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

2020 No. 4.

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

2020 No. 4.

The Plant Protection and Health (Import and Export) Regulations, 2020

IN EXERCISE of the powers conferred on the Minister responsible for Agriculture by section 8 (1) (b), 14 (8) and 21 of the Plant Protection and Health Act, 2016, Act 6 of 2016, these Regulations are made this 31st day of December, 2019.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the Plant Protection and Health (Import and Export) Regulations, 2020.

2. Interpretation

In these regulations, unless the context otherwise requires—

"Act" means the Plant Protection and Heath Act, 2016;

"additional declaration" means a statement that is required by an importing country to be entered in a phytosanitary certificate and which provides specific additional information relating to the phytosanitary condition of a consignment;

"beneficial insect" includes insect that serves the best interests of human's including insect pest predators, parasites and pollinating agents;

"bio-control agent" means any biological agent such as parasite, predator, parasitoid, microbial organism or self-replicating entity that is used for control of pests;

"consignment" means a quantity of plants, plant products or other articles moved from or to Uganda and covered, by a single Phytosanitary Certificate;

"Currency point"; means the value assigned to the currency point in Schedule I

"devitalisation" means the procedure of rendering plants and plant products incapable of germination, growth or further reproduction;

"dossier" means a document containing a collection of information relating on the description, potential hazards, history of usage of an insect, biological control agent or microbial cultures;

"dunnage" means wood packaging material used to secure or support a commodity but which does not remain associated with the commodity;

"grain" does not include a seed certified for planting;

"germplasm" means plants in whole or in part and their propagules including seeds, vegetative parts, tissue cultures, cell cultures, genes and DNA based sequences that are held in a repository or collected from wild as the case may be and are utilized in genetic studies or plant breeding programmes for crop improvement;

"irradiation" means the treatment of food or agricultural products with any type of processing of ionising radiation such as gamma irradiation or micro-electron acceleration processing;

"noxious weed" means any weed harmful, hazardous or unwholesome to human beings, animal life or parasitic on plant species;

"pack house" means premises where a plant, a plant product or regulated articles for export are graded, packaged and coded for purposes of export certification;

"pathway" includes any means that allows the entry or spread of a pest;

"pest risk analysis" means the process of evaluating scientific and economic evidence to determine whether a plant, plant product or other regulated article scientific contains a pest that is regulated or should be regulated and the appropriate strength of phytosanitary measures to be taken against it;

"regulated article" means a plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring and spreading pests that require phytosanitary measures particularly where international movement is involved;

"seed" means propagative material, plants and parts of plants intended for the propagation and multiplication of a plant variety;

"timber" includes a tree or any part of a tree which has fallen or been felled and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned;

"tissue cultured plant" means any part of a plant or plant tissue or plantlet grown under aseptic or sterile conditions in flasks or other suitable containers on appropriate media and shall include ex-agar washed plantlets.

PART II—IMPORTATION OF PLANT OR PLANT PRODUCTS

3. Application for import permit.

(1) A person who wishes to import any plant, plant product or any other regulated article shall make an application for an importation permit to the Commissioner responsible for crop inspection and certification.

(2) The application for an importation permit shall specify—

(a) the name of the plant, plant product or regulated article to be imported;

(b) the purposes for which the plant, plant product or regulated article to be imported in intended to be used;

(c) the particulars of the consignee;

(d) the particulars of the consignor;

(e) the country of origin of the plant or plant products to be imported;

(f) the quantity of the plant or plant product to be imported; and

(g) proof of payment of the prescribed fees.

(3) The application referred to in sub regulation (1) shall be in Form A set out in Schedule II.

(4) The Commissioner responsible for crop inspection and certification shall upon receipt of the application conduct a pest risk analysis to determine the suitability of the plant, plant product or regulated article to be imported.

(5) Where an application for an import permit under sub regulation (1), is in respect of a plant, plant product or regulated article that has previously undergone a pest risk analysis, the Commissioner responsible for crop inspection and certification shall consider the application and communicate his or her decision to the applicant within ten working days.

(6) Where an application for a permit under sub regulation (1), is in respect of a plant, plant product or regulated article which requires a pest risk analysis to be undertaken, the Commissioner responsible for crop inspection and certification shall consider the application and communicate his or her decision to the applicant within ten working days after conducting a pest risk analysis.

4. Issuance of an import permit

(1) The Commissioner responsible for crop inspection and certification shall if satisfied that the applicant meets the requirements of importation of a plant, plant product or regulated article issue an import permit in Form B specified in Schedule II.

(2) The import permit may be subject to such terms and conditions as the commissioner may deem appropriate.

(3) Notwithstanding sub regulation (2), the terms and conditions may include—

(a) a requirement for a phytosanitary certificate or its equivalent;

(b) a requirement for additional declarations;

(c) a specific designated point of entry for the imports;

(d) applying to consignment specified in the permit only;

(e) the nature of the packaging;

(f) the nature of the treatment of the consignment;

(g) the validity of the permit; and

(h) presentation of a plant, plant product or regulated article for inspection at the point of entry.

(4) A person who imports any plant or plant material without a permit issued under these Regulations commits an offence and is liable on conviction to a term of imprisonment not exceeding six month or fine not exceeding two currency points.

(5) In addition to the punishment referred to under sub regulation (4), the inspector shall seize the plant, plant products or regulated articles imported by a person convicted under sub regulation (4) and shall deal with them in accordance with section 19 of the Act.

(6) The terms and conditions specified in the permit shall not be changed or modified without the approval of the Commissioner responsible for crop inspection and certification.

5. General requirements for importation

(1) Any plant, plant product or regulated article imported under these Regulations shall be held, grown and maintained in compliance with the conditions stated in the permit, and shall be made available to the Inspector for examination at all reasonable times.

(2) An importer shall furnish the exporting country with the copy of the import permit for processing of the consignment and in case of any additional declarations, the exporting country shall be required to endorse the additional declarations on the phytosanitary certificate issued for the importation of the commodity.

(3) Upon arrival of the consignment at the point of entry, an importer shall declare the consignment and accompanying documents to an inspector for purposes of inspection.

(4) The inspector shall examine the documents and the consignment to verify the authenticity or otherwise of the accompanying documents including the original copy of the import permit and the phytosanitary certificate.

(5) If the consignment requires testing or treatment, an inspector at the entry point shall recommend the type of testing or treatment required and the treatment or testing shall be under the supervision of an Inspector.

(6) Where an inspector recommends that the consignment should be destroyed or quarantined it shall be carried out under the direction and supervision of the Commissioner responsible for crop inspection and certification at the expense of the owner of the consignment.

(7) Where the quantity that is permissible for importation as specified in the import permit is in excess by at least ten percent as specified in the phytosanitary certificate, the consignment may be allowed upon payment of an additional inspection fee and import permit fee.

(8) The import permit issued under these Regulations shall not be transferable or assignable and no amendments shall be made to the permit unless permitted by the Commissioner responsible for crop inspection and certification.

(9) A consignment of seed or plant for propagation and regulated articles including live insects, microbial cultures, bio-control agents, germplasm and soil shall only be imported through a Plant Quarantine Station or a designated containment facility.

(10) For purposes of re-exports imported in Uganda the consignment, shall be accompanied by a phytosanitary certificate and the re-export phytosanitary certificate.

6. Expiry of the import permit

(1) An import permit issued under regulation 4, shall be valid for six months from the date of issue and shall only be used for the prescribed entry point and specified consignment.

(2) Notwithstanding sub regulation (1), the Commissioner responsible for crop inspection and certification may, on application, extend the validity of an import permit for a further period of six months upon payment of a fee prescribed in Schedule III.

(3) The application for extension under sub regulation (2), shall be made in writing to the commissioner with justifiable reasons at least one month before the expiry of the import permit.

7. Refusal to grant an import permit.

(1) The Commissioner responsible for crop inspection and certification may refuse to grant an import permit under these Regulations and shall give reasons for the refusal in writing within seven days from the date of the refusal.

(2) The Commissioner responsible for crop inspection and certification may refuse to issue an import permit on any of the following grounds—

(a) where there is a risk that cannot be managed;

(b) if the applicant fails to comply with the provisions of the Act or these Regulations;

(c) if the pest risk analysis has not been conducted; or

(d) if the applicant has previously failed to comply with an order of Commissioner responsible for crop inspection or certification made under the Act or these regulations.

8. Importation for research purposes

(1) A person who wishes to import any plant, plant product or any other regulated article for purposes of essential scientific research or experiment under section 15 of the Act shall apply to the Minster for an importation permit.

(2) The application referred to in sub regulation (1) shall be in respect of anything for purposes of essential scientific research or experiment permit and shall include—

(a) germplasm;

(b) microbial organism;

(c) insect; or

(d) genetically modified organisms.

(3) In addition to the requirements specified in regulation 3 of these Regulations an application to import genetically modified organism for research or experimental purposes shall be accompanied by a letter of no objection issued by the Uganda National Council for Science and Technology.

(4) The imported consignment of genetically modified organisms or biological control agents shall not be opened at the point of entry, but shall be accompanied by an inspector, to the containment facility for verification and inspection.

9. Import of live insects, biological control agents or microbial cultures

(1) Where an application for an import permit in respect of importation of live insects, micro cultures including mushroom spawns and algae or biological control agents, the application shall be made to the Commissioner responsible for crop inspection and certification in Form C prescribed in Schedule II.

(2) In addition to the requirements specified in regulation 3 of these Regulations an application to import made under sub regulation (1) shall be accompanied by—

(a) proof of a containment facility;

(b) a statement of bio safety levels and arrangement;

(c) a monitoring plan for the imported insect, biological control agents or microbial cultures;

(d) proof of trained staff to manage the imported insect, biological control agents or microbial cultures; and

(e) a copy of dossier of the imported insect, biological control agents or microbial cultures.

(3) A consignment of live insects, micro cultures including mushroom spawns and algae or biological control agents shall only enter Uganda through a permissible or designated point of entry with a specified plant quarantine station or designated containment facility.

10. Importation of timber

(1) The Commissioner for crop protection and certification shall only issue an import permit in respect of a consignment for timber if—

(a) the timber is stripped of its bark either squared or rounded;

(b) the timber is accompanied by an official statement that wood has been appropriately fumigated or treated;

(c) the consignment is accompanied by a treatment certificate;

(d) the nature of the treatment or fumigation is endorsed on the phytosanitary certificate issued by country of origin or re-export, as the case may be; and

(e) the timber is marked with an internationally recognized mark.

(2) An inspector shall inspect a consignment of imported timber on board, before unloading at the port of entry, and if he or she finds it necessary to fumigate or treat the timber on board, the timber shall be fumigated or treated at the cost of the importer, before unloading.

11. Prohibition of importation of soil

(1) A person shall not import soil or soil rooted plants except plants rooted in soilless sterile media.

(2) A person who contraventions sub regulation (1) commits an offence and is liable on conviction to six months imprisonment or fine not exceeding two currency points or both.

12. Inspections of imports

(1) A consignment of imported plants, plant products or regulated articles shall be inspected by an inspector at the point of entry point or designated facility for inspection in accordance with the Act and these Regulations.

(2) For the purpose of this regulation an inspector shall—

(a) inspect a plant, plant product and other regulated articles at the point of entry or another place as he or she may reasonably consider necessary;

(b) inspect a vehicle, aircraft, container or other things used in connection with the transportation of a plant, plant product or other regulated articles and require a person in charge or control of a vehicle, aircraft, container or other thing used in connection with transportation to restrain from moving it until is inspected;

(c) where an inspector has found that the imported plant, plant product or regulated article presents a risk for introduction or spread of pests, the inspector may at the expense of the importer—

(i) intercept the consignment and order that the consignment be moved to a designated place or facility further inspection;

(ii) order for treatment or fumigation as prescribed;

(iii) order for re-export; or

(iv) seize and destroy in accordance with section 19 of the Act.

(3) An inspector shall not conduct an inspection under these Regulations except an importer furnishes to the inspector proof of payment of the inspection fees prescribed in Schedule III.

(4) If the inspector is of the opinion that imported plants, plant products or regulated articles do not present any risk for spread of pests, the inspector shall issue an inspection certificate for every consignment inspected and release the consignment to the importer.

(5) If the inspector is of the opinion that imported plants, plant products or regulated articles present any risk for spread of pests, the inspector shall seize and destroy imported plants, plant products or regulated articles in accordance with section 19 of the Act.

(6) An inspector who seizes and destroys imported plants, plant products or regulated articles under sub regulation (5), shall issue an importer a certificate of destruction for every consignment destroyed in Form C-1 prescribed in Schedule II.

13. Precautionary measures on imports

The Commissioner responsible for inspection and certification may with the guidance of the Plant Protection and Health Technical Committee, for purposes of protecting plant resources and the environment—

(a) prohibit or restrict importation and entry of any plants, plant products or other regulated articles;

(b) take any necessary action to prevent the introduction of or spread of pests not known to occur in Uganda that may be caused by imports;

(c) declare phytosanitary emergency measures; or

(d) permit entry of any plant, plant product or regulated articles for limited purposes.

PART III—REGULATION OF EXPORTS OF PLANT OR PLANT PRODUCTS

14. Application for Phytosanitary Certificate

(1) A person who intends to export a plant, plant product or regulated article shall apply to the Commissioner responsible for crop inspection and certification for a phytosanitary certificate in Form D specified in Schedule II.

(2) The application for a phytosanitary certificate shall be accompanied by—

(a) the import permit or import conditions issued by the importing country, as the case may be;

(b) the name of the plant, plant product or regulated article to be exported;

(c) the purposes for which the plant, plant product or regulated article to be exported is intended to be used for;

(d) the particulars of the consignee;

(e) the particulars of the consignor;

(f) the point of entry;

(g) means of transport to ne used;

(h) place of origin;

(i) a copy of the certificate of registration of pack house;

(j) the quantity of the plant or plant product to be exported; and

(k) proof of payment of the prescribed fees.

(3) For a person intending to export a plant, plant product or regulated article or soil material of uncertain health status, the applicant shall apply to the Commissioner responsible for crop inspection and certification in Form D prescribed in Schedule II for permission to export.

(4) The permission to export under sub regulation (3) shall be issued in Form X prescribed in Schedule II.

15. Procedure for considering the application.

(1) That upon receipt of the application for a phytosanitary certificate, the Inspector shall inspect the consignment specified in the application upon payment of inspection fees and submit an inspection report to the Commissioner responsible for crop inspection and certification within at least three days.

(2) Where the Commissioner responsible for Crop inspection and certification is satisfied that the applicant has satisfied all the requirements shall he or she issue a phytosanitary certificate in Form E prescribed in Schedule II.

(3) A phytosanitary certificate shall indicate the expiry date of the certificate based on the nature of the plant, plant product or regulated article being exported and the means of transportation.

16. Refusal to issue a Phytosanitary certificate.

(1) If the Commissioner for crop protection and certification is of the opinion that the applicant has not fulfilled the requirements for the grant of the phytosanitary certificate, the commissioner shall refuse to grant a Phytosanitary certificate and communicate in writing to applicant and any other relevant authority stating the reasons for refusal to grant the certificate at least within five days from the date of refusal.

(2) The grounds for refusal include—

(a) failure to comply with the conditions in the import permit issued by the importing country;

(b) if the consignment contains prohibited materials from export;

(c) if the plant or plant products are prohibited in the country where they are intended to be exported;

(d) if the plant or plant products are not properly packaged or labelled; and

(e) if the application does not comply with the provisions of the Act or these Regulations.

(3) Where the Commissioner responsible for crop inspection and certification refuses to grant a Phytosanitary certificate and re submit an application to the Commissioner may require the exporter to take remedial measures on the consignment.

17. General conditions for export

A person who intends to export any plant, plant product or regulated articles shall fulfill the following conditions—

(a) accompany a valid phytosanitary certificate and, all the required documentation by the importing country, issued by the Commissioner;

(b) export through a designated exit point;

(c) exports shall be clearly marked, identified or appropriately labelled as determined by the Commissioner; and

(d) exports shall be declared to an inspector and made available for inspection at the point of exit.

18. Phytosanitary inspections and export certification

(1) The exporter shall prepare the consignment for inspection prior to export and make formal request for inspection only when the consignment is ready for export.

(2) A consignment for export shall be inspected by an inspector at a designated inspection site.

(3) For purposes of exports relating to fruits and vegetables, the exporter shall provide with the inspector, prior to the inspection, the following—

(a) planting returns;

(b) harvest records;

(c) scouting records; and

(d) agrochemical use record.

19. Export of endangered plants or plant products

Subject to regulation 15 of these Regulations, a person shall only be issued with phytosanitary certificate to export endangered plants or plant products if he or she is in possession of CITES permits issued by the Uganda wildlife Authority.

20. Re-exports

(1) A person intending to re-export plant, plant products or regulated articles shall make an application to the Commissioner responsible for inspection and certification for a re-export phytosanitary certificate.

(2) The application shall be in Form A set out in Schedule II.

(3) Subject to regulation 14 of these Regulations, the Commissioner responsible for crop inspection and certification shall issue a re-export Phytosanitary Certificate id he or she is satisfied that-

(a) the phytosanitary certificate or its certified copy where issued by the exporting country;

(b) the requirements of the importing country have been met;

(c) the consignment has been inspected and found suitable for re-export;

(d) the applicant has complied with the terms and conditions in the import permit;

(e) the consignment has not been processed to change its nature; and

(f) there is proof of payment of the prescribed fees in Schedule III.

(4) A consignment of plant, plant products or regulated articles shall not be re-exported out of Uganda unless—

(a) it is accompanied by a copy of Phytosanitary Certificate and a re-export Phytosanitary Certificate;

(b) a copy of the import permit or import conditions issued by the competent Authority of the importing country; and

(c) it is clearly marked and identified as a re-export.

(5) Where the Commissioner responsible for inspection and certification is satisfied that the consignment is fit for re-export, he or she shall issue a re-export Phytosanitary Certificate.

(6) The re-export Phytosanitary Certificate shall be in the Form F as prescribed in Schedule II.

PART IV—REGISTRATION OF PACK HOUSE

21. Registration of pack house

(1) A person shall not operate a pack house for purposes of exports of plant, plant products or regulated articles unless the pack house is registered under these Regulations.

(2) Any person who contravenes sub regulation (1) commits an offence and is liable on conviction to a fine not exceeding two currency points or a term of imprisonment not exceeding six months or both.

22. Application for registration of pack house

(1) A person who intends to export plant, plant products or regulated articles shall make an application in writing to the

Commissioner responsible for crop inspection and certification for registration of pack house for export under which the export of plant, plant products or regulated articles for export takes place.

(2) The application for registration of a pack house shall be accompanied by the proof of payment of the prescribed fees specified in Schedule III.

(3) The Commissioner responsible for crop inspection and certification shall prior to issuing a certificate of registration of pack house, inspect the premises fixtures, equipment and other physical attributes the pack house to determine that the pack house is suitable for the purpose for which the certificate is to be issued.

(4) Where the Commissioner responsible for crop inspection and certification is satisfied that the pack house, fixtures, equipment and other physical attributes of the pack house in respect of which an application is made, render the pack house suitable for the purpose, the Commissioner responsible for crop inspection and certification shall issue a certificate of registration of the pack house.

(5) The certificate of registration of a pack house shall be in the Form G as prescribed in Schedule II.

23. Alterations of the pack house

(1) A person whose pack house is registered under regulation 22, shall not make any alteration to the registered pack house except with the approval of the Commissioner responsible for crop inspection and certification.

(2) A person who intends to make alterations under sub regulation (1) shall make an application to the Commissioner responsible for crop inspection and certification for approval and the application shall specify the proposed alterations.

24. Issuance of certificate of registration

(1) The Commissioner responsible for crop inspection and certification shall consider the application made under regulation 22

and if satisfied that the proposed alteration to the premises, fixtures, equipment and other physical attributes of the pack house in respect of which an application is made, render the pack house suitable for the purpose, the Commissioner responsible for crop inspection and certification shall issue a certificate of registration of pack house specifying the terms and conditions.

(2) The Commissioner responsible for crop inspection and certification may refuse to issue a certificate of registration if he or she finds that—

(a) the premises, fixtures, equipment and other physical attributes are not suitable for the intended purpose; or

(b) the application does not comply with the provisions of these Regulations and the Act.

(3) The certificate of registration of pack houses issued under these Regulations shall be valid for three years and subject to renewal.

(4) The certificate issued under sub regulation (1) shall be placed conspicuously in the principal place of business of the certificate holder.

(5) Where the Commissioner responsible for crop inspection and certification refuses to issue a certificate of registration under sub regulation (1) shall give reasons in writing to the applicant.

25. Revocation of certificate of registration

(1) The Commissioner responsible for crop inspection and certification may revoke the certificate of registration if—

(a) the premises, fixtures, equipment and other physical attributes are no longer suitable for the purpose for which they were registered;

(b) the persons in control or management of the pack house contravenes any of the terms and conditions specified in the certificate of registration; or

(c) the persons in control or management of the pack house does not operate in accordance with the provisions of these Regulations and the Act.

(2) The Commissioner responsible for crop inspection and certification shall give a notice of fourteen days to the persons in control or management of the pack house to show cause why the certificate of registration is not revoked.

(3) If the certificate of registration is revoked, the holder of the certificate shall surrender the certificate of registration to the Commissioner responsible for inspection and certification.

(4) A person who refuses to surrender the certificate of registration under sub regulation (3), commits an offence and is liable on conviction to imprisonment not exceeding six months or fine not exceeding two currency points or both.

(5) Upon revocation of the certificate of registration of the pack houses shall be cease to operate.

PART V—MISCELLANEOUS

26. Packaging

(1) A person who imports or exports plant, plant products or regulated articles shall use packaging that is—

(a) of sufficient strength and sealing to withstand reasonable handling;

(b) tamper proof;

(c) leak proof; and

(d) clean and not previously used.

(2) A person who fails to comply with sub regulation (1) shall have his or her plant, plant products or regulated articles confiscated and destroyed in accordance with the provisions of the Act.

(3) An import wrapped or cushioned by regulated articles, prohibited materials or materials of plant origin including timber straw, rice husks, peat or chaff shall be referred to an inspector for inspection where the consignment is accompanied with a phytosanitary certificate in respect of the packaging.

(4) Where phytosanitary certificate is not furnished in respect of the said packaging materials in sub regulation (3), a customs officer or any other person shall not grant clearance unless clearance is obtained from the inspector who shall permit clearance and may if deemed necessary subject the said materials to destruction at the expense of the importer.

(5) An import packaged with plant, plant products or regulated articles shall not be released by customs officials unless an inspection referred to in sub regulation (3) is conducted and the inspectors recommends that the imports be released.

27. Labelling

(1) A person who intends to import or export a plant, plant products or regulated articles shall label the plant, plant products or regulated articles for purposes of traceability.

(2) The label on the package of a plant, plant products or regulated articles shall include—

(a) the name of the plant, plant products or regulated articles;

(b) the name and address or contact information of an importer, exporter and producer;

(c) the lot identification or batch number;

(d) the certification mark; and

(e) the intended use.

(3) The label under subsection (1) shall—

(a) be printed in English or any other language approved by the Commissioner responsible for inspection and certification; and

(b) be legible, durable and distinct from any other plant, plant products or regulated articles on the market.

(4) A plant, plant products or regulated articles that is imported in contravention of this regulation shall be treated as illegally imported materials and section 19 of the Act shall apply.

28. Tampering with a package

(1) A person shall not—

(a) tamper with the packaged plant, plant products or regulated articles;

(b) willfully remove;

(c) alter; or

(d) deface,

the prescribed tags, labels, marking or other information placed on the package of plant, plant products or regulated articles.

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

29. Transportation

(1) A person transporting plant, plant product or regulated articles shall use means of transport that secure the plant, plant product or regulated articles from exposure to damage, contamination or the likely spread of pests.

(2) An inspector may intercept and inspect a vehicle, container or any other means of conveyance used to transport a plant, plant product or other regulated articles and require a person in charge or control of the means of conveyance to restrain from moving it until the plant, plant product or other regulated articles is inspected.

30. Cooperation with other government agencies

(1) In the performance of their functions, an inspector or the Commissioner, shall cooperate with other ministries, departments or agencies of Government.

(2) For the purposes of implementing these Regulations, the Commissioner may enter into an arrangement with a ministry, department or agency of Government relating to—

(a) the exchange of information between the Commissioner and that ministry, department or agency of Government;

(b) enforcement of the compliance of the Act and these Regulations;

(c) modalities of clearance of plant, plant products or regulated articles clearance at the points of entry or exit points; or

(d) the conduct of investigations and inspections.

31. Maintenance and preservation of records

(1) The Commissioner responsible for crop inspection and certification shall keep and maintain all the records concerning all the activities performed under these Regulations for at least two years from the date when the record is received or generated by the Commissioner responsible for crop inspection and certification.

(2) The records to be maintained in relation to grant of a phytosanitary certificate shall include—

(a) any inspection, testing, treatment or other verification which was conducted on the consignment;

(b) the names of the personnel who undertook the inspection, testing, treatment or other verification;

(c) the date on which the activity was undertaken;

(e) the results obtained; and

(f) any sample taken and diagnosed in the laboratory.

32. Appeals

(1) A person aggrieved by the decision of the inspector may appeal to the Commissioner and in case the appeal is against the decision of the Commissioner, the appeal shall be made to the Minister.

(2) The appeal under sub regulation (1) shall be made in writing within thirty days from the date of the decision.

33. Unclaimed plant, plant products or regulated articles

(1) An inspector may destroy or otherwise dispose of any plant, plant product or regulated article which on importer abandons or which remains unclaimed at a quarantine station for at least six months, or within reasonable time, in the case of perishables.

(2) The destruction or disposal referred to in sub regulation (1) shall be at the expense of the importer or owner but where the owner or importer is not traceable, the destruction shall be at the expense of Government.

SCHEDULES

SCHEDULE I-

Regulation 2

CURRENCY POINT

A currency point is equivalent to Twenty thousand Uganda shillings.

SCHEDULE II

FORMS

FORM A

Regulation 3

THE PLANT PROTECTION AND HEALTH ACT, 2016 APPLICATION FORM FOR IMPORT PERMIT OF PLANTS, PLANT PRODUCTS OR REGULATED ARTICLES

(Please read the instructions given below carefully)

I/We hereby apply for a Plant Importation Permit to import.....into Uganda from.....

1. Nature of import .....

   (Whether plant, plant product or regulated article)

2. Quantity to be imported .....

4. Name and address of importer(s) .....

5. Name andaddress of Exporter(s).....

6. Name of vessel or particulars of route .....

   (Whether air freight, air parcel post, surface post, surface freight)

7. The purpose of the imports.....

   .....

Dated on this .....day of .....20.....

(Signature of Applicant)

(Name of Applicant)

INSTRUCTIONS:

1. The above application form should be filled in duplicate—

   (a) ORIGINAL to be forwarded to the Commissioner for crop protection and certification

   (b) Permits will only be issued if the above application is filled into the satisfaction of the officer named in 1(a) above.

2. No application will be entertained where the order has been placed before the receipt of the Plant Importation Permit in question.

FORM B

Regulation 4

THE PLANT PROTECTION AND HEALTH ACT, 2016

Permit No.....

IMPORT PERMIT PLANTS, PLANT PRODUCT OR REGULATED ARTICLES

Date: .....

The importer must furnish the supplier with a copy of this Import Permit before plants, plant products and regulated articles are dispatched.

*Permission is hereby granted to.....of .....to import from .....

the following plants/plant products/regulated articles:

Subject to the following conditions:

1. All plants/plant products/regulated articles to be produce and grown in
2. The consignment to be inspected on arrival and the importing authority reserves the right to treat, destroy or refuse the importation.
3. Plants, plant products or regulated articles shall be entirely free from soil, chaff and/or leaf mould.
4. Each consignment shall be accompanied with an original copy of this Import Permit and Phytosanitary Certificate (International model or its equivalent) from country of origin.

Additional declaration:

Failure to furnish the required certificates may result in prohibition of entry of the plant/plant products/regulated articles.

5. Packaging: The following materials must not be used: banana leaves, maize, rice, sorghum, palm, wheat straw, soil or leaf mould. If any other plant residue is used as packaging material, the consignment must be accompanied by a certificate stating: All pests have been killed before use of the material either by heating to 180° F/83° C, for ten minutes or by chemical treatment. (N.B.: Details to be stated on Phytosanitary Certificate).

This permit is valid for six months from the date of issue, but may be cancelled at any time by the Commissioner Crop Protection or by an officer Authorized by the Commissioner to issue the permit on his or her behalf.

Signature of Authorized Officer

Official Stamp

Name of Authorized Officer

.....

Title of Authorized Officer

Copies to:

(a) Original: Consignor: must accompany consignment

(b) Duplicate: Commissioner, Crop Protection

(c) triplicate: Principal Agricultural Inspector (Phytosanitary and Quarantine)

The permission is hereby granted in addition to any permission or licence required under any other law.

Full name and address of supplier to be stated.

Delete whichever is not applicable

FORM C

Regulation 9

THE PLANT PROTECTION AND HEALTH ACT, 2016 APPLICATION TO IMPORT LIVE INSECTS, MICRO CULTURES OR BIOLOGICAL CONTROL AGENTS

Name and the address of the applicant .....

1. The details of the live insects and or Biological Control agents to be imported

   Quantity to be imported .....

3. Country of origin .....

4. Name and address of importer(s) if different from the applicant .....

5. Name and address of Exporter(s).....

6. Name of vessel or particulars of route.....
   .....

   .....
   (Whether air freight, air parcel post, surface post, surface freight)

Documentation

1. The application **Must** be accompanied by a dossier detailing the nature of the live insects or the biological control agents

2. Detailed transportation plan for the live insects or biological control agents to be imported

3. Evidence of an accredited/certified containment facility for live insects or biological control agents

Date *(Signature of Applicant)*

(Name of Applicant)

Regulation 12 (6)

FORM C-1

THE PLANT PROTECTION AND HEALTH ACT, 2016

Destruction Certificate

No. _____

Case Ref/ Clients Name	
Point of Entry (Boarder point)	
Reference Number and date	
AWB/ Bill of lading No.	
Distinguishing marks	
Number and description of packages	
Declared name and address of consignee	
Place of origin	
Declared means of conveyance	
Value of Goods at Importation	
Authority for Destruction	Name
	Rank
	Signature

This is to certify that the plants, plant products or other regulated articles described herein have been destroyed according to appropriate official procedures.

I hereby certify that I witnessed the destruction of the above goods.

1. Name _____ Organization

   Rank: _____ Sign/Date / Official Stamp_____

2. Name : _____…___Organization_____

   Rank :_____ Sign/Date /Official Stamp _____

FORM D

Regulation 14

THE PLANT PROTECTION AND HEALTH ACT, 2016

APPLICATION FOR PHYTOSANITARY CERTIFICATE

TO: Commissioner for crop protection and certification

I would be grateful to have a Phytosanitary certificate issued in respect of the consignment indicated below

Name and address of the exporter:

Name and address of the consignee: _____

Number and description of packages: _____

Distinguishing marks: _____ Grown at: _____

Means of Conveyance: Entry Point: _____

Quantity of Material: Botanical Name: _____

Inspection: _____ Place: _____

Treatment if any : _____

Additional Declaration required by the importing country, if any:

_____

Signature: _____

For Official Use

Inspected By _____ Treatment _____

Chemical and dosage _____ Charges _____

Additional information _____ Signature _____

Date _____ Status _____

FORM E

Regulation 15 (2)

THE PLANT PROTECTION AND HEALTH ACT, 2016
PHYTOSANITARY CERTIFICATE

No. _____

TO: Plant Protection Organization(s) of_____

I. Description of Consignment

(a) Name and address of exporter: _____

(b) Declared name and address of consignee: _____

(c) Import permit Number:_____

(d) Number and description of packages: _____

(e) Distinguishing marks: _____

(f) Place of origin: _____

(g) Declared means of conveyance: _____

(h) Declared point of entry: _____

(i) Name of produce and quantity declared: _____

(j) Botanical name of plants: _____

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.

They are deemed to be practically free from other pests. *

II. Additional Declaration

.....

.....

.....

III. Disinfestation and/or Disinfection Treatment

Date _____ Treatment _____ Chemical (active ingredient) _____

Duration and temperature _____

Concentration _____

Additional information _____

Place of issue _____

(Stamp of Organization) Name of authorized officer _____

Date _____ *(Signature)* _____

No financial liability with respect to this certificate shall attach to (name of Plant Protection

Organization) or to any of its officers or representatives. *

* Optional clause

FORM F

Regulation 20 (6)

THE PLANT PROTECTION AND HEALTH ACT, 2016
RE-EXPORT PHYTOSANITARY CERTIFICATE

Phytosanitary Certificate No. _____

Plant Protection Organization of _____ (contracting party of re-export)

TO: Plant Protection Organization(s) of _____ (contracting party (ies) of import)

I. Description of Consignment

(a) Name and address of exporter: _____

(b) Declared name and address of consignee: _____

(c) Import permit Number: _____

(d) Number and description of packages: _____

(e) Distinguishing marks: _____

(f) Place of origin:

(g) Declared means of conveyance: _____

(h) Declared point of entry:

(i) Name of produce and quantity declared: _____

(j) Botanical name of plants: _____

This is to certify that the plants, plant products or other regulated articles described above _____ were imported into (contracting party of re-export) _____ from _____ (contracting party of origin) covered by Phytosanitary certificate No. _____,

*original o certified true copy o of which is attached to this certificate; that they are packed orepacked o in original o *new o containers, that based on

the original phytosanitary certificate o and additional inspection o, they are considered to conform with the current phytosanitary requirements of the importing contracting party, and that during storage in _____ (contracting party of re-export), the consignment has not been subjected to the risk of infestation or infection.

* Insert tick in appropriate o boxes

II. Additional Declaration

_____

_____

III. Disinfestation and/or Disinfection Treatment

Date _____ Treatment _____ Chemical (active ingredient) _____

Duration and temperature _____

Concentration _____

Additional information _____

_____

Place of issue _____

(Stamp of Organization) Name of authorized officer _____

Date _____ (Signature) _____

No financial liability with respect to this certificate shall attach to _____ (name of Plant Protection Organization) or to any of its officers or representatives. **

** Optional clause

FORM H

THE PLANT PROTECTION AND HEALTH ACT, 2016

APPLICATION FOR FORM X (FOR PLANTS, PLANT PRODUCTS OR REGULATED ARTICLES OF UNKNOWN PLANT HEALTH STATUS)

(Please read the instructions given below carefully)

1. Name and address of applicant .....

2. Country of import .....
3. Materials to be exported.....

(Whether plant, plant product or regulated article)

4. Quantity to be exported .....
5. Country of origin .....
6. Name and address of exporter (s) (if different from the applicant) .....

6. The project to be supported .....

.....

(For projects, specifically for research materials)

7. The reasons for export.....

.....

.....

9. Treatment if any.....

(Signature of Applicant)

(Name of Applicant)

Date .....

For Official Use

Inspected By_____Treatment_____

Chemical and dosage if any _____Charges _____

Additional information _____Signature _____

Date _____ Status _____

FORM X

Regulation 14 (4)

THE PLANT PROTECTION AND HEALTH ACT, 2016

RE-EXPORT PHYTOSANITARY CERTIFICATE

FORM X: AUTHORITY/LICENCE TO EXPORT PLANT/SOIL MATERIALS OF UNCERTAIN HEALTH STATUS

In accordance with Section .... Of the Plant Protection and Health Act, 2011 the National Plant Protection Organisation hereby authorises:

Dr/Mr./Mrs./Miss/Ms .....

of .....

(the "Licencee") to take to .....(Country) between ..... and ..... (Dates) ..... (Material) from ..... (country), with the agreement of the National Plant Protection Organisation of the importing country, and for research purposes in designated laboratories as specified in the Plant Health Regulations of the importing country ..... material(s) specified above, possibly infected with pathogenic pests or pest arthropods.

This licence/authority is subject to all other provisions of the above law and the International Plant Protection Convention 1997 and to the following conditions:

1. This licence or a copy shall be surrendered to officials of the National Plant Protection Organisation of the importing country, who will decide on the entry status, mode of transport and handling of materials/ organisms.

2. The licencee, while still in Uganda, shall take all the necessary precautions to prevent dissemination of the ..... (Material) from his or her package(s)/custody.

3. The licencee shall permit an authorised officer of the National Plant Protection Organisation, to inspect the conditions under which the materials/organisms are kept or packed.

4. In the event of loss of the ..... (materials/organisms) while still in Uganda, the licencee shall immediately notify the National Plant Protection Organisation.

5. This licence may be varied or revoked by the Head of the National Plant Protection Organisation or his or her designated representative at any time.

6. Subject to condition five above, this licence/authority expires at the end of one month from the date of issue.

7. See Appendix.

Dated .....

Signature of Authorized Officer

Official Stamp

Name of Authorized Officer

Title of Authorized Officer

APPENDIXTOLICENCE/AUTHORITYNO.....

National Plant Protection Organisation

A Materials to be exported

B. Sources

C. Project

This is to support Project .....

Objectives (summary)

.....
.....

Date of Commencement

...../......./2.....
(day) *(month)*

D. Remarks

Treatment

Yes/Not given

Other

Signature of Authorised Officer

Official Stamp

Name of Authorised Officer

Title of Authorised Officer

Date

FORM I

THE PLANT PROTECTION AND HEALTH ACT, 2016

APPLICATION FOR REGISTRATION OF PACK HOUSES

1. Name and the address of the applicant.....
.....
.....
.....

2. Registration status of the pack house (incorporation) attach copy..... .....
.....
.....

3. Registration status of the pack house with the Export Promotion Board (attach a copy).....
.....
.....

4. Physical location of the Pack house .....
.....
.....

5. Rules governing pack house operations (attach Copy).....
.....
.....
.....

6. List of the qualified personnel for phytosanitary controls (attach proof of qualification)
.....
.....
.....
.....
.....
.....

7. Means of access to water for cleaning .....

8. Equipment (provide status)
   (a) Inspection table.....
   (b) Inspection kit.....
   (c) Lighting.....
   (d) Sorting platforms.....
   (e) Pallets.....
   (f) Cleaning materials.....
   (g) Personal protective equipment (provide list).....

9. List of farmers supplying the pack house (provide list).....

10. Waste management plan .....

11. Traceability plan through the value chain (provide copy of the plan)

12. Literature on the regulatory framework of Uganda and the destination market (provide copies)

13. Literature and Pest cards of quarantine pests for the destination markets (provide copies)

(Signature of Applicant)

(Name of Applicant)

Date

FORM J

THE PLANT PROTECTION AND HEALTH ACT, 2016

PACK HOUSE REGISTRATION CERTIFICATE

Certificate No.....

A Pack house Certificate is hereby granted to-

Name..... Address.....
For handling packing of plant, Plant product or regulated article at ..... for the period as from..... to.....

The Certificate is subject to the following conditions and standards.

1. The pack house must meet the minimum standards as per the registration requirements at all times.

2. The registration is only valid for the premise inspected and registered

3. Registration of the premise is independent of the inspection of consignment

4. Upon registration, the proprietors of the pack house-

   (a) shall renew the certificate upon expiry (valid for one year); or

   (b) if not renewed for one year, the Dealer shall have to apply to renew.

Signature.....
Commissioner responsible for
Crop Inspection and Certification

Date.....

SCHEDULE III

FEES

Item	Matter		Fees (Ug Shs)
1	Application for an Import permit		25,000
2	Inspection fees for an imported consignment	A consignment not exceeding 1 ton	100,000
	For every ton in excess of 1 ton	20,000	
3	Application fee for Phytosanitary certificate		50,000
4	Application for extension of an import permit		50,000
5	Export Inspection fees	A consignment not exceeding 1 ton	80,000
		For every ton in excess of 1 ton	20,000
	Application for registration of premises		200,000
	Field inspection fees		30,000 per hectare of production area of field crop
	Renewal of the registration of premises		100,000
	Demurrage Fees in a quarantine station		15,000 per square metre per day

HON. VINCENT SSEMPIJJA (MP)
Minister of Agriculture, Animal Industry and Fisheries