

## CHAPTER 356

### THE INLAND WATER TRANSPORT (CONTROL) ACT.

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## CHAPTER 356

### THE INLAND WATER TRANSPORT (CONTROL) ACT.

*Commencement:* 1 January, 1939.

#### **An Act to restrict and control the carriage of goods and passengers by water within Uganda.**

##### **1. Interpretation.**

In this Act, unless the context otherwise requires—

1. “board” means the Transport Licensing Board established by the Traffic and Road Safety Act;
2. “goods” includes goods or burden of any description;
3. “licence” means an appropriate licence issued under this Act;
4. “ship” includes every description of vessel used in navigation not propelled by oars or hand paddles and every lighter, barge or like vessel used in navigation however propelled.

## **2. Licensing of certain ships.**

(1) No person shall, except under and in accordance with the terms of a licence, convey by means of any ship upon the inland waters of Uganda—

1. any goods or any person for hire or reward; or
2. any goods for or in connection with any trade or business carried on by him or her.

(2) This section shall not apply to—

1. the use of any ship owned by the Government; or
2. the use of any ship exempted from this section by the Minister by statutory instrument.
3. If any person uses a ship in contravention of this section, he or she commits an offence against this Act.
4. Licences under this Act shall be known as inland water transport licences and may be issued in the manner provided in this Act by the board.

## **3. Application for inland water transport licence.**

Every person applying for a licence for the carriage of passengers or goods by ship shall submit to the board—

1. particulars of the type or types and numbers of ships to be used;
2. particulars of the construction, motive power and cargo capacity of every such ship;
3. the total number of crew to be carried in every such ship;
4. the number of passengers every such ship is intended to carry;
5. the places between which the ships are intended to be navigated and the services to be provided by the ships.

## **4. Exclusive licences.**

1. Notwithstanding any other provision of this Act, the board may, with the prior approval or upon the directions of the Minister, and subject to such conditions as the board sees fit to impose, grant to any person an exclusive licence authorising that person to operate ships for the carriage of passengers or goods in such area, over such routes or between such places as the board may decide, and the provisions of this Act regarding applications for and objections to the grant of a licence shall apply to the applications for and grant of any exclusive licence.
2. No exclusive licence shall be granted unless six months' previous notice in the Gazette is given of any application for it.

3. Notwithstanding section 9, an exclusive licence may be granted by the board for any period which the Minister may approve or direct.

#### **5. Power to call for further particulars.**

A person applying for a licence under this Act shall, in addition to the particulars specified in section 3, give to the board any information which it may reasonably require for the discharge of its duties in relation to the application and, in particular, shall, if required by the board, submit such particulars as the board may require with respect to any similar business as a carrier of passengers or goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged or proposed to be charged by the applicant and of the wages, conditions and hours of employment of the persons employed in connection with the ships proposed to be used under the licence.

#### **6. Consideration of application and the grant of licence.**

1. The board shall publish in the Gazette a notice of every application made for the grant of a licence under this Act, other than a short term licence, and shall specify the time within which and the manner in which objections may be made to the grant of the licence.
2. On any such application the board shall take into consideration any objections to the application which may be made by persons who are already providing transport facilities for the carriage of goods or passengers for hire or reward between the same places which the applicant intends to serve.
3. Subject to the other provisions of this Act and any general or special directions of the Minister, the board shall have full power to grant or refuse any application for a licence but, in the exercise of its discretion, shall have regard primarily to the public interest, to the manner and extent to which the existing transport services serve the routes proposed to be served in the application and to the fares and rates proposed to be charged.
4. Notwithstanding subsection (3), where any existing licence is about to expire, the board shall not refuse any application for a licence in substitution for it in regard to the use of any ship not mechanically propelled and restricted to the territorial waters of Uganda unless the applicant has had his or her existing licence or any previous licence under this Act suspended or revoked.
5. Where an application is for a licence to carry passengers or goods over any route which includes a portion of either Kenya or Tanzania or both these territories, before adjudicating upon the application, the board shall take such steps as may appear to it to be necessary to ascertain the views upon the application of any licensing authority appointed for a like purpose in either or both of those territories.
6. The grant of a licence under this Act shall not relieve the holder of the licence from compliance with the provisions of any other law in force in respect of ships.

#### **7. Conditions of licences.**

(1) The board may attach to any licence all or any of the following conditions—

1. a condition that the authorised ships shall or shall not be used in a specified area or over specified routes;
2. a condition that certain classes or descriptions of goods shall or shall not be carried;
3. a condition specifying the charges or the maximum or minimum charges to be made for the carriage of goods;
4. a condition as to the wages, conditions and hours of employment of persons employed in connection with the authorised ships;
5. such other conditions as the Minister or the board may deem necessary in the public interest, or for preventing uneconomic competition or otherwise for the effective carrying out of the purposes of this Act,

but in the case of a licence granted in respect of a ship not mechanically propelled upon the condition that the ship shall be used only within the territorial waters of Uganda, no further condition under this subsection shall be imposed.

2. The board may from time to time cancel or vary any of the conditions attached to a licence issued under this Act.
3. Any person who contravenes any condition of any licence commits an offence against this Act.

#### **8. Breach of conditions of licence.**

A licence may be revoked or suspended at any time by the board on the ground that any of the conditions of the licence has been contravened.

#### **9. Duration of licences.**

(1) Subject to section 4(3), every licence, other than a short-term licence, shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect; except that if on the date of the expiration of any licence, proceedings are pending before the board on an application for the grant of a licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the board has disposed of the application, without prejudice, however, to the

exercise in the meantime of the powers of suspension or revocation conferred by this Act.

(2) With a view to enabling a ship to be used temporarily—

1. for the purpose of a seasonable business;
2. for the purpose of the execution of a specified enterprise; or
3. for any other purpose of limited duration, a licence may be granted for a period of less than one year but not exceeding three months; and any such licence shall be known as a short-term licence.

#### **10. Licence not transferable.**

No licence shall be transferable except with the written consent of the board which shall be endorsed on the licence.

### **11. Appeals.**

Any person who—

1. being an applicant for the grant of a licence is aggrieved by the decision of the board on the application;
2. having made an objection to any application under section 6, being an objection which the board is bound to take into consideration, is aggrieved by the decision of the board on it; or
3. being the holder of a licence is aggrieved by the revocation or suspension of the licence,

may, within one month of the decision complained of, appeal in writing to the Minister, whose decision shall be final.

### **12. Rules.**

The Minister may make rules prescribing fees and forms and generally for better carrying out any of the purposes of this Act.

### **13. Penalty.**

Any person who commits an offence against this Act or any rule made under it is liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

**History:** Cap. 348.

### **Cross Reference**

Traffic and Road Safety Act, Cap. 361.