

ACTS SUPPLEMENT

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Act 7

Markets Act

2022

THE MARKETS ACT, 2023

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SCHEDULE

SCHEDULE Currency Point

THE MARKETS ACT, 2023

An Act to provide for the establishment, management and administration of public and private markets; to provide for categories of markets; to provide for licensing of private markets; to provide for registration of markets and vendors; to provide for determination and collection of market fees; to repeal the Markets Act, Cap. 94; and for related matters.

DATE OF ASSENT: 22nd May, 2023

Date of Commencement: 8th June, 2023

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Interpretation**

In this Act, unless the context otherwise requires—

“court” means a Magistrates Court;

“currency point” has the value assigned to it in the Schedule to this Act;

“licence” means a licence issued under this Act;

“local authority” means the Kampala Capital City Authority, city council, district council, municipal council, city division council, municipal division council, town council or subcounty council;

“market” means a place established or licenced in accordance with this Act to sell agricultural produce or products, and other goods or provision of services;

“market administrator” means a person appointed under section 20;

“market operator” refers to a private person who owns a market;

“Minister” means the Minister responsible for local government;

“person” includes a company or an association or body of persons corporate or unincorporate;

“permanent market” means a market established or licenced to operate from a permanent location with full time operations or operations on designated days;

“pitch” means a portion of the ground or floor of a market allocated to a vendor for the purpose of displaying goods for sale;

“private market” means a market established by any person other than a local authority and licenced in accordance with this Act;

“private market operator” means a person licenced to operate a private market under this Act;

“public market” means a market established by a local authority;

“responsible Minister” means the Minister responsible for local government or the Minister responsible for Kampala Capital City, as the case may be;

“seasonal market” means a market established or licenced to operate during a particular season or event;

“shop” means a portion of a market erected in accordance with this Act for purposes of storage of goods which are displayed for sale;

“stall” means a portion of a market upon which any structure has been erected in accordance with this Act for purposes of displaying goods for sale;

“temporary market” means a market established or licenced to operate for a specified period of time;

“vendor” means a person authorised to carry out business in a market.

2. Administrative authority

For the purposes of the administration of this Act—

- (a) in Kampala Capital City; the administrative authority shall be the executive director;
- (b) in a city, municipality or town; the administrative authority shall be the town clerk;
- (c) in a district; the administrative authority shall be the chief administrative officer;
- (d) in a city division or municipal division; the administrative authority shall be the assistant town clerk; and
- (e) in a subcounty; the administrative authority shall be the subcounty chief.

PART II—ESTABLISHMENT OF PUBLIC MARKETS AND PRIVATE MARKETS

3. Categories of markets

For the purposes of this Act, markets shall be categorised as—

- (a) permanent markets;
- (b) temporary markets; and
- (c) seasonal markets.

4. Establishment of public markets

(1) A local authority may, by resolution, establish a public market within its area of jurisdiction.

(2) A local authority shall, before passing a resolution to establish a public market, ascertain—

- (a) the physical location of the intended market;
- (b) the ownership of land on which the public market is to be established;
- (c) availability of funds;
- (d) the category of the market to be established as prescribed in section 3;
- (e) user rights;
- (f) compliance with the Physical Planning Act, 2010 and other applicable laws; and
- (g) any other information as may be prescribed by the responsible Minister, by regulations.

(3) The Minister may, by regulations, prescribe the requirements for the establishment of each category of markets.

(4) The conditions for licensing a private market prescribed under section 9 shall apply to public markets.

5. Administration of public markets

Where a public market is established under this Act, the administration of the public market shall be in accordance with the Kampala Capital City Act, 2010 or the Local Governments Act.

6. Establishment of private markets

(1) A person who intends to establish a private market shall apply to the local authority under whose jurisdiction the private market is to be established, for authorisation.

(2) An application under subsection (1) shall be in the prescribed form, and shall contain the following particulars—

- (a) the name and address of the applicant;
- (b) the category of market to be established;
- (c) the physical location of the intended market;
- (d) availability of land;
- (e) the existing or proposed physical infrastructure, if any;
- (f) a technical drawing of a market plan, where applicable;
- (g) the certificate of incorporation in case of a legal entity;
- (h) evidence of approvals required under the law; and
- (i) any other information as may be prescribed by the responsible Minister, by regulations.

(3) A local authority may, by resolution within thirty days of receipt of an application under subsection (1), authorise the establishment of a private market.

(4) Where a local authority refuses to grant authorisation under subsection (3), the local authority shall notify the applicant, giving reasons in writing for the refusal.

(5) An applicant who is aggrieved by the refusal of the local authority to grant authorisation may, within fourteen working days from the date of receipt of the notice of refusal, appeal to the responsible Minister.

(6) An applicant who is dissatisfied with a decision of the responsible Minister under subsection (5) may apply to court.

7. Publication of licensed markets

The administrative authority shall, within thirty days of issuing a licence, publish the name and location of the market in the Gazette.

PART III—LICENSING OF PRIVATE MARKETS

8. Application for licence

(1) A person authorised to establish a private market under section 6, shall apply, in the prescribed form, to the appropriate administrative authority, for a licence to operate a private market.

(2) An application for a licence under subsection (1) shall be accompanied by the following particulars—

- (a) the resolution of a local authority authorising the establishment of a market; and
- (b) the proposed departments in the market.

9. Conditions for grant of licence

(1) The responsible Minister shall, by regulations, prescribe the conditions for grant of a licence for each category of markets under section 3.

(2) In prescribing the conditions under subsection (1), the responsible Minister shall, where practicable, take into consideration the following—

- (a) access to the market by persons with disabilities;
- (b) baby care and nursing centres;
- (c) separate toilets for women, men and persons with disabilities; and
- (d) parking areas for motor vehicles.

(3) The administrative authority shall, on receipt of an application under section 8, verify the information in the application to establish whether the application requirements and conditions for the grant of a licence have been complied with.

10. Grant of licence

(1) An administrative authority may, within twenty one days from the date of application and on payment of the prescribed fee, grant a licence to the applicant.

- (2) A licence issued under subsection (1) shall—
 - (a) be in the prescribed form; and
 - (b) specify the category of the market in respect of which the licence is granted.

(3) Where the administrative authority refuses to grant a licence, the administrative authority shall, within thirty days from the date of the application, provide a written explanation to the applicant, giving reasons for the refusal.

(4) An applicant who is aggrieved by the refusal of the administrative authority to grant a licence may, within fourteen working days from the date of receipt of the written explanation under subsection (3), appeal to the responsible Minister.

(5) An applicant who is dissatisfied with the decision of the responsible Minister under section 4 may apply to court.

11. Licence fees

(1) A local authority shall prescribe licence fees to be paid by an applicant.

(2) In prescribing the licence fees under subsection (1), the local authority shall take into consideration, the following—

- (a) the size of the market;
- (b) the location of the market;
- (c) the category of the market;
- (d) the number of vendors in the market; and
- (e) any other consideration the local authority may deem necessary.

12. Suspension and revocation of licence

(1) An administrative authority may suspend or revoke a licence granted under this Act—

- (a) if the administrative authority is satisfied that any of the conditions upon which the licence was granted has been breached;

- (b) where a private market operator ceases to operate the market specified in the licence; or
- (c) where the market is operated in breach of any provision of this Act.

(2) The administrative authority shall, before suspending or revoking a licence, give the licensee written notice of not less than sixty days, specifying the reasons for the intended suspension or revocation.

(3) The licensee may make presentations to the administrative authority, giving reasons why the licence should not be suspended or revoked.

(4) The administrative authority may, after consideration of the presentations by the licensee, prescribe a time during which the applicant is required to remedy the breach.

(5) Where the administrative authority is of the opinion that the measures taken by the licensee under subsection (4) are not sufficient, the administrative authority may—

- (a) suspend the licence for a specified period; or
- (b) revoke the licence.

13. Duration of licence

A licence issued under this Act shall be valid for twelve months from the date of issue.

14. Renewal of licence

(1) A private market operator may apply for renewal of a licence issued under this Act.

(2) An application for the renewal of a licence shall be made to the appropriate administrative authority—

- (a) at least two months before the expiration of the licence; and
- (b) in accordance with regulations made under this Act.

(3) In considering an application for the renewal of a licence, the administrative authority shall have regard to the adherence by the licensee to the conditions of the licence during the duration of the licence.

(4) The administrative authority may renew a licence within fourteen working days from the date of the application.

(5) Section 10(3), (4) and (5) shall, with the necessary modifications, apply to the application for renewal of a licence.

15. Other applicable licences or fees

Where a vendor operates a business that requires a particular type of license or fees under any other law other than the licence or fees under this Act, the vendor shall pay all the applicable fees, notwithstanding that he or she is operating within a market.

16. Alteration of layout or design of markets

(1) A person who intends to alter the layout or design of a market shall—

- (a) comply with the Physical Planning Act, 2010, the Building Control Act, 2010 and any other applicable law; and
- (b) obtain approval from the relevant local authority.

(2) Subject to subsection (1), a person shall, before making any alterations to a market, give at least three months' notice, in writing, to the vendors.

PART IV—REGISTER OF MARKETS AND VENDORS

17. Register of markets

(1) An administrative authority shall, keep and maintain a register of all markets within the administrative authority's area of jurisdiction.

(2) The markets register shall, for each market, indicate the category of the market operated and its location.

(3) An administrative authority shall, at the end of every financial year, update the markets register.

(4) The administrative authority shall, within the first month of each financial year, submit a copy of the markets register to the responsible Minister.

18. Register of vendors

(1) The administrative authority shall keep and maintain a register of all vendors operating in a public market.

(2) A private market operator shall keep and maintain a register of all vendors operating in the private market.

(3) The register under subsections (1) and (2) shall contain the following information—

- (a) the name and address of each vendor;
- (b) the national identification number of each vendor;
- (c) the vendor allocation number;
- (d) the work permits for vendors who are not citizens of Uganda;
- (e) the name and location of the market which the vendor operates in;
- (f) the goods sold or services provided by the vendor; and
- (g) any other information that may be deemed necessary for registration.

(4) The administrative authority or private market operator shall, on registering a vendor, issue to the vendor a registration number.

(5) An administrative authority or private market operator shall not charge fees for the registration of vendors.

(6) An administrative authority or private market operator shall, at the end of every financial year, update the register of vendors.

(7) A private market operator shall submit a copy of the register of vendors to the administrative authority within the first month of each financial year.

(8) The administrative authority or private market operator shall display in a conspicuous place in the market, a copy of the register of vendors.

PART V—MANAGEMENT OF MARKETS

19. Designation of departments in markets

(1) Every market shall have departments spatially delineated and organised based on the goods sold and services provided in the market.

(2) An administrative authority or private market operator shall be responsible for designating the departments in a market under his or her area of jurisdiction.

(3) The vendors in each designated department under subsection (1) shall elect a head of department and deputy head of department from amongst themselves, one of whom shall be a woman.

(4) A person elected under subsection (3) shall serve for a period of two years and may be eligible for re-election.

(5) The head of a department shall be responsible for—

- (a) ensuring proper organisation, sanitation and orderliness of work spaces, shops, pitches or stalls under the respective department;
- (b) vetting of new vendors into the department; and
- (c) handling disputes within the department.

20. Market administrator

(1) There shall be a market administrator for every market.

(2) The market administrator shall be appointed by the administrative authority in respect of a public market or a private market operator in respect of a private market.

(3) The market administrator shall be responsible for—

(a) overseeing the day-to-day management of the market;

(b) liaising with the administrative authority on the affairs of the market; and

(c) ensuring general maintenance of orderliness in the market.

21. Allocation of work spaces, shops, pitches and stalls in public markets

(1) There shall be an allocation committee constituted by the administrative authority.

(2) In constituting the allocation committee, the administrative authority shall ensure representation of the local authority in whose area of jurisdiction the public market is established.

(3) The administrative authority shall determine the composition, functions and mandate of the allocation committee.

(4) The allocation committee shall be responsible for outlining, designating and allocating work spaces, shops, pitches and stalls in a public market.

(5) A person shall not operate a work space, shop, pitch or stall in a public market unless the work space, shop, pitch or stall is allocated to the person by the allocation committee.

(6) A person who intends to carry out business in a market shall apply to the allocation committee using the form prescribed in the regulations.

(7) The allocation committee shall, in allocating a work space, shop, pitch or stall, give priority to already existing registered vendors in the market.

(8) A person shall not sublet the allocated work space, shop, pitch or stall without authorisation from the allocation committee.

(9) A person who sublets the allocated work space, shop, pitch or stall without authorisation required under subsection (8) shall vacate the work space, shop, pitch or stall.

(10) A vendor shall not hold more than one work space, shop, pitch or stall in a public market.

(11) A person who is in the public service of a local authority shall not be allocated a work space, shop, pitch or stall in a public market within the jurisdiction of that local authority.

(12) Subsection (11) shall not apply to a person who was a vendor in a public market situated within the jurisdiction of the local authority before assuming an office in the public service of the same local authority.

22. Abandonment of work space, shop, pitch or stall allocated to vendor

(1) A person shall be deemed to have abandoned a work space, shop, pitch or stall allocated to the person if that person—

- (a) has not occupied the work space, shop, pitch or stall within three months from the date the work space, shop, pitch or stall was allocated to that person; or
- (b) is in default of paying market dues for three months.

(2) Subject to subsection (1), the allocation committee may re-allocate the work space, shop, pitch or stall abandoned, to any other applicant.

23. General cleanliness

(1) A person occupying a work space, shop, pitch or stall in a market shall keep the work space, shop, pitch or stall clean and habitable at all times.

(2) A person shall dispose of garbage or other waste from his or her work space, shop, pitch or stall in a place designated by the allocation committee for the disposal of garbage.

PART VI — MARKET FEES

24. Market fees

(1) A local authority shall, in consultation with the responsible Minister, determine the fees to be levied in a market under its area of jurisdiction.

(2) The fees determined under subsection (1) shall be displayed in a conspicuous place in the respective market.

(3) For the avoidance of doubt, the market fees determined under subsection (1) shall not include rent to be charged in a private market.

25. Market fees collection

(1) A local authority shall collect market fees due to the local authority from all markets within its area of jurisdiction in accordance with the Local Governments Act, Kampala Capital City Act, 2011 or any other written law.

(2) Notwithstanding subsection (1), a local authority may appoint a person to collect the market fees on its behalf.

26. Payment of market fees in public markets

(1) A vendor in a public market shall pay the applicable market fees prescribed by a local authority.

(2) Where the vendor fails to pay the market fees, an administrative authority may seize any goods held by the vendor within the market and the goods shall, unless the sum due is paid within fourteen days from the date of seizure, be sold by the administrative authority.

(3) The proceeds from the sale of goods seized under subsection (2) shall be applied to the payment of the market fees owed.

(4) Where the proceeds realised from the sale of any goods under subsection (2)—

- (a) exceed the amount due to the local authority, the amount in excess shall be reimbursed to the vendor; and
- (b) are less than the amount due to the local authority, the administrative authority shall recover the balance due through civil proceedings against the vendor.

(5) Notwithstanding subsection (2), where a vendor fails to pay market fees within the prescribed period, the allocation committee may reallocate the work space, shop, pitch or stall in respect of which rent is owed to another person.

PART VII—OFFENCES AND PENALTIES

27. Penalty for breach of conditions of licence

A person who operates a market in contravention of the conditions of a licence issued under this Act commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding two years, or both.

28. False information

A person who knowingly makes a false statement or gives false information in respect of an application for a licence under this

Act commits an offence and is liable, on conviction, to a fine not exceeding sixty currency points or imprisonment not exceeding one year, or both.

29. Obstruction of market administrator

A person who—

- (a) fails to comply with a lawful order issued by a market administrator in accordance with this Act;
- (b) obstructs a market administrator, in the course of his or her duties under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding six months, or both.

30. Impersonation of market administrator

A person who, not being a market administrator, takes or assumes the name, designation, character or appearance of a market administrator for the purpose of doing or causing to be done any act which he or she is not entitled to do, commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding six months, or both.

31. Obliteration of market facilities

(1) A person shall not damage, deface, misuse or interfere with any equipment, installation, fittings or fixtures in a market.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding two years, or both.

32. Prohibited sales

(1) A person shall not—

- (a) sell goods other than at a designated work space, shop, pitch or stall; or

- (b) exhibit goods for sale on pathways or over any drainage channel within a market.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding six months, or both.

33. General penalty

A person who contravenes any provision in this Act for which no penalty is provided, commits an offence, and is liable, on conviction, to a fine not exceeding twenty four currency points or imprisonment not exceeding six months, or both.

PART VIII—MISCELLANEOUS

34. Regulations

The Minister may, by statutory instrument, make regulations to apply to markets generally, for carrying into effect the purposes of this Act.

35. Power to make ordinances and bylaws

A local authority may, in exercise of its powers or functions under this Act, make ordinances or bylaws for the better administration and regulation of markets within its area of jurisdiction.

36. Repeal and saving

- (1) The Markets Act is repealed.

(2) Notwithstanding subsection (1), any statutory instrument made under the Markets Act which is in force immediately before the commencement of this Act, shall remain in force in so far as it does not contradict this Act, until revoked by a statutory instrument made under this Act.

37. Transitional

Any market established under the Markets Act, Cap. 94 and existing immediately before the coming into force of this Act shall—

- (a) be deemed to have been established under the Act; and
- (b) within three years of the coming into force of this Act, comply with the provisions of this Act.

38. Amendment of Schedule

The Minister may, by statutory instrument, with the approval of Cabinet, amend the Schedule to this Act.

SCHEDULE

Section 1

One currency point is equivalent to twenty thousand shillings.

Cross References

Building Control Act, 2013, Act 10 of 2013

Kampala Capital City Act, 2011, Act 1 of 2011

Local Governments Act, Cap. 243

Physical Planning Act, 2010, Act 8 of 2010