

BILLS SUPPLEMENT

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Bill No. 24

Alcoholic Drinks Control Bill

2023

THE ALCOHOLIC DRINKS CONTROL BILL

MEMORANDUM

1. POLICY AND PRINCIPLES

The object of the Bill is to regulate the manufacture, importation, sale, consumption and advertisement of alcoholic drinks; to prohibit the sale of alcoholic drinks to persons below eighteen years of age; to amend the Industrial Licensing Act, Cap. 91; to repeal the Potable Spirits Act, Cap. 97 and for related matters.

2. DEFECTS IN EXISTING LEGAL FRAMEWORK

The repeal of the Enguli (Manufacture and Licensing) Act, Cap. 86, and the Liquor Act, Cap. 93 by the Law Revision (Miscellaneous Amendment) Act, 2023 left gaps in the legal framework regulating the manufacture and sale of alcoholic drinks.

The repealed Enguli (Manufacture and Licensing) Act, regulated the manufacture, sale and possession of enguli. The Act specifically prohibited the sale and export of enguli by unlicensed persons and exclusively preserved enguli as a raw material for distillation of Uganda Waragi by licensed brewers. Most communities in Uganda are consuming unregulated crude alcohol which is harmful to their lives.

Further the repealed Liquor Act, Cap. 93 regulated the manufacture and sale of liquor to restricted licensed premises. The Act also prohibited the sale of liquor, the manufacture or sale of native liquor

without a licence, and further prohibited the sale of intoxicating liquor to children. After the repeal of the Liquor Act, alcohol is being sold anywhere, any time and accessible to children without any regulation.

The Potable Spirits Act, Cap. 97, prohibits compounding of any spirits for profit or sale without a licence. Compounding spirits facilitates adulteration of alcoholic drinks, which is hazardous to human health. Compounding spirits without a licence carries a sentence of a fine not exceeding five hundred pounds or imprisonment for a term not exceeding twelve months or both. The enforcement of the law has been poor as the punishments prescribed under the Act are not deterrent enough.

The Industrial Licensing Act, Cap 91 was enacted in 1969 with the objective of controlling the establishment of big industries and for other purposes connected to industrialization. This Act does not regulate cottage industries yet many manufacturers of alcoholic drinks have their products in the market unregulated.

Uganda's statistics on alcohol consumption are particularly worrying because the harmful use of alcohol causes a high burden of disease and has significant social and economic consequences. Alcohol consumption has been found to be associated with decreased risk of overall mortality and a number of chronic non-communicable diseases, including coronary artery disease, diabetes mellitus, congestive heart failure, and stroke. High consumption of alcoholic drinks affects productivity in the communities, thus there is need to regulate manufacture, sale, protect children from easy accessibility and time for sale of alcoholic drinks.

3. REMEDIES PROPOSED IN THE BILL

The Bill seeks to:

- (a) regulate the manufacture, importation and sale of alcoholic drinks;

- (b) regulate time allowed for sale of alcoholic drinks,
- (c) prohibit the sale of alcoholic drinks to persons below the age of eighteen;
- (d) prohibit on-line sale of alcoholic drinks, selling of alcoholic drinks packed in sachets and plastic bottles;
- (e) prohibit packing alcohol in package containing alcoholic drinks of less than five hundred millimetres.

4. PROVISIONS OF THE BILL

The Bill is divided into six parts;

Part I of the Bill covers the preliminary matters of application, objectives and interpretation of key words or phrases used in the Bill.

Part II of the Bill contains provisions for the licensing authorities, application for licence, grant of licence, duration of licence, renewal of licence, types of licenses and time for sale of alcoholic drinks and appeal processes.

Part III of the Bill contains provisions regulating the information to be communicated to consumers, health warnings and regulation of adverts.

Part IV of the Bill has provisions providing for the enforcement of the Act and protection from personal liability of the officers who have acted in good faith.

Part V of the Bill provides for offences of manufacturing, producing, importing or selling any alcoholic drink without a licence. It contains provisions prohibiting selling alcoholic drinks to passengers in a passenger service vehicle, specified persons like a law enforcement officer, a person below the age of eighteen years, selling alcoholic drinks packed in sachets and plastic bottles; regulates on-line sale of

alcoholic drinks; and prohibits the obstruction of authorised officer on duty and making false statement to an authorised officer.

Part VI of the Bill empowers the Minister to make regulations for better carrying out the objectives and enforcement of this Act, amends the Industrial Licencing Act, Cap. 91, repeals Potable Sprits Act, Cap. 97, provides for the saving and transitional provisions of some licenses issued under the repealed law.

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Tororo District

THE ALCOHOLIC DRINKS CONTROL BILL

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35. Amendment of the Industrial Licensing Act, Cap. 91
36. Amendment of the schedule
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SCHEDULE

A Bill for an Act

ENTITLED

THE ALCOHOLIC DRINKS CONTROL ACT, 2023

An Act to regulate the manufacture, importation, sale, consumption and advertisement of alcoholic drinks; to prohibit accessibility of alcoholic drinks to persons below eighteen years of age; to amend the Industrial Licensing Act, Cap. 91; repeal the Potable Spirits Act, Cap. 97 and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Application

This Act does not apply to—

- (a) the administration or sale of a medicine containing an alcoholic drink for medical purposes and in accordance with National Drug Policy and Authority Act;
- (b) the manufacturer of native liquor for domestic use or traditional ceremonies;
- (c) the manufacture and sale of spirituous, distilled perfume or perfumery;

- (d) ethanol, methanol or isopropyl alcohol used in laboratories;
- (e) the manufacture and sale of industrial alcohol; and
- (f) alcoholic drinks used for religious Holy Communion.

2. Object of Act

The object of the Act is to—

- (a) regulate the manufacture, importation, sale, advertisement and consumption of alcoholic drinks;
- (b) prohibit the sale of alcoholic drinks to persons under the age of eighteen years and other specified persons; and
- (c) provide for measures to eliminate illicit trade in alcoholic drinks.

3. Interpretation

In this Act, unless the context otherwise requires—

“advertisement” means any visual or oral communication, representation, reference, notice or activity of any kind which is intended to promote the sale or consumption of an alcoholic drink;

“alcohol” means the product known as ethyl alcohol or any product obtained by fermentation or distillation of any fermented alcoholic product, rectified either once or more often, whatever the origin, and includes synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with the prescribed formulas;

“alcoholic drink” means any liquid, drink or substance containing one-half of one percent or more of alcohol by volume, manufactured for human consumption;

“authorised officer” means an officer referred to in section 18 of this Act;

“board” means the Industrial Licensing Board established under the Industrial Licensing Act;

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

“industrial alcohol” refers to spirits, specially denatured spirits and mineralized methylated spirits or any such spirits with which any substance is mixed, but does not include liquor or alcoholic drinks for human consumption;

“law enforcement officer” means a member of the forces or a member of a private security organisation whose duty is to maintain law, order and enforce regulations;

“licensee” means a person licensed under this Act;

“licensing authority” means a licensing authority referred to in section 4 of this Act;

“manufacture” means to make, produce, process or convert a substance into an alcoholic drink;

“manufacturer” means a person engaged in the making, producing, processing, converting a substance into an alcoholic drink;

“Minister” means the Minister responsible for health;

“native liquor” means an intoxicating drink which is manufactured in accordance with the customs and cultural practices of Uganda, other than by distillation;

“package” means a container, receptacle or wrapper in which an alcoholic drink is sold or distributed and includes a carton;

“public service vehicle” means a passenger vehicle licensed to carry passengers for a fee, and includes a train.

“sell” includes—

- (a) barter or exchange without use of money;
- (b) offer or display for sale;
- (c) supply, or offer to supply, in circumstances where the supplier derives or would derive a direct or indirect pecuniary benefit;
- (d) supply or offer to supply, gratuitously but with a view of gaining or maintaining customer, or otherwise with a view for commercial gain; or
- (e) distribution.

PART II—LICENSING

4. Designation of licensing authority

For the purposes of this Act, the licensing authority for—

- (a) the manufacture of an alcoholic drink;
- (b) erecting, establishing or operating a factory for the manufacture of an alcoholic drink; or
- (c) the importation of alcoholic drinks,
shall be the Industrial Licensing Board established under the Industrial Licensing Act;
- (d) the sale of native liquor, in a sub county, shall be the assistant chief administrative secretary and in a town council or division, shall be the town clerk;
- (e) the sale of alcoholic drinks—
 - (i) in Kampala Capital City, shall be the executive director of the Kampala Capital City Authority;
 - (ii) in a city or municipality, shall be the town clerk; or
 - (iii) in a district, shall be the chief administrative officer.

5. Application for licence

(1) A person who intends to—

- (a) erect, establish or operate a factory for the manufacture of alcoholic drinks;
- (b) manufacture alcoholic drinks; or
- (c) import alcoholic drinks,

shall apply to the board for a licence.

(2) A person who intends to sell alcoholic drinks shall apply to the relevant licensing authority for a licence.

(3) A person who intends to manufacturer for sale or sale native liquor shall apply to the relevant licensing authority for a license.

(4) An application for a licence under this section shall be in the prescribed form, accompanied by a prescribed application fee.

(5) The application under this section shall contain the following—

- (a) name of the applicant;
- (b) copy of the national identification card;
- (c) age of the applicant, where the applicant is a natural person;
- (d) a certificate of incorporation, where the applicant is a legal entity;
- (f) location of business premises;
- (f) recommendation from leadership of local council 1 where the business is located; and

- (g) any other information as may be prescribed by regulations made under this Act.
- (6) The licensing authority shall, in determining the application, be satisfied that—
 - (a) the applicant is eighteen years or above, where the applicant is a natural person;
 - (b) the business premises is suitable for the purpose for which the application is sought; and
 - (c) the applicant has complied with any other applicable law.
- (7) For the purposes of subsection (6)(b), the business premises is considered suitable if it—
 - (a) is not within four hundred meters to a school, health unit, residential area or place of worship;
 - (b) is not situated at a fuel station; and
 - (c) conforms to the prescribed standards under any written law or regulations issued by the Minister.

6. Grant of licence

- (1) The licensing authority may, within twenty-one days after receipt of the application, grant or refuse to grant a licence to the applicant.
- (2) Where the licensing authority refuses to grant the licence, the licensing authority shall, within seven days of the decision, inform the applicant, in writing, giving reasons for the refusal.
- (3) An applicant may appeal to the Minister where—
 - (a) the applicant is not satisfied with the decision of the licensing authority; or

(b) the licensing authority does not make a decision within the prescribed time.

(4) The licensing authority may grant a licence subject to conditions as may be prescribed by regulations made under this Act.

7. Special licence for sale of alcoholic drink

(1) Assistant Chief Administrative Assistant or Town clerk may issue a special licence to—

- (a) an auctioneer licensed under the Auctioneers Act for purposes of conducting an auction of alcoholic drinks;
- (b) a trustee in bankruptcy where alcoholic drinks forms part of the bankrupt's estate;
- (c) legal representative of a deceased person, where an alcoholic drink forms part of the estate of the deceased;
- (d) the liquidator of a company where alcoholic drinks forms part of the company's assets under liquidation;
- (e) carry out any other activity as may be prescribed by regulations made under this Act.

(2) A licence issued under this section may be subject to conditions as the the licencing authority may determine.

(3) A special licence issued under this section shall be valid for a period as may be prescribed by the the licencing authority .

8. Form of licence

A licence issued under this Act shall be in the form prescribed by the Minister, by regulations made under this Act.

9. Duration of licence

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

10. Renewal of licence

(1) A licensee may apply to the appropriate licensing authority for renewal of a licence in accordance with this Act.

(2) An application for renewal of a licence shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3) Section 5 shall apply to the renewal of a licence.

11. Suspension or revocation of licence

(1) A licensing authority may suspend or revoke a licence issued under this Act.

(2) A licensing authority may suspend a licence where the licensee fails to comply with a condition of a licence.

(3) A licensing authority may, before suspending a licence under subsection (2), direct a licensee to remedy the condition of the licence breached within such a time as the licensing authority may determine.

(4) A licensing authority may revoke a licence where—

(a) there is continuous breach of any of the conditions of the licence by the licensee;

(b) the licensee is convicted of an offence under this Act;

(c) the licence was granted on the basis of false or misleading information; or

(d) the licensee breaches a provision of this Act.

12. Licence to be displayed

(1) A licensee shall display the licence in a conspicuous place at the business premises of the licensee.

(2) A licensee who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred currency points or imprisonment for a period not exceeding six months, or both.

13. Appeal

(1) A person, other than the licensee, aggrieved by the decision of a licensing authority may, apply for review of the decision to the licensing authority that made it.

(2) Subject to subsection (1), where the licencing authority fails to review its decision within thirty days, the aggrieved person may appeal to the Minister.

14. Time of sale of alcoholic drink

(1) A licensee shall not sell an alcoholic drink or native liquor before—

(a) 17:00 hours and after 22:00 hours on working days;

(b) 12:00 hours and after 00:00 hours on public holidays and weekends;

(2) Notwithstanding subsection (1), a licensee who operates a supermarket or depot may sell alcoholic drinks between 10:00 hours and 22:00 hours.

(3) Subsection (1) shall not apply to a person who sells an alcoholic drink in a licensed tourist camp, nightclub, theater, fetes, bazaar or a trade show.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a period of ten years, or both.

(5) In this section—

- (a) “working day” means any day other than a public holiday or weekend;
- (b) “weekend” means Saturday and Sunday; and
- (c) “public holiday” means a day declared a public holiday under the Public Holidays Act.

PART III—ADVERTISEMENT OF ALCOHOLIC DRINK

15. Information required on package

(1) A person shall not manufacture, import or sell an alcoholic drink unless the package containing the alcoholic drink—

- (a) bears information as to its constituents; and
- (b) has health warning messages prescribed by regulations made under this Act.

(2) The information in subsection (1) (b) may be in the form of pictures or pictograms.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a period not exceeding five years, or both.

16. Display of health warning messages

(1) A person who sells alcoholic drinks shall display health warning messages in a conspicuous place at his or her business premises.

(2) The Minister shall, by regulations made under this Act, prescribe the health warning messages referred to in subsection (1).

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding four hundred currency points, or imprisonment for a period not exceeding eight years, or both.

17. Regulation of advertisement of alcoholic drink

(1) A person shall not advertise alcoholic drinks using information that is misleading or deceptive.

(2) The Minister shall, by regulations made under this Act, regulate advertisement of alcoholic drinks.

(3) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points, or to imprisonment for a period not exceeding ten years, or both.

PART IV—ENFORCEMENT

18. Authorised officers

For purposes of this Act, the following persons are authorised officers—

- (a) a health inspector appointed under the Public Health Act;
- (b) a standards inspector appointed under the Uganda National Bureau of Standards Act;
- (c) a law enforcement officer acting on behalf of a licensing authority; and
- (d) any other person in whom a written law vests the functions of maintenance of law and order.

19. Powers of authorised officers

(1) For the purposes of ensuring compliance with this Act, an authorised officer may—

- (a) examine or conduct a scientific test on an alcoholic drink to ascertain as whether the alcoholic drink meets the standard prescribed in regulations;
- (b) at any reasonable time, enter, inspect or search premises or a public service vehicle where the authorised officer reasonably suspects that any provision of this Act has been contravened;
- (c) seize an alcoholic drink, a container or a vehicle containing alcoholic drinks;
- (d) require a person to produce a document, licence or any information; or
- (e) cause discontinuation of, confiscate or destroy any advertisement that does not conform to the requirements prescribed under this Act.

(2) An authorised officer shall, before exercising any powers under this Act, produce official identification showing him or her to be an authorised officer.

(3) The Minister may, by regulations, prescribe the manner in which an alcoholic drink, container or vehicle containing alcoholic drinks, which is seized, may be stored, or disposed of.

20. Order for restoration

(1) A person from whom an alcoholic drink, container or vehicle containing alcoholic drinks is seized may apply to court for an order of restoration.

(2) A person who claims any interest in an alcoholic drink, container or vehicle containing alcoholic drinks seized by an authorised officer under section 19(1) (c), may within thirty days of seizure, apply to court for release and restoration of the seized alcoholic drink, container or vehicle containing alcoholic drinks if—

- (a) the alcoholic drink, container or vehicle containing alcoholic drinks was seized under mistaken identity;
- (b) the applicant was licenced to conduct the business; or
- (c) there was no breach of the provisions of this Act.

(3) A court may order that the alcoholic drink, container or vehicle containing alcoholic drinks seized under section 19 be restored to the applicant.

21. Protection from personal liability

An authorised officer shall not, in his or her personal capacity, be liable in civil proceedings for an act or omission done in good faith in the exercise of his or her functions and powers under this Act.

PART V—OFFENCES AND PENALTIES

22. Prohibition of manufacturing, importation or sale of alcoholic drinks without licence

- (1) A person who, without a licence—
- (a) manufactures an alcoholic drink;
 - (b) erects, establishes or operates a factory for the manufacture of alcoholic drink;
 - (c) imports an alcoholic drink;
 - (d) manufactures native liquor for sale; or

(e) sells an alcoholic drink,
commits an offence.

(2) A person, who contravenes subsection (1) (a), (b) or (c) is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.

(3) A person, who contravenes subsection (1) (d) or (e) is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment not exceeding five years, or both.

23. Prohibition of sale or consumption of alcoholic drinks in public service vehicle

(1) A person shall not sell or consume an alcoholic drink in a public service vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or imprisonment for a period not exceeding six months, or both.

24. Prohibition of sale of alcoholic drinks to law enforcement officer

A person who sells an alcoholic drink to a law enforcement officer in uniform commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or imprisonment for a period not exceeding six months, or both.

25. Prohibition of sale or supply of alcoholic drinks to person below eighteen years

(1) A person shall not sell or supply an alcoholic drink to a person below eighteen years of age.

(2) Where age is in doubt, a person buying or being supplied with alcohol drinks may prove his or her age by adducing a copy of national identification card, passport or any other document as may be prescribed by the minister, by regulations.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two thousand currency points or imprisonment for a period not exceeding three years, or both.

26. Packaging of alcoholic drinks in sachet or plastic bottle

(1) A person shall not pack, import or sell an alcoholic drink in a sachet, plastic bottle or such other form as may be prescribed by Minister, by regulations, made under this Act.

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

27. Packaging of alcoholic drinks in a package of less than five hundred milliliters.

(1) A person shall not pack or import an alcoholic drink in a package of less than five hundred milliliters.

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

28. Prohibition of sale of adulterated alcoholic drinks

(1) A person shall not sell an alcoholic drink that is adulterated.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two

hundred currency points or imprisonment for a period not exceeding five years, or both.

(3) For purposes of this section, “adulterate” means to falsify or conceal the quality of an alcoholic drink by the combination with it or to it of a substance, matter or thing, whether harmful or not with the intention of distorting the nature or substance of the alcoholic drink.

29. Prohibition of sale of alcoholic drinks without certification mark

(1) A person shall not sell an alcoholic drink that is not certified by a relevant standards body.

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

30. On-line sale of alcoholic drinks

(1) A person shall not sell an alcoholic drink through electronic or telecommunication medium unless he or she has means of verifying the age of the buyer.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or imprisonment for a period not exceeding five years, or both.

31. Prohibition of employment of person below eighteen years of age

(1) A licensee shall not employ or permit a person below eighteen years of age in premises in which an alcoholic drink is manufactured, sold, stored or consumed.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a period not exceeding two years, or both.

32. Obstruction of authorised officer on duty

A person who obstructs or impedes an authorised officer in the execution of his or her duty under this Act commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment for a period not exceeding one year, or both.

33. Making false or misleading statements to authorised officer

A person who makes a false or misleading statement to an authorised officer 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.

PART VI—MISCELLANEOUS

34. Regulations

(1) The Minister may, by statutory instrument, make regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister shall make regulations in respect of the following matters—

- (a) the procedure for application for licenses;
- (b) fees or charges payable under this Act;
- (c) means of verifying the age of a person as required under this Act; and
- (d) standards and quality for alcoholic drinks.

35. Amendment of the Industrial Licensing Act, Cap. 91

The Industrial Licensing Act, Cap. 91 is amended in the Schedule by repealing paragraphs 31 and 32.

36. Amendment of Schedule

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

37. Repeal of Cap. 97

(1) The Potable Spirits Act, Cap. 97 is repealed.

(2) A statutory instrument made under Potable Spirits Act, Cap. 97 repealed by subsection (1) which is in force immediately before the commencement of this Act shall remain in force, so far as it is not inconsistent with this Act until it is revoked by regulations made under this Act.

38. Saving provision

(1) A licence issued under the Potable Spirits Act, Cap. 97 repealed by section 37, and the amended Industrial Licensing Act, Cap. 91, which is in force immediately before the commencement of this Act—

- (a) shall have effect from the commencement of this Act as if granted under this Act; and
- (b) in the case of a licence for a specified period, shall remain in force, subject to this Act, for the remainder of the period which falls after the commencement of this Act.

(2) A person who, immediately before the commencement of this Act, was in accordance with any law licensed to manufacture for sale, import or erect, establish or operate a factory for the manufacture for sale of beer or alcoholic beverages, or sale of liquor, shall, within twelve months from the date of commencement of this Act, comply with the provisions of this Act.

SCHEDULE

Section 3

CURRENCY POINT

One currency point is equivalent to twenty-thousand shillings

Cross References

Industrial Licensing Act, Cap. 91

National Drug Policy and Authority Act, Cap. 206

Potable Spirits Act, Cap. 97

Public Health Act, Cap. 281

Uganda National Bureau of Standards Act, Cap. 327