

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2022 No. 113.

**The External Trade (Restriction of Imports and Exports)
Regulations, 2022**

(Under sections 10 and 11 of the External Trade Act, Cap. 88)

IN EXERCISE of the powers conferred upon the Minister responsible for trade by sections 10 and 11 of the External Trade Act, these Regulations are made this 12th day of October, 2022.

1. Title

These Regulations may be cited as the External Trade (Restriction of Imports and Exports) Regulations, 2022.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the External Trade Act, Cap. 88;

“Minister” means the Minister responsible for trade;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for trade.

3. Application for licence

(1) A person intending to export or import goods subject to a notice issued under the Act shall apply to the Minister for an open general licence.

(2) An application for an open general licence shall be made in Form 1 prescribed in the Schedule to these Regulations.

(3) Form 1 referred to in subregulation (2) may be obtained from the Commissioner.

(4) Form 1 shall be accompanied with the following—

- (a) a duplicate copy of Form 1;
- (b) a certified copy of the certificate of incorporation of the applicant;
- (c) a certified copy of the memorandum and articles of association of the applicant;
- (d) a tax clearance certificate of the applicant, where applicable;
- (e) a trading licence, where applicable; and
- (f) the prescribed fee, where applicable.

(5) Where an application is in respect of the export of goods subject to a notice, the applicant shall, in addition to the documents referred to in subregulation (4), attach copies of the purchase orders from the external market purchasers and all other documents relevant to the purchase.

4. Procedure for considering application.

(1) An application for an open general licence shall be addressed to the Permanent Secretary.

(2) The Permanent Secretary shall, upon receipt of the application, review the application to ensure that all the relevant documents are available to enable the processing of the application.

(3) The Permanent Secretary shall, within seven days after receipt of an application or additional information required under

subregulation (3), investigate and prepare a detailed report in respect of the application to enable the processing of the application.

(4) The Permanent Secretary shall in considering an application under this regulation have regard to the following—

- (a) the nature of the goods for which the open general licence is sought;
- (b) the promotion of trade and employment in Uganda by the grant of the licence;
- (c) whether the export or import of the goods will have a positive impact on Uganda's foreign exchange trading balance sheet;
- (d) the linkages of the domestic market with the international market; and
- (e) the promotion of processing of domestic raw materials for export and value addition.

(5) The Permanent Secretary shall, after considering the application and the report, recommend to the Minister to grant the applicant a licence or refuse to grant a licence.

(6) The decision to grant a open general licence or not shall be made by the Minister within fourteen days after the date of receipt of the application.

(7) Where the Minister refuses to grant a licence, the notification of the refusal shall include the reasons for the refusal.

(8) A person dissatisfied with the decision of the Minister may appeal to a competent court.

5. Form of licence.

An open general licence shall be in Form 2 prescribed in the Schedule to these Regulations.

6. Validity of open general licence

An open general licence granted under these Regulations shall be valid for twelve months from the date of issue.

7. Revocation of licence.

(1) The Minister may revoke an open general licence granted under these Regulations if the Minister is satisfied that there has been a breach of the terms under which the open general licence is granted or a breach of a condition attached to the open general licence or if the holder of the open general licence is convicted of an offence under the Act.

(2) The Minister shall, before revoking a open general licence under subregulation (1), through the Permanent Secretary, give not less than 30 days' written notice of the intention to revoke the licence to the licence holder.

(3) The licence holder shall submit written representations to the Minister, through the Permanent Secretary, within fourteen days after receipt of the notice under subregulation (2).

(4) A person aggrieved by a decision of the Minister under this regulation may appeal to a competent court.

(5) The licence shall remain in force until the appeal referred to in subregulation (5) is concluded.

8. Renewal of open general licence

(1) The provisions of these Regulations relating to the application for an open general licence shall, with the necessary modifications, apply to the renewal of a licence.

(2) An application for renewal of an open general licence shall be made at least two months before the expiry of a current open general licence.

9. Conditions for grant of open general licence

(1) An open general licence granted under these Regulations may be subject to such conditions as the Minister may specify on the licence.

(2) Without limiting the general effect of subregulation (1), every open general licence granted under these Regulations shall be subject to the following conditions—

- (a) the goods for export or import shall meet the requirements of local or international standards, whichever applies; and the applicant shall provide a copy of the standards certification at the time of application;
- (b) the goods shall be fit for human consumption, where applicable; and
- (c) the goods shall be appropriately labelled, and where the goods are for export, shall be stamped or labelled “for export” and serial numbers attached to enable easy traceability.

(3) The conditions shall be endorsed on the open general licence and shall form part of the licence.

10. Manufacturing process for goods to be exported

Where a person obtains a open general licence under these Regulations to manufacture goods for export, the person shall ensure that the production and packaging manufacturing lines of goods for export are separate from other production and packaging manufacturing lines.

11. Inputs and materials to manufacture goods for export

All inputs and materials to be used for the manufacture of goods for export shall be kept separate from inputs and materials used to manufacture goods for the local market.

12. Keeping records

(1) Every person granted an open general licence under these Regulations shall keep proper records of all the transactions made in furtherance of the licence.

(2) The Permanent Secretary may, at any reasonable time, after giving reasonable notice, inspect the records referred to in subregulation (1).

SCHEDULE

FORM 1

Regulation 3(2)

APPLICATION FOR OPEN GENERAL LICENCE TO EXPORT/ IMPORT* OF GOODS

(I/We)* (*names of applicant(s)*) makes the following application for grant of an open general licence:

A. PARTICULARS OF THE APPLICANT(S)

- (a) Name _____
- (b) Address _____
- (c) Nationality _____
- (d) Country _____
- (e) Principal place of business of the applicant _____
- (f) Date of Incorporation _____

AGENT/ REPRESENTATIVE

- (a) Name _____
- (b) Address _____

PARTICULARS OF GOODS TO EXPORT/IMPORT*

- (a) Name of goods _____
- (b) Give details of the goods _____

REASONS FOR GRANT OF JUSTIFY GRANT OF LICENCE

- (a) Give reasons why the Minister should grant a licence to export/import the listed goods.....
- (b) Benefits of granting the licence to the economy.....
- (c) Period for which the licence should be granted.....

ATTACH DOCUMENTS SPECIFIED IN REGULATION 3(4) (*provide documents to be attached*)

.....
.....

DECLARATION

I
hereby declare that to the best of my knowledge and belief, all the particulars
furnished in this application are true and indemnify the Authority any
misrepresentation, omissions or any information that may, in future, prove
to be false.

Date _____

Name and seal of applicant.

** Choose whichever is applicable*

OPEN GENERAL LICENCE

1. This Open General Licence is granted to (*insert the name of the applicant(s)*) of (*insert address of applicant*) on the day of, 20to export/import* the following goods—
- (a)
- (b)
2. The licence is subject to the following conditions
- (a)
- (b)
3. Country to which goods are to be exported to/imported from..... (*if applicable*).
4. Person goods are to be exported to/imported from..... (*if applicable*).
5. Other conditions (*if any*)

Dated at _____ this _____ day of _____, 20 _____

MWEBESA FRANCIS (MP)
Minister of Trade, Industry and Cooperatives