

Sugar (Control) Act 1938 (Ch 34)

CHAPTER 34

THE SUGAR (CONTROL) ACT.

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CHAPTER 34

THE SUGAR (CONTROL) ACT.

Commencement: 16 April, 1938.

An Act to control the export and production of sugar.

1. Interpretation.

In this Act, unless the context otherwise requires—

1. “commissioner” means the commissioner for agriculture and includes the deputy commissioner for agriculture;
2. “East African territories” means Kenya and Tanzania;
3. “quota year” means the period from the 1st September to the 31st August next ensuing;
4. “sugar” means sugar in any of its commercial forms, including jaggery, except the product sold as final molasses;
5. “ton” means the long ton of two thousand two hundred and forty pounds;
6. “total stocks of sugar in Uganda” means all sugar in Uganda, whether in factories, refineries, warehouses or elsewhere or in course of transit, but does not include foreign bonded sugar or sugar intended to be used solely for distribution for consumption in Uganda or the East African territories.

2. Fixing the amount of sugar that may be exported; providing for sugar export licences.

1. The quantity of sugar, other than sugar exported to the East African territories for local consumption, that may be exported during any quota year from Uganda shall be such quantity (hereafter referred to as “the quota”) as the Minister may from time to time determine.
2. The Minister shall, by statutory instrument, declare the quota determined for any quota year and may in like manner at any time substitute a new quota for the quota so declared.

3. The Minister shall allocate the quota determined among the manufacturers of each sugar factory and may at any time vary and adjust the allocation.

4. No person shall export sugar to a destination outside the East African territories except under a licence (hereafter referred to as a “sugar export licence”) issued by the commissioner.
5. A sugar export licence and an application for the licence shall be in the prescribed forms, and, subject to the exercise of his or her discretion under section 7(5), the commissioner shall, from time to time, issue to the manufacturers among whom the quota has been allocated sugar export licences in respect of such quantities of sugar as shall not in the aggregate exceed the allocations.

(6) The commissioner may attach to any sugar export licence any conditions that he or she may deem necessary or that may be prescribed for the due carrying out of the purposes of this Act.

3. Restriction on amount of sugar to be held in stock.

The Minister may, by statutory instrument, declare that the total stocks of sugar held in Uganda on a date or during such period as may be specified shall not exceed an amount fixed by the instrument, and thereupon the Minister may prescribe means to ensure that the stocks shall not exceed the amount so specified and for that purpose may fix the maximum amount of sugar which may be held from time to time by any person.

4. Minister may require returns.

(1) The Minister may require any person, by order served on him or her or published in the Gazette, to make and submit to the commissioner, the commissioner of customs or such other person as the Minister may from time to time designate, within such time as may be specified in the order, a return giving full and accurate particulars of all or any of the following matters—

1. the sugar manufactured by him or her during any period specified in the order;
2. the stocks of sugar belonging to him or her or in his or her possession, power or control on any particular date or during any period specified in the order, the place of storage of those stocks, and, if the sugar was acquired by him or her, the person from whom he or she acquired it;
3. any other particulars required for the purposes of this Act.

(2) Any person who contravenes any such order commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

5. Financial statement.

1. Every sugar manufacturer shall, in respect of every sugar factory and estate owned or controlled by him or her, submit to the Minister, or to such person as the Minister may designate, such particulars relating to his or her costs of production, expenses, income, profits, earnings and capital invested in such form and at such intervals as the Minister may, by statutory instrument, prescribe.
2. Any person who contravenes any provision of this section commits an offence and is liable—
 1. on a first conviction to a fine not exceeding one hundred thousand shillings; and
 2. on a second or subsequent conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

6. Power of entry and inspection.

The commissioner or any officer duly authorised by him or her in writing may at any time enter upon any land or premises for the purposes of making any inspection or for any other purpose connected with or arising out of any of the matters provided by this Act or the enforcement of any of its provisions.

7. Offences and penalties.

1. Any person exporting or attempting to export sugar in contravention of any of the provisions of this Act or of any of the conditions of any sugar export licence commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a period not exceeding twelve months.
2. Any person holding any stock of sugar in excess of the amount authorised by or under this Act commits an offence and is liable on conviction to a fine not exceeding two thousand shillings.
3. Where a person is convicted under subsection (1) or (2), a court

may, in addition to any other penalty, order that any sugar in regard to which the conviction is had shall be forfeited to the Government.

4. Any person making a false declaration, statement or return in regard to any matter provided by this Act commits an offence and is liable on conviction to a fine not exceeding one thousand shillings.
5. Where any person is convicted of an offence under subsection (1), the commissioner in his or her discretion may revoke any sugar export licence granted to the person convicted and may refuse to grant any further licence to that person.
6. Any person aggrieved by the decision of the commissioner to revoke or refuse any such licence may appeal to the Minister whose decision shall be final.

8. Liability for acts of agent or servant.

For the purposes of this Act, every person shall be liable for every act, omission, neglect or default of any manager, agent or servant employed by him or her and purporting to act within the scope of that employment as fully and effectually as if the act, omission, neglect or default were done or committed by the first-mentioned person but so that nothing in this section shall affect the liability of the manager, agent or servant.

9. Saving of customs laws.

The provisions of this Act shall be in amplification of and not in derogation of the provisions of the East African Customs and Transfer Tax Management Act and any regulations made under that Act insofar as they are not inconsistent with the provisions of this Act.

10. Rules.

The Minister may make rules prescribing forms, fixing the conditions upon which sugar export licences may be issued and generally for carrying out the provisions of this Act.

11. Export of sugar by parcel post.

Notwithstanding anything in this Act, any person may, without obtaining a

sugar export licence, export sugar to the United Kingdom by parcel post in quantities not exceeding two pounds in weight; but no person shall export more than two pounds of sugar in any one calendar month.

History: Cap. 238; Act 11/1968.

Cross Reference

East African Customs and Transfer Tax Management Act, Laws of the Community, 1970 Revision, Cap. 27.