

ORDINANCE SUPPLEMENT

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Local Governments (Kampala City Council)
Ordinance 16 *(Fish) Ordinance* **2006**

THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL)
(FISH) ORDINANCE, 2006.

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THE LOCAL GOVERNMENTS (KAMPALA CITY COUNCIL) (FISH) ORDINANCE 2006.

(Under sections 38, 40 and 41 and paragraph 5 (a) of Part 2 and paragraph 26 of Part 3 of the Second Schedule of the Local Governments Act, Cap.243)

An Ordinance to provide for the licensing, control and regulation of the farming, capture, handling, processing and selling of fish and to provide for other connected matters.

BE IT ORDAINED by the Council of the City of Kampala as follows:

PART I—PRELIMINARY

1. (1) This Ordinance be cited as the Local Governments (Kampala City Council) (Fish) Ordinance, 2006.

Citation and commencement.

(2) This Ordinance shall come into force three months from the date of its publication.

2. This Ordinance applies to all areas in the City.

Application.

3. In this Ordinance, unless the context otherwise requires—

Interpretation.

“Act” means the Local Governments Act;

“authorised officer” has the meaning assigned to it under the Fish Act;

“City” means Kampala City;

“Council” means the City Council of Kampala;

“currency point” has the meaning assigned to it in the First Schedule to this Ordinance;

“fish” means any vertebrate fish alive or dead and any part of the fish, including its young, eggs and fry or any part of dead fish whether fresh or smoked or otherwise processed but does not include imported canned fish;

“fishing” means the capture of fish from waters using approved methods;

“fisherman” has the meaning assigned to it in the Fish Act;

“fish capture” means the catching of mature fish from natural water bodies;

“fish farmer” has the meaning assigned to it under the Fish (Aquaculture) Rules;

“fish farming” means the rearing of fish in a controlled environment;

“fish handler” means any person employed or engaged in the carrying, scaling, processing, packaging and selling of fish;

“fish handling” means the process that fish or fish products undergo from the time of capture to the time of sale;

“fish market” means any gazetted, licensed premises, fish market, stall or place where fish is sold;

“fish hawker” means a person who sells fish by moving from place to place;

“fishmonger” means a person who sells fish or fish products in a fish market and includes a licensed fish hawker;

“fish processing” means the curing of fish or fish products by drying, smoking, salting or other methods to preserve the fish;

“fish products” means any derivation of fish other than dried fish and includes frozen or grilled fish;

“licence” means a person to whom a licence is granted under this Ordinance;

“medical officer of health” has the meaning assigned to it under Public Health Act;

“premises” includes any building or tent together with the land on which it is situated and the adjoining land used in connection with it, and includes any vehicle, conveyance or vessel;

“vehicle” means any means of conveyance or of transit used to transport fish and fish products and includes a bicycle.

PART III—DEALING IN FISH

4. (1) A person shall not carry out fish farming, fishing, fish mongering or trade in fish or fish products unless he or she is in possession of a valid licence issued to him or her by the Council.

Dealing in fish.

(2) A person shall not operate as a fishmonger or sell fish or fish products to the public except in a licensed fish market, licensed area, or gazetted fish landing site.

(3) Subparagraph (2) of this section shall not apply to a fish hawker in possession of a valid licence.

5. (1) An authorised officer may at any time, examine any fish offered for sale at a fish landing site or in a fish market, to determine whether the fish is fit for human consumption.

Examination of fish.

(2) An authorised officer may at any time, detain for examination, any fish at a fish landing site whether in transit or at a fish market, for purposes of determining that the fish is fit for human consumption.

(3) Where, an authorised officer is of the opinion that any fish examined or detained by him or her under this paragraph is unfit for human consumption, the authorised officer shall—

(a) forbid the sale of the fish; or

(b) order that the fish be destroyed.

(4) Any person who does not comply with an order made under this Ordinance commits an offence.

Fish from
outside
Council's
jurisdiction.

6. (1) Where a person desires to bring any fish from outside the City to a fish market or a fish landing site within the Council's area of jurisdiction, he or she shall first obtain a permit from the relevant authority of the area of origin of the fish or from the Council or from an authorised officer, authorising such person to do so.

(2) The Council or an authorised officer to whom an application is made under subparagraph (1) of this section, may require the applicant to produce the fish at a suitable place to be examined as fish fit for human consumption or to ensure that the fish or fish products were properly handled.

(3) Any person who contravenes this paragraph commits an offence.

(4) The paragraph shall not apply to fish lawfully imported into Uganda in accordance with the laws governing the importation of food items.

Conveyance
of fish and
fish
products.

7. (1) A person shall not convey fish or fish products intended for sale to the public as food for human consumption in a vehicle unless the vehicle has been approved in writing by the Council to be fit for the purpose of conveying fish.

(2) The Council shall not approve a motor vehicle, which is not covered and does not have proper provision for preventing the fish from getting exposed to contamination.

(3) If, at any time, the Council is of the opinion that any vehicle approved under subparagraph (1) is not being maintained to the standard required by the Council or has otherwise ceased to be suitable for carrying fish; the Council may revoke the approval of the vehicle to transport fish.

8. (1) Any person who conveys or causes to be conveyed any fish or fish products in a vehicle shall—

Conditions
for
conveying
fish or fish
products

(a) cause the inside and the covering of the vehicle, the receptacles for fish and any apparatus coming into contact with fish used for loading and unloading to be kept in a clean condition; and

(b) not permit any person, live animal, material or any other thing, to be conveyed together with the fish in the body of the vehicle.

(2) A person engaged in the handling or transporting of fish shall—

(a) not permit any part of the fish or fish products to come into contact with the ground;

(b) take all precautions which in the opinion of the Council are considered to be necessary to prevent the exposure of fish to contamination;

(c) not permit any passenger or livestock in the vehicle transporting the fish, particularly in the trunk were the fish or fish products are kept; and

(d) not permit the transportation of fish and fish products in containers that are not easy to clean.

(3) A person engaged in the handling or transporting of fish shall ensure that his or her employees in the course of their employment, wear clean and washable head coverings and overalls.

(4) An authorised officer may at any time inspect any

vehicle used for carrying fish to ensure compliance with the provisions of this Ordinance.

Application
for fish
permit and
licence

PART III—LICENCES AND PERMITS

9. (1) An artisanal fish farmer, fisherman, artisanal fish processor or fishmonger shall apply for an urban agricultural permit under paragraphs 4 and 5 of the Kampala City (Urban Agriculture) Ordinance, 2006.

(2) A commercial fish farmer, fisherman, fish transporter or fish monger shall apply for a fish licence to the Council in the form prescribed in the Second Schedule to this Ordinance.

(3) An application under this section shall be accompanied by fees prescribed by the Council.

(4) The Council shall not issue a licence under this paragraph unless the applicant produces a certificate from a medical officer of health stating that the premises in respect of which the licence is required comply with the requirements of this Ordinance.

Fish
licence.

10. (1) No premises shall be used for processing or selling fish and fish products unless the Council has licensed the premises in the form prescribed in the Third Schedule to this Ordinance.

(2) A licence issued under this paragraph shall be annual and shall expire at the end of the financial year of the Council.

(3) A licence under this paragraph shall not be transferable.

(4) For the avoidance of doubt, “premises” under this section includes such facilities as may exist at a landing site for the purpose of handling or selling fish.

Require-
ments for
premises.

11. (1) Any premises licensed under this Ordinance shall meet the following requirements—

- (a) the construction, situation, lighting, ventilation, drainage, sanitary accommodation and state of repair of the premises shall be maintained in good

sanitary conditions and with provisions to prevent the fish from contamination;

- (b) have sufficient and accessible supply of clean and wholesome water;
- (c) have adequate facilities for a sufficient supply of boiling water for the purposes of maintaining hygiene and any other purposes;
- (d) provide sufficient accommodation and facilities for employees to wash themselves, their overalls and head coverings;
- (e) contain sufficient portable receptacles of a size and shape approved by the Council and fitted with proper lids, in which all refuse and fish trimmings not intended for sale shall be placed;
- (f) that no part of the premises is used as or connected to a sleeping room;
- (g) that the premises have a dressing room or cupboard or similar facility for employees to store their overalls and head coverings in a clean and sanitary condition which shall not be used for any other purpose; and
- (h) have a fly proof repository of a size and design approved by the Council for the storage of any fish not required for immediate sale which shall not be used for any other purpose.

(2) A licensee of premises shall ensure that no cellar or basement of the premises is used for the purposes of processing or selling fish.

(3) A licensee of premises shall ensure that fish is sold from a reasonable distance to be determined by the Council from—

- (a) other premises were other items other than fish are sold;
- (b) a toilet;
- (c) garbage refuse skips;
- (d) an open drainage channel;
- (e) hair dressing areas; or
- (f) any other source contaminants.

(4) For the purpose of subparagraph (1) of this section, the words “sufficient” and “adequate” shall mean sufficient or adequate, as the case may be, in the opinion of the Council.

Standards to be observed on premises.

12. (1) A licensee of premises for processing or selling fish shall—

- (a) observe all due cleanliness to the satisfaction of the Council in regard to his or her premises and all articles, apparatus and utensils kept on the premises;
- (b) cause the inside walls and ceiling of the premises to be surfaced as may be approved by the Council and to be treated with lime-wash or other suitable material approved by the Council and thereafter to be resurfaced and treated at such intervals as determined by the Council for the purpose of maintaining cleanliness and minimising the risk of contamination of any fish kept on the premises;
- (c) not suffer, or cause to suffer, any refuse, filth, fish by-products or fish trimmings not intended for sale to be deposited or accumulated on the premises except in special receptacles provided for that purpose;
- (d) not permit any gut scraping, tripe cleaning or domestic washing to be carried on the premises;
- (e) take all necessary precautions to guard against the

fish kept on the premises from getting contaminated by flies or other contaminants by using methods approved by the Council.

Licensee to give information.

13. A licensee of premises shall, without delay, inform a medical officer of health of the occurrence or suspected occurrence of any infectious disease among any of his or her employees and the licensee shall comply with any directions which the medical officer of health may give for the purpose of controlling the spread of any such disease.

PART IV—MISCELLANEOUS

Live animals and birds prohibited.

14. A person shall not keep a live animal or a bird on any premises used for processing or selling of fish.

Restricted use of premises.

15. The premises shall not be used for any other trade or process without the written approval of the Council.

Liability of licensee.

16. A licensee of premises shall ensure that his or her employees or agents comply with the provisions of this Ordinance and any breach of the provisions of this Ordinance committed by the agent or employee of the licensee shall be deemed to be a breach of the Ordinance by the licensee.

Display of licence.

17. A licensee of premises shall fix and at all times maintain his or her licence in a conspicuous place on the premises.

Prohibited persons.

18. (1) A person who is suffering from an infectious disease shall not—

(a) work on any premises; or

(b) handle or assist in the handling of fish intended for sale as food for human consumption.

(2) The Council shall cause a person working in any premises used for processing or selling of fish, to be medically examined at least once a year at the expense of that person.

Fish drying and packaging.

(3) A medical officer appointed by the Council shall conduct the examination referred to in subparagraph (2).

19. (1) The provisions of the Fish Act shall apply to the packaging of fish and fish by- products.

Immature fish.

(2) The provisions of the Fish Act shall apply to the use of hazardous materials including rubber, in the drying of fish.

20. The provisions of the Fish Act relating to the capture, possession, transportation and consumption of immature fish shall apply to this Ordinance.

Permits for possession of ornamental fish.

21. (1) A person, who engages in the selling or possessing of ornamental fish, shall apply for an ornamental fish permit at a fee prescribed by the Council.

Capturing fish using poison.

(2) Any person who sells or possesses ornamental fish without a valid permit referred to in subparagraph (1), commits an offence

22. (1) A person shall not fish using any chemicals or toxic substances in waters in the Council's jurisdiction.

Offences and penalties.

(2) A person who contravenes this section commits an offence.

23. Any person who contravenes any provision of this Ordinance commits an offence and is liable on conviction, to a fine not exceeding two currency points or to a term of imprisonment not exceeding six months or both.

Revocation and suspension of licence.

24. The Court may, in addition to or in substitution for any other penalty, revoke or suspend the licence of any person

convicted of an offence under this Ordinance.

SCHEDULES.

FIRST SCHEDULE.

Paragraphs 3 and 23

CURRENCY POINT.

One currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE

paragraph 9(2)

The Republic of Uganda

APPLICATION FOR LICENCE OF PREMISES USED FOR
PROCESSING/SELLING OF FISH

*(The Local Governments (Kampala City Council) (Fish) Ordinance,
2006)*

To: The Town Clerk
Kampala City Council

1. I/We, the undersigned, hereby make application for a license in respect of premises to be used for processing/selling of fish situated at

2. I/We, shall after issue of licence operate as—

Tick as appropriate

- (a) processor(s)
- (b) wholesaler(s)
- (c) fishmonger(s)
- (d) fish handler(s)
- (e) commercial fish farmer

Dated this day of 20.....

.....
Signature of Applicant.

THIRD SCHEDULE

Paragraph 10(1)

The Republic of Uganda

PREMISES FOR FISH PROCESSING/SELLING LICENCE

(The Local Governments (Kampala City Council) (Fish) Ordinance, 2006)

Licence No:

Name of licensee:

Premises situate at: are hereby licensed as premises for the processing or selling of fish

Date of issue:

This licence expires on day of20.....

.....
Kampala City Council.

PASSED by the City Council of Kampala on 30th day of April, 2004.

I HEREBY signify my hand this 10th day of May, 2005.

Cross References

Fish Act, Cap. 197.

Local Governments Act, Cap. 243.

Public Health Act, Cap. 281.

Fish (Aquaculture) Rules, S.I. No. 81 fo 2003.

JOHN SSEBAANA KIZITO,
Mayor, Kampala City Council.