

ORDINANCE SUPPLEMENT

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Ordinance 1 *The Local Governments (Kasese District) (Quality Control
of Vanilla) Ordinance* **2019**

**THE LOCAL GOVERNMENT (KASESE DISTRICT) (QUALITY
CONTROL OF VANILLA) ORDINANCE, 2019**

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**THE LOCAL GOVERNMENT (KASESE DISTRICT)
(QUALITY CONTROL OF VANILLA) ORDINANCE, 2019**
(Made under section 38 and 40 of the Local Governments Act, Cap 243)

An ordinance to provide for the licencing of buyers and sellers, processors and curers of vanilla; to provide for the creation of buying centers; good harvesting practices and post-harvest handling of vanilla and for other related matters.

BE IT ORDAINED by the Council of the District of Kasese as follows:

PART I—PRELIMINARY

1. Title

This Ordinance may be cited as the Local Government (Kasese District) (Quality Control of Vanilla) Ordinance, 2019.

2. Commencement

This Ordinance shall come into force on the date of publication in the Gazette.

3. Application of the Ordinance

This Ordinance shall apply to the whole of Kasese District Local Government.

4. Interpretation

In this Ordinance, unless the context otherwise requires—

“Act” means the Local Government Act Cap. 243;

“business of buying and selling” means buying of vanilla from a farmer or any other person for purposes of selling for profit;

“constitutive documents” means documents which define the existence of the association and regulate the structure and control of the association and its members;

“Council” means the Kasese District Council;

“currency point” has the value assigned to it in Schedule 1; and

“District” means Kasese District Local Government

“relevant authority” includes law enforcement agencies, officials from the District Local Government and the Sub-county.

5. Objectives of the Ordinance.

The objectives of this Ordinance are—

- (a) to promote the increase in the production of vanilla in the District;
- (b) to streamline and improve the marketing of vanilla;
- (c) to improve the quality of the vanilla produced in the District;
- (d) to regulate the growing, harvesting, buying and selling, processing and curing of vanilla in the District.

PART II—VANILLA ASSOCIATIONS

6. Sub-county Vanilla Association.

Every sub-county shall have a Vanilla Association, which shall comprise of willing persons involved in the growing, selling and buying, processing and curing of vanilla in the sub-county.

7. Governance of the Vanilla Association and its constitution.

The Vanilla Association shall be governed in accordance with the constitutive documents of the Association.

PART III—HARVESTING OF VANILLA

8. Harvesting of vanilla

(1) A person shall only harvest vanilla when the beans have reached full maturity.

(2) Vanilla beans shall be deemed to have reached full maturity at least nine months from the time of pollination.

(3) A vanilla bean shall be harvested when the bean is full and stiff with a yellow or pale green color and the blossom ends are yellow or have begun to split open.

(4) Harvesting of the vanilla beans shall commence when 5 percent of the beans in the vanilla garden have their apex split.

(5) A person shall harvest only mature beans and shall leave the other beans grow to full maturity.

9. Avoiding contamination of vanilla

A person who grows, buys and sells, processes or cures vanilla shall not contaminate the vanilla beans with any foreign material, including burying the vanilla beans in the ground or submerging them in, or spraying them with water.

PART IV—LICENCING

10. Application for a licence.

(1) A person intending to do the business of buying and selling, processing, or curing of vanilla shall make an application for a licence to the Council in Form 1 contained in Schedule 3 to this Ordinance.

(2) An application for a licence to do the business of buying and selling, processing or curing vanilla shall be made in writing to the Council and shall be accompanied by the following—

- (a) a photocopy of the National Identity Card or Passport of the applicant;
- (b) a letter of recommendation from the Local Council 1; where the applicant intends to do the business;
- (c) two current passport photographs of the applicant ;
- (d) in case of a company, two passport photographs of the each director;
- (e) the certificate of incorporation in case of a company;
- (f) the address of the premises or store room of the applicant; and
- (g) the fee prescribed in Schedule 3 to this Ordinance.

11. Grant of a licence

(1) The Council shall within fourteen (14) days from the receipt of the application for a licence, consider the application and may if satisfied, grant a licence to the applicant, contained in Form 2 of Schedule 2 to this Ordinance.

(2) The Council may grant a licence subject to such conditions as the Council may consider necessary and may, from time to time add, vary or substitute the conditions as it deems appropriate.

12. Cancellation of a licence

The Council may cancel or revoke a licence issued under this Ordinance, if the council is satisfied that the licence is not serving the purpose for which it was issued or that the licence was obtained fraudulently or by false information.

13. Renewal of a licence

(1) A licence granted under this Ordinance shall be valid for a period of one year and may be renewed at a fee prescribed in Schedule 3 to this Ordinance.

(2) The application for renewal of a licence is contained in Form 3 of Schedule 2 to this Ordinance.

14. General conditions of a licence

(1) A person issued with the licence shall not—

- (a) deliver or receive vanilla at any other place other than the place stated in the licence or selling or buying centre established under this Ordinance; and
- (b) buy vanilla on a weekday, before half-past seven o'clock in the morning and eight o'clock in the evening; or on a Sunday, between nine o'clock in the morning and one o'clock in the afternoon.

(2) A person issued with a licence shall produce the licence at any time the licence is required by the relevant authority to inspect the records, store or any other place where vanilla is stored, processed or cured.

15. Replacement of lost or destroyed licence

(1) Where a licence issued under this Ordinance is lost, destroyed or obliterated, the holder may, upon proof to the satisfaction the Council that the licence is lost, destroyed or obliterated, apply for a duplicate licence.

(2) The duplicate licence shall be issued upon payment of the fee prescribed in Schedule 3 to this Ordinance.

16. Appointment of agents

(1) A person issued with a licence may appoint an agent to act on behalf of the person issued with the licence and shall register the agent as may be required by the Council.

(2) Where a person issued with a licence appoints an agent to work on his or her behalf, the person shall ensure that the agent works within the conditions of the licence.

(3) A person issued with a licence shall grant a power of attorney to the agent as proof of authorisation to the agent to handle the matters of the principal.

(4) The power of attorney shall be presented to the Council at the time of registration of the agent.

(5) The agent shall at all times during the course of duty possess a copy of the licence and the power of attorney.

(6) A power of attorney shall not be valid unless it has been registered with the Registrar of Documents.

17. Registration of a licence and power of attorney.

Every licence issued under this Ordinance or power of attorney granted to an agent shall be registered with the sub-county in whose jurisdiction the licence or power of attorney is intended to be used.

PART V—BUYING CENTRES

18. Designating buying and selling centres

(1) Every sub-county shall designate a place to serve as vanilla buying and selling centre in each of the vanilla growing parishes in the sub-county.

(2) A person who grows vanilla shall only sell the vanilla to a licenced buyer at the buying and selling centre established under this Ordinance.

(3) A person who trades or intends to trade in green vanilla in the District shall register with the Sub-county Local Government.

19. Keeping records

A person who buys vanilla at a vanilla buying and selling centre shall keep records of the vanilla bought, including the following particulars—

- (a) the name of the seller;
- (b) the quantity bought; and
- (c) time and date of buying.

PART VI—STORAGE, PROCESSING AND CURING OF VANILLA

20. Storing, processing and curing in fit and proper premises.

A person who stores, processes or cures vanilla shall do so in fit and proper premises.

21. Conditions for a fit and proper premises.

Premises where vanilla is stored, processed or cured shall—

- (a) be well ventilated;
- (b) have storage pallets and tarpaulin;
- (c) be well cemented or tilled and easy to clean;
- (d) be well drained;
- (e) have wash basins with continuous flowing water; and
- (f) have good sanitation around.

22. Maintaining proper hygiene by workers

The workers, operators and store keepers shall at all times while on duty—

- (a) avoid contamination of the beans; and
- (b) maintain proper hygiene by wearing protective, aprons, coveralls or overalls, gumboots, gloves and head covering gear where necessary.

PART VII—MISCELLANEOUS PROVISIONS

23. Offences relating to harvesting

(1) A person who harvests, or is found in possession of freshly harvested vanilla beans before the beans are due for harvest commits an offence and on conviction is liable to a fine not exceeding two currency points or a term of imprisonment not exceeding six months, or both.

(2) A person who wilfully contaminates the vanilla crop with any foreign materials, which may include burying the vanilla beans in the ground, or submerging the vanilla beans in, or spraying them with water, commits an offence and shall upon conviction be liable to a fine not exceeding two currency points or to imprisonment for a period not exceeding six months, or both.

24. Offences relating to buying and selling of vanilla

(1) Any person who buys and sells vanilla or keeps a place for storage, processing or curing of vanilla without a valid licence issued under this Ordinance commits an offence and shall upon conviction be liable to a fine not exceeding two currency points or to imprisonment for a period not exceeding six months, or both.

(2) Any person found in possession of green vanilla beans commits an offence and on conviction is liable to a fine not exceeding two currency points, or to imprisonment for a period not exceeding six months, or both.

25. General offence

(1) A person who—

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- (a) contravenes any provision of this Ordinance; or
- (b) obstructs or hinders, or knowingly makes a false statement to any officer or agent of the Council in the performance of his or her functions, commits an offence and is liable on conviction to a fine not exceeding two currency points or to a term of imprisonment not exceeding six months, or both.

(2) Where a person is convicted of an offence under this Ordinance, the Court may, in addition to any fine or penalty, order that the licence be cancelled or revoked for such a period as Court may deem fit.

(3) Nothing in this Ordinance shall preclude a person from invoking the provisions of the Penal Code Act, Cap. 120.

26. Advance agreements

(1) A person may enter into an agreement to sell or buy vanilla beans before the beans are harvested from the garden.

(2) An advance agreement shall be governed by the provisions of the Sale of Goods and Supply of Services Act on sale of future goods and the Contracts Act, No. 7 of 2010.

(3) An advance agreement entered into under this section shall be submitted for registration to the Council upon payment of a fee.

(4) Where an advance agreement under this section is oral, any party thereto may give notice in writing to the Council of the existence of the agreement.

SCHEDULE 1

Section 4

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Section 10 (1)

FORM 1

THE REPUBLIC OF UGANDA

THE LOCAL GOVERNMENT (KASESE DISTRICT) (CONTROL OF
QUALITY OF VANILLA) ORDINANCE, 2019

APPLICATION FOR A LICENCE

(To be completed in Triplicate)

1. Name of applicant
2. Date of incorporation in case of a company.....
3. Company registration number.....
4. Physical and postal address of the applicant
.....
5. Proposed area where business will be carried out
.....
6. Particulars of the applicant, including directors, secretary in case of
a company, physical address, postal address, phone number, email in
case of a company.
.....

- 8. Principal office of the business.
 - (a) Physical address
 - (b) Postal address.....
 - (c) Email.....
 - (d) Telephonenumber.....

- 9. Please attach the following certified documents;
 - (a) certificate of Incorporation or constitution in case of a legal entity;
 - (b) a photo copy of the National Identity Card of the applicant;
 - (c) in case of a company, a photo copy of the National Identity Card of all the directors and company secretary;
 - (d) proof of payment of fees for application of the licence.

DECLARATION

I/We, the undersigned, declare that to the best of my/our knowledge and belief, the information contained herein is complete and accurate.

- 1. Name.....
Designation.....
Signature.....Date.....

- 2. Name.....
Designation.....
Signature.....Date.....

Note: This application form must be accompanied by all relevant documents and requirements prescribed in this Ordinance.

FORM - 2

Section 11 (1)

THE REPUBLIC OF UGANDA

THE LOCAL GOVERNMENT (KASESE DISTRICT) (CONTROL OF
QUALITY OF VANILLA) ORDINANCE, 2019

LICENCE

Licence No... ..

This licence is granted to

to carry on business of

This licence is subject to the following Conditions -

- (a) the licence shall expire on the 31st December of 20.....
- (b) the licence is not transferable;
- (c) the licensee shall not carry on thebusiness under more than one name; and
- (d) the licensee shall surrender the licence where requested by the Council.

Dated thisday of20.....

.....
Chairperson of District Council

.....
Chief Administrative Officer

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2019

FORM 3

Section 13 (2)

THE REPUBLIC OF UGANDA

THE LOCAL GOVERNMENT (KASESE DISTRICT) (CONTROL OF
QUALITY OF VANILLA) ORDINANCE, 2019

APPLICATION FOR RENEWAL OF LICENCE
(To be completed in Triplicate)

Application is hereby made to the Council for the renewal of Licence No.
..... granted on under this Ordinance.

Name of Applicant.....

.....
.....

Address of the applicant (Physical address, Postal and Telephone no.)

.....
.....
.....

Address and telephone number of each place at or from which business is
carried out

.....
.....
.....

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Particulars of current directors of the company in case of a body corporate or Organisation.

Name

Address.....

Telephone number.....

National Identification Number of the Directors.....

.....

I declare that all the information given by me in this application is true and correct.

Dated thisday of20.....

Signature of applicant.....

SCHEDULE 2

sections 10 (2) (g), 13 (1), 15 (2)

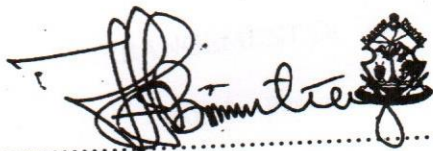
FEES

No.	Purpose	Fees in Uganda shillings
1	Application for a licence	100,000/=
2	Renewal of a licence	100,000/=
3	Replacement of licence	50,000/=

*The Local Governments (Kasese District) (Quality Control
of Vanilla) Ordinance* **2019**
Ordinance 1

Passed by Kasese District Council on the 25th day of May, 2017.

I HEREBY signify my hand this 26th day of July, 2018



**CHAIRPERSON
KASESE DISTRICT**

.....
Chairperson, Kasese District Council