts and for related purposes.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

1. Amendment of section 1 of the Trade (Licensing) Act, Cap. 101.
The Trade (Licensing) Act, in this Act referred to as the principal Act is amended by—

- (a) inserting immediately before subsection 1(a) the following—

“(a1) currency point” has the meaning assigned to it in Schedule 1”

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- (b) amend paragraph (b) of section (1) of the principal Act by inserting a phrase “while moving about” between the words “person” and “sells” on line 2;
- (c) substituting for subsection 1(h) the following—
 - ““(h) trade” or “trading” means the selling of goods or services for which a licence under this Act is required”
- (d) amend paragraph (j) of the principal Act by inserting the phrase “while travelling and selling to retailers” between the words “person” and “sells” on line 2.

2. Amendment of section 2 of the Principal Act.

Section 2 of the principal Act is amended—

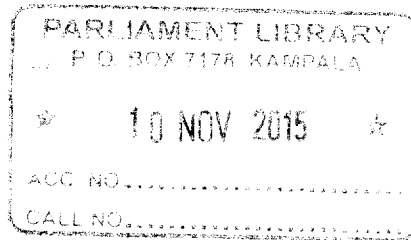
- (a) in subsection (1) by substituting for the words “local administrations and urban authorities” the following—
 - “local governments or capital city”;
- (b) by repealing subsections (3) and (4);
- (c) in subsection (5) by substituting for the words “local administrations and urban authorities” the following—
 - “local governments or capital city”.

3. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended by inserting immediately after subsection (3) the following—

“(4) This section does not apply to a person who is a citizen of a Partner State of the East African Community.

(5) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding twelve months or both.”



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4. Repeal of section 7 of the principal Act.

Section 7 of the principal Act is repealed.

5. Amendment of section 8 of the Principal Act.

Section 8 of the principal Act is amended—

(a) in subsection (1) by inserting immediately after “goods” the words—

“or services”

(b) in subsection (2)(c) by inserting immediately after “Act” the words—

“except trade in business as may be prescribed by Minister, in consultation with the local authority”;

(c) by repealing paragraph (f);

(d) by inserting immediately after subsection (2) the following—

“(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

6. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended by substituting for subsections (3) and (4) the following—

“(3) The licensing authority may—

(a) refuse to grant a trading licence; or

(b) revoke a trading licence where it is satisfied that the terms and conditions upon which the licence was granted have been contravened.

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(4) Where the licensing authority refuses to grant a licence or revokes a licence, the licensing authority shall within fourteen days give reasons in writing for the refusal or revocation.

(5) A person aggrieved by the decision of the licensing authority under sub section (4) may appeal to an appeal authority constituted in—

- (a) every city authority by the Executive Director;
- (b) every municipal or town authority by the town clerk; and
- (c) every district authority by the Chief Administrative Officer.

(6) A person aggrieved by a decision made by the appeal authority under sub section (5), may appeal to the Minister.

7. Replacement of section 13 of the principal Act.

For section 13 of the principal Act there is substituted the following—

“13. Duration of trading licence.

A trading licence is valid for twelve months from the date of issue.”

8. Amendment of section 15 of the principal Act.

Section 15 of the principal Act is amended in subsection (3) by substituting for “two thousand shillings or to a term of imprisonment not exceeding six months or to both” the words “forty eight currency points or imprisonment not exceeding two years or both”.

9. Amendment of section 16 of the principal Act.

Section 16 of the principal Act is amended by substituting for subsections (7) and (8) the following—

“(7) The licensing authority may—

- (a) refuse to grant a hawkers licence; or

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- (b) revoke a hawkers licence where it is satisfied that the terms and conditions upon which the licence was granted have been contravened.

(8) Where the licensing authority refuses to grant a hawker's licence or revokes a hawker's licence, the licensing authority shall within fourteen days give reasons in writing for the refusal or revocation.

(9) A person aggrieved by a decision of the licensing authority to refuse to grant a hawker's licence or revoke a hawker's licence may appeal to the appeal authority constituted by the Minister by statutory instrument.

(10) For the purposes of this section, the licensing authority, in the case of an application for a hawkers licence to trade in—

- (a) more than one local government, is the person appointed by the Minister by statutory instrument;
- (b) only one local government is the licensing authority specified in section 9.

(11) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.”

10. Replacement of section 17 of the principal Act.

For section 17 of the principal Act there is substituted the following—

“17. Duration of a hawkers licence.

A hawker's licence is valid for twelve months from the date of issue.”

11. Amendment of section 20 of the principal Act.

Section 20 of the principal Act is amended by substituting for subsections (8) and (9) the following—

“(8) The licensing authority may—

(a) refuse to grant a travelling wholesaler’s licence; or

(b) revoke a travelling wholesaler’s licence where it is satisfied that the terms and conditions upon which the licence was granted have been contravened.

(9) Where the licensing authority refuses to grant a travelling wholesaler’s licence or revokes a travelling wholesaler’s licence, the licensing authority shall within fourteen days give reasons in writing for the refusal or revocation.

(10) A person aggrieved by a decision of the licensing authority to refuse to grant travelling wholesaler’s licence or revoke a travelling wholesaler’s licence may appeal to the appeal authority constituted by the Minister by statutory instrument.”

12. Replacement of section 21 of the principal Act.

For section 21 of the principal Act there is substituted the following—

“21. Duration of a travelling wholesaler’s licence.

A travelling wholesaler’s licence is valid for twelve months from the date of issue.”

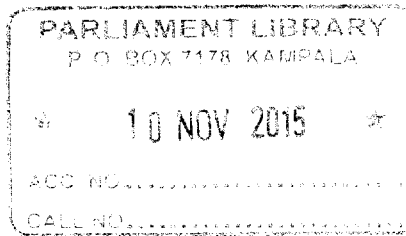
13. Amendment of section 25 of the principal Act.

Section 25 of the principal Act is amended—

(a) by substituting for subsection (1)(b), the following—

“(b) within the jurisdiction of the licensing authority that issued the licence.”

(b) by inserting immediately after subsection (1), the following—



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“(1a) The holder of a trading licence may within the jurisdiction of the licensing authority that issued the licence, change premises in respect of which the licence is issued.

(1b) Where the holder of a licence changes premises in accordance with subsection (1a), the holder of the licence shall within fourteen days apply to the licencing authority to endorse the new premises on the licence.”

14. Amendment of section 26 of the principal Act.

Section 26 of the principal Act is amended by substituting for subsection (5) the following—

“(5) This section does not apply to a person holding a licence below the value specified in Schedule 2.”

15. Amendment of section 28 of the principal Act.

Section 28 of the principal Act is amended by substituting for the phrase “one thousand shillings” appearing on line 4 the phrase “not exceeding 0.5 currency points”.

16. Amendment of section 29 of the principal Act.

Section 29 of the principal Act is amended by inserting at the beginning of paragraph (b) the phrase “in consultation with the affected local government or City authority”.

17. Amendment of section 30 of the principal Act.

Section 30 of the principal Act is amended—

- (a) in subsection (2) by substituting for the word “two” on line 3 the word “four”.
- (b) in subsection (5) (a) by inserting new sub paragraph (iii) to provide as—

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- (iii) “the executive director, be credited to the revenues of the appropriate city authority.”

18. Amendment of section 33 of the principal Act.

Section 33 of the principal Act is amended by substituting for the phrase “sell any article or substance for the sale” appearing on line 2, the phrase “carry out any trade the carrying on”.

19. Insertion of new section 33A and 33B.

The principal Act is amended by inserting immediately after section 33 the following—

“33A. Transmission of returns for licences granted.

(1) Every licensing authority shall transmit to the Minister a return indicating the licences issued in the relevant local government.

(2) The minister shall, by statutory instrument, make Regulations to prescribe the manner and form of transmission of returns under subsection (1).

33B. Minister’s power to amend Schedules 1 and 3.

The Minister may by statutory instrument amend Schedules 1 and 3.”

20. Schedules.

(1) The principal Act is amended—

- (a) by renaming the “Schedule” as “Schedule 2”;
- (b) by substituting for “Schedule” wherever it appears in sections 8, 11, 16, 20, 24, 25 and 30, the words “Schedule 2”;

(2) The principal Act is amended—

- (a) by inserting immediately before “Schedule 2” the following new Schedule—

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“SCHEDULE 1

Currency Point

s. 1 (a1)

One currency point is equivalent to twenty thousand shillings”

- (b) by inserting immediately after “Schedule 2” the following new Schedule—



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

.....
George
Clerk to Parliament

Date of authentication: 28th/Oct/2015