

CHAPTER 88

THE EXTERNAL TRADE ACT.

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CHAPTER 88

THE EXTERNAL TRADE ACT.

Commencement: 30 July, 1953.

An Act to make provision for the regulation of external trade and other matters incidental thereto and connected therewith.

1. Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - (a) “export restricted goods” means any goods in respect of which the Minister under section 4(1) has made a statutory order prohibiting their export without a licence;
 - (b) “goods” includes all kinds of movable or personal property, including animals;
 - (c) “import restricted goods” means any goods in respect of which the Minister under section 3(1) has made a statutory order prohibiting their import without a licence.

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

2. Delegation of Minister’s powers.

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

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

3. Restriction on certain imports.

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

(2) No licence shall be granted by the Minister for the import of any import restricted goods if in his or her opinion the import of the 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.

(3) The Minister shall make any licence granted under this section subject to such conditions as he or she 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.

(4) Notwithstanding subsection (1), 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 Second Schedule to the Customs Tariff Act;
- (c) consular goods and official, military and naval stores and goods as respectively defined in the Second 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 resale;
- (f) currency notes or coins issued by the East African Currency Board;
- (g) goods imported by the Government.

4. Restriction on certain exports.

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

(2) No licence shall be granted by the Minister for the export of any export restricted goods if in his or her 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.

(3) The Minister shall make any licence granted under this section subject to such conditions as he or she shall think necessary in order to

ensure that the export of 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.

(4) The Minister may, if satisfied by prima facie evidence that any export restricted goods have been unlawfully obtained from the producer of such goods, refuse to grant a licence for the export of the goods, unless the intending exporter satisfies him or her that the goods were obtained lawfully from the producer, whether or not the intending exporter himself or herself obtained the goods from the producer.

(5) 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 and Transfer Tax Management Act, or any enactment replacing the East African Customs and Transfer Tax Management Act, or any regulations made under such Act or enactment;
- (c) articles being used as personal or household effects which accompany the owner to his or her destination or are exported by him or her or on his behalf to that destination within a period not exceeding one year from the date of his or her 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.

(6) 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 subsection (5)(e) or (f).

5. Grant of exclusive licence.

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 or she may think fit to impose.

6. Exemption.

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.

7. Cancellation of licences, etc.

(1) The Minister may cancel any import or export licence if it appears to him or her 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 or she is satisfied that a shortage or expected shortage of foodstuffs in Uganda or in 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 or her opinion the terms of the condition are no longer necessary.

8. Power of Minister to prohibit or limit imports or exports.

(1) Notwithstanding any other provisions of this Act or any other written law, the Minister may by statutory order prohibit absolutely, or reserve exclusively to any person, the import or export of any goods or limit the import or export of any goods from or to any country if in his or her opinion such action is in the interest of Uganda or, as the case may be, 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 or she may think fit.

(2) Notwithstanding the repeal of the State Trading Corporation Decree, 1972, any statutory order made under section 2 of the Decree and in force immediately prior to such repeal, shall, together with any penalty prescribed for the infringement of any provision of the statutory order, remain in force until revoked under this Act.

(3) 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), the licence shall be deemed to be cancelled from the date of the order, and the Minister shall issue fresh licences which conform with the provisions of any such order.

9. Powers of customs officers.

(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 section 8 until an import licence is produced to him or her in respect of the goods and he or she is satisfied that the import of the goods in question in no way contravenes any of the conditions of the licence.

(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 section 8 until an export licence in respect of the goods is produced to him or her and he or she is satisfied that the export of the 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 8, or if under such provisions the import or export of goods has been made subject to any conditions, he or she shall refuse to allow their import or export, as the case may be, until he or she is satisfied that the conditions have been fulfilled.

10. Prescription of forms.

(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.

11. Regulations.

The Minister may make regulations—

- (a) providing for the issue of open general licences in respect of the 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 section 3(4) from the provisions of section 3(1);
- (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.

12. Offences and penalties.

(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 this Act commits an offence and is 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 or she 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 or she knows is false in a material particular commits an offence and is 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.

13. Liability of officers of corporate bodies.

(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 commit that offence unless he or she proves that the offence was committed without his or her knowledge or that he or she 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 insofar as they concern the business of such person, and if the partner, agent or servant commits any act or suffers 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, the person and his or her partner, agent or servant, shall be jointly and severally liable to the penalties provided by this Act, unless he or she proves that the offence was committed without his or her knowledge and that he or she exercised all due diligence to prevent the commission of the offence.

14. Saving.

(1) Notwithstanding this Act, any licence issued under 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; but 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.

History: Cap. 103; S.I. 84/1968, s.1; Act 24/1970; Decree 10/1974.

Cross References

Customs Tariff Act, Cap. 337.
Defence Regulations, 1939.

East African Customs and Transfer Tax Management Act, 1970 Revision,
Cap. 27. State Trading Corporation Decree,
Decree 24/1972.