

CHAPTER 103.

THE EXTERNAL TRADE ACT.

[30TH JULY, 1953.]

Ord. 8 of 1952.  
Act 26 of 1963.  
L.Ns.—  
157 of 1953.  
145 of 1962.  
261 of 1962.  
10 of 1963.  
S.I. 57 of 1964.

Short title.  
Cap. 15.

Interpretation.

Amended L.Ns.—  
145 of 1962.  
261 of 1962.  
Act 26 of 1963, s. 2.

Subs!  
SI 84/68

Cap. 4.

Delegation of Minister's powers.

Amended Act 26 of 1963, s. 2.

Act To Make Provision For The Regulation Of External Trade And Other Matters Incidental Thereto and Connected Therewith.

1. [Omitted—Acts of Parliament Act, section 12.]

2. (1) In this Act, unless the context otherwise requires—

“export restricted goods” means any goods in respect of which the Minister under the provisions of subsection (1) of section 5 of this Act has made a statutory order prohibiting their export without a licence;

“goods” include all kinds of movable or personal property including animals;

“import restricted goods” means any goods in respect of which the Minister under the provisions of subsection (1) of section 4 of this Act has made a statutory order prohibiting their import without a licence;

“scheduled services of the Common Services Organization” means the services set out in the First Schedule to the Constitution of the Common Services Organization.

(2) Any notice required to be published under the provisions of this Act shall be published in the Gazette and in one issue of a newspaper circulating throughout Uganda.

3. (1) The Minister may delegate either generally or in a limited respect any of the powers or duties vested in him under the provisions of subsections (2), (3), (4) and (5) of section 4 and subsections (2), (3), (4) and (5) of section 5 of this Act.

(2) No delegation made under subsection (1) of this section shall deprive the Minister of any of the powers so delegated.

Restriction  
on certain  
imports.

Amended  
L.N. 145  
of 1962.  
Act 24 of  
1963, s. 2.

delete  
Act 24/70

4. (1) The Minister may from time to time by statutory order prohibit the import of any class of goods without a licence granted under the provisions of subsection (2) of this section.

(2) Subject to the provisions of subsections (3) and (4) of this section, the Minister shall grant a licence for the import of any import restricted goods.

(3) No licence shall be granted by the Minister for the import of any import restricted goods if in his opinion the import of such goods would or would be likely to prejudice any agreement or arrangement in respect of external or internal trade or currency entered into or approved by or on behalf of the Government.

(4) The Minister shall make any licence granted under the provisions of subsection (2) of this section subject to such conditions as he shall think necessary in order to ensure that the import of the goods in respect of which the licence is to be issued is in conformity with any agreement or arrangement in respect of external or internal trade or currency entered into or approved by or on behalf of the Government. In imposing such conditions the Minister shall have regard not only to the import of the goods in respect of which the licence is required but shall take into consideration the necessity, if any, for controlling the import of goods generally or the import of any particular type of goods and by such conditions shall ensure the equitable distribution of import licences.

delete  
Act 24/70

(5) Notwithstanding the provisions of subsection (1) of this section, the following classes of goods may be imported without a licence whether they are import restricted goods or not—

- (a) goods in transit or for transshipment;
- (b) *bona fide* baggage as defined in the Schedule to the Customs Tariff Act;
- (c) consular goods and official, military and naval stores and goods as respectively defined in the Schedule to the Customs Tariff Act;
- (d) commercial travellers' samples;

- (e) goods sent by post on proof to the satisfaction of the Minister that they are *bona fide* unsolicited gifts and not for re-sale;
- (f) currency notes or coins issued by the East African Currency Board;
- (g) goods imported by the Government or by any of the scheduled services of the ~~Common Services~~ *Community* Organization.

SSI 87/08

5. (1) The Minister may from time to time by statutory order prohibit the export of any class of goods without a licence granted under ~~the provisions of subsection (2)~~ of this section.

Restriction on certain exports.

Amended L.N. 261 of 1962. Act 26 of 1963, s. 2.

Delete Act 24/70

(2) Subject to the provisions of subsection (3), (4) and (5) of this section the Minister shall grant a licence for the export of any export restricted goods.

(3) No licence shall be granted by the Minister for the export of any export restricted goods if in his opinion the export of any such goods would be contrary to the economic interests of Uganda or would or would be likely to prejudice any agreement or arrangement in respect of external or internal trade or currency entered into or approved by or on behalf of the Government.

(4) The Minister shall make any licence granted under the provisions of ~~subsection (2)~~ of this section subject to such conditions as he shall think necessary in order to ensure that the export of the goods in respect of which the licence is to be issued is not contrary to the economic interests of Uganda and is in conformity with any agreement or arrangement in respect of internal or external trade or currency entered into or approved by or on behalf of the Government. ~~In imposing such conditions the Minister shall have regard not only to the export of the goods in respect of which the licence is required but shall take into consideration the necessity, if any, of controlling the export of goods generally or the export of any particular type of goods and by such conditions shall ensure the equitable distribution of export licences.~~

Delete Act 24/70

(5) The Minister may, if satisfied by *prima facie* evidence that any export restricted goods have been unlawfully obtained from the producer or producers of such goods, refuse to grant a licence for the export of such goods, unless the intending exporter satisfies him that such goods were obtained lawfully from the producer or producers, whether

or not the intending exporter himself obtained the goods from such producer or producers.

(6) Notwithstanding the other provisions of this Act no export licence shall be required in respect of the exportation of the following goods—

- (a) articles forming part of the normal stores and equipment of a *bona fide* tourist safari, if exported to Kenya or to Tanzania but not otherwise;
- (b) articles included in any cargo which within Uganda is transhipped on through bills of lading or entered for transit under the provisions of the East African Customs Management Act, 1952 or any enactment replacing the African Customs Management Act, 1952 or any regulations made under such Act or enactment;
- (c) articles being used as personal or household effects which accompany the owner to his destination or are exported by him or on his behalf to that destination within a period not exceeding one year from the date of his departure from Uganda;
- (d) articles exported as trade samples only;
- (e) articles being foodstuffs which form part of the baggage of a *bona fide* traveller;
- (f) articles which are unsolicited gifts and which are exported by post:

Provided that the Minister may from time to time by published notice restrict the kinds, amounts, quantities or values of goods which may be exported without an export licence under the provisions of paragraph (e) or (f) of this section.

Cancellation of licences, etc.

Amended L.N. 261 of 1962. Act 26 of 1963, s. 2.

5A - SB Act 24/70

6. (1) The Minister may cancel any import or export licence if it appears to him necessary in order not to prejudice any agreement or arrangement relating to trade or currency entered into or approved by or on behalf of the Government subsequent to the granting of the licence.

(2) The Minister may at any time cancel any export licence for the export of any foodstuff if he is satisfied that a shortage or expected shortage of foodstuffs in Uganda or any part of Uganda makes such a course necessary.

(3) The Minister may waive any condition in any import or export licence if in his opinion the terms of such condition are no longer necessary.

7. (1) Notwithstanding any other provisions in this Act or any other written law the Minister may by statutory order prohibit absolutely or limit the import or export of any goods from or to any country if in his opinion such action is in the interests of Uganda or any other part of the Commonwealth and may for the same reason make by statutory order any such imports or exports subject to such conditions as he may think fit.

Power of Minister to prohibit or limit imports or exports.

Amended L.N. 261 of 1962. L.N. 10 of 1963. Act 26 of 1963, s. 2. S.I. 57 of 1964.

(2) Where in any case any import or export licence has been granted in respect of any goods the subject of an order made under subsection (1) of this section, such licence shall be deemed to be cancelled from the date of such order and the Minister shall only issue fresh licences which conform with the provisions of any such order.

8. (1) A customs officer may refuse to allow the import of any import restricted goods or any goods the import of which has been limited under the provisions of section 7 of this Act, until an import licence is produced to him in respect of such goods and he is satisfied that the import of the goods in question in no way contravenes any of the conditions of the licence.

Powers of customs officers.

See S 54(2) of Act 40/69 S. 49(2) of Act 37/70

(2) A customs officer may refuse to allow the export of any export restricted goods or any goods the export of which has been limited under the provisions of section 7 of this Act unless and until an export licence in respect of such goods is produced to him and he is satisfied that the export of such goods in no way contravenes any of the conditions of the licence.

(3) A customs officer shall refuse to allow the import or export, as the case may be, of any goods whose import or export has been prohibited by an order made under the provisions of section 7 of this Act, or if under such provisions the import or export of any goods has been made subject to any conditions he shall refuse to allow their import or export, as the case may be, until he is satisfied that such conditions have been fulfilled.

9. (1) All applications for licences under this Act shall be made in such manner as the Minister shall direct.

Application forms.

(2) All forms for use under the provisions of this Act shall be in such form as the Minister shall direct.

Amended (Subs) Act 24/70 Act 26 of 1963, s. 2

*New Section Act 24/76*  
10. [Omitted—the provisions of this section have been rendered of no effect by Act 26 of 1963.]

Offences and penalties.

Amended Act 26 of 1963, s. 2.

11. (1) Any person who imports or exports any goods in contravention of any of the provisions of this Act or the conditions of any licence issued under the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

(2) Any person who makes any statement in connection with any application for, renewal of, or waiver of any conditions in, any import or export licence to be granted or granted under this Act which he knows is false in a material particular or who produces any document in connection with any application for, renewal of, or waiver of any conditions in any import or export licence to be granted or granted under this Act which he knows is false in a material particular shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

(3) A court convicting any person of any offence under this Act may in addition to any other penalty it may impose forfeit all or any part of the goods in respect of which the offence was committed and shall in every case order that the licence in whole or in part in respect of which the offence was committed shall not be granted or if it has already been granted shall be cancelled and may direct the Minister to issue no further licence to such person in respect of the same type of goods for a period not exceeding twelve months.

Liability of officers of corporate bodies.

12. (1) Where a person charged with an offence against any of the provisions of this Act is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate may be charged jointly in the same proceedings with such body corporate, and where the body corporate is convicted of the offence, every such director or officer shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Any person shall be answerable for the acts or omissions of any partner, agent or servant in so far as they concern the business of such person, and if such partner, agent or servant commits any act or suffers any omission which

section have been

ports any goods in  
of this Act or the  
e provisions of this  
shall be liable on  
thousand shillings  
ceeding three years

atement in connec-  
f, or waiver of any  
ce to be granted or  
s false in a material  
in connection with  
r (any conditions  
granted or granted  
material particular  
liab on conviction  
five years.

on of any offence  
her penalty it may  
in respect of which  
ery case order that  
f which the offence  
it has already been  
ct the Minister to  
respect of the same  
elve months.

an offence against  
ly corporate, every  
ion of the offence,  
at (any be charged  
h body corporate,  
ted of the offence,  
pered to be guilty  
ence was committed  
d all due diligence

ole for the acts or  
t in so far as they  
d if such partner,  
any omission which

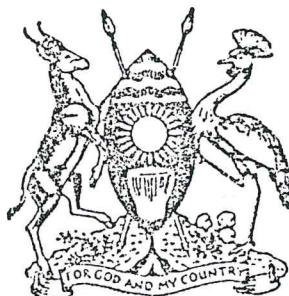
is an offence against any of the provisions of this Act, or which would be an offence if made or committed by such person, such person and his partner, agent or servant shall be jointly and severally liable to the penalties provided by this Act, unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

13. (1) Notwithstanding the provisions of this Act, any licence issued under the provisions of regulation 38 of the Defence Regulations, 1939, and valid at the commencement of this Act shall remain valid until it expires or is otherwise terminated:

Saving.  
Amended  
L.N. 261  
of 1962.

Provided that any licence issued more than twelve months prior to the commencement of this Act shall be deemed to have expired at the commencement of the Act unless the Commissioner extends its period of validity.

(2) Nothing in this Act shall make it lawful to import or export goods where such import or export is unlawful under any other law in force in Uganda.



THE REPUBLIC OF UGANDA

## THE EXTERNAL TRADE (AMENDMENT) ACT, 1970.

AN ACT to amend the External Trade Act.

DATE OF ASSENT: 25th July, 1970.

*Date of Commencement* : 31st July, 1970.

BE IT ENACTED by the President and the National Assembly, in this present Parliament assembled, as follows:—

1. The External Trade Act is hereby amended, C. 0.
  - (a) in section 4,
    - (i) by deleting from subsection (1), thereof the words "the provisions of subsection (2) of";
    - (ii) by deleting subsection (2) thereof;
    - (iii) by deleting from subsection (4) thereof immediately after the words "under the provisions" the words "of subsection (2)" occurring in the second line thereof and by deleting immediately after the full stop occurring after the word "Government", the words from "In imposing such conditions . . ." onwards to the end of that subsection, including the full stop;



(b) in section 5,

- (i) by deleting from subsection (1) thereof immediately after the word "licence" the words "the provisions of subsection (2) of";
- (ii) by deleting subsection (2) thereof;
- (iii) by deleting from subsection (4) thereof immediately after the words "under the provisions" the words "of subsection (2)" occurring in the second line thereof and by deleting immediately after the full stop occurring after the word "Government", the words from "In imposing such conditions . . . ." onwards to the end of that subsection, including the full stop; and
- (iv) by substituting the word "subsection" for the word "section" occurring at the end of the proviso to subsection (6) thereof;

(c) by inserting immediately after section 5 thereof, the following,

"Grant of  
exclusive  
licence.

5A. Notwithstanding any other provision of this Act, the Minister may, by statutory order, grant an exclusive licence to any person to import or export such restricted goods or any class of them specified in the order subject to such conditions as he may think fit to impose.

Exemption.

5B. The Minister may, after consultation with the Minister responsible for finance, by statutory order, grant an exemption to any contractor to Government to import materials or equipment whether such materials or equipment are import restricted goods or not."

(d) in section 7 by adding thereto, the following subsections,

"(3) Where, by virtue of an order made under subsection (1) of section 4 of this Act, goods in transit become import restricted goods, the Minister may, notwithstanding the provisions of section 15 of the East African Customs and Transfer Tax Management Act, 1952, grant, from the date of the publication of the order, a licence for the import of such goods

whether the said goods are in transit or under customs control; and, as from the date of the issue of the licence, such goods shall be regarded as having been imported in accordance with the provisions of this Act.

(4) The Minister may, by statutory order, direct that goods specified in the order or goods originating from countries specified in the order shall be imported direct into Uganda.”;

(e) by substituting for section 9 thereof, the following,

“Prescription of forms.

9. (1) An application for a licence under this Act shall be made in such form and in such manner as the Minister may prescribe.

(2) A licence granted under this Act shall be in such form as the Minister may prescribe.”;

(f) by substituting for section 10 thereof, the following new section,

“Regulations.

10. The Minister may make regulations,

(a) providing for the issue of open general licences in respect of import or export of goods specified in a notice including the conditions for the issue of such licences;

(b) regulating and controlling the import and export of goods;

(c) prescribing forms of applications for importing the classes of goods exempted under subsection (5) of section 4 from the provisions of subsection (1) of section 4 of this Act;

(d) providing for the setting up of an advisory board and defining its functions, constitution and the procedure to be followed at its meetings;

(e) prescribing fees for licences to be granted under this Act;

(f) prescribing forms to be used under this Act.”.