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# The Uganda Gazette



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### SUPPLEMENTS

#### Statutory Instruments

- No. 33—The Fish (Fishing) Rules, 2010.
- No. 34—The Fish (Permanent Closed Areas) Rules, 2010.

#### Acts

- No. 16—The Local Governments (Amendment) Act, 2010.
- No. 17—The Trademarks Act, 2010.
- No. 18—The Regulation of Interception of Communications Act, 2010.

General Notice No. 340 of 2010.

**THE COMPANIES ACT (CAP. 110) LAWS OF  
UGANDA 2000.  
NOTICE.**

PURSUANT to Section 19(4) of the Companies Act (Cap. 110) Laws of Uganda, 2000, notice is hereby given that Debassien Investment Limited has by special resolution passed on 28th June, 2010 and with the approval of the Registrar of Companies changed in name to Debassien Investments Limited and that such new has been entered in my Register.

Dated at Kampala, this 6th day of August, 2010.

**BISEREKO KYOMUHENDO,**  
*Registrar of Companies.*

General Notice No. 341 of 2010.

**THE COMPANIES ACT (CAP. 110) LAWS OF  
UGANDA 2000.  
NOTICE.**

PURSUANT to Section 19(4) of the Companies Act (Cap. 110) Laws of Uganda, 2000, notice is hereby given that "Uganda Finance Trust Limited (MDI) has by a special resolution passed on 13th May, 2010 and with the approval of the Registrar of Companies changed in name to "Finance Trust Bank Limited" and that such new name has been entered in my Register.

Dated at Kampala, this 18th day of August, 2010.

**RUTA DARIUS,**  
*Assistant Registrar of Companies.*

General Notice No. 342 of 2010.

**THE COMPANIES ACT (CAP. 110) LAWS OF  
UGANDA 2000.  
NOTICE.**

PURSUANT to Section 343(3) of the Companies Act, notice is hereby given that unless cause is shown to the contrary to the name of the following company will be struck off the Register after the expiration of three months from the date of publication of this Notice.

**CITY CAB LOGISTICS LIMITED**

Dated at Kampala, this 26th day of July, 2010.

**MERCY KYOMUGASHO K. NDYAHIKAYO,**  
*Assistant Registrar of Companies.*

General Notice No. 343 of 2010.

**THE COMPANIES ACT (CAP. 110) LAWS OF  
UGANDA 2000.  
NOTICE.**

PURSUANT to Section 19(4) of the Companies Act (Cap. 110) Laws of Uganda, 2000, notice is hereby given that Twin Lake Club Limited has been by special resolution passed on 11th February, 2010 and with the approval of the Registrar of Companies changed in name to Twin Lakes Safari Lodge Limited and that such new name has been entered in my Register.

Dated at Kampala, this 25th day of August, 2010.

**NABATANZI MIRIAM,**  
*Assistant Registrar of Companies.*

General Notice No. 344 of 2010.

**THE ADVOCATES ACT, CAP. 267.  
NOTICE.**

#### APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Nankya Nusulah who is stated to be a holder of a Bachelor of Laws of Makerere University having been awarded a Degree on the 22nd day of October, 2004 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 16th day of June, 2006 the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala,  
30th August, 2010.

**BAGFYA MOTOOKA AARON,**  
*for Secretary, Law Council.*

General Notice No. 345 of 2010.

IN THE MATTER OF PUBLICATION OF PATENT  
GRANT UNDER SECTION 21(2) OF THE PATENTS  
ACT CAP 216 AND REGULATION 29 OF THE  
PATENT REGULATIONS SI NO 216-1

NOTICE OF PATENT GRANT.

IN ACCORDANCE WITH Section 21(2) the Patents Act, Cap. 216 and Rule 29 of the Patent Regulations SI No. 216-1 notice is hereby given that the following patent has been granted by the Uganda Registration Services Bureau, Patent Office.

1. The number of the patent: UG/P/08/0004
2. The name and address of the owner/inventor of the patent: Nicholas Walyaula of P.O Box 7100 Kampala.
3. The filing date and of the application: 15th July, 2008.
4. Date of grant: 31st March, 2010.
5. The title of the invention: Spoked Wheel Assemblies.
6. The abstract: This invention relates to connection of the spokes of the wheel to the rim and/or the hub of the wheel and provides special interlocking features at the end of each of this thread-less, nipple-less and axially symmetrical one-part piece manufactured spoke that is up to 8 times stronger than the conventional spoke designs.

MERCY KYOMUGASHO K. NDYAHIKAYO,  
*Assistant Registrar of Patents.*

General Notice No. 346 of 2010.

THE TRADE MARKS ACT.

(Cap. 83).

NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Amamu House, Plot No. 5B George Street, P.O. Box 6848, Kampala.

- (21) APPLICATION No. 2010/40521 IN PART "A".  
(52) Class 11.  
(54)

**PURFLUX**

- (53)  
(59)  
(64)

(57) *Nature of goods*— Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

(73) *Name of applicant*— Filtrauo.

(77) *Address*— Batiment Comete, 7 avenue du 8 mai 1945, 78280, Guyaancourt, France.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 17th March, 2010.

- (21) APPLICATION No. 2010/40520 IN PART "A".  
(52) Class 3.  
(54)

**WILD STONE**

- (53)  
(59)  
(64)

(57) *Nature of goods*— Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

(73) *Name of applicant* — McNROE CONSUMER PRODUCTS PRIVATE LIMITED.

(77) *Address*— 3B, Nema Bose Lane, Kolkata-700006, West Bengal, India.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 17th March, 2010.

- (21) APPLICATION No. 2010/40518 IN PART "A".  
(52) Class 3.  
(54)

**SECRET TEMPTATION**

- (53)  
(59)  
(64)

(57) *Nature of goods*— Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

(73) *Name of applicant* — McNROE CONSUMER PRODUCTS PRIVATE LIMITED.

(77) *Address*— 3B, Nema Bose Lane, Kolkata-700006, West Bengal, India.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 17th March, 2010.

- (21) APPLICATION No. 2010/40519 IN PART "A".  
(52) Class 7.  
(54)

**PURFLUX**

- (53)  
(59)  
(64)

(57) *Nature of goods*— Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

(73) *Name of applicant*— Filtrauo.

- (77) *Address*— Batiment Comete, 7 avenue du 8 mai 1945, 78280, Gyaancourt, France.
- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*
- (22) *Date of filing application*— 17th March, 2010.
- Kampala, MAUDAH ATUZARIRWE,  
18th March, 2010. *Assistant Registrar of Trade Marks.*

- (21) APPLICATION No. 2010/40681 IN PART "A".  
(52) Class 11.  
(54)



- (53)  
(59)  
(64) *Association*— To be associated with T.M. Nos. 30652 and 29378.
- (57) *Nature of goods*— Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- (73) *Name of applicant*— Gree Electric Appliances, Inc. of Zhuhai.
- (77) *Address*— Jinji West Road, Qianshan, Zhuhai, Guangdong, Peoples China.
- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*
- (22) *Date of filing application*— 29th April, 2010.

- (21) APPLICATION No. 2010/40591 IN PART "A".  
(52) Class 12.  
(54)



- (53)  
(59)  
(64)  
(57) *Nature of goods*— Vehicles; apparatus for locomotion by land, air or water.
- (73) *Name of applicant*— Techking Tires Limited.
- (77) *Address*— 902, Building A, Jiazhonghui Businessliving Building, Xianxianling Road, Laoshan District, Qingdao, Peoples China.
- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*
- (22) *Date of filing application*— 9th April, 2010.

- (21) APPLICATION No. 2010/40590 IN PART "A".  
(52) Class 12.  
(54)



- (53)  
(59)  
(64)  
(57) *Nature of goods*— Vehicles; apparatus for locomotion by land, air or water.
- (73) *Name of applicant*— Hung-A Co. Ltd.
- (77) *Address*— 289 Yusan-dong, Yangsan, Kyongnam, Rep. of Korea.

- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

- (22) *Date of filing application*— 9th April, 2010.

- (21) APPLICATION No. 2010/40679 IN PART "A".  
(52) Class 7.  
(54)



- (53)  
(59)  
(64) *Association*— To be associated with T.M. Nos. 30650 and 31372.
- (57) *Nature of goods*— Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
- (73) *Name of applicant*— Gree Electric Appliances, Inc. of Zhuhai.
- (77) *Address*— Jinji West Road, Qianshan Zhuhai, Guangdong, Peoples China.
- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*
- (22) *Date of filing application*— 29th April, 2010.

- (21) APPLICATION No. 2010/40680 IN PART "A".  
(52) Class 9.  
(54)



- (53)  
(59)  
(64) *Association*— To be associated with T.M. No. 30651.
- (57) *Nature of goods*— Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
- (73) *Name of applicant*— Gree Electric Appliances, Inc. of Zhuhai.
- (77) *Address*— Jinji West Road, Qianshan, Zhuhai, Guangdong, Peoples China.
- (74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*
- (22) *Date of filing application*— 29th April, 2010.

- (21) APPLICATION No. 2010/40682 IN PART "A".  
(52) Class 16.  
(54)



- (53)  
(59)

(64) *Association*— To be associated with T.M. Nos. 30653 and 31374.

(57) *Nature of goods*— Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.

(73) *Name of applicant*— Gree Electric Appliances, Inc. of Zhuhai.

(77) *Address*— Jinji West Road, Qianshan, Zhuhai, Guangdong, Peoples China.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 29th April, 2010.

(21) APPLICATION No. 2010/40886 IN PART "A".

(52) Class 30.

(54)

## MIE SEDAAP SUPREME

(53)

(59)

(64)

(57) *Nature of goods*— Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

(73) *Name of applicant*— P.T. Wings Surya.

(77) *Address*— Jalan Kalisosok, Kidul No. 2, Surabaya, Indonesia.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 22nd June, 2010.

(21) APPLICATION No. 2010/41119 IN PART "A".

(52) Class 5.

(54)



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(57) *Nature of goods*— Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

(73) *Name of applicant*— Sejal Impex Ltd.

(77) *Address*— P.O. Box 28756, Kampala, Uganda.

(74)

(22) *Date of filing application*— 13th August, 2010.

(21) APPLICATION No. 2010/41154 IN PART "A".

(52) Class 9.

(54)

## Magnum

(53)

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(64)

(57) *Nature of goods*— Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(73) *Name of applicant*— Krishnaas [U] Ltd.

(77) *Address*— P.O. Box 4917, Kampala, Uganda.

(74)

(22) *Date of filing application*— 23rd August, 2010.

(21) APPLICATION No. 2010/41190 IN PART "A".

(52) Class 33.

(54)

(53) *Disclaimer*— Registration of this Trademark shall give no right to the exclusive use of the words 'COFFEE LIQUOR' except as represented.

(59)

(64) *Association*— To be associated with T.M. No. 27741

(57) *Nature of goods*— Alcoholic beverages (except beers).

(73) *Name of applicant*— Blue Nile Distilleries Limited.

(77) *Address*— P.O. Box 72609, Kawempe, Kampala, Uganda.

(74)

(22) *Date of filing application*— 30th August, 2010.

(21) APPLICATION No. 2010/41095 IN PART "A".

(52) Class 21.

(54)



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(57) *Nature of goods*— Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel-wool; un-worked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

- (73) *Name of applicant*— Tenlong Uganda Co. Ltd.  
 (77) *Address*— P.O. Box 12185, Kampala, Uganda.  
 (74)  
 (22) *Date of filing application*— 3rd August, 2010.

- (21) APPLICATION NO. 2010/41155 IN PART "A".  
 (52) Class 11.  
 (54)

# ShineLong

- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.  
 (73) *Name of applicant*— Shinelong Uganda Limited.  
 (77) *Address*— P.O. Box 34261, Kampala, Uganda.  
 (74)  
 (22) *Date of filing application*— 23rd August, 2010.

- (21) APPLICATION NO. 2010/41156 IN PART "A".  
 (52) Class 3.  
 (54)

# ShineLong

- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.  
 (73) *Name of applicant*— Shinelong Uganda Limited.  
 (77) *Address*— P.O. Box 34261, Kampala, Uganda.  
 (74)  
 (22) *Date of filing application*— 23rd August, 2010.

- (21) APPLICATION NO. 2010/41151 IN PART "A".  
 (52) Class 25.  
 (54)

# RECOBA

- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Clothing, footwear, headgear.  
 (73) *Name of applicant*— Jin Laiwang Trading Co. Ltd.  
 (77) *Address*— P.O. Box 9083, Kampala, Uganda.  
 (74)  
 (22) *Date of filing application*— 20th August, 2010.

- (21) APPLICATION NO. 2010/41146 IN PART "A".  
 (52) Class 6.  
 (54)

# MAT

- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

- (73) *Name of applicant*— Steel & Tube Industries Ltd.  
 (77) *Address*— P.O. Box 33784, Kampala, Uganda.

- (74)  
 (22) *Date of filing application*— 20th August, 2010.

- (21) APPLICATION NO. 2010/41148 IN PART "A".  
 (52) Class 6.  
 (54)

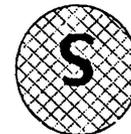
# SMART

- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

- (73) *Name of applicant*— Steel & Tube Industries Ltd.  
 (77) *Address*— P.O. Box 33784, Kampala, Uganda.

- (74)  
 (22) *Date of filing application*— 20th August, 2010.

- (21) APPLICATION NO. 2010/41147 IN PART "A".  
 (52) Class 6.  
 (54)



- (53)  
 (59)  
 (64)  
 (57) *Nature of goods*— Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

- (73) *Name of applicant*— Steel & Tube Industries Ltd.  
 (77) *Address*— P.O. Box 33784, Kampala, Uganda.

- (74)  
 (22) *Date of filing application*— 20th August, 2010.

(21) APPLICATION No. 2010/40914 IN PART "A".

(52) Class 9.

(54)

## EVEREADY

(53)

(59)

(64) *Association*— To be associated with T.M. Nos. 170281703113100.

(57) *Nature of goods*— Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(73) *Name of applicant*— Eveready Battery Company, Inc.

(77) *Address*— 533 Maryville University Drive St. Louis MO 63141, U.S.A.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 28th June, 2010.

(21) APPLICATION No. 2010/40915 IN PART "A".

(52) Class 9.

(54)

## EVERPOWER

(53)

(59)

(64)

(57) *Nature of goods*— Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(73) *Name of applicant*— Eveready Battery Company, Inc.

(77) *Address*— 533 Maryville University Drive St. Louis MO 63141, U.S.A.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 28th June, 2010.

(21) APPLICATION No. 2010/40916 IN PART "A".

(52) Class 9.

(54)

## EVERYDAY

(53)

(59)

(64)

(57) *Nature of goods*— Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

(73) *Name of applicant*— Eveready Battery Company, Inc.

(77) *Address*— 533 Maryville University Drive St. Louis MO 63141, U.S.A.

(74) *C/o. Magezi, Ibale & Co. Advocates, P.O. Box 10969, Kampala.*

(22) *Date of filing application*— 28th June, 2010.

(21) APPLICATION No. 2010/41187 IN PART "A".

(52) Class 30.

(54)

(53)

(59)

(64)



(57) *Nature of goods*— Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

(73) *Name of applicant*— Firm Techniques Ltd.

(77) *Address*— P.O. Box 379, Entebbe, Uganda.

(74)

(22) *Date of filing application*— 30th August, 2010.

Kampala,  
30th August, 2010.

KATUTSI VINCENT,  
*Registrar of Trade Marks.*

## ADVERTISEMENTS

### THE REGISTRATION OF TITLES ACT.

(Cap. 230).

NOTICE.

### ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 405 Plot 2 Land at Wamala Measuring Approximately 10 Acres.

NOTICE IS HEREBY GIVEN that after the expiry of one month from the publication hereof, I intend to issue in the names of Administrator General of P.O. Box 7151, Kampala, a special certificate of Title under the above description, the Title which was originally issued having been lost.

Kampala,  
25th August, 2010. *for Ag. Commissioner for Land Registration.*

NYOMBI V. ROBERT,

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 190 Plot 363 Land at Kito.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue special Certificate of Title of the above description in the names of Serwano Mukasa Israel, the original having been lost.

Kampala, ROBERT V. NYOMBI,  
17th June, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 146 Plots 5 &amp; 14 Land at Bukasa Approx. 19.9 Acres &amp; 5,0 Acres.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Isa Lukwago of P.O. Box 31220, Nakivubo, a special Certificate, the Title, which was originally issued having been lost.

Kampala, ROBERT V. NYOMBI,  
25th August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 273 Plot 4 Land at Nsube Approx. 6.0 Acres.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Kosea Lutwama Salongo of Nsube Mumyuka Busiro Kampala, a special Certificate, the Title, which was originally issued having been lost.

Kampala, EDWIN MUHEREZA,  
27th August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Isingiro Block 22 Plot 34 - Ankole.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Amos Byarugaba, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mbarara, J.K. KARUHANGA,  
4th August, 2010. *for Chief Commissioner Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 234 Plot 4926 Land at Kirinya Approx. 0.057 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Paul Sekatawa Mayombwe of P.O. Box 50013, Kampala, a special Certificate, the Title, which was originally issued having been lost.

Kampala, EDWIN MUHEREZA,  
28th July, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 234 Plot 4927 Land at Kirinya Approx. 0.044 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names David Mutabanura of P.O. Box 71367, Kampala a special Certificate, the Title, which was originally issued having been lost.

Kampala, EDWIN MUHEREZA,  
28th July, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 207 Plot 1179 Land at Kanyanya.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue special Certificate of the tile of the above description in the names of George W. Kamala Kanamuwangi P.O. Box 3710, KLa, the original having been lost.

Kampala, ROBERT V. NYOMBI,  
29th July, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

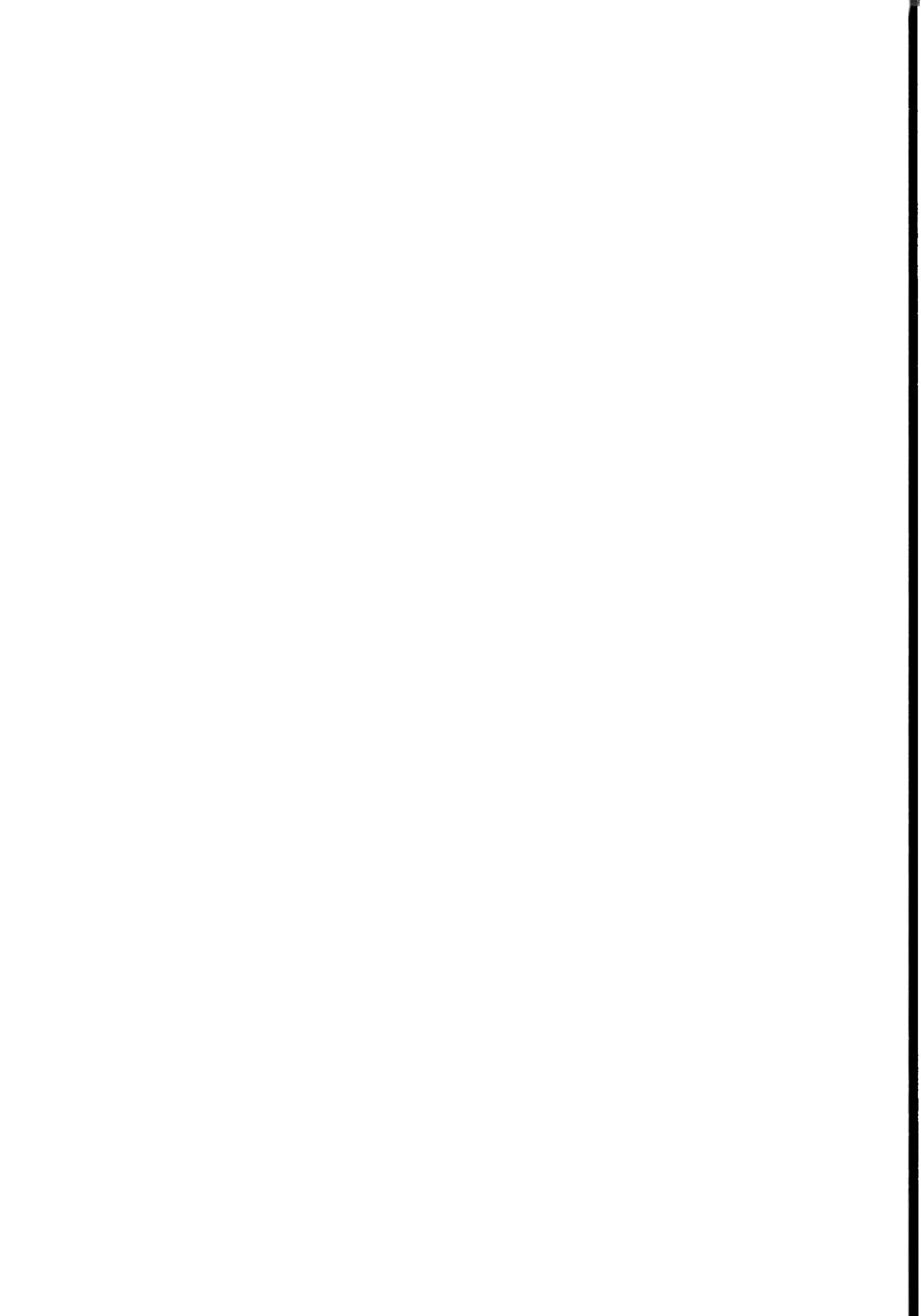
## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 383 Plot 6481 Land at Dundu &amp; Bukiberu Approx. 0.810 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Byaruhanga Tumwesigye of P.O. Box 71386, Kampala, a special Certificate, the Title, which was originally issued having been lost.

Kampala, ROBERT V. NYOMBI,  
23rd August, 2010. *for Ag. Commissioner for Land Registration.*



## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Plot No. 348 Block 120 Bugerere Area: 0.038 Hectares  
Leasehold/Freehold Register Volume..... Folio.....

NOTICE IS HEREBY GIVEN that after the expiry of one month from the publication hereof, I intend to issue in the names of Ffeffekka Sserubogo of P.O. Box 110, Mukono, a special Certificate of Title under the above Volume and Folio, the Title which was originally issued having been lost.

ARINAITWE OVERSON,  
18th June, 2010. *for Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 232 Plot 19 Land at Kireka & Banda

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue a special Certificate of Title of the above description in the names of Kiwanuka Gerald Mukasa P.O. Box 23892, Kla, the original having been lost.

Kampala, ROBERT V. NYOMBI,  
23rd August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Busiro Block 331 Plot 24 Land at Namagoma Approx. 0.74 Acres.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Asanasiyo Sajabi of P.O. Box Kitemu Busiro, a special Certificate, the Title, which was originally issued having been lost.

Kampala, MUHEREZA EDWIN,  
26th August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 246 Plot 53 Land at Kycyitabya Approx. 3.0 Acres.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Livingstone Lutuga Mukuza of P.O. Box 15057, Kampala, a special Certificate, the Title, which was originally issued having been lost.

Kampala, MUHEREZA EDWIN,  
26th August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 208 Plot 1115 Land at Kawempe Approx. 0.07 Hectares.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names Abdu Latif Gajjuule of P.O. Box 9345, Kampala, a special Certificate, the Title, which was originally issued having been lost.

Kampala, EDWIN MUHEREZA,  
18th August, 2010. *for Ag. Commissioner for Land Registration.*

## THE REGISTRATION OF TITLES ACT.

(Cap. 230).

## NOTICE.

## ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo 257 Plot 701 Land at Munyonyo.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue a special Certificate of Title of the above description in the names of Sarah Mawanda P.O. Box 21760, Kla, the original having been lost.

Kampala, MUHEREZA EDWIN,  
31st August, 2010. *for Ag. Commissioner for Land Registration.*

THE REPUBLIC OF UGANDA  
DEED POLL

By this Deed Poll I, Mubiru Ahmed of Najjanakumbi, Kampala a citizen of Uganda do hereby renounce and abandon the use of my former names Muhamud Mago and in lieu thereof do assume as from the date hereof the name of Mubiru Ahmed in pursuance of such change of name as foresaid.

I, hereby declare that I shall at all times hereafter in all records, deed and instruments in writing and in all dealings and transactions and upon allocations whatsoever use and sign the said name of Mubiru Ahmed as my name in lieu of the said name of Muhamud Mago, so renounced as aforesaid. And I hereby authorize and request all persons to designate and address me by such assumed names of Mubiru Ahmed.

In witness whereof, I have under signed my assumed name of Mubiru Ahmed this 10th day of August, 2010.

Signed and delivered at Kampala by the said Mubiru Ahmed.

MUBIRU AHMED.  
*Renouncer.*

**STATUTORY INSTRUMENTS SUPPLEMENT**

*to The Uganda Gazette No. 53 Volume CIII dated 3rd September, 2010*

Printed by UPPC, Entebbe, by Order of the Government.

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**S T A T U T O R Y   I N S T R U M E N T S**

**2010 No. 33.**

**THE FISH (FISHING) RULES, 2010**

**ARRANGEMENT OF RULES**

*Rule*

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# STATUTORY INSTRUMENTS

2010 No. 33.

## The Fish (Fishing) Rules, 2010.

*(Under section 35 of the Fish Act Cap. 197)*

IN EXERCISE of the power conferred upon the Minister responsible for fisheries by section 35 of the Fish Act, these Rules are made this 29th day of June, 2010.

### PART I—PRELIMINARY

#### 1. Citation

These Rules may be cited as the Fish (Fishing) Rules, 2010.

#### 2. Interpretation

In these Rules, unless the context otherwise requires—

“Beach Management Unit” means a Beach Management Unit established under the Fish (Beach Management) Rules, 2003;

“recreational fishing” means fishing with a rod and line for pleasure, where any fish caught are not for sale or are returned to the water alive.

### PART II—PROHIBITED NETS AND FISHING WITH NETS

#### 3. Restriction of use of mesh gill nets

(1) A person shall not fish in the following waters of Uganda with gill nets, the stretched meshes of which measure less than four inches or one hundred and three millimeters—

- (a) Lake Albert;
- (b) Albert Nile;
- (c) Lake Nakivali;
- (d) Lake Kijanebalola;

- (e) Lake Kachera;
- (f) All minor lakes; and
- (g) Rivers.

(2) A person shall not fish in the following waters of Uganda with gill nets, the stretched meshes of which measure less than four and a half inches or one hundred and fifteen millimeters—

- (a) Lake Edward;
- (b) Lake George;
- (c) Kazinga Channel; and
- (d) Lake Wamala.

(3) A person shall not fish in the following waters of Uganda with gill nets, the stretched meshes of which measure less than five inches or one hundred and twenty seven millimeters for any species of fish other than Nile Perch-

- (a) Lake Victoria;
- (b) Lake Kyoga;
- (c) Lake Salisbury;
- (d) Lake Kwania;
- (e) Lake Nabugabo; and
- (f) Lake Mburo.

#### **4. Prohibition of certain nets**

(1) The manufacture, sell, importation or use of gill nets, the length of which when stretched is greater than one hundred yards or the depth of which is greater than thirty meshes, is prohibited.

(2) The manufacture, sell, importation or use of the following nets is prohibited in any waters of Uganda, unless authorised in writing by the Chief Fisheries Officer or an authorised licensing officer—

- (a) seine nets;
- (b) cast-nets;
- (c) monofilament nets; and
- (d) trawl-nets.

## **5. Prohibition of certain fishing methods**

The following fishing methods are prohibited in any waters of Uganda—

- (a) beating or splashing of water commonly known as “kikubo” or “tycoon” with the intention of scaring or driving fish into a net or any other fishing appliance; and
- (b) long line fishing with hooks exceeding size nine.

## **6. Permitted nets and hooks for Nile Perch fishing**

The following nets and hooks are permitted for Nile Perch fishing—

- (a) nets, the minimum mesh size of which exceeds seven inches; and
- (b) hook size nine.

## **7. Permitted nets for mukene fishing**

(1) The permitted mesh net size for mukene fishing on Lake Victoria is ten millimeters.

(2) The permitted mesh net size for mukene fishing on Lake Albert and Lake Kyoga complex is eight millimeters.

(3) The nets specified in subrules (1) and (2) shall be used only for fishing at a distance of two kilometers from the shoreline.

## **8. Fishing without life saving equipment**

A person shall not, in any waters of Uganda, fish without life saving equipment.

## PART III—LANDING AND DISPOSAL OF FISH

### **9. Landing, etc. of fish**

(1) A person shall not, in respect of the waters listed in Schedule 1—

(a) land or dispose of any fish except at the landing sites prescribed in Schedule 1;

(b) land any fish between sunset and sunrise.

(2) A person shall not land any fish without having on board the fishing vessel, the appliance used for capturing the fish.

### **10. Prohibition of selling fish before landing**

A person shall not, in any waters of Uganda, sell fish before it is landed.

### **11. Dealings by non-citizens**

A non-citizen may engage in the marketing of fish or the purchase, sale, processing, canning or freezing of fish without a specific licence or permit for that purpose; except that the purchase of fish by a non-citizen without a licence or permit shall be permissible in the places and areas and in accordance with the conditions prescribed in Schedule 2.

## PART IV—LICENCES, PERMITS AND FEES

### **12. Fishing without licence or permit**

(1) A person shall not engage in any fishing activity without a licence or permit issued under these Rules by the Chief Fisheries Officer or an authorised licensing officer.

(2) Fishing activity in subrule (1) means fishing, transportation of fish, artisanal processing of fish, fish processing, fish net manufacturing, boat building and recreational fishing.

### **13. Application for licences and permits**

An application for a licence or permit under these Rules shall be in the form set in Schedule 3.

#### **14. Applicants to be registered with Beach Management Unit**

Every applicant for a licence or permit under these Rules must be registered with a Beach Management Unit.

#### **15. Fees**

The fees to be paid in respect of licences or permits for fishing activities specified in the first column of Part I of Schedule 4 shall be those set out respectively in the second column of that Schedule.

#### **16. Certificate of vessel ownership and fishing vessel identification plate**

(1) A person issued with a fishing vessel licence under these Rules shall, together with the licence, be issued with—

- (a) a certificate of vessel ownership relating to that vessel; and
- (b) a fishing vessel identification plate.

(2) A certificate of vessel ownership and a fishing vessel identification plate issued under subrule (1) shall meet the specifications set out in Schedule 5.

(3) The fishing vessel identification plate issued under subrule (1) shall be displayed on the licensed vessel at all times.

#### **17. Vessel Registration Number**

(1) The Chief Fisheries Officer or an authorised licensing officer shall allocate to every Lake or Water body a letter or letters and a colour which he or she thinks suitable for purposes of issuing a fishing vessel registration number.

- (2) The registered number of a fishing vessel—
  - (a) shall consist of the appropriate letter or letters allocated under subrule (1), together with a serial number assigned by the officer who issues the fishing vessel licence ;
  - (b) shall be clearly displayed in the appropriate colour allocated on each side of the vessel's bow; and
  - (c) shall not be wholly or partially covered or obscured.

(3) Every letter or figure used in displaying a fishing vessel's registered number for the purpose of this rule shall be at least twelve inches high and shall be composed of strokes at least two inches wide.

## **18. Fish Movement Permit**

(1) A person shall not, for purposes of trade, move fish or fish products from one place to another unless—

- (a) he or she is in possession of a valid fish movement permit issued by an authorised officer; or
- (b) he or she is a licensed fisherman; or
- (c) he or she is a fish farmer.

(2) A fish movement permit shall be in Form 7 set out in Schedule 6.

(3) The fees to be paid in respect of a fish movement permit are specified in Schedule 4.

(4) The holder of a fish movement permit shall cause the permit to be carried and exhibited at all times.

(5) A fish movement permit shall not be transferred from one person to another or used for any vehicle or vessel or used for any batch or consignment of fish other than the one for which it is issued.

## **19. Manufacture, sale and importation of fishing appliance**

A person shall not manufacture, import, sale or display for sale, nets or other fishing appliances unless authorised in writing by the Chief Fisheries Officer or an authorised licensing officer.

## **20. Permit for recreational fishing**

(1) A person shall not engage in recreational fishing without a recreational fishing permit issued by the Chief Fisheries Officer or an authorised licensing officer.

(2) An application for a recreational fishing permit under subsection (1) shall be in writing and shall be accompanied by the prescribed fee.

(3) A recreational fishing permit shall be subject to such conditions as may be prescribed by the Chief Fisheries Officer.

## **21. Forms**

A licence or permit issued under these Rules shall be in the appropriate form set out in Schedule 6.

## **22. Appeals**

(1) Any person aggrieved by the refusal of the Chief Fisheries Officer or an authorised licensing officer, to issue a licence or permit under these Rules may appeal to the Minister and the Minister's decision shall be final.

(2) An appeal under this rule shall be made within thirty days after the date of the refusal and shall be by way of petition stating the facts and the grounds of appeal.

## **23. Validity of licences and permits**

A licence or permit issued under these Rules is valid only for the activity for which it is issued.

## **24. Publication of licences and permits**

(1) The Chief Fisheries Officer or an authorised licensing officer shall publish a list of all licences and permits issued under these Rules in each year, including the names and addresses of all licensees.

(2) The list published under subrule (1) shall be displayed by the 31st day of January in each year in a conspicuous place outside every district, saza and gombolola headquarters or their equivalent, and at every landing site.

(3) The Chief Fisheries Officer or an authorised licensing officer shall also publish an updated list of licences and permits by the 31st day of July in each year.

**25. Authorised officers**

(1) A person authorised by the Chief Fisheries Officer under the Act to be an authorised officer shall advise the Chief Fisheries Officer on—

- (a) compliance with fishing laws by Beach Management Units, persons or entities engaged in fishing activities;
- (b) the number of licences and permits required to be issued for a water body; and
- (c) the areas of biodiversity concern.

(2) For the purposes of these Rules, the following persons are authorised officers—

- (a) the Chairperson of every Beach Management Unit Committee;
- (b) other elected officers of Beach Management Units and Beach Management Unit Networks whose functions relate to the co-ordination and implementation of fisheries monitoring, control and surveillance activities or appointed in writing by the Chief Fisheries Officer;
- (c) every police officer of or above the rank of a corporal; and
- (d) a person, or class of persons, being a public officer so designated or appointed by the Chief Fisheries Officer.

**26. Powers of authorised officers**

(1) An authorised officer shall have general powers of enforcement on water and land under these Rules.

(2) Notwithstanding the generality of subrule (1), powers under that subrule include the power to—

- (a) stop the vessel;
- (b) require the operator of the vessel to stop fishing and take his or her gear back on board;

- (c) where practical, board the vessel;
- (d) require any licence, permit or other document to be produced;
- (e) search the vessel to determine whether an offence has been committed;
- (f) require an operator to take the vessel to any landing site for the purpose of a search;
- (g) where he or she suspects that an offence has been committed, take the suspects and the vessel to a landing site and detain them and the vessel and take them before a competent court;
- (h) immobilise a seized vessel to prevent it from being moved;
- (i) in the case of suspected fishing by an unregistered vessel or commercial fishing without a licence or vessel identification plate, seize the vessel together with all equipment and cargo connected with the offence;
- (j) seize any fishing appliance suspected of having been used in the commission of an offence;
- (k) seize fish suspected of having been taken or fish products produced in the commission of an offence; and
- (l) seize documents relevant to an offence.

(3) Powers under these Rules may be exercised whether or not the vessel involved is being used for fishing.

(4) An authorised officer may arrest without warrant, any person whom he or she reasonably suspects has committed or is in the process of committing an offence under these Rules.

(5) Where an authorised officer suspects that any person is in possession of any fish product unlawfully obtained, he or she may search the person or any baggage, package, parcel, conveyance, vehicle, tent or building under the control of that person.

(6) An authorised officer may seize and detain any fish, fish product, fishing appliance, boat, motor vehicle, conveyance, machinery, or other implement which he or she reasonably suspects is liable to be forfeited under these Rules.

(7) Where an authorised officer acting under subrule (6) is of the opinion that the thing seized is subject to speedy and natural decay or will entail avoidable expenses on the part of Government, he or she may, except where immature fish is seized, sell the seized thing and the proceeds of that sale shall be treated in the manner as the thing would have been treated if there had been no sale.

(8) Where immature fish is seized under subrule (7), the court shall make an order for disposal of the fish but shall not make an order for burning of the fish.

(9) Where the fish seized under subrule (6) is poisoned or otherwise spoilt, the court shall make an order to burn the fish.

(10) No action shall be brought against an authorised officer or a person acting under his or her direction in respect of any deterioration in quality or value of any fish product, instrument or thing seized under subrule (6).

(11) An officer seizing or detaining any item under subrule (6) shall commence proceedings in respect of the seized item without delay.

## **27. Powers of inspection**

An authorised officer shall have powers of inspection, including the power to—

- (a) require a person to produce a licence or permit;
- (b) inspect fishing appliances, fish and fish products, explosive, poisons and similar items;
- (c) require persons to provide names and addresses and produce identification; and

- (d) stop any vehicle, aircraft vessel or other means of conveyance and enter and inspect and require production of manifests and similar documents, and answers to questions relating to cargo.

## **28. Power to enter and search**

(1) An authorised officer may, if he or she has reasonable grounds to believe that an offence has been, or is being committed—

- (a) enter onto or into any land, buildings, camp, tent, vehicle, aircraft, vessel or other conveyances;
- (b) search baggage;
- (c) require persons to produce records for inspection and copying;
- (d) seize gear and other things suspected of being used in the commission of an offence;
- (e) seize fish and fish products suspected of having been or attempted to have been reared, caught, processed, exported or imported illegally or possessed in contravention of the law, or unfit for human consumption;
- (f) demolish any construction, barrier or trap that appears to have been erected or constructed illegally, or take possession of it in the name of the Government; and
- (g) arrest, without a warrant, any person suspected of committing or having committed an offence under these Rules.

(2) An authorised officer may seize anything under the powers conferred on him or her by this section, whether or not the owner can be found and the officer may—

- (a) break open any hold, container or compartment;
- (b) use any data processing system found on the premises; and
- (c) reproduce any record in the form of a printout and take it.

## **29. Search warrant**

An authorised officer shall not exercise the powers of entry under rule 26 in respect of a dwelling house without a warrant obtained from a magistrate, after satisfying the court that it is necessary to make a search.

## **30. Use of force**

An authorised officer may use reasonable force to carry out searches and seizures and erect, after notifying the local authorities, temporary barriers on roads for the purpose of making searches of vehicles and persons.

## **31. Identification of authorised officers**

(1) In the course of exercising any powers under this Part, an authorised officer shall—

- (a) on demand, produce official identification which will show him or her to be an authorised officer; and
- (b) provide a written receipt for any fish or goods seized by that officer under these Rules.

(2) An authorised officer shall exercise the power of arrest in accordance with the Criminal Procedure Code Act.

## **32. Offences relating to authorised officers**

Any person who—

- (a) assaults or obstructs an authorised officer in the performance of his or her duties;
- (b) refuses or neglects to comply with lawful orders and directions issued under these Rules;
- (c) fails to answer questions or produce anything required to be produced under these Rules;
- (d) refuses or resists a lawful search or inspection;
- (e) prevents a person from complying with these Rules; or
- (f) supplies false information to an authorised officer,

commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty thousand shillings.

### **33. General penalty**

A person, who contravenes these Rules, commits an offence under the Fish Act and shall be required to pay a fine of not exceeding one hundred and twenty thousand shillings.

### **34. Power of court to confiscate and order forfeiture.**

(1) The court by which a person is convicted of an offence under these Rules may order the forfeiture of—

- (a) any fish product in respect of which the offence was committed or which was found in that person's possession; or
- (b) any vehicle or other conveyance, machinery, goods or equipment, fishing appliance implement, material, container, weapon or other thing which was used to commit the offence or which was capable of being used to take fish products found in his or her possession and used in respect of the commission of the offence.

(2) Any fish product forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of as the court may order.

### **35. Power of court to order compensation**

A person who is convicted of an offence under these Rules may be held liable for any loss or damage caused by the offence and may be ordered by the court to pay—

- (a) to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the fish products; or
- (b) up to ten times the amount of any fees or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

### **36. Offences by bodies corporate**

Where an offence under these Rules is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a director or manager of the body corporate or any other person actually or purportedly in control of the activity that gave rise to the offence, that person is liable to be proceeded against and punished accordingly.

### **37. Deprivation of monetary benefits**

A court convicting a person of an offence under these Rules may summarily and without pleadings, inquire into the money benefit acquired or saved by the person as a result of the commission of the offence and may, in addition to other penalty imposed, impose a fine equal to the court's estimation of that monetary benefit, despite any maximum penalty elsewhere provided.

### **38. Cancellation of licences or permits**

The court may, on convicting a person granted a licence or permit of an offence under these Rules—

- (a) order that the licence or permit be cancelled; or
- (b) disqualify that person from obtaining a licence or permit for a period as the court thinks fit.

### **39. Further powers of court.**

A court, on convicting any person for an offence under these Rules, may order that person, within a time specified in the order, to do any act that the person had failed, refused or neglected to do.

### **40. Abandoned vessel, vehicle, fishing appliance, fish or fish products**

(1) Where an authorised officer has reason to believe that any fishing appliance, vessel, fish or fish product has been abandoned for the purpose of avoiding prosecution, he or she shall apply to court for an order to dispose of the fishing appliance, vessel, fish or fish product.

(2) Where a fishing vessel, vehicle, fishing appliance or fish product is abandoned, and the authorised officer believes that any person is liable to be investigated, searched or arrested in connection with the commission of an offence under these Rules and—

- (a) that person has absconded to any place within or outside Uganda; or
- (b) has concealed himself or herself so that he or she cannot be searched, arrested or otherwise investigated,

the authorised officer may cause investigation measures to be taken in relation to the area or premises and property previously in possession, occupation or control of the suspect.

#### **41. Immunity from civil or criminal liability.**

No liability, civil or criminal shall attach to the Chief Fisheries Officer or an authorised officer in respect of loss arising from the exercise in good faith in the performance of his or her function under these rules.

#### **42. Revocation of S.I 197-1**

The Fish (Fishing) Rules (as amended by S.I. No. 61 of 2002 and S.I No. 42 of 2009) are revoked.

## SCHEDULE

*Rule 9(1)*

### AUTHORISED PLACES FOR LANDING OR DISPOSAL OF FISH.

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Bugege	Namayingo	Lake Victoria	
Makindye	Namayingo	Lake Victoria	
Sikinga	Namayingo	Lake Victoria	
Buhoba	Namayingo	Lake Victoria	
Radanga	Namayingo	Lake Victoria	
Mwango	Namayingo	Lake Victoria	
Labolo	Namayingo	Lake Victoria	
Yebe	Namayingo	Lake Victoria	
Singila	Namayingo	Lake Victoria	
Bukana	Namayingo	Lake Victoria	
Butanira B	Namayingo	Lake Victoria	
Hakari	Namayingo	Lake Victoria	
Bissa	Namayingo	Lake Victoria	
Maninga	Namayingo	Lake Victoria	
Lubango	Namayingo	Lake Victoria	
Namatu	Bugiri	Lake Victoria	
Buyondo	Namayingo	Lake Victoria	
Sidome	Namayingo	Lake Victoria	
Mulwanda	Namayingo	Lake Victoria	
Lugala	Namayingo	Lake Victoria	
Siamulala/Hama	Namayingo	Lake Victoria	
Kandegge	Namayingo	Lake Victoria	
Mayanja	Namayingo	Lake Victoria	
Kwomotumba	Namayingo	Lake Victoria	
Mukeri	Namayingo	Lake Victoria	
Matiko	Namayingo	Lake Victoria	
Mpanga	Namayingo	Lake Victoria	
Maruba	Namayingo	Lake Victoria	
Lwenge	Bugiri	Lake Victoria	
Matolo	Namayingo	Lake Victoria	
Siiro	Namayingo	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Wayasi	Namayingo	Lake Victoria	
Buyanga	Namayingo	Lake Victoria	
Buraba	Namayingo	Lake Victoria	
Bugoma	Namayingo	Lake Victoria	
Bumeru 'A'	Namayingo	Lake Victoria	
Butanira 'A'	Namayingo	Lake Victoria	
Lufudu	Namayingo	Lake Victoria	
Musoli	Namayingo	Lake Victoria	
Mulombi	Namayingo	Lake Victoria	
Rabachi	Namayingo	Lake Victoria	
Lugaga	Namayingo	Lake Victoria	
Buduma	Namayingo	Lake Victoria	
Gorofa	Namayingo	Lake Victoria	
Namavundu	Namayingo	Lake Victoria	
Bumeru 'B'	Namayingo	Lake Victoria	
Busiro	Namayingo	Lake Victoria	
Wakawaka	Bugiri	Lake Victoria	
Bumeru 'c'	Namayingo	Lake Victoria	
Bumalenge	Namayingo	Lake Victoria	
Sibale	Namayingo	Lake Victoria	
Migingo	Namayingo	Lake Victoria	
Musumbi Miyanzi	Mayuge	Lake Victoria	
Bugoto	Mayuge	Lake Victoria	
Masolya/Malongo	Mayuge	Lake Victoria	
Ntinkalu	Mayuge	Lake Victoria	
Bwondha	Mayuge	Lake Victoria	
Lwanika	Mayuge	Lake Victoria	
Namoni	Mayuge	Lake Victoria	
Busuyi	Mayuge	Lake Victoria	
Buluba	Mayuge	Lake Victoria	
Misoli 'A' & 'B'	Mayuge	Lake Victoria	
Iguluibi	Mayuge	Lake Victoria	
Kayanja	Mayuge	Lake Victoria	
Mubembe	Mayuge	Lake Victoria	
Bumba	Mayuge	Lake Victoria	
Busaabala	Mayuge	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Bukagabo	Mayuge	Lake Victoria	
Dembe	Mayuge	Lake Victoria	
Maganda Sagitu Island	Mayuge	Lake Victoria	
Kabuka	Mayuge	Lake Victoria	
Malindhi	Mayuge	Lake Victoria	
Wamala	Mayuge	Lake Victoria	
Serinyabi	Mayuge	Lake Victoria	
Nakirimira	Mayuge	Lake Victoria	
Nakalanga	Mayuge	Lake Victoria	
Nkombe	Mayuge	Lake Victoria	
Kaaza	Mayuge	Lake Victoria	
Gori	Mayuge	Lake Victoria	
Walumbe	Mayuge	Lake Victoria	
Naluwerere	Mayuge	Lake Victoria	
Namugongo	Mayuge	Lake Victoria	
Masaka	Mayuge	Lake Victoria	
Bubinge	Mayuge	Lake Victoria	
Masese	Jinja	Lake Victoria	
Kisima I Island	Jinja	Lake Victoria	
Kisima II Island	Jinja	Lake Victoria	
Wanyange	Jinja	Lake Victoria	
Ripon	Jinja	Lake Victoria	
Wairaka	Jinja	Lake Victoria	
Kibibi	Jinja	Lake Victoria	
East Bank	Jinja	Lake Victoria	
Nkalanga	Jinja	Lake Victoria	
Gerenge	Wakiso	Lake Victoria	
Bugiri - Kasenyi	Wakiso	Lake Victoria	
Mukuuba	Wakiso	Lake Victoria	
Kitinda Kitubulu	Wakiso	Lake Victoria	
Lwanjaba	Wakiso	Lake Victoria	
Kooko	Wakiso	Lake Victoria	
Kyanvubu	Wakiso	Lake Victoria	
Buuvi	Wakiso	Lake Victoria	
Buganga	Wakiso	Lake Victoria	
Kinywante	Wakiso	Lake Victoria	
Gulwe	Wakiso	Lake Victoria	
Balabala	Wakiso	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kyanjazi	Wakiso	Lake Victoria	
Ddewe	Wakiso	Lake Victoria	
Bugonga	Wakiso	Lake Victoria	
Kigungu	Wakiso	Lake Victoria	
Lwamunyu Island	Wakiso	Lake Victoria	
Kojja	Wakiso	Lake Victoria	
Kibamba	Wakiso	Lake Victoria	
Nangombe/Lugumba	Wakiso	Lake Victoria	
Busabala	Wakiso	Lake Victoria	
Mutungo/Nakabugo	Wakiso	Lake Victoria	
Makusa Island	Wakiso	Lake Victoria	
Nakiwogo	Wakiso	Lake Victoria	
Kaggulube	Wakiso	Lake Victoria	
Kiwanga/Mayuni	Mpigi	Lake Victoria	
Makungu	Mpigi	Lake Victoria	
Buwama (Katebo)	Mpigi	Lake Victoria	
Bukiina	Mpigi	Lake Victoria	
Kamaliba	Mpigi	Lake Victoria	
Buvumbo	Mpigi	Lake Victoria	
Namirembe	Mpigi	Lake Victoria	
Buzaami	Mpigi	Lake Victoria	
Namugeye	Mpigi	Lake Victoria	
Ssenyondo	Mpigi	Lake Victoria	
Ssanya	Mpigi	Lake Victoria	
Lwalalo	Mpigi	Lake Victoria	
Kamutenga	Mpigi	Lake Victoria	
Mamba	Mpigi	Lake Wamala	
Runoni	Mpigi	Lake Wamala	
Kamuwunga	Masaka	Lake Victoria	
Lambu	Masaka	Lake Victoria	
Namirembe	Masaka	Lake Victoria	
Ddimo	Masaka	Lake Victoria	
Malembo	Masaka	Lake Victoria	
Kisuku	Masaka	Lake Victoria	
Bulingo	Masaka	Lake Victoria	
Bukakata	Masaka	Lake Victoria	
Kaziru	Masaka	Lake Victoria	
Mitondo	Masaka	Lake Victoria	
Bbale	Masaka	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Nakigga	Masaka	Lake Victoria	
Makonzi	Masaka	Lake Victoria	
Kalokoso Katikamu	Masaka	Lake Victoria	
Sango Bay	Rakai	Lake Victoria	
Kasensero	Rakai	Lake Victoria	
Kyabasimba	Rakai	Lake Victoria	
Lukunyu	Rakai	Lake Victoria	
Nazigo	Rakai	Lake Victoria	
Musambwa	Rakai	Lake Victoria	
Lwebiriba	Rakai	Lake Kachera	
Katete	Rakai	Lake Kachera	
Mukokote	Rakai	Lake Kachera	
Lwanga	Rakai	Lake Kachera	
Kyagalanyi	Kalangala	Lake Victoria	
Nakatiba	Kalangala	Lake Victoria	
Lwabaswa	Kalangala	Lake Victoria	
Kagonya	Kalangala	Lake Victoria	
Kisujju	Kalangala	Lake Victoria	
Kivunza	Kalangala	Lake Victoria	
Buyigi	Kalangala	Lake Victoria	
Mukalanga	Kalangala	Lake Victoria	
Ddaje	Kalangala	Lake Victoria	
Kamwanyi	Kalangala	Lake Victoria	
Kaazi Bujumba	Kalangala	Lake Victoria	
Kasamba Bujumba	Kalangala	Lake Victoria	
Buddu	Kalangala	Lake Victoria	
Lwabalega	Kalangala	Lake Victoria	
Kyeserwa	Kalangala	Lake Victoria	
Kacungwa	Kalangala	Lake Victoria	
Mirindi	Kalangala	Lake Victoria	
Busindi	Kalangala	Lake Victoria	
Gunga	Kalangala	Lake Victoria	
Mawala	Kalangala	Lake Victoria	
Lujaabwa	Kalangala	Lake Victoria	
Kirugu	Kalangala	Lake Victoria	
Nkose-Katooke	Kalangala	Lake Victoria	
Kiiku/Nalukandule	Kalangala	Lake Victoria	
Lwazi Jaana	Kalangala	Lake Victoria	
Lwazi Bubeke	Kalangala	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Namisoke/Misisi	Kalangala	Lake Victoria	
Buyange	Kalangala	Lake Victoria	
Ssemawundo	Kalangala	Lake Victoria	
Kaazi	Kalangala	Lake Victoria	
Kusu	Kalangala	Lake Victoria	
Lulindi	Kalangala	Lake Victoria	
Banda	Kalangala	Lake Victoria	
Bossa Kafuna Serinya	Kalangala	Lake Victoria	
Kaaya	Kalangala	Lake Victoria	
Kamese	Kalangala	Lake Victoria	
Kachanga	Kalangala	Lake Victoria	
Luwungulu	Kalangala	Lake Victoria	
Misonzi	Kalangala	Lake Victoria	
Kitobo	Kalangala	Lake Victoria	
Luku/Nabisukiro	Kalangala	Lake Victoria	
Njoga	Kalangala	Lake Victoria	
Senero	Kalangala	Lake Victoria	
Kasenyi	Kalangala	Lake Victoria	
Kasekulo-Ttuni	Kalangala	Lake Victoria	
Bbanga	Kalangala	Lake Victoria	
Mutambala	Kalangala	Lake Victoria	
Kibanga	Kalangala	Lake Victoria	
Buziga	Kalangala	Lake Victoria	
Lutoboka	Kalangala	Lake Victoria	
Mwena	Kalangala	Lake Victoria	
Lukuba	Kalangala	Lake Victoria	
Lwanabatya	Kalangala	Lake Victoria	
Ntuwa	Kalangala	Lake Victoria	
Nakibanga	Kalangala	Lake Victoria	
Kisaba	Kalangala	Lake Victoria	
Buyiri	Kalangala	Lake Victoria	
Nkose-Lugala	Kalangala	Lake Victoria	
Butulume	Kalangala	Lake Victoria	
Nkese	Kalangala	Lake Victoria	
Ddamba	Kalangala	Lake Victoria	
Kagonya-Bufumira	Kalangala	Lake Victoria	
Mukaka	Kalangala	Lake Victoria	
Bbungo	Kalangala	Lake Victoria	
Katosi	Mukono	Lake Victoria	

Landing site	District	Water body	Number of boats
Bulebi	Mukono	Lake Victoria	
Nangoma	Mukono	Lake Victoria	
Kiziru Sanga	Mukono	Lake Victoria	
Sowe	Mukono	Lake Victoria	
Buzindere	Mukono	Lake Victoria	
Bugula/Mbeya/Nakitokota	Mukono	Lake Victoria	
Kibanga - Namusenyu	Mukono	Lake Victoria	
Sumbwe	Mukono	Lake Victoria	
Kamwanyi	Mukono	Lake Victoria	
Mpenjja	Mukono	Lake Victoria	
Kikoko	Mukono	Lake Victoria	
Kijjiko	Mukono	Lake Victoria	
Bubanzi	Mukono	Lake Victoria	
Nile	Buikwe	Lake Victoria	
Bugungu	Buikwe	Lake Victoria	
Bukaya	Buikwe	Lake Victoria	
Bulago Kawunguli	Mukono	Lake Victoria	
Lubembe	Mukono	Lake Victoria	
Lugumba	Mukono	Lake Victoria	
Kisu	Mukono	Lake Victoria	
Nambu	Mukono	Lake Victoria	
Kachanga Kisigala	Mukono	Lake Victoria	
Zingoola	Mukono	Lake Victoria	
Nsazzi-Kansambwe	Mukono	Lake Victoria	
Kiimi	Mukono	Lake Victoria	
Kakunyu	Mukono	Lake Victoria	
Kinaggaba	Mukono	Lake Victoria	
Kawafu Agali Awamu	Mukono	Lake Victoria	
Kitosi	Mukono	Lake Victoria	
Nyanaama-Kimufu	Mukono	Lake Victoria	
Kachanga	Mukono	Lake Victoria	
Namugambe	Mukono	Lake Victoria	
Kaazi	Mukono	Lake Victoria	
Maala	Mukono	Lake Victoria	
Muwoma	Mukono	Lake Victoria	
Kalyambuizi	Mukono	Lake Victoria	
Busiro	Mukono	Lake Victoria	
Musenyi	Mukono	Lake Victoria	
Myende-Ssasa	Mukono	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kifulu	Buvuma	Lake Victoria	
Mubaale	Buvuma	Lake Victoria	
Kulwe	Buvuma	Lake Victoria	
Muguudo	Buvuma	Lake Victoria	
Kitamiro	Buvuma	Lake Victoria	
Kembo Nairambi	Buvuma	Lake Victoria	
Maye	Buvuma	Lake Victoria	
Nvuza	Buvuma	Lake Victoria	
Namuziru	Buvuma	Lake Victoria	
Namiti	Buvuma	Lake Victoria	
Yuwe, Npondwe & Kachanga	Buvuma	Lake Victoria	
Kirewe	Buvuma	Lake Victoria	
Bwiri & Musoma (Wokayi)	Buvuma	Lake Victoria	
Namakeba	Buvuma	Lake Victoria	
Ndotwe	Buvuma	Lake Victoria	
Lubya	Buvuma	Lake Victoria	
Kasimizi	Buvuma	Lake Victoria	
Namugombe	Buvuma	Lake Victoria	
Kachanga	Buvuma	Lake Victoria	
Lukale	Buvuma	Lake Victoria	
Lufu	Buvuma	Lake Victoria	
Tojjwe	Buvuma	Lake Victoria	
Kasaali “A”	Buvuma	Lake Victoria	
Bugabo (Buvuma Is.)	Buvuma	Lake Victoria	
Lingira (Buvuma Is.)	Buvuma	Lake Victoria	
Bbanga	Buvuma	Lake Victoria	
Ziinga	Buvuma	Lake Victoria	
Lukoma	Buvuma	Lake Victoria	
Kirongo	Buvuma	Lake Victoria	
Serinya	Buvuma	Lake Victoria	
Lukalu Island	Buvuma	Lake Victoria	
Bukwaya	Buvuma	Lake Victoria	
Lwazzi	Buvuma	Lake Victoria	
Ziiru Muto	Buvuma	Lake Victoria	
Kalungi	Buvuma	Lake Victoria	
Kyanja	Buvuma	Lake Victoria	
Malijja Wabuziba	Buvuma	Lake Victoria	
Kerenge	Buvuma	Lake Victoria	
Kibibi Island	Buvuma	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Mpongo/Ddembe	Buvuma	Lake Victoria	
Malya Bwanika	Buvuma	Lake Victoria	
Makopa	Buvuma	Lake Victoria	
Mawungwe island	Buvuma	Lake Victoria	
Nalubaale	Buvuma	Lake Victoria	
Lyabalume	Buvuma	Lake Victoria	
Namatale - Mulongo	Buvuma	Lake Victoria	
Kaziru	Buvuma	Lake Victoria	
Bukayanja	Buvuma	Lake Victoria	
Kiwololo	Buvuma	Lake Victoria	
Gunda (Mpata)	Buvuma	Lake Victoria	
Kiruguma	Buvuma	Lake Victoria	
Nyenda	Buvuma	Lake Victoria	
Kaserere	Buvuma	Lake Victoria	
Damba	Buvuma	Lake Victoria	
Kalambi	Buvuma	Lake Victoria	
Lyabaana	Buvuma	Lake Victoria	
Bushenyi	Buvuma	Lake Victoria	
Muwama	Buvuma	Lake Victoria	
Zinga	Buvuma	Lake Victoria	
Lwazi	Buvuma	Lake Victoria	
Kiziba	Buvuma	Lake Victoria	
Mubaale	Buvuma	Lake Victoria	
Kijjaka II	Buvuma	Lake Victoria	
Maungwe	Buvuma	Lake Victoria	
Wakikere	Buvuma	Lake Victoria	
Kassenyi	Buvuma	Lake Victoria	
Nkatta	Buvuma	Lake Victoria	
Samba	Buvuma	Lake Victoria	
Liibu	Buvuma	Lake Victoria	
Nsinga	Buvuma	Lake Victoria	
Bukuzi	Buvuma	Lake Victoria	
Kibulwe (Ziiru)	Buvuma	Lake Victoria	
Luwero	Buvuma	Lake Victoria	
Kijjaka I	Buvuma	Lake Victoria	
Buwagajjo	Buikwe	Lake Victoria	
Kikondo	Buikwe	Lake Victoria	
Butembe	Buikwe	Lake Victoria	
Busana	Buikwe	Lake Victoria	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Bugoba	Buikwe	Lake Victoria	
Kalega	Buikwe	Lake Victoria	
Nanso	Buikwe	Lake Victoria	
Kiyindi	Buikwe	Lake Victoria	
Busagazi	Buikwe	Lake Victoria	
Kigaya	Buikwe	Lake Victoria	
Buyoka - Kukola	Buikwe	Lake Victoria	
Koko	Buikwe	Lake Victoria	
Nansagazi	Buikwe	Lake Victoria	
Kaazi	Buikwe	Lake Victoria	
Muyubwe	Buikwe	Lake Victoria	
Nalumuli	Buikwe	Lake Victoria	
Ssenyi Ssibukunja	Buikwe	Lake Victoria	
Nalyazi	Buikwe	Lake Victoria	
Kigugo	Buikwe	Lake Victoria	
Kiwuluguma Mwubya	Buikwe	Lake Victoria	
Nkombwe	Buikwe	Lake Victoria	
Nsonga	Mukono	Lake Victoria	
Buwanzi	Mukono	Lake Victoria	
	Mukono	Lake Victoria	
Lukonda	Buvuma	Lake Victoria	
Kyanamu	Buvuma	Lake Victoria	
Tome	Buvuma	Lake Victoria	
Kaziru	Buvuma	Lake Victoria	
Wakisi	Mukono	Victoria Nile	
Nalyoba	Busia		
Majanji/Maduwa	Busia		
Ggaba	Kampala		
Munyonyo	Kampala		
Port Bell	Kampala		
Ggolo	Mpigi		
Katosi	Mukono		
Kiyindi	Buikwe		
Ssenyi	Buikwe		
Lambu	Masaka		
Ddimu	Masaka		
Kasensero	Rakai		
Kigungu	Wakiso		
Nakatiba	Kalangala		

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kyagalanyi	Kalangala		
Mwena	Kalangala		
Lwampanga	Nakasongola		
Bukungu	Kamuli		
Wanseko	Masindi		
Butiaba	Masindi		
Bugoigo	Masindi		
Kabohwa	Masindi		
Tonya	Hoima		
Ndaiga	Hoima		
Ntoroko	Hoima		
Marine & Agro	Jinja		
Greenfields	Wakiso		
Gombe	Jinja		
Uganda Fish Packers	Jinja		
Igloo Foods	Busia		
Masese Fish Packers	Jinja		
Ngege Ltd	Kampala		
Kikooge	Nakasongola	Kyoga	
Moone	Nakasongola	Kyoga	
Kansiira	Nakasongola	Kyoga	
Kasenyi	Nakasongola	Kyoga	
Kikoiro	Nakasongola	Kyoga	
Kibuye	Nakasongola	Kyoga	
Zengebe Ferry	Nakasongola	Kyoga	
Lwampanga	Nakasongola	Kyoga	
Zengebe Mayinja	Nakasongola	Kyoga	
Ninga	Nakasongola	Kyoga	
Kisenyi	Nakasongola	Kyoga	
Kyalusaka	Nakasongola	Kyoga	
Irima	Nakasongola	Kyoga	
Dagala	Nakasongola	Kyoga	
Kachanga	Nakasongola	Kyoga	
Kasambya	Nakasongola	Kyoga	
Tumba	Nakasongola	Kyoga	
Kikaraganya Main & Church	Nakasongola	Kyoga	
Kityoba	Nakasongola	Kyoga	
Kadubba	Nakasongola	Kyoga	
Kiroolo	Nakasongola	Kyoga	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kamuli	Nakasongola	Kyoga	
Opeta	Pallisa	Gulumaire	
Kapala-Katek	Pallisa	Kawi	
Apapa-Kareu	Pallisa	Kawi	
Najienti Water Supply	Pallisa	Lemwa	
Agule-Obungai	Pallisa	Kawi	
Yosam	Pallisa	Nyaguo	
Daraja	Pallisa	Gigate	
Angod-Agule	Pallisa	Kayi	
Kampala	Pallisa	Nyaguo	
Ogudo	Pallisa	Nyaguo	
Nyansala	Pallisa	Nyansala	
Merok	Soroti	Kyoga	
Bukwanga	Soroti	Kyoga	
Lalle	Soroti	Kyoga	
Abango	Soroti	Kyoga	
Opuure	Soroti	Kyoga	
Akocho	Soroti	Kyoga	
Bugondo	Soroti	Kyoga	
Kibuka	Soroti	Kyoga	
Ogelak	Soroti	Kyoga	
Apapai	Soroti	Kyoga	
Agirigiroi	Soroti	Kyoga	
Iruko	Soroti	Kyoga	
Ajuba	Soroti	Kyoga	
Akwangalet	Soroti	Kyoga	
Kagwara	Soroti	Kyoga	
Kachorombo	Soroti	Kyoga	
Asinge	Soroti	Kyoga	
Adiding	Soroti	Kyoga	
Opiya	Soroti	Kyoga	
Kateng	Soroti	Kyoga	
Pingire	Soroti	Kyoga	
Akaramai	Soroti	Kyoga	
Mulondo	Soroti	Kyoga	
Mugarama	Soroti	Kyoga	
Ongaro	Soroti	Kyoga	
Chamadok	Soroti	Kyoga	
Namutinda	Soroti	Kyoga	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Olupe	Soroti	Kyoga	
Ojetenyang	Soroti	Kyoga	
Ateese	Soroti	Kyoga	
Kiribairya	Kamuli	Kyoga	
Issisi	Buyende	Kyoga	
Iremerya	Buyende	Kyoga	
Kakooge	Buyende	Kyoga	
Igoola	Buyende	Kyoga	
Kiwaaba	Buyende	Kyoga	
Kigingi	Buyende	Kyoga	
Kyanfuba	Buyende	Kyoga	
Bukungu	Buyende	Kyoga	
Kyankole	Buyende	Kyoga	
Kanganyaza	Buyende	Kyoga	
Miseru	Buyende	Kyoga	
Busulumba	Buyende	Kyoga	
Panyolo	Kaliro	Kyoga	
Isalo	Kaliro	Kyoga	
Butambala	Kaliro	Kyoga	
Iyingo	Buyende	Kyoga	
Buyumba	Buyende	Kyoga	
Ngole	Buyende	Kyoga	
Budipa LN	Buyende	Nakuwa	
Lugonyola	Buyende	Nakuwa	
Nangala	Kaliro	Nakuwa	
Kitega	Kaliro	Nakuwa	
Nawaikeke	Kaliro	Nakuwa	
Namawa	Kaliro	Nakuwa	
Gaba	Kaliro	Nakuwa	
Bandaali	Kamuli	River Nile	
Malugulya	Kamuli	River Nile	
Nsangabiyile	Kamuli	River Nile	
Kadungu	Kamuli	River Nile	
Kyamatende	Kamuli	River Nile	
Kibunye	Kamuli	River Nile	
Kiige	Kamuli	River Nile	
Acholi Inn	Apac	Kwania	
Isunga	Apac	Kwania	
Kwibale	Apac	Kwania	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Ayei	Apac	Kwania	
Akokoro Main	Apac	Kwania	
Wigweng	Apac	Kwania	
Wansolo	Apac	Kwania	
Kiga	Apac	Kwania	
Abei /Agee	Apac	Kwania	
Gweng	Apac	Kwania	
Otura	Apac	Kwania	
Abali	Apac	Kwania	
Akukuru	Apac	Kwania	
Dog-bot	Apac	Kyoga	
Ajokdong	Apac	Kyoga	
Bung	Apac	Kyoga	
Agella	Apac	Kyoga	
Anwangi	Apac	Kyoga	
Atuma	Apac	Kyoga	
Agweng	Apac	Kyoga	
Ramtama	Apac	Kyoga	
Pabbo	Apac	Kyoga	
Apalamio	Apac	Kyoga	
Te-Tugo	Apac	Kyoga	
Agule	Katakwi	Bisina	
Akura-Olilim	Katakwi	Bisina	
Asubaki	Katakwi	Bisina	
Kokorio-Opooti	Katakwi	Bisina	
Apule	Katakwi	Bisina	
Operu-Lengo	Katakwi	Opeta	
Emac	Katakwi	Bisina	
Ojaluon	Kumi	Opeta	
Nyalaculi	Kumi	Opeta	
Okutot	Kumi	Opeta	
Nabioto	Kumi		
Akide	Kumi	Bisina	
Oseera	Kumi	Bisina	
Mowlem	Kumi	Bisina	
Agule	Kumi	Bisina	
Kakor	Kumi	Bisina	
Opelu	Kumi	Gawa	
Aciisa-Ogudo	Kumi	Nyaguo	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kikota	Kayunga	Kyoga	
Kyedicho	Kayunga	Kyoga	
Kalenge	Kayunga	Kyoga	
Kawongo	Kayunga	Kyoga	
Kitwe	Kayunga	Kyoga	
Owiri	Lira	Kwania	
Daraza	Lira	Kwania	
Awon Angiro	Lira	Kwania	
Opali	Lira	Kyoga	
Amai	Lira	Kwania	
Abale	Lira	Kwania	
Agweng	Lira	Kwania	
Awee	Lira	Kwania	
Bata	Lira	Kwania	
Akuli	Lira	Kyoga	
Obelower	Lira	Kyoga	
Aoa	Lira	Kyoga	
Wii Gudu	Lira	Kyoga	
Kitaleba	Lira	Kyoga	
Oulo	Lira	Kyoga	
Kitwee	Lira	Kyoga	
Kampala	Lira	Kyoga	
Lakoranga	Lira	Kyoga	
Nalobwoyo	Lira	Kyoga	
Muntu	Lira	Kyoga	
Muchora A	Lira	Kyoga	
Manyanga	Lira	Kyoga	
Musoma	Lira	Kyoga	
Muchora B	Lira	Kyoga	
Gozwe	Lira	Kyoga	
Mbiko	Lira	Kyoga	
Oribcan	Lira	Kyoga	
Lenko	Lira	Kyoga	
Nkongoro	Lira	Kyoga	
Namasale	Lira	Kyoga	
Kayago	Lira	Kyoga	
Tea-Atoke	Lira	Kwania	
Nakazara	Lira	Kwania	
Amuk	Lira	Kwania	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Adero	Lira	Kwania	
Odyedo	Lira	Kwania	
Owango Lao	Lira	Kwania	
Etam	Lira	Kwania	
Ojem	Lira	Kwania	
Abeja	Lira	Kwania	
Kitara	Lira	Kwania	
Sangabwire	Kaberamaido	Kyoga	
Sangai	Kaberamaido	Kyoga	
Atubot	Kaberamaido	Kyoga	
Lela	Kaberamaido	Kyoga	
Abirabira	Kaberamaido	Kyoga	
Owidi	Kaberamaido	Kyoga	
Ongaroi	Kaberamaido	Kyoga	
Okille	Kaberamaido	Kyoga	
Swagere	Kaberamaido	Kyoga	
Byayale	Kaberamaido	Kyoga	
Apai	Kaberamaido	Kyoga	
Doya	Kaberamaido	Kyoga	
Bugoi	Kaberamaido	Kyoga	
Ayago	Kaberamaido	Kyoga	
Ogodia	Kaberamaido	Kyoga	
Kashaka	Bushenyi	George	48
Katunguru 'B'	Bushenyi	George	30
Mahyoro	Kamwenge	George	40
Kainja	Kamwenge	George	34
Kasenyi	Kasese	George	48
Hamukungu	Kasese	George	48
Kahendero	Kasese	George	48
Katunguru 'K'	Kasese	George	30
Kazinga	Bushenyi	Edward	34
Kishenyi	Bushenyi	Edward	40
Katwe Kabatoro	Kasese	Edward	120
Kayanja	Kasese	Edward	34
Rwenshama	Rukungiri	Edward	60
Bugoigo	Buliisa	Albert	
Butiaba PIIDA.A	Buliisa	Albert	
Butiaba PIIDA.B	Buliisa	Albert	
Nyamukuta	Buliisa	Albert	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Sonsio	Buliisa	Albert	
Boma	Buliisa	Albert	
Kamagongolo	Buliisa	Albert	
Kawaibanda	Buliisa	Albert	
Walukuba	Buliisa	Albert	
Kabolwa	Buliisa	Albert	
Kalolo	Buliisa	Albert	
Karakaba	Buliisa	Albert	
Wankende	Buliisa	Albert	
Wanseko	Buliisa	Albert	
Kachankumu	Bundibujo	Albert	
Kamuga	Bundibujo	Albert	
Kanara	Bundibujo	Albert	
Katanga	Bundibujo	Albert	
Mulango	Bundibujo	Albert	
Ntoroko	Bundibujo	Albert	
Rwangara	Bundibujo	Albert	
Buhuma	Hoima	Albert	
Fofo	Hoima	Albert	
Hoima-Uganda	Hoima	Albert	
Kabanda	Hoima	Albert	
Kaiso	Hoima	Albert	
Kiryamboga	Hoima	Albert	
Kisagi	Hoima	Albert	
Mbegu	Hoima	Albert	
Nana	Hoima	Albert	
Rwantale	Hoima	Albert	
Tonya	Hoima	Albert	
Buringa (Nkondo II)	Hoima	Albert	
Ndokore (Nkondo II)	Hoima	Albert	
Nkondo I	Hoima	Albert	
Nkondo II	Hoima	Albert	
Nyawaiga	Hoima	Albert	
Sebagaro	Hoima	Albert	
Kyehoro	Hoima	Albert	
Bikunyu	Hoima	Albert	
Hoimo-Kenya	Hoima	Albert	
Kabahwa	Hoima	Albert	
Kibiro	Hoima	Albert	

<b>Landing site</b>	<b>District</b>	<b>Water body</b>	<b>Number of boats</b>
Kyabarangwa	Hoima	Albert	
Nyamusoga	Hoima	Albert	
Petye	Hoima	Albert	
Runga	Hoima	Albert	
Songagage	Hoima	Albert	
Waaki	Hoima	Albert	
Busigi	Hoima	Albert	
Kachunde	Hoima	Albert	
Kiina	Hoima	Albert	
Kyabashambu	Hoima	Albert	
Kyakapere	Hoima	Albert	
Kyenyanja	Hoima	Albert	
Nsonga (Bugoma)	Hoima	Albert	
Nsunzu (Bugoma)	Hoima	Albert	
Ssenjojo (Songa Rao)	Hoima	Albert	
Ususa	Hoima	Albert	
Kabukanga	Kibaale	Albert	
Kamina	Kibaale	Albert	
Kitebere	Kibaale	Albert	
Ndaiga	Kibaale	Albert	
Nguse	Kibaale	Albert	
Nyamasoga	Kibaale	Albert	
Rwebigongoro	Kibaale	Albert	
Angumu	Nebbi	Albert	
DEI. A	Nebbi	Albert	
DEI. B	Nebbi	Albert	
DEI. C	Nebbi	Albert	
Kayoanga	Nebbi	Albert	
Singla	Nebbi	Albert	

## SCHEDULE 2

### *Rule 11*

#### CONDITIONS OF PURCHASE OF FISH BY NON-CITIZEN.

A non-citizen may purchase fish without a specific licence or permit for that purpose anywhere in Uganda, if the purchase is made—

- (a) on behalf of a hotel, eating house or restaurant for consumption by a guest or customer;
- (b) by an employer for consumption by his or her employees; or
- (c) by an individual for consumption by himself or herself or members of his or her family.

SCHEDULE 3

Rule 13

THE REPUBLIC OF UGANDA

Serial No. ....

THE FISH ACT, CAP. 197

THE FISH RULES, 2010

**APPLICATION FOR PERMISSION TO ENGAGE IN FISHING  
ACTIVITIES.**

1. (a) Full name of owner: .....
- (b) Age and sex: .....
- (c) Nationality: .....
- (d) Name of BMU .....
- (e) Purpose for the application .....
- (f) Company name .....
- (g) Attach BMU recommendation
- (h) Attach photograph and copy of any identification
  
2. Fishing activity applied for- (Tick as appropriate)
  - (a) Registration of fishing vessel
  - (b) Fishing
  - (c) Artisanal processing
  - (d) Boat building
  - (e) Industrial Processing
  - (f) Transporting
  - (g)Appliance Importation / manufacturing.
  - (h) Regional fish trade
  - (i) Other (Please state activity.....)
  
- (a) (i) Type of boat.....
- (ii) Length of boat .....
- (iii) Type and number of fishing appliances used .....
- (iv) Propulsion type used; Paddle/ sail/ Outboard Engine/Inboard Engine
- (v) Engine HP..... Make ..... Serial No. ....
- (vi)Type of fish species targeted.....
  
- (b) (i) Attach Health certificate for activity in 2 (b), (c ), (e), (f) and (h)
- (ii) Fishing hours per day.....
- (iii) Life saving equipment (State which equipment).....



SCHEDULE 4

*Rules 15, 18(3)*

FEES

Part I - Water Body	Fee
	Fee per Vessel
Lakes Victoria, Albert and Kyoga, Edward, George and Wamala	100,000/=
Nakivale and other minor lakes	50,000/=
Swamps, rivers and dams	25,000/=
Part II- Other Licences and permits	Licence/ Permit fee
Licence for vessels used or owned by non-citizens	2,000,000/=
Trucks carrying fish by tonnage Less than 5 tonnes	250,000/=
Trucks carrying fish by tonnage 5-10 tonnes	500,000/=
Trucks carrying fish by tonnage over10 tonnes	750,000/=
Containerized vessels by tonnage Less than 5 tonnes	250,000/=
Containerized vessels by tonnage Less than 5- 10 tonnes	500,000/=
Containerized vessels by tonnage Over 10 tonnes	750,000/=
By-products and processed fish (dried/smoked) transporters	500,000/=
Artisanal processors/fish mongers	50,000/=
Large scale artisanal processing (Fish Maws)	500,000/=
Fish processing Control Fee for processing Factories	3,000,000/=
Fish net manufacturing factories/importers	1,000,000/=
Boat Builders/Local gear makers/repairers	50,000/=
Fishing control Permit for citizen	25,000/=
Special Licence Fishing control licence for non-citizen	100,000/=
Recreational fishing permit	150,000/=
Special licence	25,000/=
Application fees	10,000/=

**SPECIFICATIONS FOR FISHING VESSEL IDENTIFICATION PLATE (VIP) AND CERTIFICATE OF VESSEL OWNERSHIP (CVO)**

**1. VESSEL IDENTIFICATION PLATE**

(1) A fishing vessel identification plate shall bear the following specifications—

- (a) metallic in nature and non corrodible when in contact with water
- (b) shape; Rectangular in shape; 15” x 5”;
- (c) numbers should be embossed;
- (d) security seal and fastening mechanism to avoid easy removal;
- (e) emblem and flag of Uganda;
- (f) colour combinations and serial numbers (Colours should be water resistant); and

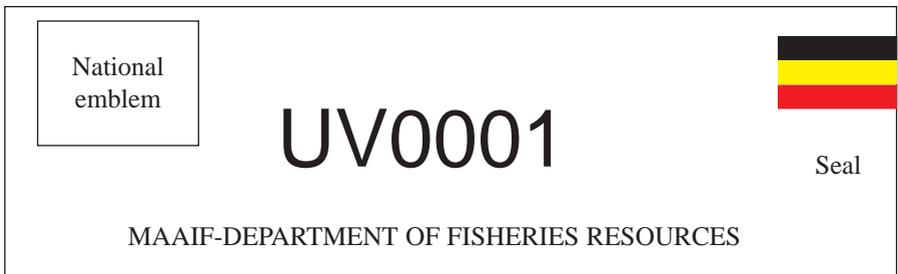
(2) Colour specification and serial numbers for each water body shall be as follows—

Water body	Background colour	Colour of numbers	Serial number
Lake Victoria	Yellow	Red	UV 00001-15000
Lake Kyoga	White	Blue	UK0001- 5500
Lake Albert	White	Red	UA0001- 5500
Lake George	Yellow	Black	UG0001 - 0266
Lake Edward	White	Green	UE0001- 0288
Other water bodies	White	Black	UH0001- 0600

**(3) Sample of Vessel Identification Plate**

*(Background, number and colour depend on the water body).*

A Vessel Identification Plate shall be in the following form—



## 2. CERTIFICATE OF VESSEL OWNERSHIP

(1) A certificate of vessel ownership shall bear the same serial number as recorded on the vessel identification plate.

(2) The certificate of vessel ownership shall bear the following specifications—

- (a) blue background; depicting water;
- (b) emblem of the Ministry of Agriculture, Animal Industry and Fisheries;
- (c) words written in black;
- (d) outside surface shall be water resistant;
- (e) 12 micron paper or more; and
- (f) A5 size printed on both sides.

### SAMPLE OF CERTIFICATE OF VESSEL OWNERSHIP

Front Page

**CERTIFICATE OF FISHING VESSEL OWNERSHIP**

**Department of Fisheries Resources**

(Emblem)

**MINISTRY OF AGRICULTURE ANIMAL INDUSTRY AND FISHERIES**

Back page

IF THIS CARD IS LOST AND FOUND PLEASE RETURN TO MINISTRY OF AGRICULTURE ANIMAL INDUSTRY AND FISHERIES

(Picture of boat in lake or artistic impression)

**DEPARTMENT OF FISHERIES RESOURCES**  
Entebbe

**FISHING VESSEL IDENTIFION NUMBER**.....

**Name of owner** .....

**Sex**.....

**A) VESSEL DESCRIPTION**

**Colour of vessel**.....

**District** .....

**Fishing Grounds of the vessel** .....

YEAR OF RENEWAL	DATE OF RENEWAL	AUTHORISED BY

SCHEDULE 6

FORMS

*Rules 18(2), 21*

FORM 1

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**FISHING CONTROL PERMIT (CITIZEN)**

Name: .....

Address: .....

Date of issue: .....

Expiry date: .....

Fee for the permit **25,000/=**

**The permit is issued under the following conditions—**

- 1. Permit is not transferable.
- 2. The Permit to be displayed in its original form
- 3. Subject to the provisions of the Fish Act, Cap. 197

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to permit holder)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 2

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

SPECIAL LICENCE

THE FISH (FISHING) RULES, 2010

**FISHING CONTROL LICENCE (NON-CITIZEN)**

Name: .....

Address: .....

Date of issue: .....

Expiry date: .....

Fee for the permit **100,000/=**

**The permit is issued under the following conditions—**

- 1. Permit is not transferable.
- 2. The Permit to be displayed in its original form
- 3. Subject to the provisions of the Fish Act, Cap. 197

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to permit holder)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

THE REPUBLIC OF UGANDA

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**FISHING VESSEL LICENCE (LAKES: VICTORIA, ALBERT, KYOGA, EDWARD, GEORGE AND WAMALA)**

Name: .....

Address: .....

Vessel Registration Number: .....

Date of issue: .....

Registered with/ place of Issue (BMU): .....

District: .....

Expiry date: .....

Licensee authorised to fish in Lake.....

Fee for the Licence **100,000/=**

Type of fish targeted.....

**This licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. In case of any change of vessel ownership, licensee must notify the licensing authority within thirty days.
4. The license to be displayed its original form.
5. Must declare daily fish catch to the BMU office

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 4  
THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197  
THE FISH (FISHING) RULES, 2010  
**FISHING VESSE LICENCE (MINOR LAKES)**

Name: .....  
Address: .....  
Vessel Registration Number: .....  
Date of issue: .....  
Registered with/ place of Issue (BMU): .....  
District: .....  
Licensee authorised to fish in Lake.....  
District: .....  
Expiry date: .....  
Type of fish targeted.....  
Fee for the Licence **50,000/=**

**This licence is issued under the following conditions—**

1. License is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. In case any change of vessel ownership licence must notify the licensing authority within thirty days.
4. The licence to be displayed its original form
5. Must declare daily fish catch to the BMU office

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 5

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**FISHING VESSEL LICENCE (SWAMPS, RIVERS AND DAMS)**

Name: .....

Address: .....

Vessel Registration Number: .....

Date of issue: .....

Registered with/ place of Issue (BMU): .....

District: .....

Expiry date: .....

Licensee authorised to fish in Lake.....

Type of fish .....

Fee for the Licence **25,000/=**

**This licence is issued under the following conditions—**

1. License is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. In case any change of vessel ownership licence must notify the licensing authority within thirty days.
4. The licence to be displayed its original form
5. Must declare daily fish catch to the BMU office

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 6

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**FISHING VESSEL LICENCE (NON-CITIZEN)**

Name: .....

Address: .....

Vessel Registration Number: .....

Date of issue: .....

Registered with/ place of Issue (BMU): .....

District: .....

Expiry date: .....

Licensee authorised to fish in Lake.....

Fee for the Licence **2,000,000/=**

Type of fish .....

**This licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. In case of any change of vessel ownership, licensee must notify the licensing authority within thirty days.
4. The license to be displayed its original form.
5. Must declare daily fish catch to the BMU office

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 7

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

DEPARTMENT OF FISHERIES RESOURCES

**FISH MOVEMENT PERMIT**

(Valid in Uganda only)

**Section A**

- 1. Name.....
- Address.....

The bearer is authorised to move fish or fish products from one part of Uganda to another part in accordance with the Fish Act, these Rules and the Fish (Quality Assurance) Rules, (S.I 197-4)

- 2. Fish species (indicate local name).....Quantity (kg).
- 3. Form (Fresh/Smoked/Salted/Sun dried)  
 Details of origin (i) Lake .....  
 (ii) Landing site..... (iii) Fish market .....  
 (iv) District .....
- 4. Destination.....District
- 5. Mode of transport .....Reg. No.....

**Section B Attestation**

I the undersigned certify, that the fish/ fish products have been inspected and conform to the requirements of the Fish Act and statutory instruments made under the Act .

Date of issue ..... valid from.....

Fees paid (Ug. Shs.).....in words.....

Issuing Officer.....Title..... Signature and official  
stamp Permit holder.....  
signature.....

*Original to permit holder  
Duplicate to the Commissioner for Fisheries  
Triplicate to remain in the book*

FORM 8

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR BY-PRODUCTS AND PROCESSED FISH  
(DRIED/SMOKED) TRANSPORTERS**

Name: .....

Address: .....

Vessel / Vehicle Registration Number: .....

Registered with/ place of Issue (BMU): .....

District: .....

Licensee authorised to transport.....

Date of issue: .....

Expiry date: .....

Fee for the Licence **500,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(Triplicate to be retained in the book)*

FORM 9

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR TRUCKS CARRYING FISH (LESS THAN 5 TONNES)**

Name: .....

Address: .....

Vehicle Registration Number: .....

Date of issue: .....

Expiry date: .....

Fee for the Licence **250,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(Triplicate to be retained in the book)*

FORM 10

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR TRUCKS CARRYING FISH (5-10 TONNES)**

Name: .....

Address: .....

Vehicle Registration Number: .....

Date of issue: .....

Expiry date: .....

Fee for the Licence **500,000/=**

The licence is issued under the following conditions-

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(TriPLICATE to be retained in the book)*

FORM 11

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR TRUCKS CARRYING FISH (OVER 10 TONNES)**

Name: .....

Address: .....

Vehicle Registration Number: .....

Date of issue: .....

Expiry date: .....

Fee for the Licence **750,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(Triplicate to be retained in the book)*

FORM 12

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR CONTAINERISED VESSELS CARRYING FISH  
(LESS THAN 5 TONNES)**

Name: .....  
Address: .....  
Vessel Registration Number: .....  
Date of issue: .....  
Expiry date: .....  
Fee for the Licence **250,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)  
(Duplicate to Commissioner Fisheries)  
(Triplicate to be retained in the book)*

FORM 13

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR CONTAINERISED VESSELS CARRYING FISH  
(5-10 TONNES)**

Name: .....

Address: .....

Vessel Registration Number: .....

Date of issue: .....

Expiry date: .....

Fee for the Licence **500,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(Triplicate to be retained in the book)*

FORM 14

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR CONTAINERISED VESSELS CARRYING FISH  
(OVER 10 TONNES)**

Name: .....

Address: .....

Vessel Registration Number: .....

Date of issue: .....

Expiry date: .....

Fee for the Licence **750,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(TriPLICATE to be retained in the book)*

FORM 15

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR ARTISANAL PROCESSING OF FISH AND FISHERY PRODUCTS**

Name: .....  
Address: .....  
Date of issue: .....  
Place of Issue (BMU): .....  
District: .....  
Expiry date: .....  
Fee for the Licence **50,000/=**

This licence is issued under the following conditions-

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 16  
THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197  
THE FISH (FISHING) RULES, 2010

**LICENCE FOR LARGE SCALE ARTISANAL PROCESSING OF  
FISH AND FISHERY PRODUCTS (FISH MAWS)**

Name: .....  
Address: .....  
Date of issue: .....  
Place of Issue (BMU): .....  
District: .....  
Expiry date: .....  
Fee for the Licence **500,000/=**

**This licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form
4. The licensee must declare premises where transactions are conducted and also shall have record book to be declared to the DFR.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 17

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**PERMIT FOR BUILDING FISHING VESSEL.**

Name: .....

Address: .....

Date of issue: .....

Place of Issue (BMU): .....

District: .....

Expiry date: .....

Fee for the permit **50,000/=**

**The permit is issued under the following conditions—**

1. The permit is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. Shall declare an annual record of the number of Vessel constructed to the Chief Fisheries Officer or an authorised licensing officer.
4. The licence to be displayed its original form

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**PERMIT FOR FISHING APPLIANCE MANUFACTURE /  
IMPORTATION**

Name: .....

Address: .....

Certificate of Registration: .....

Date of issue: .....

Expiry date: .....

Fee for the Permit **1,000,000/=**

**The Permit is issued under the following conditions—**

1. Permit is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197
3. The permit to be displayed in its original form.
4. Shall declare a record of units produced annually.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

FORM 19

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**LICENCE FOR INDUSTRIAL PROCESSING OF FISH AND  
FISHERY PRODUCTS**

Name: .....

Address: .....

Date of issue: .....

Expiry date: .....

Fee for the License **3,000,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the Provisions of the Fish Act, Cap. 197
3. The licence to be displayed in its original form

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*

*(Duplicate to Commissioner Fisheries)*

*(Triplicate to be retained in the book)*

FORM 20

THE REPUBLIC OF UGANDA

Serial No.....

THE FISH ACT, CAP. 197

THE FISH (FISHING) RULES, 2010

**PERMIT FOR RECREATIONAL FISHING**

Name: .....

Address: .....

Date of issue: .....

Expiry date: .....

Fee for the License **150,000/=**

**The licence is issued under the following conditions—**

1. Licence is not transferable.
2. Subject to the provisions of the Fish Act, Cap. 197.
3. The licence to be displayed in its original form.
4. Any fish of the lates niloticus (Nile perch species) of less than 20 inches and or Greater than 50 inches shall be returned to the natural environment immediately on being caught with minimum injury.
5. A person fishing for recreational purposes shall only be allowed to retain 5 (five) kilograms of the fish caught in any given day. The rest of the fish caught shall be returned to the water or natural environment.

.....  
*Name of Licensing Officer*

.....  
*Signature of Licensing Officer*

*Official stamp*

*(Original to Licensee)*  
*(Duplicate to Commissioner Fisheries)*  
*(Triplicate to be retained in the book)*

HON. HOPE MWESIGYE,  
*Minister of Agriculture, Animal Industry and Fisheries.*

**STATUTORY INSTRUMENTS SUPPLEMENT**

*to The Uganda Gazette No. 53 Volume CIII dated 3rd September, 2010*

Printed by UPPC, Entebbe, by Order of the Government.

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**S T A T U T O R Y   I N S T R U M E N T S**

**2010 No. 34.**

**The Fish (Permanent Closed Areas) Rules, 2010.**

*(Under section 35 of Fish Act, Cap. 197)*

IN EXERCISE of the powers conferred upon the Minister responsible for fisheries by section 35 of the Fish Act, these Rules are made this 29th day of June, 2010.

**1. Title**

These Rules may be cited as the Fish (Permanent Closed Areas) Rules, 2010.

**2. Closed areas**

(1) The Minister may, by Order in the Gazette, close or ban fishing activities at any landing site, fishing ground, fish market or on a fisheries vessel for a specified period of time or indefinitely.

(2) Except for recreational fishing, a person shall not fish for any species of fish within the Lacustrine Protected Area (LPA) which is the area between the coordinates in the waters of Lake Victoria set out in the Schedule without a permit issued by the Chief Fisheries Officer.

(3) For the avoidance of doubt, a recreational permit is required for fishing in the area set out in the Schedule.

**3. Offence**

Any person who contravenes rule 2 commits an offence under the Fish Act and is liable on conviction to a fine not exceeding one hundred and twenty thousand shillings.

**4. Revocation of S.I. 41 of 2009 and S.I. 43 of 2009**

The Fish (Permanent Closed Sections) Order, 2009 and the Fish (Closed Area) Rules, 2009 are revoked.

## SCHEDULE

*Rule 2*

### CLOSED AREAS

Name of Island	Latitude	Longitude	comments
Makusa Island	N 00o 09' 1.0"	E 32o 38' 0.5"	Entire Island within LPA
Sanga Island	N 00o 04' 34.0"	E 32o 39' 23.5"	Entire Island within LPA
Kawanga Lighthouse	N 00o 02' 35.0"	E 32o 46' 34.5"	Entire Island within LPA
Tavu Island	S 00o 02' 19.8"	E 32o 41' 50.8"	Entire Island within LPA
Kimmi Island	S 00o 05' 08.7"	E 32o 38' 55.5"	Lines to and from this point only
Kizima Island	S 00o 01' 08.7"	E 32o 37' 54.3"	Entire Island LPA
Miru Island	N 00o 01' 588.5"	E 32o 35' 12.0"	Entire Island LPA
Mukusa Island	N 00o 09' 01.0"	E 32o 38' 10.5"	Entire Island within LPA

HON. HOPE MWESIGYE,  
*Minister of Agriculture, Animal Industry and Fisheries.*

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 53 Volume CIII dated 3rd September, 2010.*

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**Act 16**                      *Local Governments (Amendment) Act*                      **2010**

**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2010**

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**ARRANGEMENT OF SECTIONS**

*section*

1. Amendment of section 7 of the Local Governments Act Cap. 243
2. Amendment of section 10 of principal Act
3. Amendment of section 11 of the principal Act
4. Amendment of section 18 of the principal Act
5. Amendment of section 23 of principal Act
6. Amendment of subsection 35 of principal Act
7. Amendment of section 47 of principal Act
8. Insertion of new section 51A
9. Amendment of section 54 of principal Act
10. Amendment of section 55 of principal Act
11. Amendment of Section 62 of the principal Act
12. Amendment of section 64 of the principal Act
13. Replacement of section 68 of the principal Act
14. Replacement of section 70 of the principal Act
15. Amendment of section 82 of the principal Act
16. Amendment of section 83 of the principal Act
17. Insertion of new section 85A
18. Amendment of section 86 of the principal Act
19. Replacement of section 94A of the principal Act
20. Replacement of section 102(2) of the principal Act
21. Amendment of section 171 of the principal Act
22. Amendment of First Schedule of the principal Act
23. Amendment of Third Schedule of the principal Act.

**THE LOCAL GOVERNMENTS (AMENDMENT) ACT, 2010**

**An Act to amend the Local Governments Act, to take account of a judgment of the Constitutional Court; to provide for payment of honoraria to chairpersons of village, parish and ward councils; relating to implementation of the Local Governments Act and to amend the Act to bring it into conformity with the Constitution and for other related matters.**

DATE OF ASSENT: 5th August, 2010.

*Date of Commencement:* 3rd September, 2010.

BE IT ENACTED by Parliament as follows:

**1. Amendment of section 7 of the Local Governments Act, Cap. 243**

The Local Governments Act, in this Act referred to as the principal Act is amended in section 7—

- (a) by inserting immediately after sub-section (2) the following—

“(2a) The Minister may, with the approval of Parliament declare an urban area a city in accordance with paragraph 32 of the Third Schedule to this Act.”

- (b) by substituting for subsections (6), (8) and (9) the following—

“(6) A sub-county or city division council may, within its area of jurisdiction with the approval of the district or city council and at the request of or in consultation with the relevant parishes or wards and with the approval of the Minister, alter the boundaries of or create a new parish or ward.

(8) A municipal division or town council may, within its area of jurisdiction and at the request of or in consultation with the relevant wards and with the approval of the Minister, alter the boundaries of or create a new ward.

(9) A parish or ward council may, with the approval of a sub-county, division or town council and at the request of or in consultation with the relevant villages as the case may be and with the approval of the Minister, alter the boundaries of or create a new village.”

## **2. Amendment of section 10 of principal Act**

The principal Act is amended in section 10—

(a) in subsection(1)(f)—

(i) by substituting for “elderly persons” the words “older persons”; and

(ii) by substituting for “association of the elderly” the words “Council of older persons”

(b) by inserting immediately after paragraph (f) the following new paragraph—

“(g) the chairperson of district women council and chairperson of subcounty women council who shall be ex-officio members of the councils.”

(c) by substituting for subsection (2) the following—

“(2) A member of Parliament may attend meetings of a local council in his or her own district and constituency as an *ex-officio* member of the council.”

**3. Amendment of section 11 of the principal Act**

Section 11 of the principal Act is amended—

- (a) by substituting for sub-section (6c) the following—

“(6c) A notice made under sub-section (6A) shall be submitted to the Minister or his or her representative by the Clerk to Council and the Minister, or his or her representative shall evaluate the notice for removal of the Speaker, and if satisfied that there are sufficient grounds for doing so, shall, within thirty days after receipt of the notice, convene or cause the convening of a meeting for the removal and election of a speaker” and

- (b) by inserting immediately after subsection (12) the following—

“(13) A deputy speaker of a district council shall be paid emoluments and allowances in accordance with the First Schedule to this Act.”

**4. Amendment of section 18 of the principal Act**

Section 18 of the principal Act is amended—

- (a) by inserting immediately after subsection (3) the following—

“(3a) where a person nominated to the executive committee is rejected by the council three times without reasonable grounds, the nomination of that person shall stand.”

- (a) by inserting immediately after subsection (6) the following—

“(7) Notwithstanding the provisions of this section, the district executive committee shall be constituted expeditiously and in any case not later three months after the first sitting of the council.”

**5. Amendment of section 23 of principal Act**

Section 23 of the principal Act is amended—

- (a) in subsection (6)—
  - (i) by substituting for “elderly persons” the words “older persons”;
  - (ii) by substituting for “associations of the elderly” the words “council of older persons”;
- (b) by inserting immediately after subsection (6) the following—

“(7) For the avoidance of doubt, any person representing the youth or persons with disability or older persons—

  - (a) may be chosen on the multiparty basis or as an independent; and
  - (b) shall be a person who is willing to serve in that capacity”

**6. Amendment of subsection 35 of principal Act**

Section 35 of the principal Act is amended by inserting immediately after subsection (3) the following—

“(4) The planning period for local governments shall be the same as that of the Central Government”.

**7. Amendment of section 47 of principal Act**

Section 47 (2) of the principal Act is amended by inserting immediately after paragraph (j) the following—

“(k) the chairperson of the council of older persons of the parish or village level who shall be the secretary of the Council of older persons.”

**8. Insertion of new section 51A**

The principal Act is amended by inserting immediately after section 51 the following—

**“Payment of honoraria to chairpersons of village, parish and ward councils**

51A A chairperson of a village, parish or ward council shall be paid honoraria in accordance with the First Schedule to this Act.”

**9. Amendment of section 54 of principal Act**

Section 54 of the principal Act is amended—

- (a) by inserting immediately after subsection (2A) the following—

“(2B) A member of a district service commission representing an urban authority shall be appointed by the district council on the recommendation of the urban council;

(2C) In the case of a district with more than one urban authority, executive committee members in that district shall recommend a member to be appointed to the district service commission by the district council;

(2D) A member of the district service commission representing persons with disabilities shall be appointed by the district council.

(2E) A district council shall appoint a district service commission within three months after the term of the district service commission expires and the Ministry responsible for local governments shall enforce compliance with this subsection.”

- (b) by inserting immediately after subsection (4)(c) the following—

“(d) failure to attend five consecutive meetings of the district service commission without reasonable cause”

**10. Amendment of section 55 of principal Act**

Section 55 of the principal Act is amended—

- (a) by inserting immediately after subsection (3) the following—

“(3a) When considering recruitment of accounting, internal audit and procurement staff, the district service commission shall use guidelines issued by the Public Service Commission”.

- (b) in subsection (4), by substituting for “of the relevant council” the words “by the accounting officer”;

- (c) by substituting for sub-section (7) the following—

“(7) three members of the district service commission or its specialized committees shall form a quorum at any of its meetings”.

**11. Amendment of Section 62 of the principal Act**

Section 62 of the principal Act is amended—

- (a) in subsection (1) by substituting the following—

“(1) The chief administrative officer shall assign a senior public officer at the rank of or above senior assistant secretary in the employment of the local government to perform the duties of clerk to the district council.”

- (b) in subsection (2) by substituting for “assistant chief administrative officer” the words “senior assistant secretary.”

**12. Amendment of section 64 of the principal Act**

Section 64 of the principal Act is amended by inserting immediately after subsection (3) the following—

“(3a) The chief administrative officer shall initiate disciplinary action and all submissions in respect of town clerks of town councils and town boards.”

### 13. Replacement of section 68 of the principal Act

For section 68 of the principal Act, there is substituted the following—

#### **“68. Removal of chief administrative officer and town clerks from office**

(1) The chief administrative officer, deputy chief administrative officer, town clerk of a city and town clerk of a municipality shall be removed from office in accordance with articles 188(2) and 200(4) of the Constitution respectively.”

(2) The town council may recommend the removal of a town clerk by a resolution supported by two-thirds of the council members on any of the following grounds—

- (a) abuse of office;
- (b) incompetence;
- (c) misconduct or misbehavior; or
- (d) such physical or mental incapacity as would render the town clerk incapable of performing the duties of the town clerk, as the case may be.

(3) Before passing a resolution under subsection (2), the council shall in writing, put its allegations to the town clerk who shall have the right to defend himself or herself before the council.

(4) Following the resolution of the council, to remove the town clerk, the clerk to the council shall forward the council's decision together with supporting documents to the chief administrative officer who shall immediately interdict the town clerk and require the town clerk to submit his or her written defence to the district service commission within fourteen days after receipt of the letter of interdiction.

(5) The district service commission shall conduct investigations into the allegations against the town clerk and take further appropriate action.

(6) The town clerk shall, during investigations under subsection (5), have a right to appear and defend himself or herself before the district service commission.

(7) On receipt of the letter of interdiction, the town clerk shall hand over to an officer designated by the chief administrative officer.

(8) Where the town clerk is dissatisfied with the decision of the district service commission he or she may appeal to the Public Service Commission.”

#### **14. Replacement of section 70 of the principal Act**

For section 70 of the principal Act, there is substituted the following—

##### **“70. Resident district commissioner**

(1) There shall be for each district, a resident district commissioner who shall be appointed by the President

(2) For a person to be appointed a resident district commissioner he or she shall be a citizen of Uganda and qualified to be a member of Parliament.

(3) The functions of a resident district commissioner are—

(a) to monitor the implementation of central and local government services in the district;

(b) to act as chairperson of the district security committee of the district; and

- (c) to carry out such other functions as may be assigned by the President or prescribed by Parliament by law”.

**15. Amendment of section 82 of the principal Act**

Section 82(4) of the principal Act is amended by substituting for “fifteenth day of June” the words “thirtieth day of June”.

**16. Amendment of section 83 of the principal Act**

Section 83 of the principal Act is amended in subsection (6) by inserting after “city” the words “city division”;

**17. Insertion of new section 85A**

The principal Act is amended by inserting immediately after section 85 the following—

**“85A Salaries and gratuities to be paid out of Consolidated Fund**

Salaries and gratuities of political leaders of local governments shall be paid out of the consolidated fund.”

**18. Amendment of section 86 of the principal Act**

Section 86 of the principal Act is amended by substituting for “four months” the words “three months”.

**19. Replacement of section 94A of the principal Act**

For section 94A of the principal Act, there is substituted the following—

**“94A Municipal or city division contracts committees**

(1) A municipal or city division council shall establish a municipal or city division contracts committee to serve the municipality or city division.

(2) A municipal or city division contracts committee shall also cater for the procurement of municipal or city division and other lower local government councils within its jurisdiction.

(3) A municipal or city division contracts committee shall comprise a chairperson and four other members nominated by a town clerk from among the public officers of the district or city employed in the municipality or city division and approved by the Secretary to the Treasury.

(4) A municipal or city division contracts committee shall seek the services of the district legal advisor in the execution of its work.

(5) The quorum at any meeting of the municipal or city division contracts committee is three including the chairperson.

(6) In the absence of the chairperson, the members of the municipal or city division contracts committee present shall elect a person from among their number to preside over the meeting.

(7) Members of a municipal or city division contracts committee shall hold office for three years and shall be eligible for reappointment for only one more term.

(8) Members of the municipal or city division contracts committee shall be appointed with due regard to their technical competence and skills required for the discharge of the functions of the contracts committee.”

## **20. Replacement of section 102(2) of the principal Act**

For section 102(2) of the principal Act there is substituted the following—

“(2) A person appointed a returning officer shall be a person of high moral character and proven integrity and shall not be a local government officer”.

**21. Amendment of section 171 of the principal Act**

Section 171 of the principal Act is amended by substituting for section 171 the following—

**“By-elections**

171(1) Where the office of a chairperson becomes vacant, the chief administrative officer shall within twenty-one days notify the Electoral Commission; and the commission shall organise a by-election six months from the occurrence of the vacancy.

(2) Any chief administrative officer who fails to report to the Electoral Commission within one month from the date the office fell vacant, commits an offence and is liable on conviction to a fine not exceeding five currency points or imprisonment not exceeding three months or both.

(3) A person elected chairperson under subsection (1) shall hold office for the period covering the unexpired term of the council.

(4) Where the seat of a councilor becomes vacant under regulation 3 of the Third Schedule to this Act, the chief administrative officer shall notify the Electoral Commission in writing within twenty-one days after the vacancy occurred and the commission shall organise a by-election within six months after the occurrence of the vacancy.

(5) Where the seat of a chairperson of a subcounty council, town council, municipal division, municipal council or city division becomes vacant, the chief administrative officer shall notify the district registrar within twenty-one days after the occurrence of the vacancy and the Electoral Commission shall organise a by-election within six months after the occurrence of the vacancy.

(6) For the purposes of this section the parish chief shall report to the subcounty chief any vacancy occurring in a parish or village council within ten days after the occurrence of the vacancy for onward transmission to the district registrar and the Electoral Commission shall organise a by-election within six months after the occurrence of the vacancy to fill the vacancy.

(7) Notwithstanding anything in this section, by-election shall not be held where the term of the council to which the vacancy relates has less than six months to expire.

(8) A by-election for local government councils shall not be held where a vacancy occurs within six months to the general elections of local councils.”

## **22. Amendment of First Schedule of the principal Act.**

The First Schedule to the principal Act is amended—

(a) in regulation 1 by inserting the words "deputy speakers" immediately after the word "speakers";

(b) by inserting immediately after regulation 2A the following—

### **“2AA. Honoraria of chairpersons of village, parish and ward councils.**

Honoraria of chairpersons of village, parish and ward councils shall be paid from the consolidated fund.”

## **23. Amendment of the Third Schedule to the principal Act.**

The Third Schedule to the principal Act is amended by inserting immediately after regulation (3)(b) the following—

“(ba) if that person leaves the political party for which he or she stood as a candidate for election to the council to join another party or to remain in the council as an independent member.”

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 53 Volume CIII dated 3rd September, 2010.*

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**Act 17**

*Trademarks Act*

**2010**

THE TRADEMARKS ACT, 2010.

ARRANGEMENT OF SECTIONS.

*Section.*

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**SCHEDULE**

Currency point

**THE TRADEMARKS ACT, 2010**

**An Act to consolidate the law relating to trademarks; to repeal and replace the Trademarks Act; to provide for the appointment of a registrar; for the registration of trademarks; for the procedure for and duration of registration; for the effect of registration and action for infringement of a trademark; for the use and non use of a trademark; for fees; for legal proceedings and appeals; for trademark offences; for regulations and for related matters.**

DATE OF ASSENT: 9th August, 2010.

*Date of Commencement:* 3rd September, 2010.

BE IT ENACTED by Parliament as follows—

**PART I—PRELIMINARY****1. Interpretation.**

(1) In this Act, unless the context otherwise requires—

“assignment” means assignment or transfer of rights and liabilities under this Act;

“board” the board of directors established under the Uganda Registration Services Bureau Act;

“certification mark” means the mark referred to in section 13;

“court” means the High Court;

“currency point” has the meaning given to it in the Schedule;

“limitation” means any limitation of the exclusive right to the use of a trademark given by the registration of a person as owner of the trademark, including limitation of that right as to mode of use, in relation to goods to be sold or otherwise traded in, in any place in Uganda, or in relation to goods to be exported to any market outside Uganda;

“Minister” means the Minister responsible for justice;

“passing off” means falsely representing one’s own product as that of another in an attempt to deceive potential buyers;

“permitted use” has the meaning assigned to it by section 49 (2);

“register” means the register of trademarks kept under section 2;

“registered trademark” means a trademark that is registered under Part III of this Act;

“registrar” means an officer designated as registrar of trademarks under the Uganda Registration Services Bureau Act;

“sign or mark” includes any word, symbol, slogan, logo, sound, smell, colour, brand label, name, signature, letter, numeral or any combination of them;

“surname” means a name by which a person is customarily known by members of the community to which he or she belongs;

“trademark” means, a sign or mark or combination of signs or marks capable of being represented graphically and capable of distinguishing goods or services of one undertaking from those of another undertaking;

“transmission” means devolution by operation of law, devolution on the personal representative of a deceased person or any other mode of transfer not being an assignment.

(2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark.

PART II—REGISTER OF TRADEMARKS.

**2. Register of trademarks.**

(1) The registrar shall maintain in his or her office a manual register of trademarks.

(2) The registrar may also maintain an electronic register of trademarks subject to prescribed safeguards.

(3) The register shall contain—

(a) all registered trademarks with the names, addresses and descriptions of their owners;

(b) registered users, notifications of assignments and transmissions, disclaimers, conditions, limitations and other matters relating to registered trademarks as may be prescribed.

(4) The register shall be divided into two parts called Part A and Part B respectively.

(5) A record of particulars or other matter made using electronic form for the purpose of keeping the register shall be taken to be an entry in the register.

(6) The register shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed.

(7) The register shall be kept under the control and management of the registrar.

**3. Copies and extracts from the register.**

(1) A person who applies for a certified copy of an entry in the register or a certified extract from the register shall be entitled to obtain the copy or extract in documentary form or otherwise on payment of a prescribed fee.

(2) In this section “certified copy” or “certified extract” means a copy or extract certified by the registrar and sealed with the seal of the registrar.

## PART III—PROCEDURE AND DURATION OF REGISTRATION

**4. Protectable subject matter.**

(1) A sign or combination of signs, capable of distinguishing goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark.

(2) Where a sign is not inherently capable of distinguishing the relevant goods or services, qualification for registration shall depend on distinctiveness acquired through use.

(3) A sign shall be capable of graphical representation in order to be registered.

**5. Applicant for registration of a trade mark to conduct a search.**

A person who intends to apply for the registration of a trademark shall carry out a search to ascertain whether the trademark exists in the register upon payment of a prescribed fee.

**6. Preliminary advice by registrar as to distinctiveness.**

(1) A person who intends to apply for the registration of a trademark may obtain advice from the registrar as to whether the proposed trademark appears to the registrar to be inherently adapted to distinguish or capable of distinguishing goods or services of the proposed undertaking from those of other undertakings and the registrar shall advise accordingly.

(2) A person seeking advice under subsection (1) shall apply in the prescribed manner.

**7. Application for registration.**

(1) A person who claims to be the owner of a trademark used or proposed to be used by him or her and is desirous of registering it shall apply in writing to the registrar in the prescribed form for registration in Part A or Part B of the register.

(2) Subject to this Act, the registrar may—

(a) refuse the application; or

(b) accept it absolutely or subject to amendments, modifications, conditions or limitations, as he or she may deem fit.

(3) In the case of an application for registration of a trademark in Part A of the register, other than a certification mark, the registrar may with consent of the applicant, instead of refusing the application, treat it as an application for registration in Part B and deal with the application accordingly.

(4) In the case of a refusal or conditional acceptance, the registrar shall, state in writing the grounds for his or her decision.

(5) A person aggrieved by the decision of the registrar may appeal to the court.

(6) An appeal under this section shall be made in the prescribed form and the court shall upon hearing the applicant and the registrar make an order determining whether and subject to what amendments, modifications, conditions or limitations, the application is to be accepted.

(7) Appeals under this section shall be heard only on the grounds stated by the registrar and no further grounds of objection to the acceptance of the application shall be allowed to be made by the registrar other than those stated under subsection (4) except by leave of the court.

(8) Where any further grounds of objection are allowed by the court, the applicant may withdraw his or her application without payment of costs, on giving notice as prescribed.

(9) The registrar or the court may at any time whether before or after acceptance, correct any error in or in connection with the application or may permit the applicant to amend his or her application upon terms as the registrar or the court, may think fit.

**8. Trademark to be for particular goods or services.**

(1) A trademark relating to goods or services shall be registered in respect of particular goods or classes of goods.

(2) A question arising as to the class within which goods or services fall shall be determined by the registrar.

**9. Distinctiveness requisite for registration under Part A.**

(1) In order for a trademark other than a certification mark to be registered in Part A of the register, the trademark shall contain or consist of at least one of the following essential particulars—

- (a) the name of a company, individual or firm, represented in a special or particular manner;
- (b) the signature of the applicant for registration or of some predecessor in his or her business;
- (c) an invented word or invented words;
- (d) a word or words having no direct reference to the character or quality of the goods or services, and not being according to its ordinary signification, a geographical name or a surname; or
- (e) any other distinctive mark, but a name, signature or word or words, other than words within the descriptions in paragraphs (a), (b), (c) and (d), shall not be registrable under this paragraph except upon evidence of its distinctiveness.

(2) For the purposes of this section, “distinctive” means—

- (a) in the case of a trademark relating to goods, adapted in relation to the goods in respect of which the trademark is registered or proposed to be registered, to distinguish goods with which the owner of the trademark is or may be connected, in the course of trade, from goods in the case of which no connection subsists; or
- (b) in the case of a trademark relating to services, adapted in relation to services in respect of which the trademark is registered or proposed to be registered, to distinguish services with which the owner of the trademark is or may be connected in the course of trade, from services with the provision of which he or she is not connected, generally or, where the trademark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trademark is adapted to distinguish as goods or services, the registrar or the court may have regard to the extent to which—

- (a) the trademark is inherently adapted to distinguish goods or services; and
- (b) by reason of the use of the trademark or of any other circumstances, the trademark is in fact adapted to distinguish goods or services.

#### **10. Capability of distinguishing requisite for registration under Part B.**

(1) A trademark relating to goods to be registered in Part B of the register shall be capable, in relation to the goods in respect of which it is registered or proposed to be registered, of distinguishing goods with which the owner of the trademark is or may be connected in the course of trade from goods in the case where no connection subsists, generally or, where the trademark is registered or proposed to be registered subject to limitations, in relation to the use within the extent of the registration.

(2) A trademark relating to services to be registered in Part B of the register shall be capable, in relation to services in respect of which it is registered or proposed to be registered, of distinguishing services with the provision of which the owner of the mark is or may be connected in the course of business from services with the provision of which he or she is not so connected generally or, where the trademark is registered or proposed to be registered subject to limitations, in relation to use within the extent of the registration.

(3) In determining whether a trademark is capable of distinguishing goods or services, the registrar or court may have regard to the extent to which—

- (a) the trademark is inherently capable of distinguishing goods or services; and
- (b) by reason of the use of the trademark or of any other circumstances, the trademark is in fact capable of distinguishing goods or services.

(4) A trademark may be registered in Part B notwithstanding any registration in Part A in the name of the same owner of the same trademark or a part or parts of the trademark.

## **11. Publication of application.**

(1) Where an application for registration of a trademark has been accepted absolutely or subject to conditions or limitations, the registrar shall, as soon as possible, cause the application, to be published in the prescribed manner for 60 days and the publication shall set forth all conditions and limitations subject to which the application is accepted.

(2) The registrar may cause an application to be published before acceptance where—

- (a) it is made under section 9 (1)(e); or
- (b) it is expedient by reason of exceptional circumstances to publish.

(3) Where an application has been published, the registrar may, if he or she thinks fit, publish it again when it has been accepted but is not obliged to do so.

## **12. Objection to registration.**

(1) A person may, within the prescribed time from the date of publication of an application, give notice to the registrar of objection to the registration.

(2) The notice shall be given in writing in the prescribed manner and shall include a statement of the grounds of objection.

(3) The registrar shall send a copy of the notice to the applicant and within the prescribed time after receipt, the applicant shall send to the registrar, in the prescribed manner, a counter statement of the grounds on which he or she relies for his or her application and if he or she does not do so, he or she shall be taken to have abandoned his or her application.

(4) If the applicant sends a counter-statement, the registrar shall furnish a copy of the counter statement to the person giving notice of objection and shall, after hearing the parties, if so required and considering the evidence, decide whether and subject to what conditions or limitations registration is to be permitted.

(5) A person aggrieved by the decision of the registrar may appeal to court.

(6) An appeal under this section shall be made in the prescribed form.

(7) On appeal the court shall, if required, hear the parties and the registrar and shall make an order determining whether and subject to what conditions or limitations registration is to be permitted.

(8) On hearing of an appeal under this section any party, may, either in the manner prescribed or by special leave of the court, bring forward further material for the consideration of the court.

(9) On an appeal under this section no further grounds of objection to the registration of a trademark shall be allowed to be taken by the person objecting or the registrar, other than those stated by the person objecting, except by leave of the court.

(10) Where any further grounds of objection are taken, the applicant is entitled to withdraw his or her application without payment of the costs of the person objecting on giving notice as prescribed.

(11) On hearing the appeal, the court may permit the trademark proposed, to be registered and modified in a manner not substantially affecting its identity and the modified trademark shall be published in the prescribed form before being registered.

(12) Where a person who gives notice of an objection or an applicant who sends a counter statement after receipt of a copy of a notice or an appellant, does not reside or carry on business in the East African Community, the court or the registrar may require him or her to give security for costs of the proceedings before the court or the registrar relating to the objection or to the appeal, as the case may be, and if the security is not given may treat the objection or application or the appeal as abandoned.

### **13. Marks registrable as certification marks.**

(1) A mark adapted in relation to any goods to distinguish, in the course of trade, goods certified by a person in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic, from goods not certified shall be registrable as a certification mark in Part A or Part B of the register in respect of those goods in the name of that person as owner.

(2) A mark shall not be registrable under subsection (1) in the name of a person who carries on a trade in goods of the kind certified.

(3) A mark adapted in relation to any services to distinguish in the course of business services certified by any person in respect of quality, accuracy or other characteristic, from services certified, shall be registrable as a certification mark in Part A of the register in respect of those services in the name of that person.

(4) A mark shall not be registrable under subsection (3) in the name of a person who is connected in the course of business with the provision of services of the kind certified.

(5) In determining whether a mark is adapted to distinguish goods or services, the registrar may have regard to the extent to which—

- (a) the mark is inherently adapted to distinguish goods or services in relation to the goods or services in question; and
- (b) by reason of the use of the mark or of any other circumstances, the mark is in fact adapted to distinguish goods or services in relation to the goods or services in question.

(6) The fact that a mark consists of signs or indications which may serve, in trade, to designate the geographical origin of goods or services shall not preclude it from being registered as a certification trademark in Part A of the register in respect of those goods or services.

(7) Nothing in this Act shall entitle the owner of a certification trademark that consists of signs or indications described in subsection (6) to interfere with or restrain the use by any person of signs or indications the use of which is in accordance with honest practices in industrial or commercial matters.

#### **14. Application for registration of a certification mark.**

(1) An application for the registration of a mark under section 13 shall be made to the registrar in writing in the prescribed manner by the person proposed to be registered as the owner.

(2) An applicant for the registration of a mark under this section shall send to the registrar draft regulations for governing the use of the mark, which shall include provisions as to the cases in which the owner is to certify goods or services and to authorise the use of the mark and may contain other provisions that the registrar may require or permit to be inserted including provisions conferring a right of appeal to the registrar against any refusal of the owner to certify goods or services or to authorise the use of the mark in accordance with the rules.

(3) The rules, if approved, shall be deposited with the registrar and shall be open to inspection in the same manner as the register.

(4) The registrar shall consider the application with regard to the following matters—

- (a) whether the applicant is competent to certify the goods or services in respect of which the mark is to be registered;
- (b) whether the draft rules are satisfactory; and
- (c) whether in all the circumstances the registration applied for would be to the public advantage; and may either—
  - (i) refuse to accept the application; or
  - (ii) accept the application and approve the regulations, without modification or subject to conditions or limitations or to any amendments or modifications of the application or of the rules, which he or she may think necessary having regard to the matters in this subsection.

(5) Except where the registrar accepts and approves the application without modifications and conditions, he or she shall not decide the matter without giving the applicant an opportunity to be heard.

(6) Sections 7(2) and (4) to (7) shall have effect in relation to an application under this section as they have effect in relation to an application under section 7(1).

(7) In dealing with an application under this section the court shall have regard to similar considerations, so far as relevant, as if the application were an application under section 7 and to any other considerations relevant to applications under this section, including the desirability of securing that a certification mark comprises some indication that it is a certification mark.

(8) A person aggrieved by the decision of the registrar under this section may appeal to court.

**15. Publication of application, objection to registration of certification marks.**

(1) Where an application for the registration of a certification mark has been accepted absolutely or subject to conditions and limitations, the registrar shall cause the applicant to publish it in the prescribed manner and section 12 shall have effect in relation to the registration of the mark as if the application had been an application under section 7(1).

(2) In deciding under the provisions referred to in subsection (1), the registrar shall have regard only to the considerations referred to in section 13(3) and a decision under those provisions in favour of the applicant shall be conditional on the determination in his or her favour by the registrar under section 13(7) of any objection relating to the matters referred to in section 13(6).

(3) Where notice of objection is given relating to the matters referred to in section 13(4), the registrar shall, after hearing the parties, decide whether and subject to what conditions and limitations or amendments or modifications of the application or of the regulations, registration is to be permitted.

**16. Registration.**

(1) When an application for registration of a trademark in Part A or in Part B of the register has been accepted and—

- (a) the application has not been objected to and the time for notice of the objection has expired; or
- (b) the application has been objected to and the objection has been decided in favour of the applicant,

the registrar shall, unless the application has been accepted in error, register the trademark in Part A or Part B, and the trademark, when registered, shall be registered from the date of the application for registration and that date shall be taken to be the date of registration.

(2) On the registration of a trademark, the registrar shall issue to the applicant a certificate in the prescribed form of the registration signed by him or her and under the seal of the registrar.

(3) Where registration of a trademark is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless it is completed within the time specified for the purpose in the notice.

### **17. Alteration of deposited rules or expunging or varying of entry in register relating to certification mark.**

(1) The rules deposited in respect of a certification mark may under section 14, on the application of the registered owner, be altered by the registrar.

(2) The registrar may, before granting an application, cause it to be published.

(3) Where it appears to the registrar to be expedient and within the prescribed time from the date of the publication if a person gives notice to the registrar of objection to the application, the registrar shall not decide the matter without giving the parties an opportunity of being heard.

(4) On application to the court by an aggrieved person in the prescribed manner and subject to section 62, the registrar or on application by the registrar to the court, the court may make an order as it thinks fit for expunging or varying an entry in the register relating to a certification mark or for varying the deposited regulations, on the ground that—

- (a) the owner is no longer competent, in the case of any of the goods or services in respect of which the trademark is registered, to certify those goods or services;
- (b) the owner has failed to observe a provision of the deposited regulations to be observed on his or her part;

- (c) it is no longer to the public advantage that the trademark should be registered; or
- (d) it is necessary for the public advantage that, if the trademark remains registered, the rules should be varied.

(5) The registrar shall rectify the register or the deposited rules in such manner as may be necessary to give effect to an order made under subsection (4)(a).

**18. Registration in Part A to be conclusive as to validity after seven years.**

(1) In all legal proceedings relating to a trademark registered in Part A of the register including applications under section 90, the original registration in Part A of the register of the trademark shall, after the expiration of seven years from the date of that registration, be taken to be valid in all respects, unless—

- (a) that registration was obtained by fraud; or
- (b) the trademark contravenes section 23(1).

(2) Notwithstanding sections 36 and 37, subsection (1) does not apply to a trademark registered under Part B of the register.

**19. Registration subject to disclaimer.**

(1) Where a trademark contains a part that is not separately registered by the owner as a trademark or if—

- (a) in the case of a trademark relating to goods it contains matter common to the trade or otherwise of a non-distinctive character; or
- (b) in the case of a trademark relating to services it contains matter common to the provision of services of that description or otherwise of non-distinctive character,

the registrar or the court, in deciding whether that trademark shall be entered or shall remain on the register, may require, as a condition of its being on the register—

- (i) that the owner shall disclaim any right to the exclusive use of any part of the trademark or to the exclusive use of all or a portion of any such matter, to the exclusive use of which the registrar or court holds him or her not to be entitled; or
- (ii) that he or she shall make such other disclaimer as the registrar or court may consider necessary for the purpose of defining his or her rights under that registration.

(2) A disclaimer on the register shall not affect rights of the owner of a trademark except where the disclaimer arises out of the registration of the trademark in respect of which the disclaimer is made.

## **20. Registration of jointly owned trademarks.**

(1) Where the relation between two or more persons interested in a trademark is that none of them is entitled to use the mark except—

- (a) on behalf of both or all of them; or
- (b) in relation to an article with which both or all of them are connected in the course of trade,

those persons may be registered as joint owners of the trademark and this Act shall have effect in relation to any rights to the use of the trademark vested in those persons as if those rights had been vested in a single person.

(2) Subject to subsection (1), nothing in this Act shall authorise the registration of two or more persons who use a trademark independently or propose to so use it, as joint owners.

## **21. Duration and renewal of registration.**

(1) The registration of a trademark shall be for a period of seven years and shall be renewable every ten years upon payment of a prescribed fee.

(2) The registrar shall, on application made by the registered owner of a trademark in the prescribed manner and within the prescribed period, renew the registration of the trademark.

## **22. Procedure on expiry of period of registration.**

(1) At the prescribed time before the expiration of the initial registration of a trademark, the registrar shall send the registered owner notice of the date of expiration of the trademark, the conditions as to payment of the prescribed fees and otherwise for renewal of registration.

(2) Where at the date of expiration of the registration the conditions referred to in subsection (1) have not been complied with, the registrar may remove the trademark from the register, subject to such conditions as to its restoration to the register as may be prescribed.

## **23. Restriction on registration.**

(1) The registrar shall not register as a trademark or part of a trademark any matter the use of which would be likely to deceive or would be contrary to law, morality or any scandalous design.

(2) The registrar shall not register as a trademark a word commonly used and accepted as a name of a single chemical element or compound, as distinguished from a mixture, relating to goods in respect of a chemical substance or preparation.

(3) The registration of any word referred to in subsection (2) in force at the commencement of this Act or any such registration after the commencement of this Act shall, notwithstanding section 18, be taken for the purposes of section 79 to be an entry made in the register without sufficient cause or an entry wrongly remaining on the register as the circumstances may require.

(4) This section shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the owner or a registered user of the trademark, as distinguished from the element or compound as made by others and in association with a suitable name or description open to public use.

(5) A sign shall not be registered as a trademark relating to goods if it consists exclusively of—

- (a) the shape that results from the nature of the goods themselves;
- (b) the shape of goods that is necessary to obtain a technical result; or
- (c) the shape that gives substantial value to the goods.

**24. Saving in respect of use of name, address or description of goods or services.**

The registration of a trademark shall not affect—

- (a) a bona fide use by a person of his or her own name or the name of his or her place of business or of the name of the place of business of any of his or her predecessors in business;
- (b) the bona fide use by a person of any description of the character or quality of his or her goods or services, not being a description that is likely to be taken as importing a reference mentioned in section 36(2)(b) or;
- (c) the bona fide use by a person of a description of the character or quality of his or her services, not being a description that is likely to be taken as importing a reference as mentioned in section 37(2)(b).

**25. Prohibition of registration of identical and resembling trademarks.**

(1) Subject to section 27, a trademark relating to goods shall not be registered in respect of goods or description of goods that is identical with or nearly resembles a trademark belonging to a different owner and already on the register in respect of—

- (a) the same goods;
- (b) the same description of goods; or
- (c) services or a description of services which are associated with those goods or goods of that description.

(2) Subject to section 26, a trademark relating to services shall not be registered in respect of services or description of services that is identical with or nearly resembles a trademark belonging to a different owner and already on the register in respect of—

- (a) the same services;
- (b) the same description of services; or
- (c) goods or a description of goods which are associated with those services or services of the description.

**26. Application for registration of identical or resembling trademarks.**

(1) Where separate applications are made by different persons to be registered by the owner as a trademark or if in the case of a trademark relating to—

- (a) goods it contains matter common to the trade or otherwise of a non-distinctive character; or
- (b) services it contains matter common to the provision of services of that description or otherwise of non-distinctive character,

the registrar or the court, in deciding whether the trademark shall be entered or shall remain on the register, may require, as a condition of its being on the register—

- (i) that the owner shall disclaim any right to the exclusive use of any part of the trademark or to the exclusive use of all or any portion of the matter, to the exclusive use of which the registrar or court holds him or her not to be entitled; or
- (ii) that he or she shall make such other disclaimer as the registrar or court may consider necessary for the purpose of defining his or her rights under the registration.

(2) A disclaimer on the register shall not affect rights of the owner of a trademark except where the disclaimer would arise out of the registration of the trademark in respect of which the disclaimer is made.

**27. Concurrent use.**

The registrar or court may permit the registration by more than one owner, in a case of honest concurrent use or other special circumstances in respect of—

- (a) the same goods or services;
- (b) the same description of goods or services;
- (c) goods and services or descriptions of goods and services which are associated with each other; or
- (d) trademarks that are identical or nearly resemble each other, subject to such conditions and limitations as the registrar or the court may impose.

**28. Status of trademarks removed from the register.**

(1) Where a trademark has been removed from the register for non-payment of the fee for renewal, it shall, for the purpose of an application for registration of a trademark during one year next after the date of the removal, be taken to be a trademark that is already on the register.

(2) Subsection (1) shall not have effect where the registrar or the court is satisfied either—

- (a) that there has been no bona fide trade use of the trademark that has been removed during the two years immediately preceding its removal; or
- (b) that no deception or confusion would be likely to arise from the use of the trademark that is the subject of the application for registration by reason of previous use of the trademark that has been removed.

**29. Associated trademarks.**

(1) Where a trademark relating to goods registered or that is the subject of an application for registration, in respect of any goods is identical with another trademark that is registered or is the subject of an application for registration, in the name of the same owner in respect of—

- (a) the same goods or description of goods; or
- (b) services that are associated with those goods or goods of that description or so nearly resembling it as to be likely to deceive or cause confusion if used by a person other than the owner,

the registrar may, at any time, require that the trademarks be entered on the register as associated trademarks.

(2) Where a trademark relating to services that are registered or subject of an application for registration, in respect of services identical with another trademark that is registered or is the subject of an application for registration, in the name of the same owner in respect of—

- (a) the same services or description of services; or
- (b) goods that are associated with those services or services of that description or so nearly resembling it as to be likely to deceive or cause confusion if used by a person other than the owner,

the registrar may at any time require that the trademarks be entered on the register as associated trademarks.

(3) On application made in the prescribed manner by the registered owner of two or more trademarks registered as associated trademarks, the registrar may dissolve the association as regards any of them if he or she is satisfied that there would be no likelihood of deception or confusion being caused if that trademark was used by another person in relation to any of the goods or services in respect of which it is registered and he or she may amend the register accordingly.

(4) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **30. Series of trademarks.**

(1) Where a person who claims to be the owner of several trademarks, in respect of the same goods or services or the same description of goods or services, seeks to register those trademarks and the trademarks resemble each other and the material particulars differ in respect of—

- (a) statements of the goods or services in relation to which they are respectively used or proposed to be used;
- (b) statements of number, price, quality or names of places;
- (c) other matter of a non-distinctive character which do not substantially affect the identity of the trademark; or
- (d) colour,

the trademarks may be registered as a series in one registration.

(2) All trademarks registered under subsection (1) shall be taken to be and shall be registered as associated trademarks.

(3) On application made in the prescribed manner by the registered owner of two or more trademarks registered as associated trademarks, the registrar may dissolve the association if he or she is satisfied that there would be no likelihood of deception or confusion being caused if that trademark were used by another person in relation to any of the goods or services in respect of which it is registered and may amend the register accordingly.

(4) A person aggrieved by the decision of the registrar shall appeal to the court.

### **31. Rights and exception of assignment, licensing and transmission of trademarks relating to goods or services.**

(1) A registered trademark relating to goods or services is assignable and transmissible in connection with the goodwill of a business or not.

(2) A registered trademark relating to goods or services shall be assignable and transmissible in respect of all the goods in respect of which it is registered or of some of those goods or services.

(3) Subsections (1) and (2) shall have effect in the case of an unregistered trademark used in relation to any goods or services as they have effect in the case of a registered trademark registered in respect of any goods or services, if at the time of the assignment or transmission of the unregistered trademark—

- (a) the mark is or was used in the same business as a registered trademark; and
- (b) the mark was assigned or transmitted at the same time and to the same person as that registered trademark and in respect of goods or services all of which are goods or services in relation to which the unregistered trademark was used in that business and in respect of which that registered trademark is or was assigned or transmitted.

(4) Notwithstanding subsections (1), (2) and (3), a trademark shall not be assignable or transmissible in a case in which as a result of an assignment or transmission there would in the circumstances subsist whether under the common law or by registration, exclusive rights in more than one of the persons concerned to the use, in relation to—

- (a) the same goods or services;
- (b) the same description of goods or services; or
- (c) goods or services or descriptions of goods or services which are associated with each other, of trademarks nearly resembling each other or of identical trademarks, if having regard to the similarity of the goods or services or the association of goods or services or descriptions of goods or services and to the similarity of the trademarks, the use of the trademarks in exercise of those rights, would be likely to deceive or cause confusion.

(5) Where a trademark is or has been assigned or transmitted as in subsection (3), the assignment or transmission shall not be taken to be invalid under this subsection if the exclusive rights subsisting as a result in the persons concerned respectively are, having regard to limitations imposed, not to be exercisable by two or more of those persons in relation to goods to be sold or otherwise traded in, within Uganda otherwise than for export or in relation to goods to be exported to the same market outside Uganda.

(6) The owner of a registered trademark who proposes to assign it in respect of goods or services in respect of which it is registered may submit to the registrar in the prescribed manner a statement of case setting out the circumstances and the registrar may issue him a certificate stating whether, having regard to the similarity of the goods or the association of the goods or services or descriptions of goods and to the similarity of the trademarks referred to in the case, the proposed assignment would or would not be invalid under subsection (4).

(7) A certificate issued shall, unless it is shown that the certificate was obtained by fraud or misrepresentation, be conclusive as to the validity under subsection (4) of the assignment in so far as the validity depends upon the facts set out in the case, but, as regards a certificate in favour of validity, only if application of the registration under section 17 of the title of the person becoming entitled is made within six months from the date on which the certificate is issued.

(8) Where an assignment in respect of goods or services of a trademark that is at the time of the assignment used in a business dealing in those goods or services, is made otherwise than in connection with the goodwill of that business, the assignment shall not take effect until the following requirements have been satisfied—

- (a) the assignee must, not later than the expiration of six months from the date on which the assignment is made or within an extended period as the registrar may allow, apply to him or her for directions with respect to the advertisement of the assignment; and

(b) shall advertise the assignment in the form and manner and within the period as the registrar may direct.

(9) A person aggrieved by the decision of the registrar under this section may appeal to court.

(10) For avoidance of doubt, the owner of a trademark may licence another person to use his or her trademark.

(11) The rights to a trademark shall be subject to transmission to the personal representative of the owner on his or her death.

### **32. Certain trademarks to be associated so as to be assignable as a whole.**

Trademarks that are registered as or that are taken to be associated trademarks by virtue of this Act, shall be assignable and transmissible only as a whole and not separately, but they shall for all other purposes be taken to have been registered as separate trademarks.

### **33. Registration of assignments and transmission.**

(1) Where a person becomes entitled by assignment or transmission to a registered trademark, he or she shall make an application to the registrar to register his or her title and the registrar shall, on receipt of the application and on proof of title to his or her satisfaction, register him or her as the owner of the trademark in respect of the goods or services of which the assignment or transmission has effect and shall cause particulars of the assignment or transmission to be entered on the register.

(2) A person aggrieved by the decision of the registrar under this section may appeal to court.

(3) Except for the purposes of an appeal under this section or of an application under section 79, a document or instrument in respect of which no entry has been made in the register in accordance with subsection (1), shall not be admitted in evidence in any court in proof of the title to a trademark unless the court otherwise directs.

## PART IV—EFFECT OF REGISTRATION AND ACTION FOR INFRINGEMENT

**34. No action for unregistered trademark.**

A person may not institute proceedings to prevent or to recover damages for an unregistered trademark.

**35. Passing off.**

Nothing in this Act shall be taken to affect a right of action against a person for passing off goods or services as the goods or services of another or the remedies in respect of the right of action.

**36. Rights given by registration of goods in Part A and infringement.**

(1) Subject to sections 41 and 24, the registration before or after the commencement of this Act, of a person in Part A of the register as owner of a trademark other than a certification mark in respect of any goods shall, if valid, give or be taken to have given to that person the exclusive right to the use of the trademark in relation to those goods.

(2) Without prejudice to the general effect of subsection (1), the right conferred by that subsection shall be taken to be infringed by a person who, not being the owner of the trademark or a registered user of the trademark uses by way of permitted use, a mark identical with or so nearly resembling it, as to be likely to deceive or cause confusion in the course of trade in relation to any goods of the same description where the use would result in a likelihood of confusion and in such a manner as to render the use of the mark likely to be taken—

- (a) as a trademark relating to goods; or
- (b) in a case in which the use of the goods or in physical relation to the goods or in any publishing circular or other publication issued to the public, as importing a reference to some person having the right as owner or as registered user of the trademark or to goods with which that person is connected in the course of trade.

(3) The right to the use of a trademark given by registration in Part A of the register, shall be subject to conditions or limitations entered on the register and shall not be taken to be infringed by the use of that mark in any mode, in relation to goods to be sold or otherwise traded in a place, in relation to goods to be exported to a market or in any circumstances, to which, having regard to the limitations, the registration does not extend.

(4) The right to the use of a trademark given by registration in Part A of the register shall not be taken to be infringed by the use of that mark by any person who—

- (a) in relation to goods connected in the course of trade with the owner or a registered user of the trademark if, as to those goods or a bulk of which they form part, the owner or the registered user conforming to the permitted use has applied the trademark and has not subsequently removed or obliterated it or has at any time expressly or impliedly consented to the use of the trademark; or
- (b) in relation to goods adapted to form part of or to be accessory to other goods, in relation to which the trademark has been used without infringement of the right given by registration in Part A of the register or might for the time being so used, if the use of the mark is reasonably necessary in order to indicate that goods are adapted and neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connection in the course of trade between a person and the goods.

(5) The use of a registered trademark relating to goods, being one of two or more registered trademarks relating to goods which are identical or nearly resemble each other, in exercise of the right to the use of that trademark given by registration in Part A of the register, shall not be taken to be an infringement of the right so given the use of any other of those trademarks.

**37. Rights given by registration of services in Part A and infringement.**

(1) Subject to sections 41 and 24, the registration of a person as owner of a trademark other than a certification trademark in respect of services, shall, give to that person in Part A of the register the exclusive right to the use of the trademark in relation to those services.

(2) Without prejudice to the general effect of subsection (1), the right conferred by subsection (1) shall be taken to be infringed by a person who, not being the owner of the trademark or a person authorised by the owner for that purpose, uses it in connection with the provision of any services a mark identical with or nearly resembling it, in relation to services in respect of which it is registered or in relation to services of the same description where the use would result in a likelihood of confusion and in such a manner as to render the use of the mark likely to be taken—

- (a) as a trademark relating to services; or
- (b) in a case in which the use is near the place where the services are available for acceptance or performed or in an advertising circular or other advertisement issued to the public as importing a reference to some person having a right either as owner or by his authorisation under the relevant regulations to use the mark or services with the provision of which that person is connected in the course of business.

(3) The right to the use of a trademark given by registration in Part A of the register shall be subject to conditions or limitations entered on the register and shall not be taken to be infringed by the use of that mark in any mode, in relation to services for use or available for acceptance in a place, country or territory or in any other circumstances, to which, having regard to the limitations, the registration does not extend.

(4) The right to the use of a certification mark given by registration in Part A of the register shall not be taken to be infringed by the use of that mark by a person who—

- (a) in relation to services to which the owner of the mark or a registered user conforming to the permitted use has applied the mark, where the purpose and effect of the use of the mark is to indicate, in accordance with the fact, that those services have been certified by the owner;
- (b) in relation to services the provision of which is connected in the course of business with the owner or the registered user of the mark, where the owner or registered user has at any time expressly or impliedly consented to the use of the mark; or
- (c) in relation to services available for use with other services in relation to which the mark has been used without infringement of the right given by registration or might for the time being be so used, if—
  - (i) the use of the mark is reasonably necessary in order to indicate that the services are available for that use; and
  - (ii) neither the purpose nor the effect of the use of the mark is to indicate otherwise than in accordance with the fact a connection in the course of business between a person and the provision of those services.

(5) The use of a registered trademark relating to services, being one or two or more registered trademarks relating to services that are identical or nearly resemble each other, in exercise of the right to the use of that trademark given by registration, shall not be taken to be an infringement of the right given to the use of any other of those trademarks.

### **38. Rights given by registration of goods in Part B and infringement.**

(1) Subject to subsection (2), the registration of a person in Part B of the register as owner of a trademark in respect of any goods shall, give or be taken to have given to that person a similar right in relation to those goods as if the registration had been in Part A of the register and section 36 shall have effect in a similar manner in relation to a trademark registered in respect of goods in Part B of the register as they have effect in relation to a trademark registered in Part A of the register.

(2) In an action for infringement of the right to the use of a trademark given by registration in Part B of the register, otherwise than by an act that is taken to be an infringement by virtue of section 34, an injunction or other relief shall not be granted to the plaintiff if the defendant establishes to the satisfaction of the court that—

- (a) the use of which the plaintiff complains is not likely to deceive or cause confusion; or
- (b) the use is not likely to be taken as indicating a connection in the course of trade between the goods and some person having the right either as owner or as registered user of the trademark.

**39. Rights given by registration of services in Part B and infringement.**

(1) Subject to subsection (2), the registration of a person in Part B of the register as owner of a trademark in respect of any services shall, give to that person a similar right in relation to those services as if the registration had been in Part A of the register and section 37 shall have effect in a similar manner in relation to a trademark registered in respect of services in Part B of the register as they have effect in relation to a trademark registered in Part A of the register.

(2) In an action for infringement of the right to the use of a trademark given by registration in Part B of the register otherwise than by an act that is taken to be an infringement by virtue of section 29, an injunction or other relief shall not be granted to the plaintiff if the defendant establishes to the satisfaction of the court that—

- (a) the use of which the plaintiff complains is not likely to deceive or cause confusion; or
- (b) the use is not likely to be taken as indicating that a person having the right either as owner; or as registered user to use the mark is connected in the course of business with the provision of the services.

**40. Infringement by breach of certain restrictions.**

(1) Where, by a contract in writing made with the owner or a permitted user of a registered trademark relating to goods or services a purchaser or owner of goods or services—

- (a) enters into an obligation to the effect that he or she will not do, in relation to the goods or services an act to which this section applies; and
- (b) the purchaser or owner of goods or services having notice of the obligation, does act or authorises it to be done, in relation to the goods or services, in the course of trade or with a view to any dealing in the course of trade,

the purchaser or owner of the goods or services shall be taken to infringe the right to the use of the trademark given by registration.

(2) Subsection (1) does not apply unless the person referred to as owner became the owner of the goods by purchase for money or money's worth in good faith before receiving notice of the obligation or by virtue of a title derived through another who became the owner.

(3) The acts to which this section applies are—

- (a) the applicant of the trademark upon the goods or services after they have suffered alteration in a manner specified in the contract as respects their state or condition, get-up or packing;
- (b) in a case in which the trademark is upon the goods or services, the alteration, part removal or part obliteration of the trademark;
- (c) in a case in which the trademark is upon the goods or services and there is also other matter, being matter indicating a connection in the course of trade between the owner or registered user and the goods or services, the removal or obliteration wholly or partly, of the trademark unless that other matter is wholly removed or obliterated;

- (d) in a case in which the trademark is upon the goods or services, the application of any other trademark to the goods or services; and
- (e) in a case in which the trademark is upon the goods, the addition to the goods or services of any other matter in writing that is likely to injure the reputation of the trademark.

(3) In this section, references in relation to goods or services to the owner, a registered user and to the registration of a trademark shall be construed respectively, as references to the owner in whose name the trademark is registered, a registered user who is registered and to the registration of the trademark, in respect of those goods or services and the expression “upon” includes in relation to any goods or services a reference to physical relation to the goods or services.

#### **41. Saving of vested rights.**

Nothing in this Act shall entitle the owner or a registered user of a registered trademark to interfere with or restrain the use by a person of a trademark identical with or nearly resembling it in relation to goods or services in relation to which that person or a predecessor in title has continuously used that trademark from a date before—

- (a) the use of the trademark in relation to those goods or services by the owner or a predecessor in title; or
- (b) the registration of the trademark in respect of those goods or services in the name of the owner or a predecessor in title, whichever is the earlier or to object on the use being proved to that person being put on the register for that identical or nearly resembling trademark in respect of those goods or services under section 27.

#### **42. Words used as name or description of an article or substance.**

(1) The registration of a trademark shall not be taken to have become invalid by reason only, of a use, after the date of the registration, of a word or words, which the trademark contains or of which it consists as the name or description of an article or substance.

(2) Where—

- (a) there is a well-known and established use of the word or words as the name or description of the article or substance by a person or persons carrying on a trade, not being used in relation to goods connected in the course of trade with the owner or a registered user of the trademark or in the case of a certification mark goods certified by the owner; or
- (b) the article or substance was formerly manufactured under a patent, and a period of two years or more after the expiry of the patent has elapsed and the word or words is or are the only practicable name or description of the article or substance,

subsection (3) shall have effect.

(3) Where the facts mentioned in subsections (2) (a) and (b) are proved with respect to a word or words, then—

- (a) if the trademark consists solely of that word or those words, the registration of the trademark, so far as regards registration in respect of the article or substance in question or any goods of the same description, shall be taken for the purposes of section 93 to be an entry wrongly remaining on the register;
- (b) if the trademark contains that word or those words, the registrar or the court, in deciding whether the trademark shall remain on the register, so far as regards registration in respect of the article or substance in question and of goods of the same description, may in case of a decision in favour of its remaining on the register, require that the owner shall disclaim a right to the exclusive use in relation to that article or substance and goods of the same description of that word or those words.

(4) A disclaimer under subsection (3)(b) on the register shall not affect rights of the owner of a trademark except the rights in respect of which the disclaimer is made.

(5) For the purposes of any other legal proceedings relating to the trademark if—

- (a) the trademark consists only of that word or those words referred to in subsection (3), all rights of the common law or by registration, to the exclusive use of the trademark in relation to the article or substance in question or to goods of the same description; or
- (b) the trademark contains that word or those words and other matter, all rights of the owner to the exclusive use of that word or those words in that relation,

shall be taken to have ceased on the date at which the use mentioned in subsection (1) first became well known and established or at the expiration of the period of two years referred to in subsection (2)(b).

(6) A word which is the commonly used and accepted name of any single chemical element or single chemical compound, as distinguished from a mixture, shall not be registered as a trademark in respect of a chemical substance or preparation.

(7) The registration of any word referred to in subsection (2) in force at the commencement of this Act or any such registration after the commencement of this Act shall, notwithstanding section 18, be taken for the purposes of section 89 to be an entry made in the register without sufficient cause or an entry wrongly remaining on the register as the circumstances may require.

(8) Sub-sections (1) to (4) shall not have effect in relation to a word which is used to denote only a brand or make of the element or compound as made by the owner or a registered user of the trademark, as distinguished from the element or compound as made by others and in association with a suitable name or description open to the public use.

#### **43. Words used as name or description of an activity.**

(1) The registration of a trademark relating to services shall not be taken to have become invalid by reason only of any use, after the date of registration, of a word or words, which the trademark contains or of which it consists, as the name or description of some activity.

(2) Where it is proved that there is a well known and established use of the word or words as the name or description of some activity by a person or persons providing services which include that activity, not being used in relation to services with the provision of which the owner or a registered user of the trademark is connected, in the course of business subsection (2) shall have effect.

(3) The facts mentioned in subsection (2) are proved with respect to any word or words, where—

- (a) the trademark consists solely of that word or those words, the registration of the trademark, so far as regards registration in respect of the activity in question, shall be taken for the purposes of section 4 to be an entry wrongly remaining on the register;
- (b) the trademark contains that word or those words and other matter, the registrar or the court, in deciding whether the trademark shall remain on the register, so far as regards registration in respect of the activity in question, may, in case of a decision in favour of its remaining on the register, require that the owner shall disclaim any right to the exclusive use in relation to that activity of that word or those words, that no disclaimer on the register shall affect any rights of the owner of a trademark except where the disclaimer arises out of the registration of the trademark in respect of which the disclaimer is made; and
- (c) for the purposes of any other legal proceedings relating to the trademark if—
  - (i) the trademark consists solely of that word or those words, all rights of the owner whether under the common law or by registration, to the exclusive use of the trademark in relation to the activity in question; or
  - (ii) the trademark contains that word or those words, all rights of the owner to the exclusive use of that word or those words,

shall be taken to have ceased on the date at which the use mentioned in subsection (2) first became well known and established.

**44. Protection of marks registered in a country of origin.**

(1) Subject to subsection (3), the registrar may refuse to register a trademark relating to goods in respect of goods or description of goods if it is proved to his or her satisfaction by the person opposing the application for registration that the mark is identical with or nearly resembles a trademark which is already registered in respect of—

- (a) the same goods;
- (b) the same description of goods; or
- (c) services or a description of services which are associated with those goods or goods of that description,

in a country or place from which the goods originate.

(2) Subject to subsection (3), the registrar may refuse to register any trademark relating to services in respect of any services or description of services if it is proved to his or her satisfaction by the person opposing the application for registration that the mark is identical with or nearly resembles a trademark which is already registered in respect of—

- (a) the same services;
- (b) the same description of services; or
- (c) goods or a description of goods which are associated with those services or services of that description,

in a country or place from which the services originate.

(3) An application to register shall not be refused under this section where—

- (a) the applicant proves that he or she or his or her predecessors in business have in Uganda, in relation to the goods or services, continuously used the trademark for the registration of which he or she has made application from a date before the date of the registration of the other mark in the country or place of origin; or

- (b) the person objecting does not give an undertaking to the satisfaction of the registrar that he or she will, within three months from the giving of the notice of objection, apply for registration in Uganda of the trademark registered in the country or place of origin and will take all necessary steps to complete the registration.

(4) The protection given under this section in respect of a trade mark in relation to goods and services originating from a country other than Uganda shall only be accorded if the country of origin of the goods and services accords to goods and services originating from Uganda the same treatment.

#### **45. Removal of trademark from register on proof of prior registration in country of origin.**

(1) Subject to subsection (3), the court may, on application in writing within seven years from the registration in Uganda of a trademark relating to goods by a person aggrieved by the registration, remove that trademark from the register if it is proved to the satisfaction of the court that the trademark is identical with or nearly resembles a trademark which was, prior to the registration in Uganda of the trademark, registered in respect of—

- (a) the same goods;
- (b) the same description of goods; or
- (c) services or a description of services which are associated with those goods or goods of that description,

in a country or place from which the goods originate.

(2) Subject to subsection (3), the court may, on application in writing made within seven years from the registration in Uganda of a trademark relating to services by a person aggrieved by the registration, remove that trademark from the register if it is proved to the satisfaction of the court that the trademark is identical with or nearly resembles a trademark which was, prior to the registration in Uganda of the trademark referred to subsection (1), registered in respect of—

- (a) the same services;
- (b) the same description of services; or
- (c) goods or a description of goods which are associated with those services or services of that description,

in a country or place from which the services originate.

(3) A trademark shall not be removed from the register under this section in the following cases if—

- (a) the owner of the trademark consented to the registration in Uganda of the trademark referred to in subsection (1); or
- (b) the owner of the trademark registered in Uganda proves that he or she or his or her predecessors in business have continuously used that trademark in Uganda in connection with the goods or services from a date before the date of the registration of the other trademark in the country or place of origin; or
- (c) the applicant does not prove—
  - (i) that within the five years immediately preceding the making of the application under this section, there has been bona fide use in connection with goods or services in Uganda of the trademark registered in the country or place of origin;
  - (ii) that the special circumstances of the trade or affecting the provision of the goods or services account for the non-use of that trademark in Uganda within the same period; or
  - (iii) that the trademark registered in the country or place of origin was first registered there within the period of five years,

and does not give an undertaking to the satisfaction of the registrar that he or she will within three months from the making of the application under this section apply for registration in Uganda of the trademark so registered in the country or place of origin and will take all necessary steps to complete the registration.

(4) The protection given under this section in respect of a trade mark in relation to goods and services originating from a country other than Uganda shall only be accorded if the country of origin of the goods and services accords to goods and services originating from Uganda the same treatment.

PART V—USE AND NON-USE OF A TRADEMARK.

**46. Removal from register and imposition of limitations on ground of non-use.**

(1) Subject to sections 47(1) and 48(1), a registered trademark may be removed from the register in respect of goods in respect of which it is registered, on application to the court by an aggrieved person and subject to section 67 on an application to the registrar, on the grounds that—

- (a) the trademark was registered without a bona fide intention on the part of the applicant for registration that it should be used in relation to those goods or services by him or her or, if it was registered under section 54(1), by a body corporate or registered user concerned and that there has in fact been no bona-fide use of the trademark in relation to those goods or services by any owner up to the date one month before the date of the application; or
- (b) at least one month prior to the date of the application a continuous period of three years or more elapsed during which the trademark was a registered trademark and during which there was no bona-fide use in relation to those goods or services by any owner.

(2) Except where—

- (a) the applicant has been permitted under section 25 (2) to register an identical or nearly resembling trademark in respect of the goods or services in question; or
- (b) the registrar is of the opinion that he or she might properly be permitted to register the a trademark,

the registrar may refuse an application made under subsection (1) in relation to goods or services, if it is shown that there has been, before the relevant date or during the relevant period bona fide use of the trademark by an owner in relation to goods of the same description, being goods in respect of which the trademark is registered.

(3) Where in relation to any goods in respect of which a trademark is registered—

- (a) the matters referred to in subsection (1) (b), are shown so far as regards non-use of the trademark in relation to goods to be sold or otherwise traded in a particular place otherwise than for export from Uganda or in relation to goods to be exported to a particular market outside Uganda; and
- (b) a person has been permitted under section 25(2) to register an identical or nearly resembling trademark in respect of those goods under a registration extending to use in relation to goods to be sold or otherwise traded in, in that place otherwise than export from Uganda or in relation to goods to be exported to that market or the registrar or the court is of opinion that he or she may properly be permitted to register the trademark,

on application by that person to the court and subject to section 68, to the registrar, as the case may be, the court or registrar may impose on the registration of the trademark limitations as the court or the registrar thinks proper for securing that the registration shall cease to extend to the use of that trademark.

(4) Where in relation to services in respect of which a trademark is registered—

- (a) the matters referred to in subsection (1) (b), are shown so far as regards non-use of the trademark in relation to services to be provided or otherwise available for acceptance in Uganda or in relation to services to be exported to a particular market outside Uganda; and

- (b) a person has been permitted under section 25 (1), to register an identical or nearly resembling trademark in respect of services under a registration extending to use in relation to services to be for use or available for acceptance in Uganda or for use in that country, territory or place or the court is of the opinion that he or she might be permitted to register the trademark,

on application by that person to the court and subject to section 69, to the registrar the court or registrar may impose on the registration of the trademark limitations as the court or the registrar thinks proper for securing that the registration shall cease to extend to the use of that trademark.

(5) An applicant is not entitled to rely for the purposes of subsection (1)(b), (3) or (4), on any non-use of a trademark that is shown to have been due to special circumstances in the trade and not to an intention not to use or to abandon the trademark in relation to the goods or services to which the application relates.

(6) The use of a trademark by another person shall be recognised as use of the trademark for the purpose of maintaining the registration subject to the control of the trademark owner.

(7) The use of a trademark in the course of trade shall not be unjustifiably encumbered by special requirements, such as use with another trademark, use in a special form or use in a manner detrimental to its capability to distinguish the goods or services of one undertaking from another.

#### **47. Defensive registration of trademarks relating to goods or services.**

(1) Where a trademark relating to goods or services and consisting of an invented word or invented words or a device or devices or a combination of them, has become so exceptionally well known as respects goods or services in respect of which it is registered and in relation to which it has been used that the use of that trademark in relation to other goods or to services or both, is likely to detract from its distinctive character in respect of the goods or services then, notwithstanding—

- (a) that the use would not be likely to be taken as indicating a connection in the course of trade between those other goods or services or those services or both, as the case may be and a person entitled to use the trademark in relation to the goods or services; and
- (b) that the owner registered in respect of the goods or services does not use or propose to use the trademark in relation to other goods or services or both, as the case may be and notwithstanding section 48, the trademark may, on the application in the prescribed manner of the owner registered in respect of the goods or services, be registered in his or her name in respect of other goods or services or both, as the case may be, as a defensive trademark and while registered, shall not be liable to be taken off the register in respect of those goods or those services under section 48.

(2) In determining whether a trademark relating to goods or services is exceptionally well known and whether its use in relation to other goods or to services or both, would be likely to detract from its distinctive character in respect of goods or services for which it is registered, the registrar shall have regard to all related circumstances, including—

- (a) the length of time the trademark has been in use;
- (b) the extent to which it has become well known in relation to the goods or services in respect of which it is registered;
- (c) the nature of those goods or services; and
- (d) whether the notoriety of the mark is limited because of its use on goods or services that do not have wide distribution.

(3) The registered owner of a trademark relating to goods or services may apply for the registration of a trademark in respect of goods or services as a defensive trademark notwithstanding that it is already registered in his name in respect of those goods or services otherwise than as a defensive trademark or may apply for the

registration in respect of any goods or services otherwise than as a defensive trademark notwithstanding that it is already registered in his name in respect of those goods or services as a defensive trademark, in place of the existing registration.

(4) Subject to this section and to sections 48 and 49, this Act shall apply in respect of the registration of trademarks relating to goods or services as defensive trademarks and of trademarks so registered as they apply in other cases.

**48. Removal of defensive trademarks from the register.**

(1) On application to the court by an aggrieved person and subject to section 63, to the registrar—

- (a) the registration under section 47(1) of a trademark as a defensive trademark may be cancelled—
  - (i) on the ground that the requirements of section 47(1) are no longer satisfied in respect of goods in respect of which the trademark is registered in the name of the same owner otherwise than as a defensive trademark; or
  - (ii) as regards any goods or services in respect of which it is registered as a defensive trademark on the ground that there is no longer any likelihood that the use of the trademark in relation to those goods or services would detract from its distinctive character in respect of the goods in section 47(1).
- (b) the registration under section 29(1) of a trademark as a defensive trademark may be cancelled—
  - (i) on the ground that the requirements of section 29(1) are no longer satisfied in respect of any services in respect of which the trademark is registered in the name of the same owner otherwise than as a defensive trademark; or

- (ii) as regards any services or goods in respect of which it is registered as a defensive trademark on the ground that there is no longer any likelihood that the use of the trademark in relation to those services or goods would detract from its distinctive character in respect of the services in section 51(1).

(2) The registrar may at any time cancel the registration as a defensive trademark in respect of goods or services or both, of a trademark of which there is no longer any registration in respect of goods or services in the name of the same owner otherwise than as a defensive trademark.

#### **49. Permitted user.**

(1) Subject to this section, a person other than the owner of a trademark may be registered as a permitted user in respect of all or any of the goods or services in respect of which it is registered otherwise than as a defensive trademark with or without conditions or restriction.

(2) The use of a trademark by a permitted user in relation to goods or services with which he or she is connected in the course of trade and in respect of which for the time being the trademark remains registered and he or she is registered as permitted user, complying with any conditions or restrictions to which his or her registration is subject, is in this Act referred to as the “permitted use”.

(3) The permitted use of a trademark shall be taken to be used by the owner of the trademark and shall be taken not to be used by a person other than the owner for the purposes of section 46 and for any other purpose for which the use is material under this Act.

(4) Subject to any agreement subsisting between the parties, a permitted user of a trademark is entitled to call upon the owner of the trademark to take proceedings to prevent infringement.

(5) Where the owner refuses or neglects to take proceedings within two months after being called upon, the permitted user may institute proceedings for infringement in his or her own name as if he or she were the owner making the owner a defendant.

(6) An owner added as defendant is not liable for any costs unless he or she files a written statement of defence and takes part in the proceedings.

(7) Where it is proposed that a person should be registered as a registered user of a trademark, the owner and the proposed registered user may apply to the registrar in the prescribed manner and shall furnish him or her with a statutory declaration made by the owner or by some person authorised to act on his or her behalf and approved by the registrar—

- (a) giving particulars of the relationship, existing or proposed, between the owner and the proposed registered user, including particulars showing the degree of control by the owner over the permitted use which their relationship will confer and whether it is a term of their relationship that the proposed registered user shall be the sole registered user or that there shall be any other restriction as to persons for whose registration as registered users application may be made;
- (b) stating the goods or services in respect of which registration is proposed stating—
  - (i) any conditions or restrictions proposed with respect to the characteristics of the goods or services, to the mode or place of permitted use or to any other matter;
  - (i) whether the permitted use is to be for a period or without limit of period and if for a period, the duration of the period,

together with further documents, information or evidence as may be required by the regulations or by the registrar.

(8) Where the requirements of subsection (7) have been complied with, if the registrar, after considering the information furnished to him or her under that subsection, is satisfied that in all the circumstances the use of the trademark in relation to the proposed goods or services or any of them by the proposed permitted user subject to any conditions or restrictions which the registrar thinks

proper, would not be contrary to the public interest, the registrar may register the proposed registered user as a registered user in respect of the goods or services as to which he or she is satisfied.

(9) The registrar shall refuse an application under subsection (6) if it appears to him or her that the grant of the application would tend to facilitate trafficking in a trademark.

(10) The registrar shall, if required by an applicant, take steps for securing that the information given for the purposes of an application under subsection (7) other than the matter entered in the register is not disclosed to rivals in trade.

**50. Variation or cancellation of registration as a registered user.**

(1) Without prejudice to section 79, the registration of a person as a registered user may be—

- (a) varied by the registrar as regards the goods or services in respect of which or any conditions or restrictions subject to which, it has effect, on application in the prescribed manner by the registered owner of the trademark to which the registration relates;
- (b) cancelled by the registrar on application in the prescribed manner by the registered owner or by the registered user or by any of other registered user of the trademark; or
- (c) cancelled by the registrar on application in the prescribed manner by a person on any of the following grounds that—
  - (i) the registered user has used the trademark otherwise than by way of the permitted use or in such a way as to cause or to be likely to cause, deception or confusion;
  - (ii) the owner or the registered user misrepresented or failed to disclose some fact material to the application for the registration or that the circumstances have materially changed since the date of the registration; or

- (iii) the registration ought not to have been effected having regard to rights vested in the applicant by virtue of a contract in the performance of which he or she is interested.

(2) The registrar may at any time cancel the registration of a person as a registered user of a trademark in respect of any goods or services in respect of which the trademark is no longer registered.

**51. Notification of registration as registered user and or application for variation or cancellation of the registration.**

The registrar shall—

- (a) cause to be notified the registration of a person as a registered user of a trademark to any other registered user of the trademark;
- (b) cause notice of an application under section 54 to be given to the registered owner and each registered user of the trademark not being the applicant;
- (c) give to the applicant on application and to all person to whom the application is notified and who intervene in the proceedings in accordance with the regulations an opportunity of being heard.

**52. Registrar's decision under section 50 and 51 subject to appeal.**

A person aggrieved by the decision of the registrar under sections 50 and 51 may appeal to the court.

**53. Proposed use of trademarks by corporation to be construed.**

(1) An application for the registration of a trademark in respect of any goods or services shall not be refused, and permission for the registration shall not be withheld, on the ground only that it appears that the applicant does not use or propose to use the trademark where—

- (a) the court or the registrar is satisfied that a body corporate is about to be constituted and that the applicant intends to assign the trademark to the body corporate with a view to the use the trademark in relation to those goods or services by the body corporate; or

- (b) the application is accompanied by an application for the registration of a person as a registered user of the trademark and the registrar or the court is satisfied that the owner intends it to be used by that person in relation to those goods or services and the registrar or the court is also satisfied that that person will be registered as a registered user immediately after the registration of the trademark.

(2) Section 46 shall have effect, in relation to a trademark registered under the power conferred by subsection (1)(b), as if for the reference, in section 46(3)(b), to intention on the part of an applicant for registration that a trademark should be used by him or her there were substituted a reference to intention on his or her part that it should be used by the body corporate or registered user concerned.

(3) The court or the registrar may, as a condition of the exercise of the power conferred by subsection (1) in favour of an applicant who relies on intention to assign to a body corporate under subsection (1)(a), require him or her to give security for costs of any proceedings before the court or the registrar relating to any objection or appeal; and in default of the security being duly given may treat the application as abandoned.

(4) Where a trademark is registered in respect of any goods or services under the power conferred by subsection (1), the name of an applicant who relies on an intention to assign to a body corporate, then, unless within the prescribed period or within such further period not exceeding six months as the registrar may on application being made to him or her in the prescribed manner allow the body corporate which has been registered as the owner of the trademark in respect of those goods or services, the registration shall cease to have effect in respect of the goods or services at the expiration of that period; and the registrar shall amend the register accordingly.

#### **54. Use of one associated or substantially identical trademark equivalent to use of another.**

(1) Where under this Act the use of a registered trademark is required to be proved for any purpose, the court or the registrar may, accept the use of an associated registered trademark or of the trademark with additions or alterations not substantially affecting its identity, as an equivalent for the use required to be proved.

(2) The use of the whole of a registered trademark shall for the purposes of this Act, be taken to be use of a registered trademark, being a part, registered in the name of the same owner by virtue of section 30 (1).

**55. Use of trademark for export trade.**

The application in Uganda of a trademark relating to goods or services to be exported from Uganda and any other act done in Uganda in relation to goods or services to be so exported which, if done in relation to goods or services to be sold or otherwise traded in within Uganda would constitute use of a trademark, shall be taken to constitute use of the trademark in relation to those goods or services for any purpose for which the use is material under this Act.

**56. Use of trademark after change in form of trade connection.**

(1) The use of a registered trademark in relation to goods in any form of connection with the course of trade subsisting shall not be taken to be likely to cause deception or confusion on the ground only that the trademark has been or is used in relation to goods between which and that person or a predecessor in title his or her a different form of connection in the course of trade subsisted or subsists.

(2) The use of a registered trademark in relation to services between the provision of which and the person using it in any form of connection in the course of business subsists shall not be taken to be likely to cause deception or confusion on the ground only that the trademark has been or is used in relation to services between the provision of which and that person or a predecessor in title of his or her a different form of connection in the course of business subsisted or subsists.

PART VI—LEGAL PROCEEDINGS AND APPEALS.

**57. Power of registrar to award costs.**

(1) In all proceedings before the registrar, the registrar may award to any party costs as he or she may consider reasonable and may direct how and which parties are to be paid.

(2) An order made under subsection (1) may, by leave of the court, be enforced in the same manner as a judgment or order of the court to the same effect.

**58. Registration to be prima facie evidence of validity.**

In all legal proceedings relating to a registered trademark including applications under section 78 the fact that a person is registered as owner of the trademark is *prima facie* evidence of the validity of the original registration of the trademark and of all subsequent assignments and transmissions.

**59. Certificate of validity.**

(1) In any legal proceeding in which the validity of the registration of a registered trademark comes into question and is decided in favour of the owner of the trademark, the court may certify to that effect.

(2) Where the court certifies under subsection (1), then in any subsequent legal proceeding in which the validity of the registration comes into question, the owner of the trademark on obtaining a final order or judgment in his or her favour shall have his or her full costs, charges and expenses as between advocate and client, unless in the subsequent proceeding the court certifies that he or she ought not to have them.

**60. Trade usage, etc. to be considered.**

(1) In an action or proceeding in respect of a trademark relating to goods or a trade name, the registrar shall admit evidence of the usages of the trade concerned and of any relevant trademark relating to goods or trade name or get-up legitimately used by other persons.

(2) In an action in respect of a trademark relating to services or business name, the registrar shall admit evidence of business usages in the provision of services in question and of any relevant trademark relating to services or business name or get-up legitimately used by other persons.

**61. Registrar's appearance in proceedings involving rectification.**

(1) In any legal proceeding in which the relief sought includes alteration or rectification of the register, the registrar shall have the right to appear and be heard and shall appear if directed by the court.

(2) Unless otherwise directed by the court, the registrar may, instead of appearing and being heard, submit to the court a statement signed or sealed by him or her, giving particulars of the proceedings before him or her in relation to the matter in issue or of the grounds of a decision given by him or her affecting it or of the practice of the office of the registrar in similar cases or of such other matters relevant to the issues and within his or her knowledge as registrar, as he or she thinks fit and the statement shall be taken to form part of the evidence in the proceedings.

### **62. Court's power to review registration.**

The court, in dealing with any question of the rectification of the register including all applications under section 79, may review any decision of the registrar relating to the entry in question or the correction sought to be made.

### **63. Procedure in case of option to apply to court or registrar.**

(1) Where under this Act an applicant has an option to make an application whether to the court or to the registrar—

- (a) if an action concerning the trademark in question is pending, the application must be made to court;
- (b) if in other case the application is made to the registrar, he or she may, at any stage of the proceedings, refer the application to the court or he or she may, after hearing the parties, determine the question between them.

(2) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **64. Payment of costs by the registrar.**

In all proceedings before the court under this Act, the costs of the registrar shall be at the discretion of the court but the registrar shall not be ordered to pay the costs of any of the parties.

### **65. Security for costs.**

(1) Where a person who does not reside or carry on business in East Africa—

- (a) gives notice of objection under section 11; or
- (b) applies to the registrar under section 45 for a trademark to be removed from the register;

the registrar may require the person to give security for costs of the proceedings and may, if security is not given dismiss the proceedings.

(2) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **66. Powers of court on appeal.**

Where the court hears an appeal for a decision of the registrar under this Act, the court may without prejudice to any other powers conferred on it by this Act—

- (a) confirm the decision of registrar;
- (b) set aside or vary the decision of the registrar or refer the decision to the registrar with such directions as the court may think fit; or
- (c) make such other order as the court may consider.

### **67. Chief Justice to make rules of procedure**

(1) The Chief Justice, in consultation with the Attorney General may make rules as to the practice and procedure to be observed in respect of any jurisdiction which under this Act is exercisable by the High Court and also in respect of any appeals from the exercise of that jurisdiction.

(2) Rules made under this section may, in the case of the High Court, the Court of Appeal and the Supreme Court, apply to the proceedings the rules of practice and procedure applicable to civil proceedings in the High Court, the Court of Appeal or the Supreme Court as the case may be, subject to such modifications as may be specified in the rules.

## PART VII—EVIDENCE.

**68. Mode of giving evidence.**

(1) In any proceeding under this Act before the registrar, the evidence shall be given by statutory declaration in the absence of directions to the contrary, but, in any case in which the registrar thinks fit, he or she may take evidence orally in place of or in addition to evidence by statutory declaration.

(2) The statutory declaration may, where there is an appeal, be used before the court in place of evidence by affidavit; and if used shall have all the incidents and consequences of evidence by affidavit.

(3) Where any part of the evidence is taken orally, the registrar shall, in respect of requiring the attendance of a witness and taking evidence on oath, be in the same position in all respects as a magistrate.

**69. Evidence of entries in register.**

(1) A copy of an entry in the register purporting to be certified by the registrar and sealed with his or her seal, shall be admitted in evidence in all courts and in all proceedings, without further proof or production of the original.

(2) A person who requires a certified copy under subsection (1) is entitled to obtain it upon payment of the prescribed fee.

**70. Evidence of entries made or of things done by the registrar.**

A certificate purporting to be signed by the registrar as to an entry, matter or thing that he or she is authorised by this Act to make or do, is *prima facie* evidence of the entry having been made and of the contents and of the matter or thing having been done or not been done.

## PART VIII—OFFENCES.

**71. Forging or counterfeiting trade mark.**

Any person who with intention to defraud or to enable another to defraud any person, forges or counterfeits a trade mark commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

**72. Falsification of entries in register.**

Where a person makes or causes to be made a false entry in the register, a writing falsely purporting to be a copy of an entry in the register, produces, tenders, causes to be produced or tendered in evidence the writing, knowing the entry or writing to be false, he or she commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding five years or both.

**73. Falsely representing a trademark as registered.**

A person who makes a representation—

- (a) with respect to a mark not being a registered trademark, to the effect that it is a registered trademark;
- (b) in respect to a part of a registered trademark not being a part separately registered as a trademark, to the effect that it is registered;
- (c) to the effect that a registered trademark is registered in respect of goods in respect of which it is not registered; or
- (d) to the effect that the registration of a trademark gives an exclusive right to the owner of the trademark to use the good in circumstances in which, having regard to limitations entered on the register, the registration does not give that right,

commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding five years or both.

**74. Falsifying or unlawful removal of a registered trademark.**

(1) A person who falsifies or unlawfully removes a trademark that—

- (a) has been applied to goods that are being or are to be, dealt with or provided in the course of trade; or
- (b) has been applied in relation to goods or services that are being or are to be, dealt with or provided in the course of trade,

knowing that the trademark is registered or reckless whether or not the trademark is registered, commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(2) For the purposes of subsection (1), a person falsifies a registered trademark if the person—

- (a) alters or defaces it;
- (b) makes any addition to it; or
- (c) partly removes, erases or obliterates it,

without the permission of the registered owner or an authorised user of the trademark, and without being required or authorised to do so by this Act, or without direction from the registrar or an order of a court.

(3) For the purposes of subsection (1) a person unlawfully removes a registered trademark if the person wholly removes, erases or obliterates it—

- (a) without the permission of the registered owner or an authorised user of the trademark; and
- (b) without being required or authorised to do so by the Act, or without a direction from the registrar or an order of the court.

## **75. Falsely applying a registered trademark.**

(1) A person who—

- (a) falsely applies a registered trademark to goods that are being or are to be dealt with or provided in the course of trade; or
- (b) falsely applies a registered trademark in relation to goods or services that are being or are to be dealt with or provided in the course of trade, knowing that the trademark is registered or reckless whether or not the trademark is registered,

commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or imprisonment not exceeding five years or both.

(2) For the purposes of subsection (1) a person falsely applies a registered trademark to goods or in relation to goods or services if the person applies the trademark or a sign substantially identical with it to the goods or in relation to the goods or services—

- (a) without the permission of the registered owner or of an authorised user, of the trademark; and
- (b) without being required or authorised to do so by this Act, or without a direction from the registrar or an order of the court.

**76. Manufacture and possession of dye etc for use in commission of offence.**

(1) A person who makes a dye, block, machine or instrument—

- (a) knowing that it is likely to be used for or in the course of committing an offence against sections 74 and 75; or
- (b) reckless whether or not it is likely to be used for or in the course of committing an offence against sections 74 and 75,

commits an offence.

(2) A person who draws or programs a computer or other device to draw a registered trademark or part of a registered trademark—

- (a) knowing that the trademark or part of the trademark is likely to be used for or in the course of committing an offence against sections 74 and 75; or
- (b) reckless whether or not the trademark or part of a trademark is likely to be used for or in the course of committing an offence against sections 74 and 75,

commits an offence.

(3) A person who intentionally has in his or her possession or disposes of—

- (a) a dye, block, machine or instrument;
- (b) a computer or other device, programmed to draw a registered trademark or part of a registered trademark; or
- (c) a representation of a registered trademark or of part of a registered trademark;

knowing that or reckless whether or not, the dye, block, machine, instrument, computer, device or representation is likely to be used for or in the course of committing an offence against sections 74 or 75 commits an offence.

(4) A person who commits an offence under this section is liable on, to a fine not exceeding one hundred twenty currency points or imprisonment not exceeding five years or both.

### **77. Selling etc goods with false marks.**

A person who intentionally sells goods, exposes goods for sale, has goods in his or her possession for the purpose of trade or manufacture, imports goods into Uganda for the purpose of trade or manufacture or exports goods for purposes of trade or manufacture, knowing that or reckless whether or not

- (a) a falsified registered trademark is applied to them or in relation to them;
- (b) a registered trademark has been unlawfully removed from them; or
- (c) a registered trademark is falsely applied to them or in relation to them.

commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

### **78. Prohibition of import and export of infringing trade marks.**

(1) The importation into Uganda and the exportation from Uganda of any goods to which has been applied a false trade mark or any trade mark contrary to this Act is prohibited.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years of both; and the goods to which the offence relates may be forfeited by order of the court under section 81(4).

### **79. Civil remedies.**

(1) A person whose rights under this Act are in imminent danger of being infringed or are being infringed may institute civil proceedings in the court for an injunction to prevent the infringement or to prohibit the continuation of the infringement.

(2) Upon an *ex-parte* application by a right owner, the court may in chambers make an order for the inspection of or removal from the infringing person's premises or control, of the right infringing materials, which constitute evidence of infringement by that person.

(3) The grant of an injunction under subsection (1) shall not affect the owner's claim for damages in respect of loss sustained by him or her as a result of the infringement of the rights under this Act.

(4) A person who sustains any damage because of the infringement of his or her rights under this Act may claim damages against the person responsible for the infringement whether or not that person has been successfully prosecuted.

### **80. Offences by companies and other bodies.**

(1) Where an offence is committed—

- (a) by a body corporate, every director and the secretary of the body corporate shall be taken to have committed the offence; and
- (b) in the case of a partnership or other body not being a body corporate, every partner or member shall be taken to have committed the offence.

(2) A person shall not be taken to have committed an offence under subsection (1) if he or she proves to the satisfaction of the court that the offence for which he or she is charged was committed by some person other than himself or herself and was without his or her consent or connivance and that he or she exercised all diligence to prevent the commission of the offence as he or she ought to have exercised in the circumstances.

PART IX—MISCELLANEOUS

**81. Penalties and compensation.**

(1) In addition to any punishment imposed by the court in respect of an offence under this Act in an action for infringement, a relief by way of damages, injunctions, account of profits or otherwise, shall be available to the plaintiff as in any other corresponding proceedings in respect of infringements of other proprietary rights and in that action the court may give such orders as are necessary to—

- (a) enable the plaintiff to obtain evidence of an infringement which he or she intends to adduce at the trial;
- (b) prohibit the defendant from removing his or her assets from the jurisdiction of the court or otherwise wasting them, to the extent that those assets are necessary to satisfy the plaintiff's claim if he or she succeeds at the trial.

(2) In proceedings to which subsection (1) (a) applies—

- (a) a person shall not be excused from answering a question put to that person or complying with an order made under that subsection by reason only that to do so would tend to expose that person or his or her spouse to criminal proceedings under this Act;
- (b) a statement of admission made by a person in answer to a question put or an order made, in accordance with that subsection is not admissible in criminal proceedings brought under this Act against that person or his or her spouse, except that nothing in this paragraph shall render that statement or admission inadmissible in proceedings against that person for perjury or contempt of court.

(4) The court may order that all counterfeits, imitations and all other materials involved in the infringement be forfeited and disposed of as the court may direct.

(5) For the purposes of this Part, “owner of trademark” means the registered owner, an assignee or an exclusive licensee, as the case may be, of the trademark.

## **82. Inspectors.**

(1) The Board shall in consultation with the registrar designate for the purposes of enforcing this Act, such number of inspectors as may be necessary and shall issue to them, in writing or in a prescribed form, certificates of authority to act as inspectors.

(2) In addition to inspectors designated under subsection (1), the registrar may authorise a member from the registry or a police officer to perform the functions of an inspector under this Act.

(3) A person designated or authorized as an inspector under this section shall hold office subject to such conditions as the Board may determine with approval of the Minister.

## **83. Entry into premises**

Subject to this Act, an inspector may, at any reasonable time and on production of his or her certificate of authority, enter any premises, ship, aircraft or vehicle for the purpose of ascertaining whether there is or has been, on or in connection with those premises, ship, aircraft or vehicle any contravention of this Act.

## **84. Mode of inspection of premises.**

(1) For the purpose of ascertaining whether there is or has been a contravention of this Act, an inspector may inspect—

- (a) a substance or article appearing to him or her to be an infringed trademark;
- (b) a container or package appearing to him or her to be used or intended to be used for infringement; or

- (c) a plant or equipment appearing to him or her to be used or intended to be used in connection with the production, reproduction or otherwise manufacture an infringing trademark.

(2) An inspector may seize and detain a substance or article which he or she has reasonable cause to believe to be an infringing trademark of any work or in relation to which or by means of which he or she has reasonable cause to believe that an offence under this Act has been or is being committed and any document which he or she has reasonable cause to believe to be a document which may be required in proceedings under this Act.

(3) Where an inspector seizes any substance or article, he or she shall notify in writing the person from whom it is seized, the fact of that seizure, and shall in that notification specify the item seized.

(4) A person who—

- (a) wilfully obstructs an inspector in the discharge of the inspector's duties;
- (b) wilfully fails to comply with any requirement properly made to him or her by an inspector;
- (c) without reasonable cause fails to give to the inspector any assistance or information which the inspector may reasonably require of him or her for the purpose of the performance of his or her duties under this Act; or
- (d) makes a statement which he or she knows to be false or which he or she does not believe to be true,

commits an offence and is liable on conviction, to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

**85. Inspectors or public officers not personally liable.**

An inspector or public officer shall not be personally liable for an act done in good faith by him or her in the course of his or her employment and in the execution or purported execution of any duty under this Act.

**86. Suspension of release by customs authorities.**

(1) An owner or registered user of a trademark who has reasonable grounds for suspecting that some goods imported bear an infringing trademark or that importation may take place, may lodge an application in writing with the competent court or any other competent authority for the suspension by the customs authorities of the release into free circulation of the goods.

(2) An owner or registered user of a trademark who lodges an application under subsection (1) shall provide adequate evidence to satisfy the court or any other competent authority that, under the laws of Uganda, there is *prima facie* an infringement of his or her right and shall supply a sufficiently detailed description of the goods to make them readily recognisable by the customs authorities.

(3) The court or any other competent authority shall inform the applicant within a reasonable period whether they have accepted the application and where determined by the competent authorities, the period for which the customs authorities will take action for the suspension by the customs authorities of the release into free circulation of the goods.

**87. Fees.**

There shall be paid in respect of applications, registration and other matters under this Act such fees as may be prescribed by the Minister

**88. General power to rectify entries in register.**

(1) A person aggrieved by an omission, entry, error, defect or an entry wrongly remaining on the register, may apply in the prescribed manner to the court and subject to section 64, to the registrar, and the court or the registrar may make an order for making, expunging or varying the entry as the court or the registrar, as the case may be, may think fit.

(2) The court or the registrar may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register.

(3) In case of fraud in the registration, assignment or transmission of a registered trademark, the registrar may himself or herself apply to the court under this section.

(4) An order of the court rectifying the register shall direct that the notice of the rectification be served in the prescribed manner on the registrar and the registrar shall, on receipt of the notice, rectify the register accordingly.

**89. Power to expunge or vary registration for breach of condition.**

On application by a person aggrieved to the court, and subject to section 64, to the registrar or on application by the registrar to the court, the court or the registrar may make such order as the court or the registrar may think fit for expunging or varying the registration of a trademark on the ground of a contravention of or failure to observe a condition entered on the register in relation to the trademark.

**90. Correction of register.**

(1) The registrar may, on request made in the prescribed manner by the registered owner—

- (a) correct an error in the name, address or description of the registered owner of a trademark;
- (b) enter a change in the name, address or description of the person who is registered as owner of a trademark;
- (c) cancel the entry of a trademark on the register;
- (d) strike out goods or services or classes of goods or services from those in respect of which a trademark is registered; or
- (e) enter a disclaimer or memorandum relating to a trademark which does not in any way extend the rights given by the existing registration of the trademark.

(2) The registrar may, on request made in the prescribed manner by a registered user of a trademark, correct any error or enter any change in a name, address or description of the registered user.

(3) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **91. Alteration of registered trademark.**

(1) The registered owner of a trademark may apply in the prescribed manner to the registrar for leave to add to or alter the trademark in a manner not substantially affecting the identity of the trademark and the registrar may refuse leave or grant it on terms and subject to limitations as he or she may think fit.

(2) The registrar may cause an application under this section to be advertised in the prescribed manner where it appears to him or her that it is expedient to do so and where he or she does so, if within the prescribed time from the date of the advertisement a person gives notice to the registrar in the prescribed manner of objection to the application, the registrar shall, after hearing the parties, decide the matter.

(3) Where leave is granted, the trademark as altered shall be advertised in the prescribed manner unless it has already been advertised, in the form to which it has been altered, in an advertisement under subsection (2).

(4) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **92. Adaptation of entries in register to amend or substitute classification of goods or services.**

(1) The Minister may make regulations under section 97, prescribing forms and generally do things as he or she thinks expedient, for empowering the registrar to amend the register whether by making or expunging or varying entries in the register, so far as may be necessary for the purpose of adapting the designation of the goods or services or classes of goods or services in respect of which trademarks are registered to an amended or substituted classification that may be prescribed.

(2) The registrar shall not, in exercise of any power conferred on him or her, under this section make any amendment to the register that would have the effect of adding goods or services or classes of goods or services to those in respect of which a trademark is registered whether in one or more classes immediately before the amendment is to be made or of ante-dating the registration of a trademark in respect of any goods or services.

(3) This subsection shall not have effect in relation to goods or services as to which the registrar is satisfied that compliance with this subsection in relation to the goods or services would involve undue complexity and that the addition or ante-dating, as the case may be, would not affect any substantial quantity of goods or services and would not substantially prejudice the rights of any person.

(4) A proposal for amendment of the register for the purpose referred to in subsection (1)—

- (a) shall be notified to the registered owner of the trademark affected;
- (b) shall be advertised with any modifications;
- (c) may be objected to before the registrar by a person aggrieved on the ground that the proposed amendment contravenes subsection (2).

(5) A person aggrieved by the decision of the registrar under this section may appeal to the court.

### **93. Recognition of agents.**

Where under this Act an act is to be done by or to a person in connection with a trademark or proposed trademark or a procedure relating to the trademark, the act may under and in accordance with the regulations, be done by or to an agent of that person duly authorised in the prescribed manner.

**94. Address for service.**

Where an applicant for the registration of a trademark or an agent does not reside or carry on business in Uganda he or she shall give the registrar an address for service in Uganda and if he or she fails to do so the registrar may refuse to proceed with the application until the address has been given.

**95. Hours of business and excluded days.**

(1) Regulations made under section 97 may specify the hour at which the registry shall be taken to be closed on any day for the purposes of the transaction by the public of business under this Act or of any class of business and may specify days as excluded days for those purposes.

(2) Any business done under this Act on any day after the hour specified under subsection (1) in relation to business of that class or on a day which is an excluded day in relation to business of that class shall be taken to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.

**96. Provision as to public holidays.**

Where the last day fixed by this Act or by any regulations for the time being in force, for leaving a document with or paying a fee to the registrar falls on Sunday or a public holiday, it is lawful to leave the document or to pay the fee on the day next following that Sunday or public holiday or holidays, if two or more of them occur consecutively.

**97. Power of Minister to make regulations**

(1) The Minister may make regulations generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations—

- (a) prescribing anything required to be prescribed under this Act;

- (b) classifying goods for the purposes of registration of trademarks;
- (c) making or requiring duplicates of trademarks and other documents;
- (d) securing and regulating the publishing and selling or distributing, in a manner as the Minister thinks fit, of copies of trademarks and other documents;
- (e) generally regulating the business of the registrar in relation to trademarks and all things by this Act under the direction or control of the registrar;
- (f) prescribing for the contravention of the regulations a penalty of a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both and regulating in appropriate cases that the court convicting a person under the regulations shall forfeit anything in connection with which the offence is committed.

**98. Minister's power to amend Schedule.**

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

**99. Repeal and savings.**

(1) The Trademarks Act, and Chapter 37 of the Penal Code Act, Cap. 120 are hereby repealed.

(2) Nothing in this Act shall affect an order, rule, regulation or requirement made, table of fees or certificate issued, notice, decision, determination, direction or approval given, application made or thing done under the Trademarks Act repealed by this Act; and every order, rule, regulation, requirement, table of fees, certificate, notice, decision, determination, direction, approval, application or thing shall, if in force at the commencement of this Act, continue in force and shall, so far as it could have been made, issued, given or done under this Act, have effect as if made, issued, given or done under the corresponding provision of this Act.

(3) A document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(4) Nothing in this Act shall be taken to invalidate the original registration of a trademark which immediately before the commencement of this Act was validly on the register.

(5) A trademark which is on the register at the date of the commencement of this Act and which, having regard to an amendment by this Act whether as respects limitations which may be imposed by registration or as respects any other matter, was then a registrable trademark under the repealed Trademarks Act shall not be removed from the register on the ground that it was not registrable under the then Act in force.

(6) Nothing in this Act shall subject a person to liability in respect of an act or thing done before the commencement of this Act to which he or she would not have been subject under the repealed Trademarks Act.

SCHEDULE

ss.1, 102

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

1. Penal Code Act, Cap.120
2. Trademarks Act, Cap.217
3. Uganda Registration Services Bureau Act, Cap.210

**ACTS SUPPLEMENT**

*to The Uganda Gazette No. 53 Volume CIII dated 3rd September, 2010.*

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**Act 18**

*Regulation of Interception of  
Communications Act*

**2010**

THE REGULATION OF INTERCEPTION OF COMMUNICATIONS  
ACT, 2010

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ARRANGEMENT OF SECTIONS.

PART I—PRELIMINARY.

*Section.*

1. Interpretation.

PART II—CONTROL OF INTERCEPTION AND ESTABLISHMENT  
OF A MONITORING CENTRE.

2. Control of interception.
3. Establishment of monitoring centre.

PART III—APPLICATION FOR LAWFUL INTERCEPTION  
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9. Duties of telecommunication service provider in relation to customer.

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10. Notice of disclosure of protected information.
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PART IV—POSTAL ARTICLES.

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SCHEDULE  
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**THE REGULATION OF INTERCEPTION OF  
COMMUNICATIONS ACT, 2010.**

**An Act to provide for the lawful interception and monitoring of certain communications in the course of their transmission through a telecommunication, postal or any other related service or system in Uganda; to provide for the establishment of a monitoring centre; and to provide for any other related matters.**

DATE OF ASSENT: 5th August, 2010.

*Date of Commencement:* 3rd September, 2010.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

**1. Interpretation.**

(1) In this Act, unless the context otherwise requires—

“access” means the technical ability to interface with a communications facility such as a telecommunications line or switch to enable the interception of any communication carried on that facility;

“agency” means the government telecommunications agency comprising telecommunications experts, which has been designated to operate the monitoring facility and which gives technical directions to service providers so as to ensure compliance with the provisions of this Act;

“authorised person” means a person referred to in subsection (1) of section 4;

“call” means any connection, fixed or temporary, established and transferring information between two or more users of a telecommunications system;

“call-related information” includes switching, dialing or signaling information that identifies the origin, destination, termination, duration and equipment identification of each communication generated or received by a customer or user of any equipment facility or service provided by a service provider and, where applicable, the location of the user within the telecommunications system;

“Commission” means the Uganda Communications Commission established by section 3 of the Uganda Communications Act, Cap 106;

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

“customer” means—

- (a) any person, body or organization which has entered into a contract with the service provider for the provision of a telecommunication service to that person, body or organization; or
- (b) any person to whom or any body or organization to which a service provider provides a pre-paid telecommunication service;

“designated judge” means a judge designated by the Chief Justice to perform the functions of a designated judge for purposes of this Act;

“intercept”, in relation to any communication which is sent—

- (a) by means of a telecommunication system or radio communication system, means to listen to, record, read or copy the contents, whether in whole or in part;
- (b) by post, means to read or copy the contents, whether in whole or in part;

“interception interface” means the physical location within the service provider’s telecommunication facilities where access to the intercepted communication or call related information is provided;

“interception subject” or “interception target” means the person whose communications are to be or are being intercepted;

“key” means a numeric code or other means by which information is encrypted;

“Minister” means the Minister responsible for security or any other Minister to whom the President may from time to time assign the administration of this Act;

“monitor” includes to listen to or record a monitoring device, and “monitoring” has a corresponding meaning;

“monitoring device” means any electronic, mechanical or other instrument, device, equipment or apparatus which is used or can be used, whether by itself or in combination with any other instrument, device, equipment or apparatus, to listen to, read, copy or record any communication;

“monitoring centre” means a central monitoring apparatus established by section 3 (1) (a), and designated to be the monitoring facility through which all the intercepted communications and call-related information of a particular interception target are forwarded to an authorized person;

“national security of Uganda” includes matters relating to the existence, independence or safety of the State;

“party” in relation to a communication, means a person whose access to the communication is or might reasonably be known by all other parties;

“postal services” means the services performed and facilities provided in connection with—

- (i) the collection, transmission and delivery by land, water or air of postal articles;
- (ii) the issue of postage stamps and the use of franking machines;
- (iii) the issue and payment of money from one place to another place or address commonly referred to as money ordering;

“protected information” means information that is encrypted by means of a key;

“relevant Ministers” means the Cabinet Ministers responsible for—

- (a) defence;
- (b) internal affairs; and
- (c) information and communications technology;

“retention order” means an order to retain a postal article issued under section 13;

“service provider” means the provider of a postal service or telecommunication service;

“SIM-card” means the Subscriber Identity Module which is an independent, electronically activated device designed for use in conjunction with a cellular phone to enable the user of the cellular phone to transmit and receive indirect communications by providing access to telecommunication systems and enabling such telecommunication systems to identify the particular Subscriber Identity Module and its installed information;

“state” means the Government of Uganda;

“telecommunication services” means a service consisting of transmission of data, voice, or images by wire, optical or other electronically guided media systems whether or not the signs, signals, writing, images, sounds or intelligence have been subjected to rearrangement, computation or other process by any means in the course of their transmission, emission or reception; and

“warrant” means an interception warrant issued under section 5.

(2) Any word or expression used in this Act, and which has been defined in the Uganda Communications Act, Cap 106, and the Uganda Posts and Telecommunications Corporation Act, Cap 107, shall have the meaning assigned to it in Uganda Communications Act and the Uganda Posts and Telecommunications Act.

PART II—CONTROL OF INTERCEPTION AND ESTABLISHMENT  
OF A MONITORING CENTRE.

**2. Control of interception.**

(1) Without prejudice to the provisions of Part VII of the Anti - Terrorism Act, Act 14 of 2002, and subject to subsection (2), no person shall—

- (a) intercept any communication in the course of its transmission by means of a telecommunication system or radio communication system unless—
  - (i) he or she is a party to the communication;
  - (ii) he or she has the consent of the person to whom, or the person by whom, the communication is sent; or
  - (iii) he or she is authorised by warrant.
- (b) intercept any communication in the course of its transmission through the post unless—

- (i) he or she has the consent of the person to whom, or the person by whom, the communication is sent; or
- (ii) he or she is authorised by warrant.

(2) Subsection (1) shall not apply to the bona fide interception of a communication for the purpose of or in connection with the provision, installation, maintenance or repair of a postal, telecommunication or radio communication service.

(3) Subject to subsections (1) and (2) any person who intentionally intercepts or attempts to intercept, or authorizes or procures any other person to intercept or attempt to intercept at any place, any communication in the course of its occurrence or transmission commits an offence and shall on conviction be liable to a fine not exceeding one hundred and twenty currency points or to imprisonment for a period not exceeding five years, or both.

### **3. Establishment of Monitoring Centre.**

(1) The Minister shall, in consultation with the relevant Ministers, at the expense of the State—

- (a) establish a centre to be known as the Monitoring Centre for the interception of communications under this Act;
- (b) equip, operate and maintain the Monitoring Centre;
- (c) acquire, install and maintain connections between telecommunication systems and the Monitoring Centre; and
- (d) administer the Monitoring Centre.

(2) The Minister shall exercise responsibility over the administration and functioning of the Monitoring Centre.

(3) Notwithstanding the provisions of the Uganda Communications Act, the Monitoring Centre shall for purposes of performing its functions under this Act, be exempted from—

- (a) obtaining any kind of licence required by that Act; or
- (b) paying any fees payable under that Act.

(4) The Monitoring Centre shall be the sole facility through which authorised interceptions shall be effected.

(5) The Monitoring Centre shall be manned, controlled and operated by officers designated by the Minister and the relevant Ministers.

- (6) The officers referred in subsection (5) shall give advice to—
- (a) authorised persons; and
  - (b) service providers;

on the interception of communications under this Act.

PART III—APPLICATION FOR LAWFUL INTERCEPTION OF COMMUNICATIONS.

**4. Authorised persons to apply for warrant of interception.**

(1) An application for the lawful interception of any communication may be made by the following persons—

- (a) the Chief of Defence Forces or his or her nominee;
- (b) the Director General of the External Security Organisation or his or her nominee;
- (c) the Director General of the Internal Security Organisation or his or her nominee; or
- (d) the Inspector General of Police or his or her nominee.

(2) An application under subsection (1) shall be made by an authorised person to a designated judge to issue a warrant for the interception of any communication.

(3) An application under subsection (1) shall contain the following information—

- (a) the person or customer, if known, whose communication is required to be intercepted;
- (b) the service provider to whom the direction to intercept the communication must be addressed, if applicable;
- (c) the nature and location of the facilities from which, or the place at which, the communication is to be intercepted, if known;
- (d) full particulars of all the facts and circumstances alleged by the applicant in support of his or her application;
- (e) the period for which the warrant is required to be issued; and
- (f) any other information which may be required by a designated judge to make an appropriate decision.

**5. Issue of warrant.**

(1) A warrant shall be issued by a designated judge to an authorised person referred to in section 4(1) if there are reasonable grounds for a designated judge to believe that—

- (a) an offence which may result to loss of life or threat to life has been or is being or will probably be committed;
- (b) an offence of drug trafficking or human trafficking has been or is being or will probably be committed;
- (c) the gathering of information concerning an actual threat to national security or to any national economic interest is necessary;
- (d) the gathering of information concerning a potential threat to public safety, national security or any national economic interest is necessary; or

- (e) there is a threat to the national interest involving the State's international relations or obligations.

(2) In the case of urgency or existence of exceptional circumstances, a designated judge may permit an oral application by an authorized person if the designated judge is of the opinion that it is not reasonably practicable to make a written application, but in such a case a formal application under this Part shall be lodged within forty eight hours with the designated judge.

(3) A designated judge may, if he or she is of the opinion that the circumstances so require—

- (a) upon an application being made under this Part, issue an order rejecting the application; or
- (b) after a warrant has been issued, amend or revoke the warrant.

**6. Scope of warrant.**

A warrant shall—

- (a) be valid for a period of three months and may, for good cause shown by the authorised person, be renewed by a designated judge;
- (b) specify the name and the address of the interception subject and the manner of interception;
- (c) order the service provider to strictly comply with such technical requirements as may be specified by a designated judge to facilitate the interception;
- (d) specify the apparatus and other means that are to be used for identifying the communication that is to be intercepted; and

- (e) contain any other necessary details relating to the interception subject.

**7. Evidence obtained in excess of a warrant.**

Evidence obtained by means of an interception made in excess of a warrant issued under the provisions of this Act is admissible in evidence in criminal proceedings only with the leave of the court; and in granting or refusing such leave the court shall have regard to, among other things—

- (a) the circumstances in which the evidence was obtained;
- (b) the potential effect of its admission or exclusion on issues of national security; and
- (c) the unfairness to the accused that may be occasioned by its admission or exclusion.

**8. Assistance by service providers.**

(1) A service provider shall ensure that—

- (a) its postal or telecommunications systems are technically capable of supporting lawful interceptions at all times in accordance with section 11;
- (b) it installs hardware and software facilities and devices to enable interception of communications at all times or when so required, as the case may be;
- (c) its services are capable of rendering real time and full time monitoring facilities for the interception of communications;
- (d) all call-related information is provided in real-time or as soon as possible upon call termination;

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**2010**

- (e) it provides one or more interfaces from which the intercepted communication shall be transmitted to the monitoring centre;
- (f) intercepted communications are transmitted to the monitoring centre via fixed or switched connection as may be specified by the Minister;
- (g) it provides access to all the interception subjects operating temporarily or permanently within their communication systems, and, where the interception subject may be using features to divert call to other service providers or terminal equipment, access to such other providers or equipment;
- (h) it provides, where necessary, the capacity to implement a number of simultaneous interceptions in order—
  - (i) to allow monitoring by more than one authorized person;
  - (ii) to safeguard the identities of monitoring agents and ensure the confidentiality of the investigations;
- (i) all interceptions are implemented in such a manner that neither the interception subject nor any other unauthorized person is aware of any changes made to fulfill the warrant.

(2) Where a service provider fails to give assistance under this section—

- (a) he or she commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred and twenty currency points or to imprisonment for a period not exceeding five years, or both; and
- (b) the Minister responsible for Information and Communications Technology in consultation with the Uganda Communications Commission may, cancel his or her licence.

**9. Duties of telecommunication service provider in relation to customer.**

(1) Before a telecommunication service provider enters into a contract with any person for the provision of a telecommunication service to that person, it shall obtain—

- (a) the person's full name, residential address, business address, postal address and his or her identity number contained in his or her identity document, if applicable;
- (b) in the case where the person is a business organization, its business name and address and the manner in which it is incorporated or registered;
- (c) any other information which the telecommunication service provider deems necessary for the purpose of enabling it to comply with this Act.

(2) The telecommunication service providers shall ensure that existing subscribers register their SIM-cards within the period of six months from the date of commencement of the Act.

(3) A telecommunication service provider shall ensure that proper records are kept of the information referred to in subsection (1) and any change in such information.

**10. Notice of disclosure of protected information.**

(1) Subject to the provisions of this Act, where an authorised person believes on reasonable grounds—

- (a) that a key to any protected information is in the possession of any person; and
- (b) that the imposition of a disclosure requirement in respect of the protected information is necessary—
  - (i) in the interest of national security; or

- (ii) for the purpose of preventing or detecting an offence that may result to loss of life or threat to life; or
- (iii) for the purpose of preventing or detecting an offence of drug trafficking or human trafficking; or
- (iv) in the interest of the economic well-being of Uganda;

the authorized person may, by notice to the person whom he or she believes to have possession of the key, impose a disclosure requirement in respect of the protected information.

(2) A notice under this section imposing a disclosure requirement in respect of any protected information shall—

- (a) be in writing;
- (b) describe the protected information to which the notice relates;
- (c) specify why the protected information is required;
- (d) specify a reasonable time by which a notice is to be complied with; and
- (e) set out the disclosure that is required by the notice and the manner in which it is to be made.

(3) A notice under this section shall not require the making of any disclosure to any person other than—

- (a) the person giving the notice; or
- (b) such other person as may be identified in or under the notice.

(4) A person to whom a notice has been given under this section and who is in possession of both the protected information and the key thereto shall—

- (a) use any key in his or her possession to provide access to the information;
- (b) in providing such information, make a disclosure of the information in an intelligible form.

(5) Where a person to whom a notice has been given—

- (a) has been in possession of any key to the protected information, but no longer possesses it; and
- (b) has information that will facilitate the obtaining or discovery of the key to protected information;

he or she shall disclose the information referred to in paragraph (b) to the authorised person.

(6) A person who fails to make the disclosure required by a notice issued under this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred and twenty currency points or to imprisonment for a period not exceeding five years, or both.

**11. Interception capability of telecommunication service.**

(1) Notwithstanding any other law, a telecommunication service provider shall—

- (a) provide a telecommunication service which has the capability to be intercepted; and
- (b) store call-related information in accordance with a directive issued under subsection (2).

(2) The Minister responsible for Information and Communications Technology shall, on the commencement of this Act, issue a directive to telecommunication service providers specifying—

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- (a) the manner in which effect is to be given to subsection (1) by every telecommunication service provider; and
- (b) the security, technical and functional requirements of the facilities and devices to be acquired by every telecommunication service provider to enable—
  - (i) the interception of communication under this Act; and
  - (ii) the storing of call-related information; and
- (c) the period within which the directive must be complied with.

(3) A directive referred to in subsection (2) shall specify—

- (a) the capacity and technical features of the devices or systems to be used for interception purposes;
- (b) the connectivity of the devices or systems to be used for interception purposes with the monitoring centre;
- (c) the manner of routing intercepted information to the monitoring centre; and
- (d) any other relevant matter which the Minister responsible for Information and Communications Technology deems necessary or expedient.

(4) Notwithstanding any other law, agreement or licence, a telecommunication service provider shall, at its own expense, acquire whether by purchasing or leasing, the facilities and devices specified in a directive issued under subsection (2).

(5) Subject to section 12, any cost incurred by a telecommunication service provider under this Act for the purpose of—

- (a) enabling—

- (i) a telecommunication service to be intercepted; and
- (ii) call-related information to be stored; and
- (b) complying with this section and section 8;

shall be borne by the telecommunication service provider.

(6) A directive issued under sub-section (2) may in a like manner be amended or withdrawn.

**12. Compensation payable to service provider or protected information key holder.**

(1) The Minister shall, after consultation with the Minister responsible for Information and Communications Technology, by Notice in the *Gazette* prescribe—

- (a) the nature or form of assistance given by a service provider or protected information key holder in the execution of a warrant or directive issued under this Act for which it must be compensated by the State; and
- (b) reasonable tariffs of compensation payable to a service provider or protected information key holder for providing the nature or form of the assistance referred to in paragraph (a).

(2) The tariffs prescribed under paragraph (b) of subsection (1)—

- (a) may differ in respect of different categories of service providers or protected information key holders;
- (b) shall be uniform in respect of each service provider or protected information key holder falling within the same category.

(3) The nature or form of assistance referred to in paragraph (a) of subsection (1) shall include, in the case of—

- (a) a telecommunication service provider, the making available of a facility, device or telecommunication system;
- (b) a protected information key holder—
  - (i) the disclosure of the key; and
  - (ii) the provision of assistance in rendering intelligible the protected information.

(4) The compensation payable to a service provider or protected information key holder shall only be for direct costs incurred in respect of personnel and administration services which are required for purposes of providing any of the forms of assistance referred to in paragraph (a) of subsection (1).

PART IV—POSTAL ARTICLES

**13. Application for a retention order.**

(1) Where an authorised person suspects on reasonable grounds that a postal article in the custody of a postal service provider—

- (a) contains anything in respect of which an offence or attempted offence is being committed; or
- (b) contains anything that will afford evidence of the commission of an offence; or
- (c) is being sent to further the commission of an offence;
- (d) needs to be obtained and examined in the interests of defence, public safety or public order;

he or she may apply to a designated judge for a retention order to retain the postal article for the purpose of examination.

(2) Where a designated judge, by written order to the authorized person and the postal service provider, certifies that it is necessary for any of the purposes specified in paragraphs (a), (b), (c) or (d) of section (1) to order that a postal article in the postal service provider's custody should be retained and, if so required by the order, opened and examined, the postal service provider shall forthwith retain the postal article.

(3) Section 4 shall apply with such modifications as may be necessary to the information required to be furnished to a designated judge before a retention order is issued.

**14. Examination and accountability for retained postal article.**

(1) On the day appointed by or under a retention order, the authorised person shall, in the presence of a representative of the postal service provider, examine the retained postal article.

(2) Where, on examination of a postal article under subsection (1), the suspicion that gave rise to its examination—

- (a) is substantiated, the postal article may be retained for the purposes of evidence in a criminal prosecution or destroyed or dealt with in such other manner as may be authorized by the retention order;
- (b) is not substantiated, the postal article shall be delivered to the person to whom it is addressed or to his or her representative on payment of the postage payable on the article.

PART V—GENERAL

**15. Restriction on disclosure.**

(1) No person may disclose any communication or information which he or she obtained in the exercise of his or her powers or the performance of his or her duties under this Act, except—

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- (a) to any other person who of necessity requires it for the like exercise or performance of his or her functions under this Act;
- (b) information which is required to be disclosed under any law or as evidence in any court of law.

(2) No—

- (a) service provider or protected information key holder may disclose any information which it obtained in compliance with this Act; or
- (b) employee of a service provider or protected information key holder may disclose any information which he or she obtained in the course of his or her employment and which is connected with the exercise of any power or the performance of any duty under this Act.

(3) Any person who discloses any information in contravention of subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred and twenty currency points or to imprisonment for a period not exceeding five years or both.

(4) The Minister responsible for Information and Communications Technology, may revoke the licence of any service provider or protected information key holder who discloses any information in contravention of subsection (1).

**16. Regulations.**

(1) The Minister may, by statutory instrument, make regulations for carrying into effect the provisions of this Act.

(2) Regulations made under this section shall, within fourteen days after being published in the Gazette, be laid before Parliament.

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SCHEDULE

CURRENCY POINT

A currency point is equal to twenty thousand Uganda Shillings.

**Cross References**

Anti - Terrorism Act, Act No.14 of 2002.

Uganda Communications Act, Cap. 106.

Uganda Posts and Telecommunications Corporation Act, Cap. 107.