

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 2007 No. 33.
THE WAREHOUSE RECEIPT SYSTEM REGULATIONS, 2007.

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S T A T U T O R Y I N S T R U M E N T S 2007 No. 33.
The Warehouse Receipt System Regulations, 2007.

(Under section 74 of the Warehouse Receipt System Act, 2006)

IN EXERCISE of the powers conferred upon the Minister by section 74 of the Warehouse Receipt System Act, 2006, these Regulations are made this 2nd day of July, 2007.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Warehouse Receipt System Regulations, 2007.

2. Application.

(1) These Regulations shall apply to a warehouse to which the Warehouse Receipt System Act applies.

(2) A person who stores goods belonging to other parties for fees or other compensations is for the purpose of these regulations is considered to be running a warehouse to which the Act applies.

(3) These Regulation shall initially be restricted in application to the warehousing of agricultural commodities and shall be extended to other goods by the Minister by a statutory order upon recommendation of the Authority.

3. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Warehouse Receipt System Act;

“Authority” means the Uganda Warehouse Receipt System Authority established by section 3 of the Warehouse Receipt System Act;

“comingle” means the storing of goods by class, under circumstances other than identity preserved;

“currency point” is equivalent to twenty thousand uganda shillings;

“identity preserved” means the handing of commodity in such a manner that guarantees return of the identical commodity to that deposited;

“inspector” means a person who is duly licensed as an inspector under the Act;

“Minister” means the Minister responsible for trade;

“net assets” means total assets less total liabilities;

“non-storage goods” means any goods received into a warehouse without any explicit or implicit requirement to pay storage charges, including goods belonging to the warehouse keeper against which no warehouse receipt has been issued;

“public warehouse” means a warehouse which a warehouse keeper uses to provide services to the public;

“public warehouse keeper” means a warehouse keeper operating a public warehouse;

“private warehouse” means a warehouse which a person uses to provide service to a particular individual or company that wishes to store goods there and private warehouse may be also called a “field warehouse” described in the Act;

“private warehouse keeper” means a warehouse keeper operating a private warehouse;

“shrinkage” decline in the weight of goods stored due to respiration, moisture loss and routine handling;

“storage goods” means any goods received into a warehouse with the explicit or implicit requirement to pay storage charges, and goods belonging to the warehouse keeper against which warehouse keeper issues a warehouse receipt;

“tariff” means the combination of terms, conditions and rates a warehouse keeper applies to the goods stored.

4. Public and private warehouses.

- (1) A warehouse may be licensed either as a public or a private warehouse.
- (2) A public warehouse keeper has the following specific duties—

- (a) to receive any goods of the condition and specifications for the type of goods that the warehouse is licensed to store, from any person without discrimination;
 - (b) for the purpose of these regulation, public warehouse keepers are prohibited from discriminating in the provision of drying, cleaning and processing services when these services facilities are available and required for the storage of the goods concerned;
 - (c) to submit his or her tariff for approval by the Authority as prescribed in regulation 42 and post it conspicuously for public view;
 - (c) to keep his or her warehouse open for receiving goods for storage and delivery out every business day for a period of not less than 8 hours between the hours of 8.00 and 18.00 hours. The warehouse keeper shall keep conspicuously posted on the door of the public entrance to his or her office and to his or her licensed warehouse a notice showing the hours during which the warehouse shall be kept open, except when such warehouse is kept open continuously from 08.00 to 18.00.
- (3) A private warehouse keeper has the following specific duties—
- (a) to ensure that he or she signs a written contract with owner of the goods to be deposited in the warehouses, clearly specifying the rights and obligations of the parties, prior to the deposit of goods;
 - (b) to ensure that the contract specified the agreed hours for receiving and delivering out goods on every business day; and
 - (c) to refrain from taking deposits from the public in general, or otherwise fulfilling the role of a public warehouse keeper.

PART II—OPERATION OF THE UGANDA WAREHOUSE RECEIPT SYSTEM
AUTHORITY.

5. Authority to promote establishment of warehouse receipt system.

In addition to the functions prescribed under section 4 of the Act, the Authority shall have the following functions—

- (a) to carry out studies and researches aimed at developing a
modern and efficient warehouse receipt system;

- (b) to promote the warehouse receipt system in the country;
- (c) collaborate with other national or international bodies with functions and objectives similar to those of the Authority;
- (d) to represent the Government in national and international meetings or for a discussing matters related to warehouse receipt systems;
- (e) implement mechanisms for increasing involvement of commodities in the warehouse receipt system including but not limited to the establishment of a commodity exchange market.

6. Performance of functions of the Authority.

(1) The function of the Authority under the Act shall for a period of sixty months on the commencement of the Act be carried out by Uganda Commodity Exchange.

(2) In the performance of function conferred on it under the Act or under these Regulation, the Uganda Commodity Exchange on operational matter shall not be subject to the direction or control of any person or authority.

7. Performance report by Uganda Commodity Exchange.

The Uganda Commodity Exchange shall prepare and shall submit to the Minister every three months a quarterly report on their activities and operation in respect of their performance of the functions of Uganda Warehouse Receipt System Authority.

8. Licensing of warehouses.

(1) The Authority shall, upon application by the warehouse owner, designate such buildings, structures or other protected enclosures to become warehouses for the purposes of the Act and these regulations.

(2) In the designation of warehouses, under sub-regulation (1), the Authority shall classify the designated warehouses into grades in accordance to warehouse requirements or standards as prescribed in the First Schedule.

(3) No building, structure or other protected enclosure shall be designated as a warehouse for the purposes of the Act and these regulations unless it meets minimum standards prescribed in the First Schedule.

(4) upon being satisfied that the building meets the warehouse standards specified in the First Schedule, the Authority shall issue to the applicant a warehouse licence, warehouse business or operations.

(5) The owner of a building, structure or protected enclosure, which is designated for a warehouse business shall indicate at a conspicuous place on the wall or near to that warehouse the following words “LICENSED AND BONDED WAREHOUSE” in English language.

9. Types of licences to be applied for under the Regulations

(1) There shall be four types of licences to be applied for under these regulations, namely—

- (a) a license to operate a public warehouse;
- (b) a licence to operate a private warehouse;
- (c) warehouses inspection licence;
- (d) licence for staff employed by warehouses including samplers, graders and weighters.

(2) The Authority shall consider all applications for licences according to relevant provisions of these regulations.

(3) Licences in the forms prescribed in the Third Schedule shall be issued upon payment of a fee, prescribed by the Authority.

10. Application for a warehouse licence.

(1) An application for a warehouse licence shall be in the Form specified in the Second Schedule.

(2) An application for a licence under sub-regulation (1) shall be signed—

- (a) in the case of a corporation, by an officer of the corporation authorised to do so; and
- (b) in any other case, by the person making the application or by a person authorised to act on behalf of that person.

(3) Before granting a warehouse licence the Authority shall make sure the building, structure or protected enclosure for which the licence is applied, meets

the minimum standards specified in the First Schedule.

(4) Every application for a licence shall be accompanied by the applicant's financial statement audited accounts, tax clearance forms and other document that the Authority may require..

(5) The applicant shall, at anytime, furnish such additional information as the Authority may require in order to consider the application.

11. Inspection of application.

A copy of each application shall be available for inspection at the office of the Authority until the application has been determined but in no case shall any information contained in that application as to the financial resources of the applicant be available for such inspection.

12. Publication of applications.

The Authority shall, within seven days after the receipt of an application for a licence to operate a public warehouse cause to be published in two leading English language news papers in Uganda or both, and specify a date, not less than seven days after publication of the notice, by which any representations or objections with regard to the application must be made to the Authority.

13. Objection to issue of licences.

(1) Every representation or objection with regard to an application for a licence shall—

- (a) be in writing , and state the specific grounds on which it is based;
- (b) specify any conditions which it may be desired should be attached to the licence if granted; and
- (c) be signed by the objector.

(2) If the representation or objection is made by corporate body or partnership firm, it shall be signed by a person duly authorised by that body, or a partner of the partnership firm as the case may be.

(3) A copy of every representation or objection shall be sent by the person making it to the applicant for the licence at the same time as it is sent to the Authority.

14. Consideration of objections by the Authority.

(1) Every application for a licence or a variation of a licence and every representation and objection to it, shall at a time and place to be notified by the Authority be considered by the Authority.

(2) The Authority shall examine the application representation or objection in public to ascertain compliance to the Act, regulations or any rules or guidelines.

15. Grant and duration of licence.

(1) The Authority may grant licences in accordance with these Regulations and the licences shall, so granted, continue in force for a period, as may be specified in the licence.

(2) If, on or before the date of the expiration of a licence, an application has been made for the grant of a new licence in substitution for the existing licence held by the applicant, the existing licence shall continue in force until the application has been determined.

16. Application for a warehouse keeper's licence.

(1) Application for warehouse keeper's licence shall in-form a specified in the Second Schedule.

(2) Every application must name one or more warehouses for which the licence is requested.

(3) Every application for a licence to operate a warehouse shall be accompanied by audited accounts, tax payer's certificate, warehouse inspection report and other useful documents specified in the Second Schedule.

(4) The applicant shall, furnish such additional information as the Authority may require in considering the application for a warehouse keeper's licence.

(5) Where a warehouse keeper applies for licence to operate two or more warehouses in one station, such warehouses shall be deemed to be one warehouse for the purpose of assets required under these Regulations.

(6) An application for a warehouse keeper licence shall sent to the Authority so as to reach not less than fourteen days, before licence shall take effect, except that the Authority may, in its discretion accept and deal with only application for a licence received by it after consulting the applicant.

17. Matters to be considered before grant of warehouse licence.

(1) A warehouse licence may not be issued if it does not meet minimum standards prescribed in the First Schedule and others which the Authority may specify from time to time.

(2) The Authority shall, before granting a licence take into account the following—

- (a) whether the applicant is the owner or lessee or manager of the warehouse;
- (b) the reputation of the warehouse keeper or the principal directors/shareholders/managers;
- (c) the sufficiency of net assets of the warehouse keeper, as prescribed by the Authority; and
- (d) the competency of the warehouse keeper in conducting the warehouse business.

18. Licensing and powers of warehouse inspectors.

(1) (a) The Authority shall issue warehouse inspection licences to other providers of this service, in addition to its own staff, where it deems that it necessary to fulfil the aims of the Act.

(b) The Authority shall publish the necessary qualifications for applicants other its own staff.

(2) An application for a warehouse inspection licence shall be in Form 3 specified in the Second Schedule.

(3) A warehouse inspection licence shall empower the licence holder to perform the following functions—

- (a) to determine whether warehouses for which licences are applied for or have been issued are suitable or the receiving, storage, conditioning, shipping and handling of the commodities stored or expected to be received, stored, conditioned, shipped or handled;
- (b) to inspect the receiving, storing, conditioning, shipping and handling of commodities stored in designated warehouses;
- (c) to inspect all relevant documents with regard to the warehouses keepers licence, warehouse keeper, warehouse receipt, agreements

- and any other documents which may be necessary in the performance of the warehouse inspector's duties;
- (d) to instruct measures to be taken to rectify anomalies found at the inspected site or area; and
 - (e) to report to the Authority as and when the assignment is finished within fourteen days.

(4) Notwithstanding any provision in this regulation, the licenced warehouse inspector shall report immediately to the Authority, if, during the course of inspection, he or she finds out one of the following—

- (a) goods are in such a condition that if immediate remedial measures are not taken the conditions of such goods will deteriorate to irreversible levels;
- (b) the warehouse insurance cover is not adequate to cover the goods stored in the warehouse; or
- (c) the warehouse buildings is not in such a condition, which is conducive for keeping the goods according to the required standard and no measures are being taken by the keeper or owner to rectify the situation.

19. Display of licences.

A warehouse keeper shall—

- (a) display his or her the current licence and licences issued by the Authority for staff employed at the warehouse in a conspicuous place in his or her principal office where goods are received into the warehouse; and
- (b) indicate in a conspicuous place on the wall or near that the warehouse the following words “public warehouse, licensed under the Warehouse Receipt System Act, duly insured” or “private warehouse licensed under the Warehouse Receipt System Act, duly insured, to hold goods exclusively for

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20. Suspension and revocation of licences.

(1) The Authority may, pending investigations, temporarily suspend any licence issued under these Regulations, after giving written notice to the affected licence holder to rectify the irregularity or malpractice.

(2) A licence holder may, during the period in which his or her licence is suspended, rectify to the satisfaction of the Authority, any alleged irregularity or malpractice that led to the suspension of the licence, in which case the Authority shall terminate the suspension.

(3) The Authority shall, before revoking a licence under this Regulation, give thirty days notice to the licence holder, specifying any condition that has been breached or violated.

(4) The licence holder shall, after receiving the written notice referred to in subregulation (3), reply in writing to the Authority within a period of fifteen days from the date of receipt of the written notice.

(5) A licence shall not be suspended or revoked without first giving the licence holder a right to be heard.

(6) At all times when the operations of the licence holder remain suspended the Authority shall have power, either on its own or through an agent, to supervise the operations of the suspended licensee with regard to the goods deposited before suspension.

(7) The Authority shall advertise the suspension or revocation of any licence.

(8) The Authority may suspend or revoke a warehouse licence if the warehouse keeper—

- (a) transfers all or part of his or her control over the warehouse;
- (b) is in the process of dissolution or is dissolved;
- (c) ceases to operate the warehouse;
- (d) does not meet the minimum net worth insurance or other financial requirements prescribed in the Authority;
- (e) becomes incompetent or incapable of conducting the warehouse business; and
- (f) violates or fails to comply with the Act or these Regulations.

(9) The Authority may suspend or revoke a warehouse inspector's licence if the inspector is incompetent or is engaging in misconduct in the opinion of the Authority.

21. Surrender of suspended or revoked licences.

(1) When a licence issued under these regulations is suspended or revoked, the licence holder shall surrender that licence to the Authority.

(2) At the expiration of the period of suspension of a licence, the licence shall be re-issued to whom it was originally issued and the period of suspension of the licence shall be endorsed on that licence.

22. Lost or destroyed licence.

A licensee may, upon satisfactory proof of the loss or destruction of a licence issued to the holder, be issued a certified duplicate of the original licence under the same terms and conditions by the Authority.

23. Appeals to the Minister.

Any person who is aggrieved by a decision of the Authority in respect of any application or licence under the Act and these Regulations may, within thirty days after receipt of the Authority decision, apply to the Minister for a review of the decision.

24. Renewal of warehouse licence

Where an application for renewing a warehouse licence is made under section 27 of the Act, the warehouse keeper shall file with the Authority such additional bond as is necessary for compliance with the provisions of the Act.

PART IV—WAREHOUSE BOND, INSURANCE AND OTHER SECURITIES

25. Warehouse bond.

In accordance with section 28 of the Act, a good and sufficient bond shall include a financial undertaking issued on behalf of the warehouse keeper for the benefit of both the Authority and a holder for the faithful performance of the warehouse keeper's obligations.

26. Time of filing of bond.

A warehouse bond referred to under the Act shall be filed with the Authority before a warehouse licence can be issued to the warehousekeeper.

27. Conditions to be contained in the bond.

(1) The bond referred to under regulation 25 shall contain the following conditions—

- (a) the warehousekeeper shall undertake to perform the obligations of a licenced warehousekeeper faithfully and diligently in accordance with the Act and Regulations during the period of
the validity of the licence.
- (b) the warehousekeeper shall faithfully perform any delivery obligations as he or she may be required to perform during the period of the validity of the licence.
- (c) a financial undertaking issued on behalf of the warehouse keeper for the benefit of both the Authority and a holder for the faithful performance of the warehouse keeper's obligation.

PART V—WAREHOUSE RECEIPT

28. Form of warehouse receipt.

(1) The warehouse receipt referred to under section 39 of the Act shall, in addition to the contents spelt out in section 40 of the Act, contain the following—

- (a) the name of the licensed warehousekeeper;
- (b) the designation and grade, if any of the warehouse;
- (c) the licence number of the warehouse;
- (d) whether the warehousekeeper is a limited company or not;
- (e) the relationship between the warehousekeeper and the depositor of the goods, if it is not that of strictly disinterested custodianship;
- (f) the identification number, if any, given to each unit of the goods stored;
- (g) whether the goods are insured or not, and if insured the extent of the insurance; amount and policy number of the insurance;
- (h) the net weight of the goods;

(2) Warehouse receipt may be paper or electronic document issued

by providers approved by the Authority.

29. Copies of receipt.

(1) A warehousekeeper shall make one copy of any receipt issued by him or her and shall print clearly on the copy of the receipt the expression “Not negotiable” if the receipt is a non-negotiable under the Act.

(2) A warehousekeeper shall retain the copy of receipt referred to in sub-regulation (1) for a period of one year from the date on which the corresponding original receipt was cancelled.

30. Lost or destroyed receipt.

(1) Where a receipt is lost or destroyed the depositor shall apply to court for an order to—

(a) the warehousekeeper to deliver the goods;

(b) issue a new receipt marked “a duplicate copy of the lost receipt”;

(2) Notwithstanding the provisions of sub-regulation (1), the warehousekeeper shall, before issuing the receipt referred to in subregulation 1 (b) require the depositor or other person applying for the receipt to make and file with the warehousekeeper—

(a) a statutory declaration—

(i) that he or she is lawfully entitled to the possession of the original receipt;

(ii) that he or she has not negotiated or assigned it;

(iii) as to how the original receipt was lost or destroyed;

(iv) in case of lost receipt that diligent effort has been made to find the receipt without success.

(b) a bond in an amount double the value, at the time the bond is given, of the goods specified in the lost or destroyed receipt.

(3) The bond referred to in sub-regulation (2) (b) shall be in the form

approved for the purpose by the Authority and shall be such a bond which can indemnify the warehousekeeper against any loss that may arise out of issuing a duplicate receipt and shall have such sureties as the Authority may determine.

31. Approval of form of receipt.

No receipt referred to under this part of the Regulations shall be deemed affective unless the receipt—

(a) is in a form prescribed in the Third Schedule of the Warehouse

Receipt System Act;

(b) is printed by a printer approved by the Authority.

32. Receipt as a document of title.

(1) A warehouse receipt is a document of title and shall constitute prima facie evidence of the holder's claim to the goods represented on it.

(2) The Authority may at its discretion require warehouse keepers to issued receipt for all storage deposited in the warehouse.

PART VI—DELIVERY OF GOODS.

33. Delivery of goods from storage.

(1) The warehouse keeper must deliver back goods of quantity and quality represented by the warehouse receipts, subject to the warehouse keeper's duty of care referred to in S.45 of the Act.

(2) The "duty of care" will be interpreted according to standard licensing conditions which the Authority will issue relating to specific groups of goods and which will form part of the warehouse keeper's contractual obligations towards the holder of receipts for those goods.

(3) A warehouse shall not require the delivery of any goods to a holder before presentation of the receipt by the holder.

34. Partial delivery of goods.

Subject to regulation 33, before delivery is made of any portion of goods

specified in a warehouse receipt issued under the Act and these Regulations such receipt shall be surrendered and cancelled first and a new receipt issued in respect of the undelivered portion of the goods.

35. Inspection, weighing and grading of goods.

(1) The warehouse keeper will inspect, sample, weigh and grade commodities in line with the licence conditions issued by the Authority for the type of good concerned.

(2) The Authority shall require warehouse keepers to apply such typology and grading standards as are approved by the Uganda National Bureau of Standards to the grading of goods.

(3) A depositor aggrieved by the weighing and grading of his or her commodities may report the discrepancy and lodge on appeal to the Authority.

36. Inspection and examination of warehouses.

The Authority may, in addition to the powers conferred upon it by section 5 of the Act, authorise any person to inspect or examine at any time during normal working hours any warehouse for the purpose of inspecting or examining the office, the books, records, papers, and accounts relating to the warehouse and the warehouse keeper shall furnish the officer with such information and assistance as the officer may require to enable him or her carry out his or her duties.

37. The licensed warehouse inspector may charge fees.

The licensed warehouse inspector may, upon approval by the Authority, have the power to charge, assess and collect fees for every examination or inspection services provided.

38. Inspection of weighing apparatus.

(1) A weighing apparatus used to ascertain the weight stated in a receipt shall be subject to approval by the Uganda National Bureau of Standards.

(2) The Authority may where it deems necessary, disapprove the use of a scale by a warehouse keeper, supporting such an order by stating the corrective action the warehouse keeper is required to carry out.

(3) A weighing apparatus that is rejected, for the purpose by the Authority shall not, after it is rejected, be used to ascertain the weight of any goods for the purpose of the Act and these Regulations.

PART VII—CARE OF GOODS AND RECORDS.

39. Care of goods.

A warehouse shall take such measures in the care of goods as shall be specified in the Six Schedule.

40. Safety of records.

(1) A warehouse keeper shall provide a metal fire-proof safe, fire fighting equipments, when not in actual use, all records, books and papers pertaining to the warehouse.

(2) The Authority may, where a warehouse keeper is unable to comply with sub-regulation (1), allow the warehouse keeper to keep the records, books and papers in some other place of safety as the Authority may determine.

(3) Each warehouse keeper shall have and maintain a system of storage accounts and records, approved for the purpose by the Authority and this shall include—

- (a) a stock record showing for each lot of goods received for storage;
- (b) its net weight including its grade, class, its location, the dates received for and delivered out of storage;
- (c) the receipts issued and cancelled;
- (d) a separate record for each depositor of his or her goods, which shall include a detailed record of all moneys received and disbursed and of any insurance policies taken out and cancelled on request of each depositor.

(4) The warehouse keeper shall further keep a general insurance account showing the policy number, issuing company, amount, and binding and expiration dates of all policies taken out by him or her and each instance show the property or staff covered by such policies.

(5) A warehouse shall keep records for a period not less than six years and for such longer period as may be necessary for the purposes of any litigation which may be pending in court to the knowledge of the warehouse keeper or as may be determined by the Authority.

PART VIII—MISCELLANEOUS

41. Warehouse keeping without physical control of the warehouse.

(1) The Authority may, at its discretion, authorise a private warehouse keeper to cede the operation of the warehouse to the owner of the goods, under the supervision of the warehouse keeper.

(2) Where the warehouse keeper cede the operation, the warehouse keeper bears full responsibility for any resulting financial consequences to parties other than the owner from mismanagement of the warehouse and failure to apply the Act and Regulations.

(3) The Authority may in this case require that the warehouse keeper to comply with a special directive issued for this class of operation, and post additional security to cover any additional risks it deems to result from this arrangement.

42. Warehouse tariff for public warehouse keepers.

(1) Every warehouse keeper shall keep a tariff, comprising terms, conditions and rates of the warehouse on each good stored in respect of his or her warehousing business.

(2) The tariff shall include rates for drying, cleaning, processing, loading in and out, storage, shrinkage, reconditioning and such other services as the warehouse provides to the public.

(3) The warehouse keeper shall submit tariffs for approval by the Authority and the tariff or changes to it shall become effective after approval by the Authority.

(4) The warehouse keeper shall keep the tariff exposed in a conspicuous place at the warehouse, and at such other place as the Authority may designate.

(5) Storage rates will be inclusive of all store hygiene and pest control required for the successful storage of the good.

(6) In the case of identity-preserved goods, the Authority may exempt warehouse keepers from compliance with storage rates specified in the tariff.

(7) The warehouse keeper shall publish any increase in tariffs, and put the increase into effect one month after publication.

(8) The warehouse keeper may not increase rates applied to goods stored under an outstanding warehouse receipt.

43. Storage and removal of identity preserved goods.

(1) Upon acceptance for storage of goods the identity of which is to be preserved, the warehouse keeper shall store such goods in containers marked by clearly distinguishable identification insignia permanently and securely affixed to it, subject to such control by the Authority as may seem administratively necessary to protect depositors or holders of receipts.

(2) If the goods are received in bags or other suitable containers, such bags or containers shall be marked and so placed in the warehouse that the identity of the goods will not be lost while in storage.

(3) The warehouse keeper's records shall at all times clearly show the location of all identity-preserved goods stored in the warehouse.

(4) Each warehouse shall keep identity preserved goods stored in an orderly manner, so as to permit easy access to all lots and to facilitate inspecting, sampling, counting and identification of each lot.

(5) A warehouse keeper shall upon acceptance of goods for storage, attach on the goods, an identification tag of durable quality that will readily make possible the identification of the goods of any time.

44. Perishable goods.

A Warehouse keeper shall give notice of not more than seven days to the owner of the goods stored to remove the perishable goods and to satisfy the lien if are likely to deteriorate greatly in value or likely to injure other goods are or endanger the life of persons legally likely to get into contact with the goods if that person fails to remove the goods or satisfy the lien within the time specified, then warehouse keeper shall sell the goods and if he or she fails to sell such goods he or she may dispose off them in any lawful manner and shall not incur any liability by reasons of it.

45. Excess storage.

If a warehouse keeper at any time stores goods in the warehouse in excess of the capacity fore which it is licensed he or she shall immediately notify the Authority of the excess storage and give reasons for the excess and specify the location of the warehouse.

46. Reconditioning and handling of deteriorated goods.

(1) If the warehouse keeper finds that any portion of the goods in his or her

warehouse is out of condition, he or she shall advise the Authority accordingly and take such actions as are necessary to prevent further deterioration.

(2) If he or she determines that further deterioration of any goods can not be prevented by reconditioning or after treating it, it is still out of condition, the warehouse keeper shall give immediate notice to the interested parties and the Authority of the facts in accordance with subregulations (3) and (4).

(3) The notice shall state—

- (a) the warehouse in which the goods is stored;
- (b) the quantity, kind, and grade, if determined, of the goods at the time the notice is given;
- (c) the actual condition of the goods as nearly as can be ascertained, and the reason, if known, for such condition;
- (d) in cases where goods of different holders are commingled, the oldest outstanding receipts covering the amount of goods out of condition upon which the goods will be delivered, giving the number and date of each such receipt and the quantity, the kind, class and grade of the goods as stated in such receipts.
- (e) the outstanding receipts covering the goods out of condition the identity of which was to have been preserved, giving the number and date of each such receipt and the designation of the bin, container or location of such good as stated in the receipt therefore, and
- (f) that such goods shall be delivered upon the return and collection of the receipts.

(4) The interested parties who are required to receive written notice of the deteriorating condition of the goods shall include—

- (a) the persons holding the oldest receipts covering the goods in question mentioned in subregulation (3) (d) and (e) if known to the warehouse keeper;
- (b) any other person, including the persons mentioned in this regulation if known by the warehouse keeper to be interested in the goods; and

(c) the Authority.

(5) The written notice shall be delivered in person or by the fastest means of communication.

(6) Any interested party holding receipts covering such goods may, in writing, notify the warehouse keeper of the action he or she wants to have taken regarding the goods.

(7) If the holders of the receipts and the owners of the goods do not notify the warehouse keeper within seven days of receipt of such written notice, he or she shall take such action to dispose of such goods in a commercially reasonable manner and credit the funds received for the goods to the accounts of the holder of the oldest receipts covering the goods.

(8) Nothing contained in this regulation shall be construed as relieving the warehouse keeper from his or her obligation of caring properly for any goods in accordance with this regulation and the Third Schedule to these Regulations.

47. Fumigation of warehouse.

When, in the opinion of the Authority it is necessary to fumigate a warehouse thoroughly the warehousekeeper shall fumigate his or her warehouse with chemicals approved by the Authority.

48. Registration and realisation of security interest.

(1) Any security taken over a warehouse receipt shall be notified to the secretary of the Authority within fourteen days and entered as such against the receipt.

(2) Where an instrument creating a security interest over a warehouse receipt expressly or impliedly gives a power of sale to the lender to sell all or any of the goods comprised in the receipt; the sale may be—

- (a) by public auction following a fourteen day advert of the auctioneers notice to the holder;
- (b) by sale of the Exchange;
- (c) by private treaty if expressly authorised in the instrument;

49. Creation of statutory lien and distribution on failure of a warehouse.

(1) For the purpose of this regulation, “failure” means any of the following acts of a licenced warehouse keeper—

- (a) inability of the warehouse keeper to deliver goods upon presentation of a receipt where a good faith dispute does not exist;
- (b) a public declaration of insolvency;
- (c) a revocation of a warehouse keeper's license leaving goods unclaimed in the warehouse;
- (d) failure to apply for licence renewal without first settling all outstanding warehouse receipt obligations;
- (e) denial of a licence renewal application; or
- (f) voluntarily surrendering a warehouse keeper's licence without first settling all outstanding warehouse receipts.

(2) A lien shall exist on all goods and related assets of a failed warehouse keeper in favour of holders including lenders, who possess negotiable warehouse receipts.

(3) The lien which shall secure all claims described in sub regulation (2) shall arise at the time of commencement of the storage obligation, or when funds are advanced by the lender, and shall terminate when the liability of the warehouse keeper to the holder is discharged, except that the priority of each lien among the respective claimants shall not relate to the date the claim arises.

(4) The lien claims of all claimants shall be considered to be assigned by operation of this section to the Authority and in case of a failure and subsequent liquidation, the lien shall transfer over the assets or proceeds of assets either received or liquidated by the Authority.

(5) In case of a failure, the Authority shall enforce the lien claims and allocate the proceeds as follows against all and commodity-related assets for the benefit of holders including lenders, who possess negotiable warehouse receipts.

(6) In case that any adversarial proceeding is commenced to recover goods upon which lien is imposed in this Regulation and the Authority declines to enter the proceeding, the Authority upon application to it by any claimant, assign to the claimant the applicable lien to permit the claimant to pursue the lien in the adversarial proceeding to the extent the action will not delay the resolution of the proceeding, the prompt liquidation of the assets, or the ultimate distribution of the assets to all claimants.

50. Insolvency of warehouse keeper.

(1) Whenever it appears to the satisfaction of the Authority, that a warehouse has failed or will in all probability fail, the Authority may give notice to the licensed warehouse keeper to comply with any of the following requirements—

- (a) immediately cease all goods related operations and transactions such as, but not limited to, receiving, handling, processing or selling of goods on his or her own account or the account of others;
- (b) cover the shortage by supplying the goods or evidence of ownership of the goods;
- (c) immediately purchase and make actual payment for a sufficient quantity and quality of the relevant goods or goods to fully cover the shortage;
- (d) submit to such examination as the Authority may deem necessary.

(2) If the warehouse keeper fails to comply with the requirements contained in the notice within the time period which the Authority may allow, the Authority may petition the court for an *ex parte* order authorising the Authority or its authorised representative to seize and take possession, as trustee, of any goods located in the warehouse of such warehouse keeper, and of all pertinent records and property, as provided in sub-regulation.

(3) If at any time the Authority has evidence that a warehouse keeper is insolvent or is unable to satisfy the claims of all holders as they become due, or the warehouse keeper does not have in his or her inventory sufficient goods to cover the outstanding warehouse receipts and assumed by him or her, the Authority may modify, suspend or revoke the warehouse keeper's certificate or petition the court for an *ex parte* order authorising the Authority or its representatives to seize and take title possession, as trustee, of any goods and goods related assets in the warehouse or under the warehouse keeper's control, and of all pertinent records and property as provided for in sub-regulation.

(4) Upon receipt of the Authority's application setting further the circumstances of the warehouse keeper's failure and further stating reasons why immediate possession by the Authority or its authorised representative is necessary for the protection of holders or, the court may issue such an order

authorising the Authority or its representative to take immediate possession for the purposes stated in this regulation and a copy of the application and order shall be sent to the warehouse keeper.

(5) The Court may order the Authority's taking possession of only goods related assets and not the entire business of the warehouse keeper and such order may include, but is not limited to, the following—

- (a) the Authority locking down and securing, by padlocks or other appropriate means, the goods storage bins, scales, offices, equipment and rolling stock of the warehouse keeper;
- (b) removing and excluding the warehouse keeper, or any and all of the warehouse keeper's employees, from the warehouse;
- (c) prohibiting the warehouse keeper from engaging in any goods related business transactions during the Authority's possession of the goods related assets of the warehouse keeper's business;
- (d) authorising all financial institutions to place all business accounts of the warehouse under the Authority's authority and to freeze all transactions involving such accounts except to honour outstanding cheques written previous to the issuance of the Court's order and if it appears that the warehouse keeper has conducted, in part, his or her storage business through the use of personal accounts as opposed to business accounts, or intermingled two or more such accounts, the Court may authorise the applicable financial institutions to place such personal accounts, as well as the business accounts, under the authority of the Authority in order to allow the Authority to accurately determine the extent of all goods related obligations incurred by the warehouse keeper's resources to pay his agricultural commodity-related obligations;
- (e) authorising the Authority to redeliver or sell goods, as appropriate in the circumstance and setting forth the conditions for doing such;
- (f) authorising the Authority to deposit all proceeds there from in an interest-bearing escrow account to be disbursed only upon orders of the Court;
 - (g) directing the warehouse keeper to furnish the Authority with all agricultural commodity-related business documents which come into

his possession subsequent to the Authority's possession of the goods related assets, as well as any other goods related documents which the warehouse keeper may have knowledge of and which are not at the warehouse.

(6) At any time within ten days after the Authority or its representative takes possession, the warehouse keeper may file with the Court a response to the application of the Authority stating reason why the Authority or its representative should not be allowed to retain possession and the Court shall set the matter for hearing on a date not more than fifteen days from the date of filing of the warehouse keeper's response.

(7) The order placing the Authority or its representative in possession shall not be stayed not set aside until such time as the Court, after hearing the application inter parties, determines that possession should be restored to the warehouse keeper.

(8) Upon taking possession, the Authority shall give written notice of its action to the holders, as shown by the warehouse keeper's records, to present their warehouse receipts of—

- (a) for examination; or
- (b) to account for the same warehouse receipts the Authority; or
- (c) may cause an audit or other investigation to be made of the affairs of the warehouse keeper to determine the amount of any shortage and compute the shortage as to each holder as shown by the warehouse keeper's records, if practicable and the Authority shall notify the warehouse keeper of the approximate amount of the shortage and may notify each holder thereby affected by sending notice to the holder's last known address as shown by the records of the warehouse keeper.

(9) The Authority or its representative shall retain possession obtained under this regulation until such time as the warehouse keeper shall have satisfied the claims of all holders, or until such time as the Authority or its representative is ordered by the Court to surrender possession.

(10) At no time while the Authority or its representative is in possession of the warehouse, as authorised by this regulation, shall the Authority or its representative be required to operate the warehouse, nor shall the Authority or its representative be liable for any claims which have arisen or could arise from the non-operation of the warehouse.

(11) If at any time, the Authority, whether or not it or its representative has possession as authorised by this regulation, has evidence that a warehouse keeper is insolvent or is unable to satisfy the claims of all holders, the Authority may petition the Court for the appointment of a receiver to operate or liquidate the business of the warehouse keeper in accordance with law.

(12) All necessary expenses incurred by the Authority, its representatives or any receiver appointed under this regulation, in carrying out the provisions of this section may be recovered from the warehouse keeper as part of the seizure or receivership action filed under this section or otherwise.

(13) This cost of liability insurance necessary to protect the Authority, the receiver and others engaged in carrying out the provisions of this section may be recovered from the warehouse keeper as part of the necessary expenses.

51. Offences.

Any person who contravenes or fails to comply with any of the provisions of these Regulations or of any terms or conditions of a licence granted under these Regulations commits an offence and is liable on conviction to imprisonment not exceeding two years, or a fine not exceeding forty eight currency points or both.

FIRST SCHEDULE

Regulation 8.

PHYSICAL REQUIREMENTS OF WAREHOUSES

1. Prior to the issue of warehouse licence, the Authority shall inspect a warehouse and certify its suitability for the intended purpose.
2. The warehouse should be located in a place where it is accessible throughout the whole year.
3. (a) The warehouse must be fit for the purpose of storing the goods specified in the licence.

- (b) It must be soundly constructed of durable material, fully enclosed and adequately roofed to prevent leakage and access by birds and rodents.
 - (c) There must be adequate, well-maintained and effective drainage and sufficient clean hard standing at the warehouse entrances to minimise seepage of water and mud into the warehouse.
 - (d) The ventilation must be adequate to prevent the build-up of hot air and to prevent condensation, and must be screened or otherwise designed to prevent the entry of birds and rodents.
4. (a) The warehouse must have a fully covered, clean area where deposits can be sampled and weighed prior to either acceptance or rejection by the warehouse keeper.
- (b) This holding area may be a specially reserved portion of a warehouse.
5. (a) The floor of the warehouse must be even and with all cracks repaired.
- (b) Floor joints should be fully filled with a mixture of bitumen, sand and cement (failure to do this can render fumigation treatments against insects ineffective through gas leakage).
6. If the floor has not been built incorporating a waterproof membrane then the warehouse must be equipped with pallets on which bag stacks will be built to prevent moisture migration into the stock.
7. There must be security guards in residence during the day and night to control access to the warehouse site and all warehouse doors should be securely padlocked when the warehouse is not attended.
8. No building previously used for the storage of prohibited goods for purposes that might lead to contamination, taint, infestation or transmission of disease, shall be used for storage of commodities for which the warehouse is certified, unless the warehouse (including floors, walls, roofs, roof trusses and fittings), has been cleaned and disinfected to the satisfaction of the Authority.
9. If deemed necessary by the Authority, it may request an engineer's report confirming the soundness of the structure and its suitability for the purpose of storing goods.

10. (a) Each separate building should be clearly identified by name, initial, or number securely affixed thereto.
 - (b) Compartments shall be numbered in such a manner as to clearly show the space covered by each number.
11. All electrical switches, sockets, wiring, lighting etc., shall conform to relevant fire/safety regulations and be sited well clear of all stored materials.
12. (a) A plan of each warehouse shall be lodged with the Authority.
 - (b) This plan shall identify and number the storage space, location of offices, the grading area and of equipment including scales.
13. (a) Each warehouse must be equipped with suitable scales in good order, and so placed that all goods, including non-storage goods, can be weighed in and out of the warehouse.
 - (b) The scales shall be subject to examination and certification by the
 - (c) Notwithstanding the approval the Authority may where it deems necessary, disapprove the use of a scale by a warehouse keeper, supporting such an order by stating the corrective action the warehouse keeper is required to carry out.
14. (a) If a warehouse keeper does not have scales on the premises, it may use approved scales owned by third parties located within reasonable distance of the warehouse; and the weigher at the site must be licensed by the Authority.
 - (b) Where scales belonging to third parties are used, the warehouse keeper must provide a written agreement from the owner of the scale stipulating that the warehouse keeper has unrestricted use of the scale.
15. (a) Licensed warehouses shall have well maintained equipment necessary to sample and grade all inbound and outbound commodities for which a warehouse is certified.
 - (b) A warehouse must also have an area with sufficient lighting designated for grading agricultural commodities.

16. Each warehouse shall at all times comply with fire prevention and control requirements of insurance policies they take, including having adequate, functional fire fighting equipment and materials.

SECOND SCHEDULE

Form J
Reg.10

UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY APPLICATION
FOR A WAREHOUSE LICENCE

(Made under section 25 of Warehouse Receipt System Act No. 14 of 2006)

The undersigned person hereby applies for licence, amendment or renewal of their current licence to conduct Warehouse business under the Warehouse Receipt System. Note: *This form must be submitted with a copy of the applicant's Business Registration Certificate, Land title, Title Deed, Insurance Policy, Appropriate Engineer's Inspection report and other relevant*

1. NAME AND PHYSICAL ADDRESS OF THE APPLICANT 2. LOCATION OF WAREHOUSE(S)
(Physical Address-attach sketch map)
3. GOODS TO BE STORED 4. TOTAL CAPACITY
5. LICENCE ACTION REQUEST 6. AMENDMENT ACTION REQUESTED

Original	Renewal	Amendment	Add New Space	Delete Space	Other
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If other please specify

- | | | |
|-----------------------------|------------------------|-----------------------------|
| 7. RENEWAL
CAPACITY (MT) | ADDITIONAL
CAPACITY | 9. DELETED
CAPACITY (MT) |
|-----------------------------|------------------------|-----------------------------|

10. STATE YOUR EXPERIENCE IN THE WAREHOUSE BUSINESS ACTIVITY (YES/NO) if yes explain by specifying the licence number and year)
11. I enclose remittance for the required application fee of Ushs.
12. I hereby undertake and promise to effect licence fee payment on the success of my application as stated below
13. APPLICANT'S DECLARATION "Knowing that false statements made to Authority may lead to the rejection of this application and that the statements made in this application are true to the best of my knowledge. Further, as a condition to granting this licence, I have read and agree to comply with the statutory provision governing the holding of licence for Warehouse under the Warehouse Receipt Act and Warehouse Receipt System Regulations

Applicant's Signature

Name

Date

holding of licence for Warehouse under the Warehouse System Receipt Act and Warehouse Receipt System Regulations

APPLICANT'S SIGNATURE

NAME

DATE

CONDITIONS FOR APPLICATION

- (1) Validity of this application is dependent on payment of the specified application fee.
- (2) By signing and submitting this application to the Authority the applicant declares that he or she has the financial and logistical capacity to do business he or she applied for if granted licence.
- (3) This application and any licence issued under it are subject to the provision of the Warehouse Receipt System Act and Warehouse Receipt Regulations, 2007.

UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY
APPLICATION FOR WAREHOUSE KEEPER LICENCE

(Made under section 25 of Warehouse Receipt System Act No. 14 of 2006)

The undersigned person hereby applies for licence, amendment or renewal of their current licence to conduct warehouse Operation in respect of the under listed warehouse(s), under the Warehouse Receipt System.

Note: *This form must be submitted with a copy of the applicant's business registration, copy of land title, lease agreement engineer's inspection report (if required by the Authority) offer of insurance and bond cover lease agreement, insurance policy and Curriculum Vitae of key staff, Warehouse report from licensed warehouse Inspector and official bank account through which all Warehouse Operations transaction shall be channelled. The information will be used solely*

- | | |
|---|---|
| 1. NAME AND PHYSICAL ADDRESS OF THE APPLICANT | 2. LOCATION OF WAREHOUSE(S)
(Physical Address-attach sketch map) |
| 3. COMMODITIES STORED OR TO BE STORED | 4. TOTAL CAPACITY (MT) |
| 5. CERTIFICATION ACT REQUESTED | 6. AMENDMENT REQUESTED |

Original		Renewal		Amendment		Add new space		Delete space	Other
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If other please specify

- | | | |
|--------------------------|--------------------------|--------------------------|
| 7. RENEWAL CAPACITY (MT) | ADDITIONAL CAPACITY (MT) | 9. DELETED CAPACITY (MT) |
|--------------------------|--------------------------|--------------------------|

10. FACILITIES, BINS, WAREHOUSES Being added or deleted (Describe Briefly)
 The commodity to be stored and the licensed capacity of the warehouse when stated on the licence issued as a result of this application shall be as defined and as determined under applicable regulations. Any additions, deletions or cancellation shall attract a fee equivalent to the renewal fee to the Authority.
11. APPLICANT'S INTEREST IN THE PROPERTY TO BE LICENSED (Lease, sub lease or own)
12. The applicant, as a condition to the granting of the license agrees to comply with and abide by the terms of the Regulations as they may relate to the applicant and upon suspension, revocation or expiration of the license, to declare to the Authority all un-issued Warehouse Receipt.
13. I enclose remittance for the required application fee as state below:
14. I hereby undertake and promise to effect licence fee payment on the success of my application as stated below
15. An inspection of the warehouse for which licensed is being sought is hereby requested as specified in the Regulations; however the fee to be charged by licensed inspectors should be approved by the Authority
16. I, the undersigned declares that the statement made in this application are true to the best of my knowledge

Signed on..... day of20...

AUTHORISED SIGNATURE

STAMP

TITLE

CONDITIONS FOR APPLICATION

- 1) Validity of this application is dependent on payment of the specified application fee.
- 2) By signing and submitting this application to the Authority the applicant declares that he or she has the financial and logistical capacity to do

- 3) business he applied for if granted licence. This application and any licence issued is subject to the provision of the Warehouse Receipt System Act and Warehouse Receipt System Regulations, 2007.

Form 3
Regulation 18

UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY
APPLICATION FOR A WAREHOUSE INSPECTOR'S LICENCE
(Made under section 35 of Warehouse Receipt System Act No. 14 of 2006)

The undersigned person hereby applies for licence, amendment or renewal of their current licence to conduct warehouse inspection business under the Warehouse Receipt System Act.

Note: *The form must be submitted with a copy of the applicant's profile (Academic Certificate, Working Experience, Testimonials and other relevant documents to support the application. The information will be used solely to determine the applicant's eligibility for licence as*

1. NAME AND PHYSICAL ADDRESS OF THE APPLICANT	2. AREA OF OPERATION 3 4 TO THE UGANDA WAREHOUSE U5 THORITY OFFICE
3. STATE YOUR EXPERIENCE IN THE WAREHOUSE INSPECTION ACTIVITY (Specify number of years with Date and name of Employer)	
4. ARE YOU PRESENTLY, OR HAVE YOU EVER HELD A LICENSE FOR SIMILAR SERVICE (If yes, indicate the type of licence and number, location and for whom the services were performed)	
5. PLEASE INDICATE ANY SPECIAL TRAINING YOU HAVE HAD PERTINENT TO THIS APPLICATION. (attach copies of inspection certificates of related	
6. APPLICANT'S DECLARATION ("Knowing that false statements made to Authority may lead to the rejection of this application, I certify that I am physically capable of performing the duties required by the service(s) for which this application is made; that I have the skills needed to perform these services in accordance with the applicable standards; and that the statements made in this application are true to the best of my knowledge. Further, as a condition to granting this licence, I agree to comply with the term of the Warehouse receipt Act and the Warehouse Receipt System Regulations".	
APPLICATION SIGNATURE	
NAME	
DATE	

- (1) Validity of this application is dependent on payment of the specified application fee

- (2) By signing and submitting this application to the Authority the applicant declares that he has the financial and logistical capacity to do business he applied for if granted licence
- (3) This application and any licence issued under is subject to the provision of the Warehouse Receipt System Act and the Warehouse Receipt System Regulations, 2007

THIRD SCHEDULE

LICENCE

UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY

FORM 4
Regulation 9

L. No.

WAREHOUSE KEEPER
BUSINESS LICENCE

*

(Issued under Section. 25 (1), of the Warehouse Receipt Act, No.14 of2006)

Applicant (Name and address).....

IS HEREBY LICENCED TO CARRY OUT THE WAREHOUSE BUSINESS

1. Registration reference.....
2. Registration category
3. Licence number..... issued on.....
4. Validity: Valid until
5. Conditions:
 - (i) This licence is governed by the Warehouse Receipt Regulations, 2006
 - (ii) This licence is not transferable
 - (iii) This licence must be displayed at the place in a warehouse and produced to any authorised inspector, on demand.
 - (iv) If defaced return this licence of the Authority for replacement.

Signature

Date

Designation

* Enter A, B, or C for registration category (item 2)

FORM 5

Regulation 9

THE UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY

CN WAREHOUSE OPERATION LICENCE ** .

(Issued under Section (25), Warehouse Receipt System Act No. 14 of 2006)

1. LICENCE CATEGORY

Public/private *(delete as*

applicable warehouse keeper (Name and address)

THE WAREHOUSE KEEPER IS HEREBY LICENCED TO OPERATE
WAREHOUSE AS UNDER

- 2. Categories of and grade or quality of goodsmt
..... tons)
- 3. Maximum storage volume in
- 4. Period Between
- 5. Fees paidthis Receipt No
(in one station)
..... Receipt No
- 6. Validity: Valid until
- 7. Conditions of Licence: See overleaf

FOURTH SCHEDULE NOTICE

FORM 10

Designation
* Enter A, B. or C for registration category (item 2).

NOTICE OF APPLICATION FOR LICENCE TO THE PUBLIC

(Regulation 12)

THE REPUBLIC OF UGANDA UGANDA

WAREHOUSE RECEIPT SYSTEM AUTHORITY Notice No

.....

(Issued under section, of the Warehouse Receipt System Act)

Applicant (Name and address)

NOTICE OF APPLICATION FOR LICENCE TO THE PUBLIC

Take note that, the above applicant has applied to the Uganda Warehouse Receipt System Authority the license. issued under section 25 of the Warehouse Receipt System Act and Regulation of the Warehouse Receipt System Regulation,

I (name)the (Designation)..... of the Authority published this particulars of the applicant in case there is any representations or objection with regard to the application shall be lodged to the Authority with the period of from the date of this publication.

I certify that I have received a copy of this Notice

Signature

I certify that I have received a copy of this Notice

Form 2

NOTICE OF SUSPENSION/REVOCAION OF LICENSE

UGANDA WAREHOUSE RECEIPT SYSTEM AUTHORITY

Notice No .

(Issue under S.34 of the Warehouse Receipt System Act) M/s

(Name and address)

NOTICE OF SUSPENSION/REVOCAION OF LICENCE

Take note that, you have violated the Requirements of the Warehouse Receipt Act, No. 14 of 2006 and Regulation made under it as follows-

Under section 34 of the Warehouse Receipt System Act,
I (name)
the (Designation) of the Authority do hereby
suspend/revoke your licence No
For the period of from the
date of this letter or until the irregularity or malpractice is rectified to the
satisfaction of the Authority.

Signed by this day of20

Signed by this _____ day of _____ 20

Date

Signature

FORM 11
Regulation 55

NOTICE OF RECONDITION/SELL/DISPOSAL OF DETERIORATING GOOD
(Regulation 53)

NAME OF THE WAREHOUSE KEEPER

Registration No

(Issued under Regulation 55, of the Warehouse Receipts System Regulation) M/s

(Name and address)

NOTICE OF RECONDITIONING/SELL/DISPOSAL OF DETERIORATING
GOOD

Take note that, your goods stored in my Warehouse located in
..... are likely to deteriorate greatly in value/likely to
injure the other property/endanger life of person.

Under Regulation 55 of the Warehouse Receipt System Regulation

I *(name)* the *(Designation)*.....of
the Warehouse do hereby request you to remove the goods from the warehouse
within the period of..... from the date of this
letter, failure of that I will recondition/sell such goods or dispose them off in any
lawful manner in which I will incur no liability by reason of. it.

Given under my hand this..... day of200.....

I certify that I have received a copy of this Notice
Date Signature

FIFTH SCHEDULE
CARE OF GOODS

1. (a) A warehouse keeper shall at all times exercise such care in regard to goods in his or her custody as a reasonably careful owner would exercise under similar circumstances and conditions.
(b) If, at any time, a warehouse keeper shall handle or store non-storage goods otherwise than as a licensed warehouse keeper, or shall handle or store any other commodity, he or she shall so protect the goods, and otherwise exercise care with respect to it, as not to endanger the goods in his or her custody as a warehouse keeper or impair the insurance of or his or her ability to meet his or her obligations and perform his or her duties under the Act and these regulations
2. A warehouse keeper shall keep his or her warehouse clean at all times and free from spilt commodity, and any accumulations of other materials that shall increase the fire hazard or interfere with the handling of stored produce.
3. (a) The floor of the store should be swept daily and all crop spillage rebagged but kept separate from the main stock.
(b) On a weekly routine all parts of the store and structures within it including roof trusses, ledges and all dust-collecting surfaces should be cleaned to remove dust.
4. (a) The condition of the store must be inspected daily.
(b) This is to include checking of the store structure for water entry or the presence of pests (rodents, birds and insects), and bags stacks for damaged sacks, presence of pests and evidence of water leakage onto the tops of stacks.
5. Any equipment used for loading or unloading must be suitable for the purpose and must be routinely maintained in a clean condition.
6. Eating, drinking, smoking or exposed lights must not be permitted within storage areas in warehouses.
7. (a) All necessary steps must be taken to minimize the production of dust.
(b) Methods for the handling of goods should be such that generation of dust is minimised.
(c) Dust removal from ledges, light fittings etc., must be carried out frequently.

8. (a) Rodents should be excluded from the vicinity of any warehouse and measures should be designed to ensure that poison baits cannot contaminate goods stored in the warehouse.
 - (b) Where practical all baits should be outside the actual storage area.
 - (c) Waste and scrap materials, old pallets, packaging or other materials, which can encourage and harbour rodents, shall be removed from the proximity of a warehouse and any vegetation around the warehouse must be kept cut back.
9. (a) The warehouse keeper shall take all necessary measures to discourage birds from the vicinity of warehouses and to prevent their entry into warehouses.
 - (b) The measures shall include the use of wire mesh screens fixed over ventilators, windows and any openings there may be at the eaves.
10. Stocks found to be infested by insects will be fumigated in a timely manner, according to methods approved by the Authority, to minimise damage to the stock.
11. If at any time a fire or other damaging causing disaster shall occur at or within any licensed warehouse, it shall be the duty of the warehouse keeper to report immediately to the Authority the occurrence of such fire or disaster and the extent of damage within 24 hours or less.
12. (a) If the condition of any goods offered for storage is such that it may affect the condition of other goods in the licensed the warehouse keeper shall not receive such goods for storage or store such goods in his warehouse.
 - (b) Warehouse keeper has separate bins or other containers, or is equipped with proper conditioning apparatus, he or she may receive such goods for storage in such separate bins or he or she may condition it and then store it in a manner as shall not lower the grade of other goods.