

THE PRODUCE PROTECTION ACT.

Statutory Instrument 32—1.

The Produce Protection (Dealers) Rules.

Arrangement of Rules.

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THE PRODUCE PROTECTION ACT.

Statutory Instrument 32—1.

The Produce Protection (Dealers) Rules.

(Under section 10 of the Act.)

1. Citation.

These Rules may be cited as the Produce Protection (Dealers) Rules.

2. Application.

These Rules relate only to the following kinds of produce—

- (a) trees and plants which yield rubber or gutta percha in any form and the leaves, bark, latex and other produce of those trees or plants in any form other than manufactured goods;
- (b) coffee bearing plants and the seeds and fruit of those plants in any form other than ground or roasted coffee;
- (c) cocoa plants and trees and the seeds and pods of those plants and trees other than cocoa ground and ready for immediate consumption;
- (d) tea plants and cuttings and seeds;
- (e) leaf tobacco;
- (f) wheat grain; and
- (g) any other kinds of produce to which these Rules may be extended by statutory instrument.

3. Interpretation.

In these Rules, unless the context otherwise requires—

- (a) “deal” means to purchase, take in exchange or barter or otherwise receive;
- (b) “licensee” means the holder of a licence under these Rules;
- (c) “treat” means to subject to any processes whatsoever.

4. Licences.

(1) It shall not be lawful for any person unless duly licensed for that purpose—

- (a) to deal in any kind of produce;
- (b) to keep any factory or place for the purpose of treating or storing produce other than such as has been grown or produced on land in his or her own occupation or under his or her management and control;

except that—

- (c) a licence to purchase produce shall include a right to keep a place for the treatment and storage of the produce to be named in the licence; and
- (d) any person may purchase or receive coffee in reasonable quantities for his or her own domestic use or seeds and plants for planting in his or her own plantation.

(2) This rule applies to forwarding agents who receive produce for transmission.

5. Applications for licence.

(1) Applications for a licence under these Rules shall, in every case, be made to the resident district commissioner of the place in respect of which the application is made.

(2) Every such application shall specify the place and the kind or kinds of produce for which the licence is desired.

(3) A resident district commissioner, in his or her absolute discretion, may refuse to issue a licence to any applicant either absolutely or in respect of any particular place or of any particular kind or kinds of produce and may cancel at any time any licence or part of a licence which has been issued.

(4) A resident district commissioner, in accordance with any general or special direction of the Minister, may refuse to issue any licences under these Rules in respect of any particular place or area or of any particular kind or kinds of produce or may issue the licences subject to such conditions as the Minister may direct.

6. Expiry of licences.

Licences shall run from the 1st January in each year to the 31st December following; except that the licensing officer may on cause shown allow a person applying for a licence after the first quarter of any year to obtain the

licence on payment of a part of the annual fee proportional to the number of quarters of the year then unexpired.

7. Transfer of licences.

The resident district commissioner may on cause shown—

- (a) allow a licence to be transferred from any one person to any other person; except that any such transfer shall not involve a change of place or building;
- (b) allow a licensee to have his or her licence transferred so as to apply to a different place or building from that in respect to which it was originally granted; or
- (c) allow a licensee to have his or her licence endorsed for other kinds of produce in addition to those for which the licence was originally issued, but rule 5 of these Rules shall apply to all applications for the endorsement in like manner as it applies to applications for licences.

8. Forms and fees.

(1) Licences shall be in the forms in the Schedule to these Rules, and the annual fee in respect of each licence shall be sixty shillings.

(2) The resident district commissioner may in his or her discretion endorse any licence with a certificate to the following effect—

“The holder of this licence being in the possession of suitable machinery and plant for the treatment of wet rubber is authorised to receive wet rubber at the premises described herein”.

9. Conditions of licence.

Every licence shall be subject to the following conditions—

- (a) the licensee shall not take delivery of any produce purchased or received by him or her except at the place or building described in his or her licence; but a licensee who has purchased produce by sample may take delivery of it with his or her own transport at the place where the produce was grown;
- (b) the licensee shall keep the licence posted in a prominent position in such place or building;
- (c) the licensee shall at all times allow the inspection of such building or place and of the produce in the building or place by

- any administrative or agricultural officer or police officer;
- (d) the licensee shall forward returns of produce purchased to the resident district commissioner of the area in which he or she carries on business at such intervals, and with such details as to place of purchase, prices paid, and quantities of the various grades of produce purchased, as may be directed by the resident district commissioner.

10. Books.

(1) Every licensee shall keep books of account in which shall be entered day by day the following particulars concerning all purchases, sales, shipments, receipts and consignments of produce—

- (a) the date of purchase, sale, consignment or receipt;
- (b) the name and address of the purchaser, seller, consignor or consignee or other party;
- (c) the weight and description of the produce so dealt with;
- (d) particulars sufficient to identify the land upon which the produce was grown or produced except in the case of receipt from another licensed dealer; and
- (e) in the case of produce purchased or received from any carrier or porter, the marks, if any, of the bags or packages in which the produce may be contained and the name of the person in charge.

(2) Every licensee shall, on demand of any such officer as is mentioned in rule 9(c) of these Rules, produce for inspection all books kept by him or her under this rule and allow copies to be made of the books.

(3) Every such book shall be preserved by the licensee for at least three years after the date of the last entry in it.

(4) The books shall be kept in English characters only and in one of the following languages, namely, English, Luganda or Kiswahili.

11. Limitations on purchase of rubber.

It shall be unlawful for any person to purchase or receive any wet rubber, that is to say, latex, whether fluid or coagulated in any stage of treatment before the completion of the drying process, unless he or she is the holder of a licence endorsed as provided in rule 8(2) of these Rules.

12. Arrest.

Any administrative officer or police officer may arrest without warrant any person reasonably suspected of having committed a breach or nonobservance of these Rules.

Schedule.

rule 8.

Forms.

Form 1.

Licence to Deal.

Under the Produce Protection (Dealers) Rules.

Licence is granted to _____
of _____ to deal in the following kinds of
produce at _____

This licence expires on the 31st day of December next after the date of the licence.

Fee paid: shs. _____

Dated this _____ day of _____, 20 _____

Resident District Commissioner

Form 2.
Licence to Treat or Store.
Under the Produce Protection (Dealers) Rules.

Licence is granted to _____ of
_____ to treat or store the following kinds
of produce at _____

This licence expires on the 31st day of December next after the date of the
licence.

Fee paid: shs. _____

Dated this _____ day of _____, 20 _____

Resident District Commissioner

History: S.I. 242-1; Constitution of 1995, art. 203.
