
BILLS**SUPPLEMENT No. 15****19th November, 2021****BILLS SUPPLEMENT***to The Uganda Gazette No. 82, Volume CXIV, dated 19th November, 2021*

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Bill No. 33*Markets Bill***2021****THE MARKETS BILL, 2021****MEMORANDUM****1. Policy and principles**

The object of the Bill is to reform the law relating to establishment and control of markets in Uganda; to provide for the establishment and management of public and private markets; to provide for licensing of private markets; to provide for registration of markets and vendors; to provide for levying and collection of market fees; to repeal the Markets Act, Cap. 94; and for related matters.

2. Defects in the existing law

The Markets Act, Cap. 94 does not address the current needs of market development, management and administration that have evolved overtime. The current Markets Act places the establishment and administration of markets solely in the hands of Government. Section 1 of the Markets Act for example, prohibits any other person or authority other than the district administration, a municipal council and a town council within their jurisdictions, from establishing and maintaining a market. This legal regime was based on the economic structure at the time, during which period Uganda operated a planned economy where all elements of the economy were determined centrally by the Government. However, with the advent of a liberalised economy, buttressed with the 1995 Constitution of the Republic of Uganda, Ugandans were granted the right to practice their professions and to carry on lawful occupation, trade or business. As a result of the economic and legal reforms that have evolved overtime, there is need to align the regulation of markets.

Section 2 of the Markets Act empowers the Minister to make rules and byelaws for carrying into effect the purposes of the Act. The Act however, does not define or specify the responsible Minister. When the Markets Act was enacted in 1942, Uganda had a centralised system of governance, it was therefore, presumably the Minister responsible for trade who was responsible for handling matters relating to markets. However, when the decentralised system of governance was introduced, the Minister responsible for local governments took over the governance of local governments affairs under which the markets operations fall. Hence, the need to align the law to the changes in policy.

The Kampala Capital City Act, 2010 mandates Kampala Capital City Authority (KCCA) to establish markets within the Capital City and devolved the administration of markets to Division Urban Councils. Given that the Capital City has a separate Ministry responsible for its affairs different from that of local governments, there is need to cater for the administrative uniqueness of KCCA and facilitate collaboration of the two Ministries to ensure coordinated implementation of markets regulation.

The Markets Act does not provide for the management of vendors, including the involvement of vendors in the affairs of markets and vendors registration. In addition, the Act does not make provision for determination of market fees and revenue collection. The absence of regularised modalities on management of vendors, revenue determination and collection has resulted in unending conflict between market operators and vendors. There is therefore the need for a law that will facilitate streamlined market operations.

Overtime, there have been changes in the administrative structures of local governments which were not envisaged in the current law. The elevation of some districts to cities, for example, necessitates a legislation that will facilitate the establishment of well-regulated and organised modern markets that match the intended level of modernisation and development of the cities.

3. Remedies proposed by the Bill

The Bill seeks to provide for a comprehensive legal framework to strengthen the regulation, management and administration of markets, and to repeal and replace the Markets Act, Cap. 94 to address the gaps and limitations that have been identified in the current law.

4. Provisions of the Bill

The Bill comprises of 43 clauses.

PART I—PRELIMINARY

Part I of the Bill provides for the interpretation of words and phrases used in the Bill, and the administrative authority responsible for the administration of the Act at every local government level.

PART II—ESTABLISHMENT OF PUBLIC MARKETS AND PRIVATE MARKETS

Part II of the Bill, comprising clauses 3, 4, 5 and 6 provides for categories of markets, the establishment of public and private markets, and administration of public markets.

PART III—LICENSING OF PRIVATE MARKETS

Part III of the Bill, comprising clauses 7 to 15 deals with licensing of private markets, conditions for grant of licence, licence fees, suspension and revocation of a license, duration of a licence, the annual renewal of a licence, payment of other applicable licence or fees required under other laws and provides for alteration of layout or design of markets.

PART IV—REGISTER OF MARKETS AND VENDORS

Part IV of the Bill deals with registration of markets and vendors, and vendor associations. Clause 16 obligates the administrative authority to register all markets within his or her area of jurisdiction. Clause 17 on the other hand, imposes an obligation on the administrative authority or private market operator to register vendors. Clause 18 provides for vendor associations.

PART V—MANAGEMENT OF MARKETS

Part V of the Bill, comprising clauses 19 to 30 deals with management of markets. Clauses 19 to 26 provide for establishment of Market Management Committee for every market, composition of the Committee, qualification of members of the Committee, functions of the Committee, tenure of office and removal of members of the Committee, meetings of the Committee and sub-committees.

Clause 27 requires the administrative authority or private market operator to designate departments in every market and provides for election of department heads by vendors in the respective departments. Clauses 28 and 29 provide for the appointment of a market administrator for every market and the allocation committee for public markets respectively. Clause 30 deals with general cleanliness of markets.

PART VI —MARKET FEES

Part VI of the Bill, comprising clauses 31 to 33 deals with determination and collection of market fees by a local authority or agent of a local authority and payment of market fees in public markets.

PART VII—OFFENCES AND PENALTIES

Clauses 34 to 38 of the Bill seek to provide for offences and penalties for breach of conditions of a licence, providing false information in the application for a licence, obstruction and impersonation of a market administrator, and a general penalty.

PART VIII—MISCELLANEOUS

Part VIII of the Bill comprising clauses 39 to 43 deals with miscellaneous matters, including power of the Minister to make regulations, power of local authorities to make ordinances or byelaws, amendment of the Schedule, the repeal of Cap. 94, saving and transitional provisions.

HON. RWABUSHAIJA MARGARET
Workers Representative

THE MARKETS BILL, 2021

ARRANGEMENT OF CLAUSES

Clause

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1. Interpretation
2. Administrative authority

PART II—ESTABLISHMENT OF PUBLIC MARKETS
AND PRIVATE MARKETS

3. Categories of markets
4. Establishment of public markets
5. Administration of public markets
6. Establishment of private markets

PART III—LICENSING OF PRIVATE MARKETS

7. Application for licence
8. Conditions for grant of a licence
9. Grant of license
10. Licence fees
11. Suspension and revocation of a license
12. Duration of a licence
13. Renewal of a licence
14. Other applicable licences or fees
15. Alteration of layout or design of markets

PART IV—REGISTER OF MARKETS AND VENDORS

16. Register of markets
17. Register of vendors
18. Vendor associations

Clause

PART V—MANAGEMENT OF MARKETS

- 19. Market Management Committee
- 20. Composition of the Committee
- 21. Qualifications of members of the Committee
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- 23. Tenure of office
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- 26. Sub-committees
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- 29. Allocation of shop, pitch or stall in a public market
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PART VI—MARKET FEES

- 31. Market fees
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PART VII—OFFENCES AND PENALTIES

- 34. Penalty for breach of conditions of a licence
- 35. False information
- 36. Obstruction of a market administrator
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- 39. Regulations
- 40. Power to make ordinances and byelaws
- 41. Repeal and saving
- 42. Transitional provision
- 43. Amendment of Schedule

SCHEDULE

SCHEDULE Currency Point

A BILL for an ACT

ENTITLED

THE MARKETS ACT, 2021

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

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“Committee” means the Market Management Committee established under section 19;

“Court” means a Magistrate Court;

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

“licence” means a licence issued under this Act;

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

- “market” means a place established or licenced in accordance with this Act to sell agricultural produce or products, and other goods or provision of services;
- “market administrator” means a person appointed under section 28;
- “Minister” means the Minister responsible for local governments;
- “person” includes a company or an association or body of persons corporate or unincorporate;
- “permanent market” means a market established or licenced to operate from a permanent location with full time operations or operations on designated days;
- “pitch” means a portion of the ground or floor of a market allocated to a vendor for the purpose of displaying goods for sale;
- “private market” means a market established and licenced in accordance with this Act;
- “private market operator” means a person licenced to operate a private market under this Act;
- “public market” means a market established by a local authority;
- “responsible Minister” means the Minister responsible for local governments or Minister responsible for the Capital City;
- “seasonal market” means a market established or licenced to operate during a particular season or event;
- “shop” means a portion of the market erected in accordance with this Act for purposes of storage of goods which are displayed for sale;
- “stall” means a portion of the market upon which any structure has been erected in accordance with this Act for purposes of displaying goods for sale;

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

“vendor” means a person registered in accordance with this Act to carry out a business in a market.

2. Administrative authority

For the purpose of administration of this Act—

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

PART II—ESTABLISHMENT OF PUBLIC MARKETS AND PRIVATE MARKETS

3. Categories of markets

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

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

4. Establishment of public markets

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

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

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

(3) The Minister may, by regulation, prescribe the requirements for establishment of each category of a market.

(4) Upon establishment of a public market, the conditions for licensing a private market prescribed under section 8 shall apply to the public market as conditions for commencement of operations of the public market.

(5) A local authority may, in accordance with the Public Private Partnership Act, 2015 or the Public Procurement and Disposal of Public Assets Act, 2003, enter into an agreement with a person to develop or manage a public market within its area of jurisdiction.

5. Administration of public markets

Where a public market is established under this Act, the administration of the public market shall be in accordance with the Kampala Capital City Act, 2010 or the Local Governments Act, Cap. 243.

6. Establishment of private markets

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

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

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

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

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

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

PART III—LICENSING OF PRIVATE MARKETS

7. **Application for licence**

(1) A person who intends to operate a private market shall apply, in the prescribed form, to the appropriate administrative authority, for a licence.

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

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

8. Conditions for grant of a licence

(1) The responsible Minister shall, by regulation, prescribe conditions for grant of a licence for each category of a market under this Act.

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

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

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

9. Grant of license

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

(2) The licence issued under subsection (1) shall—

- (a) be in the prescribed form; and
- (b) specify the category of a market in respect of which the licence is granted.

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

(4) An applicant who is aggrieved by the refusal of the administrative authority to grant a licence may, within fourteen

working days from the date of receipt of the written explanation under subsection (3), appeal to the responsible Minister.

(5) An applicant who is dissatisfied with the decision of the responsible Minister may apply to Court.

10. Licence fees

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

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

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

11. Suspension and revocation of a license

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

- (a) if he or she is satisfied that any of the conditions upon which the licence was granted has been breached;
- (b) where a private market operator ceases to operate a market specified in the licence; or
- (c) where the market is operated in breach of any provision of this Act.

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

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

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

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

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

12. Duration of a licence

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

13. Renewal of a licence

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

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

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

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

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

(5) Section 9(3), (4) and (5) shall, with the necessary modifications, apply to the application for renewal of a licence.

14. Other applicable licences or fees

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

15. Alteration of layout or design of markets

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

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

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

PART IV—REGISTER OF MARKETS AND VENDORS

16. Register of markets

(1) An administrative authority shall keep and maintain a register of all markets within his or her area of jurisdiction.

(2) The market register shall indicate the category of the market operated.

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

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

17. Register of vendors

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

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

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

- (a) name and address of the vendor;
- (b) name and location of the market the vendor operates in;
- (c) goods sold or services provided by the vendor; and
- (d) any other information that may be deemed necessary for registration.

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

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

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

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

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

18. Vendor associations

A vendor may form or join a labour union, registered association, partnership, cooperative or savings and credit cooperative society.

PART V—MANAGEMENT OF MARKETS**19. Market Management Committee**

(1) There shall be established a Market Management Committee in every market.

(2) The Committee shall be responsible for the general day to day management of a market.

(3) The administrative authority shall, within twelve months of establishment or licensing of a market, cause the election of the Committee.

(4) A private market operator shall, upon election of the Committee, submit the names of members of the Committee and their respective departments to the appropriate administrative authority.

20. Composition of the Committee

(1) The Committee shall consist of—

- (a) chairperson;
- (b) vice-chairperson;
- (c) secretary;
- (d) treasurer;
- (e) social and economic welfare secretary;
- (f) public health, sanitation and utility secretary;
- (g) a representative of women;
- (h) a representative of persons with disabilities;
- (i) a representative of the youth;
- (j) a representative of the appropriate administrative authority in the case of a public market; and
- (k) a representative of a private market operator, in the case of a private market.

(2) The members of the Committee other than the members under subsection (1) (j) and (k) shall be elected by the vendors from among themselves.

(3) The administrative authority shall organise and supervise the election of members of the Committee.

(4) In organising the election of members of the Committee under subsection (3), the administrative authority shall take into consideration, gender equity.

21. Qualifications of members of the Committee

A person shall not be elected a member of the Committee under section 20 (1) (a), (b), (c), (d), (e), (f), (g), (h) and (i) unless he or she—

- (a) is a vendor;
- (b) has paid up the applicable market fees; and
- (c) is a person of high moral character and proven integrity.

22. Functions of the Committee

The Committee shall—

- (a) be responsible for ensuring security, proper organisation, sanitation, health and hygiene in all areas of the market;
- (b) coordinate the maintenance of market premises;
- (c) mobilise revenue collection;
- (d) mobilise vendors to form registered associations, partnerships, cooperatives or savings and credit cooperative societies;
- (e) act as a link between the vendors and a local authority or private market operator;
- (f) be responsible for resolving disputes arising within a market between a vendor and a local authority or private market operator, or between vendors.

23. Tenure of office

Subject to this Act, a member of the Committee under section 20 (1) (a), (b), (c), (d), (e), (f), (g), (h) and (i) shall serve for a period of three years and may be eligible for re-election.

24. Removal of a member

(1) The administrative authority or private market operator may remove a member of the Committee from office—

- (a) for inability to perform the functions of his or her office as a result of infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) incompetence; or
- (d) where a member ceases to be a vendor.

(2) A member of the Committee may resign from office in writing to the appropriate administrative authority or private market operator.

(3) Where a member of the Committee resigns, dies or is removed from office under this section—

- (a) the chairperson of the Committee shall, within fourteen days, notify the appropriate administrative authority; and
- (b) in the case of a chairperson, the vice chairperson shall notify the appropriate administrative authority.

(4) The administrative authority or private market operator shall, within fourteen days of the occurrence of a vacancy, cause the election of another person to replace the member who has ceased to be a member under subsection (3).

25. Meetings of the Committee

(1) The Committee shall meet regularly for the discharge of its functions at a time and place determined by the chairperson of the Committee.

(2) The chairperson of the Committee shall give one day's notice for the meeting to all members.

(3) Notwithstanding subsection (2), the chairperson of the Committee may call a meeting giving less than one day's notice, where, in his or her opinion, a matter arises in a market that requires urgent attention by the Committee.

(4) The notice of the meeting shall include the agenda and venue of the meeting.

(5) The meetings of the Committee shall be open to the public except where, in the opinion of the chairperson of the Committee or the Committee, the deliberations at a particular meeting are of a confidential nature.

(6) Subject to this section, a Committee may regulate the procedure for its meetings.

(7) The chairperson of the Committee shall keep records of every meeting of the Committee.

(8) The quorum of the Committee shall be five members.

26. Sub-committees

(1) The Committee may, for the purpose of effective management of the affairs of the market and performance of its functions under this Act, constitute the following sub-committees—

(a) public health, hygiene and sanitation;

- (b) security;
- (c) utility affairs;
- (d) social and economic welfare; and
- (e) dispute resolution.

(2) The Committee may delegate any of its functions to a relevant sub-committee.

(3) A sub-committee constituted under this section shall consist of a chairperson and other members of the Committee not exceeding four members.

(4) A Committee may co-opt a person to the sub-committee but the person shall not vote on any matter before the sub-committee.

27. Designation of departments in a market

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

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

(3) The vendors in each designated department under subsection (1) shall elect two department heads from among themselves, one of whom shall be a woman.

(4) The department heads elected under subsection (3) shall serve for a period of three years and may be eligible for re-election.

- (5) The department head shall be responsible for—
 - (a) ensuring proper organisation, sanitation and orderliness of pitches, stalls or shops under the respective department;
 - (b) vetting of a new vendor into a department;

- (c) ensuring that any matter affecting a department of a market, and falling within the mandate of the Committee is brought to the attention of the Committee; or
- (d) handling disputes within a department of a market.

28. Market administrator

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

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

(3) The market administrator shall be responsible for—

- (a) overseeing day to day management of a market;
- (b) liaising with the Committee or the administrative authority on the affairs of a market;
- (c) ensuring general maintenance of orderliness in a market.

29. Allocation of shop, pitch or stall in a public market

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

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

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

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

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

(6) A person who sublets the allocated work space, shop, pitch or stall without authorisation required under subsection (5) shall vacate the work space, shop, pitch or stall.

30. General cleanliness

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

(2) A person shall dispose of garbage or any waste from his or her pitch, stall or shop in a place designated for disposal of garbage.

PART VI — MARKET FEES**31. Market fees**

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

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

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

32. Market fees collection

(1) A local authority shall collect market fees due to the local authority from all markets within its area of jurisdiction in accordance with the Local Governments Act, Cap. 243, Kampala Capital City Act, 2010 or any other applicable law.

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

33. Payment of market fees in public markets

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

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

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

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

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

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

PART VII—OFFENCES AND PENALTIES**34. Penalty for breach of conditions of a licence**

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

35. False information

A person who knowingly makes a false statement or gives false information in respect of an application for a licence under this Act commits an offence and is liable, on conviction, to a fine not exceeding sixty currency points or imprisonment not exceeding one year, or both.

36. Obstruction of a market administrator

A person who—

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

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

37. Impersonation of a market administrator

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

38. General penalty

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

PART VIII—MISCELLANEOUS

39. Regulations

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

40. Power to make ordinances and byelaws

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

41. Repeal and saving

(1) The Markets Act, Cap. 94 is repealed.

(2) Notwithstanding subsection (1), any statutory instrument made under the Markets Act, Cap. 94 which is in force immediately before the commencement of this Act, shall remain in force in so far it does not contradict this Act, until revoked under this Act.

42. Transitional provision

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

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

43. Amendment of Schedule

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

SCHEDULE

Section 1

One currency point is equivalent to twenty thousand shillings.

Cross References

Building Control Act, 2013, Act 10 of 2013

Kampala Capital City Act, 2010, Act 1 of 2011

Local Governments Act, Cap. 243

National Environment Act, 2019, Act 5 of 2019

Physical Planning Act, 2010, Act 8 of 2010

Public Health Act, Cap. 281

Public Private Partnership Act, 2015, Act 13 of 2015

Public Procurement and Disposal of Public Assets Act, 2003, Act 1 of 2003

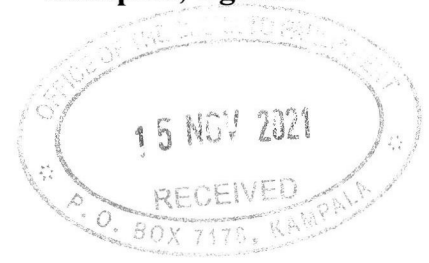
Telephone : 256 41 4341305/230487
Fax : 256 41 4233524
Email : finance@finance.go.ug
Website : www.finance.go.ug
Plot No. 2-10 Apollo Kaggwa Road
In any correspondence on
This subject please quote No PAD 55/255/01



Ministry of Finance, Planning &
Economic Development,
P.O Box 8147
Kampala, Uganda

9th November, 2021

The Clerk to Parliament,
Parliament of Uganda
KAMPALA



CERTIFICATE OF FINANCIAL IMPLICATIONS FOR THE MARKETS BILL

I acknowledge receipt of your letter Ref. AB 46/209/01 dated 28th October, 2021 requesting this Ministry to process and issue a Certificate of Financial Implications to facilitate presentation of a Private Member's Bill – “the Markets Bill” to Parliament.

We have analysed the Bill and noted that it is expected to repeal the Markets Act, Cap. 94 to address the gaps and limitations identified in the current law by providing for a comprehensive legal framework to strengthen the regulation, management and administration of markets.

We have also noted that there will be no additional funding requirements from Government as a result of implementation of the Bill. The Certificate of Financial Implications has therefore been issued on that understanding.

The purpose of this letter therefore, is to forward to you the signed Certificate of Financial Implications for your appropriate action.

A handwritten signature in black ink, appearing to be 'Ramathan Ggoobi', written over a horizontal line.

Ramathan Ggoobi

PERMANENT SECRETARY/SECRETARY TO THE TREASURY

Copy: Rt. Hon. Speaker of Parliament
Rt. Hon. Deputy Speaker of Parliament
Hon. Minister of Finance, Planning and Economic Development
Hon. Minister of Local Government
All Hon. Ministers of State, Ministry of Finance, Planning and
Economic Development
Hon. Margaret Rwabushaija (MP, Workers)
General Counsel to Parliament

Mission

“To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development”

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Ministry of Finance, Planning &
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P.O Box 8147
Kampala, Uganda

9th November, 2021

**CERTIFICATE
OF
FINANCIAL IMPLICATIONS**



(Made under Section 76 of the Public Finance Management Act, 2015
as amended)

THIS IS TO CERTIFY that the Market Bill on the reform of the law relating to the establishment and control of markets in Uganda has been examined as required under Section 76 of the Public Finance Management Act, 2015 (as amended).

I report as follows:

a) **Background**

The Markets Act, Cap. 94 dates back to the colonial era and does not address the current needs of market development, management and administration that have evolved over time. Consequently, there is need to align the regulation of markets to the legal reforms, and other emerging issues.

b) **Objectives of the Bill**

The objectives of the Bill are to:

- i) Reform the law relating to establishment and control of markets in Uganda;
- ii) Provide for establishment and management of public markets and private markets;
- iii) Provide for licensing of private markets;
- iv) Provide for establishment of Market Management Committees for all markets and designation of market departments;
- v) Provide for registration of markets and vendors;
- vi) Provide for levying and collection of market fees;
- vii) Repeal the Markets Act, Cap. 94; and for related matters.

Mission

"To formulate sound economic policies, maximize revenue mobilization, ensure efficient allocation and accountability for public resources so as to achieve the most rapid and sustainable economic growth and development"

c) **Expected outputs**

The Market Act, Cap. 94 repealed and replaced to address the gaps and limitations that have been identified in the current law by providing for a comprehensive legal framework to strengthen the regulation, management and administration of markets.

d) **Funding and budgetary implications.**

Implementation of the Bill does not require additional funding from Government as the activities therein are routine and can be accommodated within the existing resources of the relevant Ministries, Departments and Agencies.

e) **Expected benefits/savings and /or revenue to government**

Implementation of the Bill will eliminate inadequacies in the current Markets Act, provide opportunity for establishment and management of public markets and private markets and provide for levying and collection of market fees to raise revenue for Government.

Submitted to Parliament under my hand this day of2021.



Matia Kasaija (MP)
MINISTER OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT

Received by:

Date: