

Uganda

## Tobacco (Control and Marketing) Act Chapter 35

Legislation as at 31 December 2000

FRBR URI: /akn/ug/act/1966/25/eng@2000-12-31

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PDF created on 21 September 2023 at 14:09.

*Collection last checked for updates: 31 December 2000.*

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# Uganda

## Tobacco (Control and Marketing) Act Chapter 35

Published

Commenced on 15 September 1967

*[This is the version of this document at 31 December 2000.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

**An Act to control the production and marketing of leaf tobacco and for matters incidental thereto and connected therewith.**

### Production of tobacco

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**buyer**" means a person holding a tobacco buying licence issued under [section 8](#) to purchase tobacco;
- (b) "**buying season**" means the period declared by the commissioner under [section 9\(1\)](#) for the purchase of tobacco;
- (c) "**commissioner**" means the commissioner or the deputy commissioner for agriculture;
- (d) "**grower**" means a person registered under this Act to grow tobacco;
- (e) "**growing area**" means a tobacco growing area declared as such by the Minister under [section 2](#);
- (f) "**inspecting officer**" includes a senior agricultural officer, an agricultural officer, a tobacco officer, an entomologist, a principal assistant agricultural officer of the department of agriculture, or any person appointed in that behalf in writing by the Minister for the purposes of this Act;
- (g) "**licence**" means a tobacco buying licence issued under [section 8](#);
- (h) "**Minister**" means the Minister to whom responsibility under this Act is assigned;
- (i) "**prescribed**" means prescribed by the Minister;
- (j) "**tobacco**" includes all unmanufactured tobacco whether cured or uncured and any tobacco which has been grown out of, but imported into, Uganda.

#### 2. Declaration of growing areas

- (1) The Minister may, on the advice of the commissioner, by statutory instrument, declare any area of land to be a growing area.
- (2) No person shall grow tobacco for sale in any area other than in an area declared under subsection (1) to be a growing area.

#### 3. Registration of growers

Any person who wishes to grow tobacco for sale in an area declared to be a growing area shall apply to be registered as a grower in accordance with regulations made for that purpose under [section 17](#).

#### 4. Distribution of tobacco seed

- (1) The commissioner shall cause to be distributed to growers through such persons as he or she shall authorise in writing tobacco seed for the purpose of planting.
- (2) No person, other than a person authorised by the commissioner in writing, may distribute tobacco seed to any grower for the purpose of planting.
- (3) No person, except with the permission in writing of the commissioner, shall plant tobacco seed which has not been distributed by or on behalf of the commissioner in a growing area.
- (4) A grower shall receive tobacco seed from the person authorised by the commissioner in such quantities as the person distributing the seed may determine in proportion to the acreage for which he or she has been registered.
- (5) Tobacco seed distributed under the provisions of this section shall be distributed free of cost to the grower unless the Minister otherwise directs.
- (6) Nothing in this section shall apply to any tobacco seed which is grown for domestic consumption.

#### 5. Pest control

- (1) Where an inspecting officer is satisfied that any tobacco seed is harbouring tobacco pest or disease of such a nature that the tobacco seed should be destroyed immediately, he or she may enter upon any premises where the seed is stored and without any notice destroy the seed immediately.
- (2) The commissioner may, by notice in writing, direct the owner or any person having charge of tobacco seed which is harbouring or is likely to harbour pests or diseases to destroy the tobacco seed within a specified time and in such manner as he or she may order.
- (3) An inspecting officer may enter any premises in which there is stored any tobacco seed in respect of which a notice has been given under subsection (2) and destroy the tobacco seed immediately if the person upon whom the notice has been served has failed to comply with its directions.
- (4) No compensation shall be payable in respect of any tobacco seed destroyed by virtue of this section.

#### 6. Destruction of tobacco plants

- (1) The commissioner may, by statutory instrument—
  - (a) declare a date prior to which in any year, tobacco plants in any specified growing area shall be uprooted and destroyed and prescribe the manner in which the destruction may be done;
  - (b) declare a date which shall be later than the date specified under paragraph (a) of this subsection before which no tobacco shall be planted in a growing area.
- (2) Upon the publication of the instrument, every occupier of land in that area shall uproot and destroy in the manner prescribed by the commissioner in the instrument all tobacco plants growing at the time or which may grow during the time between the date declared for uprooting and the date declared for planting tobacco.
- (3) The commissioner may in the same or any other statutory instrument exempt any person from compliance with the provisions of the instrument published under this section if he or she is satisfied that this exemption is desirable for the purposes of scientific or experimental work.

## Marketing of tobacco

### 7. Declaration of markets

- (1) The Minister may, by statutory instrument, establish tobacco markets within a growing area for the buying and selling of tobacco from or by a grower.
- (2) No grower shall sell tobacco to a buyer and no buyer shall buy tobacco from a grower at any place other than at a tobacco market declared under subsection (1).
- (3) Subject to [section 8](#)(1) and (4), nothing in this section shall be construed as affecting the rights of a cooperative union or a cooperative society to collect tobacco grown by its members within a growing area in which it operates.

### 8. Tobacco buying licence

- (1) No person shall buy tobacco unless he or she has a valid licence issued by the Minister.
- (2) The Minister may on application being made to him or her and on payment of the prescribed fee issue a licence to a person who satisfies him or her that he or she is a suitable person to hold such a licence.
- (3) A licence issued under this section—
  - (a) shall be valid only for the buying season in respect of which it is issued;
  - (b) shall not be transferable except with the Minister's written permission; and
  - (c) may be cancelled or suspended by the Minister on the ground that the holder has not complied with any condition attached to the licence or that he or she has been convicted of an offence against this Act or of an offence involving dishonesty or fraud or for any other sufficient reason.
- (4) Where the Minister is satisfied that a licence is lost or destroyed, he or she shall on the payment of the prescribed fee issue a duplicate licence.
- (5) The Minister shall, before a buying season begins, by statutory instrument, publish the number of licences which may be issued in respect of each tobacco market.

### 9. Fixing of prices and seasons

- (1) The commissioner may, by statutory instrument, declare the date on which the buying of tobacco in any growing area shall begin and cease.
- (2) The Minister may, by statutory instrument, fix in respect of every buying season either the actual or the minimum price at which tobacco may be bought or sold in any tobacco market within a growing area.
- (3) Whenever the Minister has, in accordance with subsection (2), fixed the actual or minimum price at which tobacco may be bought or sold, the buyer shall compute the total amount of money payable for the tobacco involved in any one transaction by multiplying the total weight of the tobacco offered for purchase—
  - (a) by the actual price specified under the instrument; or
  - (b) by the price offered by the buyer not being less than the minimum or greater than the actual price fixed under the instrument, as the case may be,

and where the amount so computed is not a multiple of five cents, the multiple of five cents nearest to that amount shall be the amount payable to the seller for the tobacco offered for purchase and, accordingly, any such payment shall not be an offence.

- (4) It shall not be lawful for any person, or a cooperative society or a cooperative union to collect, buy or accept delivery of any tobacco for sale from a grower except during a buying season declared under subsection (1).

## **Financial provisions**

### **10. Tobacco cess**

- (1) The Minister may, by statutory instrument, impose a cess at such rate as he or she may determine on the purchase by a licensed tobacco buyer of any type of tobacco purchased by the buyer in a growing area.
- (2) There shall be established a fund to be known as the Tobacco Development Fund into which shall be paid all monies collected under subsection (1).
- (3) The fund established under subsection (2) shall be deemed to be a fund to which section 16 of the Public Finance Act shall apply.
- (4) The Tobacco Development Fund shall be used for such purposes connected with the development of the production of tobacco, research into the production of tobacco, processing and marketing of tobacco and the promotion of the sales of tobacco as the Minister may determine.
- (5) Without prejudice to any other method of collection or recovery, cess which has become due and payable shall be deemed to be a debt due to the Government recoverable by civil action.

## **Administration**

### **11. Appointment of inspecting officers**

The Minister may, by statutory instrument, appoint any person to be an inspecting officer for the purposes of this Act.

### **12. Powers of inspecting officers**

An inspecting officer may—

- (a) at any time, enter any building in which tobacco leaf or seed is stored or processed for the purposes of satisfying himself or herself that the building complies with specifications laid down by regulations made under this Act;
- (b) at any time, enter any place or premises at which tobacco leaf or seed is stored or at which he or she has reasonable grounds to believe that tobacco leaf or seed is stored, and he or she may—
  - (i) inspect the tobacco leaf or seed;
  - (ii) detect or establish any breach of any provision of this Act;
  - (iii) take samples of the tobacco leaf or seed found at or in the premises or place and submit the samples to any tests he or she considers necessary;
- (c) give such directions as he or she thinks necessary to ensure that specifications laid down in regulations made under this Act are complied with;
- (d) without giving any prior notice destroy any tobacco leaf or seed if he or she is satisfied that it is harbouring any tobacco pest or disease of such a nature that the tobacco leaf or seed ought to be destroyed.

### 13. Delegation of Minister's powers

Where under the provisions of this Act the Minister is empowered to exercise any powers or perform any duties, he or she may, by statutory instrument, delegate the exercise or performance of any of his or her powers or duties to any person subject to such conditions, limitations and exceptions as he or she may prescribe.

## Miscellaneous

### 14. Personal liability

No matter or thing done by the Minister, the commissioner, a public officer or an inspecting officer shall, if it is done *bona fide* for the purposes of executing any provisions of this Act, subject the Minister, the commissioner or any such officer to any civil liability.

### 15. Powers of exemption

Notwithstanding the provisions of this Act, the Minister may, on the advice of the commissioner, by statutory instrument, exclude or exempt any type of tobacco from any or all of the provisions of this Act.

### 16. Offences and penalties

- (1) Any person who buys tobacco without a valid licence commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred and fifty pounds or to both such fine and imprisonment.
- (2) A court convicting a person of an offence under subsection (1) may, in addition to the penalty provided under that subsection, order the forfeiture of the tobacco in respect of which the offence was committed.
- (3) Subject to [section 9\(2\)](#), any person who fails to pay the actual price or who pays a price below the minimum price fixed by the Minister commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- (4) Any person who—
  - (a) wilfully obstructs an inspecting officer acting in the due execution of his or her duties;
  - (b) buys or takes delivery of tobacco from a grower other than in a buying season;
  - (c) buys tobacco from a grower other than at a tobacco market; or
  - (d) being a person not authorised by the commissioner distributes tobacco seed, other than tobacco seed exempted by the commissioner, to any person within a growing area,commits an offence and is liable on conviction for each offence to a fine not exceeding one hundred and fifty pounds.
- (5) Any person who—
  - (a) plants tobacco seed in a growing area without the commissioner's authority;
  - (b) fails to destroy diseased tobacco plants or seeds when required to do so by the commissioner under [section 6](#);
  - (c) fails to comply with any regulation made by the Minister under this Act;
  - (d) being an unregistered grower grows tobacco for sale in a growing area; or

- (e) fails to uproot or destroy or to uproot and destroy tobacco plants during a closed season when requested to do so,

commits an offence and is liable on conviction for each offence to a fine not exceeding fifty pounds.

## 17. Regulations

- (1) The Minister may, by statutory instrument, make regulations for all matters which by this Act are required or permitted to be prescribed and for the proper carrying out or giving effect to the provisions of this Act.
- (2) Without derogating from the generality of subsection (1), the Minister may make regulations—
  - (a) regulating the production of tobacco, including the acreage a grower may plant;
  - (b) prescribing the method by which growers may be registered, the method by which tobacco seed may be dressed, stored and distributed, the time and places for growing and harvesting tobacco and the manner and place where tobacco may be stored;
  - (c) prohibiting the storage of substance or articles other than tobacco in any place in which tobacco is stored;
  - (d) governing the marketing of tobacco or the specifications to which tobacco shall conform;
  - (e) prescribing the method by which tobacco shall be cured and the grades into which it shall be graded;
  - (f) prescribing the manner in which buying shall be conducted, any records which buyers shall be required to keep and the manner in which those records shall be submitted, the submission of returns by buyers, and the notice or notices to be displayed by persons buying or otherwise dealing with tobacco;
  - (g) providing for the payment and collection of cess;
  - (h) providing for the appointment of inspecting officers, the inspection of tobacco, the submission of samples of tobacco and the manner in which such samples should be taken;
  - (i) prescribing the type or types of containers that may be used for tobacco when it is being weighed and the manner of use of those containers;
  - (j) prescribing the amount of tobacco which may be weighed at any one time and the types of persons who may weigh tobacco;
  - (k) prescribing the forms of application for and the form of any licences required under this Act and the fees to be charged for any licence to be issued under this Act;
  - (l) prescribing anything required by this Act to be prescribed.