

ORDINANCE SUPPLEMENT

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Local Governments (Kampala City Council)
Ordinance 14 *(Milk) Ordinance* **2006**

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

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

(Under sections 38, 40 and 41 and paragraphs 1 (i) and 26 of Part 3 of the Second Schedule of the Local Governments Act, Cap.243)

An Ordinance to provide for control and regulation of the sale of milk and milk products 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 may be cited as the Local Governments (Kampala City Council) (Milk) Ordinance, 2006.

Citation and commencement

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

2. (1) This Ordinance applies to the sale of milk and milk products within the jurisdiction of the Council.

Application.

(2) From the commencement of this Ordinance, the Public Health (Sale of Milk and Milk Products) Rules shall cease to apply to Kampala City.

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

Interpretation.

“Act” means the Local Governments Act;

“analyst” means any person authorised by the Chief Medical Officer or Veterinary Officer for the purpose of analysing milk or milk products under this Ordinance;

“butter” means the substance commonly known as butter made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter;

“cheese” means the substance commonly known as cheese containing no fat other than fat derived from milk;

“chief medical officer” has the meaning assigned to it in the Public Health Act;

“container” includes a package or receptacle of any kind, whether open or not;

“Council” means the City Council of Kampala;

“cream” means that part of milk, rich in fat which is separated by skimming or otherwise;

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

“dairy” includes any farm, cowshed, milk store, milk shop, or other premises from which milk, cream or separated milk is supplied for sale, or where milk, cream or separated milk is kept or used for purposes of sale or for the manufacture into butter, ghee, cheese, dried milk or condensed milk for sale, or in which margarine or margarine-cheese is manufactured for sale, or where vessels used for the sale of milk, cream or separated milk are kept;

“dairy person” includes any person employed on a dairy or who delivers milk in sealed bottles or sealed containers to the public and includes an occupier of a dairy and a cow keeper;

“employee” includes any person employed on a dairy to which this Ordinance applies and includes a casual labourer;

“ghee” means a type of clear butter made exclusively from fat derived from milk;

“licensee” means a person holding a licence issued under this Ordinance;

“margarine” means any food, whether mixed with butter or not, that resembles butter but not milk-blended butter;

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

“milk” means a cow’s or goat’s liquid milk;

“milk-blended butter” means any mixture produced by mixing or blending butter and milk;

“milk product” means separated milk, butter milk and cream, or any article manufactured as food for human consumption from any fresh milk, separated milk, butter-milk or cream and includes margarine and margarine-cheese;

“milk seller” means any person who sells milk or milk products by wholesale or retail to the public.

4. (1) An artisanal dairy person or livestock keeper shall apply for an urban agricultural permit under paragraph 4 of the Local Governments (Kampala City Council) (Urban Agriculture) Ordinance.

Urban agricultural permit and application for dairy licence.

(2) A commercial dairy person or livestock keeper shall apply for a dairy licence referred to in paragraph 5 to the Council.

(3) An application for a dairy licence shall be in the form set out in the First Schedule to this Ordinance.

(4) The Council shall not issue a licence unless the applicant produces a certificate from the medical officer of health stating that the premises in respect of which the licence is required meet the requirements set out in paragraph 8 of this Ordinance.

Dairy
licence.

5. (1) A person shall not operate any premises as a dairy unless he or she is in possession of a valid dairy licence issued by the Council for that purpose.

(2) The dairy licence issued under this paragraph shall be in the form specified as Form A in the Second Schedule to this Ordinance.

(3) The dairy licence referred to under subparagraph (2) shall be annual and shall expire at the end of the financial year of the Council in respect of which the licence is issued.

(4) A dairy licence shall not be transferable.

Permit for
milk sellers
and persons
delivering
milk.

6. (1) A person shall not sell or deliver milk to the public on any premises other than a licensed dairy.

(2) The person referred to in subparagraph (1) shall not sell or deliver milk to the public, unless he or she is in possession of a valid dairy permit issued by the Council in the form specified as Form B in the Second Schedule to this Ordinance.

(3) A dairy permit issued under this paragraph shall be annual and shall expire at the end of the financial year of the Council in respect of which it is issued.

(4) A dairy permit issued under this paragraph shall not be transferable.

(5) Upon an application for a dairy permit under subparagraph (2), the applicant shall furnish the Council with the applicant's particulars including his or her name and address, sufficient to positively identify the applicant; and the Council shall cause such particulars to be entered in a register, which shall be maintained in the office of the Council.

(6) Every holder of a dairy permit issued under this Ordinance shall, while selling or delivering milk, carry his or her permit with him or her and shall produce the permit when required to do so by a police officer or any duly authorised officer or agent of the Council.

7. (1) The Council shall prescribe the fees payable by licensees and permit holders under this Ordinance as it deems fit.

Fees for licences and permits.

(2) The fees payable by licensees or permit holders shall vary with the size of the enterprise of the licensee or permit holder.

8. A licensee of a dairy shall ensure that his or her dairy meets the following requirements—

Requirements of a licensed dairy.

- (a) the construction, situation, lighting, ventilation, drainage, sanitary provision and state of repair of the premises shall be, in the opinion of the Council, in a satisfactory sanitary condition with adequate safeguards against contamination of the milk or milk products kept on the dairy;
- (b) maintain a sufficient and accessible supply of clean and wholesome water, and if so required by the medical officer of health, shall be boiled or otherwise sterilised and stored in a clean and covered receptacle;
- (c) provide sufficient accommodation with facilities for employees to clean themselves;
- (d) have sufficient portable receptacles of a size and shape approved by the Council and fitted with good and proper lids in which all refuse from the dairy shall be placed;
- (e) that no part of the dairy is used as or forms an annex to a living or sleeping room;
- (f) contains dressing rooms for employees to store their overalls in a clean and sanitary condition; and
- (g) is equipped with a sufficient number of fire fighting appliances.

Duties of
licensee.

9. Every licensee shall—

- (a) at all times keep his or her premises clean;
- (b) cause all inside walls and ceilings of the dairy to be surfaced to the satisfaction of the Council with lime wash or other suitable materials approved by the Council and to resurface the walls and ceilings at such intervals as, in the opinion of the Council, may be necessary to maintain cleanliness and elimination of contamination of milk or milk products produced or kept on the dairy;
- (c) provide and maintain on the premises adequate facilities for a sufficient supply of hot water for use on the dairy;
- (d) cause all vessels, utensils and appliances used in connection with the storage, handling or sale of milk or milk products to be cleaned and scalded with steam or boiling water immediately after use and thereafter stored in a clean place and condition, free from the risk of contamination;
- (e) ensure that no vessel or appliance used in the production, handling or sale of milk or milk products is used for any other purpose;
- (f) provide suitable means for protecting the milk and milk products from contamination from dust, dirt or flies on the dairy;
- (g) to protect the milk and milk products by storing them in sealed, bottled cans or containers while in the course of conveyance for delivery to the public;

- (h) ensure that all persons employed by him or her in handling or selling milk or milk products are clean at all times while so employed and, if so required by the Council, are dressed in clean white overalls made of washable material extending from the neck to the knees; and
- (i) ensure that employees undergo a medical examination and obtain certificates of medical fitness from the Council.

PART II—GENERAL

10. A person shall not use any bottle, can, container, milk measure, utensil or receptacle for the purpose of sale or delivery of milk, cream or separated milk to the public unless it is of a type approved by the Council for that purpose.

Receptacles.

11. (1) Any person selling, offering or conveying for sale or delivering any milk or milk products shall allow a veterinary officer or any person authorised in that behalf by the Council to take a reasonable sample of the milk or milk product as may be necessary for the purpose of analysing it.

Sampling of milk and milk products.

(2) A certificate signed by an analyst and relating to an analysis of milk or milk product carried out by him or her, shall be admissible as evidence in any court without further proof of the condition of the analysed milk or milk product.

12. (1) A person shall not sell or offer for sale or convey or deliver for human consumption—

Milk and milk products' standards.

- (a) milk to which any other substance has been added or which contains less than 8.5 per centum of solids other than fat or less than 3.5 per centum of fatty solids;

- (b) butter or milk-blended butter which contains any foreign substance or more than 16 per centum or 24 per centum of water respectively; except that butter or milk-blended butter may contain common salt in a proportion not exceeding 4 per centum and annatto as a colouring matter;
- (c) margarine which contains more than 16 per centum of water, or the fat of which contains more than 10 per centum of fat derived from milk;
- (d) cream to which any thickening substance other than cane or beet sugar has been added;
- (e) ghee which contains any fat not derived from milk;
or
- (f) milk or a milk product which contains any preservative other than common salt or annatto.

(2) A label of margarine, which margarine contains butter, shall indicate the percentage of butter contained in the margarine.

(3) Where a label referred to in subparagraph (2) of this paragraph indicates a figure as the percentage of butter that does not differ by more than two from the actual percentage, the variation in the percentage shall not be construed as a contravention of this paragraph by the person responsible for labelling the margarine.

(4) A person who contravenes this paragraph commits an offence.

13. (1) Every person dealing in margarine, whether by wholesale or retail, and whether as a manufacturer, importer, consignor, consignee, commission agent or otherwise, shall comply with the following conditions as may be applicable—

Conditions
for
margarine,
margarine-
cheese and
milk-
blended
butter.

- (a) every container containing margarine shall have the word “Margarine” in block letters of not less than three-quarters of an inch in height, branded or durably marked on the bottom, sides and lid of the container;
- (b) every parcel of margarine offered for sale by retail, shall bear a label marked “Margarine” in printed block letters of not less than one and a half inches in height in a manner that is clearly visible to a purchaser;
- (c) margarine sold at retail, unless in a container branded or durably marked as provided in this section, shall be delivered to the purchaser in a paper wrapper with the word “Margarine” in block letters not less than half an inch in height and distinctly legible printed on the outside of the wrapper, or if more than one wrapper is used, the word “Margarine” shall be printed as provided in this sub section on the outside of the outer most wrapper; and the outside of the wrapper shall bear no other printed matter except such matter as may be required by this Ordinance or any other law;
- (d) margarine in a container or parcel shall not be described on the container, label or wrapper by any name other than “Margarine” or by another approved descriptive name combined with the word “Margarine” in a type not larger than the word “Margarine” and in the same colour as the word “Margarine”.

(4) The requirements of paragraphs (a), (b), and (c) of subsection (1) shall apply to persons dealing in margarine-cheese, as if for the word margarine there is substituted the word

margarine -cheese.

(5) The requirements of paragraphs (a), (b), and (c) of subsection (1) of this section shall apply to persons dealing in milk-blended butter, as if for the word margarine there is substituted the word milk-blended butter except that in addition to the conditions referred to in subsection (1) (c) the percentage of the water contained in the milk-blended butter shall be stated.

(6) Any substance resembling butter or cheese which is exposed for sale and is not marked in the manner in which margarine, milk-blended butter or margarine-cheese is required to be marked under this section, shall be presumed to be exposed for sale as butter or cheese, as the case may be.

(7) In this section, unless the context otherwise requires, “approved” means approved by the medical officer of health.

Milk or milk products from cows kept or milked outside the Council.

14. The Council may prohibit the selling, or offering or exposing for sale any milk or milk products intended for human consumption obtained outside the Council’s jurisdiction on any premises, unless such premises have been approved in writing by a medical officer of health on the recommendation of the commissioner responsible for veterinary services and animal industry as meeting the requirements of Section 7 of this Ordinance.

Milk or milk products and receptacles to be kept free from contamination.

15. (1) Every milk seller shall take proper precautions to prevent contamination of milk or milk products from dust, dirt, flies and any other contaminants.

(2) A person shall not place any substance, other than milk, cream or separated milk in a bottle, can, container or utensil used for the storage, sale or delivery of milk, cream or separated milk, as the case may be, except for the purpose of cleaning or repairing it.

(3) Every milk seller shall take all practicable steps to maintain every vessel used by him or her in a clean and wholesome state and shall thoroughly cleanse and scald it with boiling water or

steam immediately after use whenever practicable.

Infectious diseases.

16. (1) A person who is suffering from any infectious or communicable disease or who resides in any dwelling house where an infectious disease exists or who has within a period of fourteen days been in contact with an infectious disease shall not, without the written permission of a medical officer of health, milk a cow, handle any milk or milk product intended for sale, carry on the trade of milk seller, work in or about any dairy or assist in the preparation of any milk product intended for sale.

(2) Every licensee shall without delay inform a medical officer of health of the occurrence or suspected occurrence of any infectious or communicable disease among any of the persons employed on his or her dairy, and shall comply with any directions that the medical officer of health may give for the purpose of preventing the spread of the disease.

17. A person shall not sell or offer or expose for sale, milk from a cow suffering from any of the following—

Milk from diseased cows not to be sold.

- (a) rinderpest;
- (b) foot and mouth disease;
- (c) tuberculosis with emaciation;
- (d) tuberculosis of the udder;
- (e) mastitis;
- (f) sore on the teat accompanied by suppuration;
- (g) bleeding; or
- (h) any disease liable to contaminate or infect milk.

18. A dairyperson who has in his or her possession any cow, which appears to be suffering from any disease liable to contaminate or infect milk, shall immediately notify the Council

Dairy person to notify Council of diseased cow.

Keeping of
animals.

or a medical officer of health, in writing.

19. A person in charge of a dairy shall not allow a live animal or bird other than a cow, bull or goat to be kept in a cow or goat shed.

Licence to
be
exhibited.

20. Every licensee shall affix and maintain on his or her dairy in a conspicuous place his or her license at all times

PART III—OFFENCES

Offences
and
penalties.

21. A 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 two months or both.

Revocation
and
suspension
of licence or
permit.

22. Where any person is convicted of an offence under this Ordinance the court may, in addition to or in substitution for any other penalty provided for that offence, revoke or suspend for such time as it thinks fit, any licence or permit issued under this Ordinance.

SCHEDULES.

FIRST SCHEDULE

paragraph 4(3)

The Republic of Uganda

APPLICATION FOR A DAIRY LICENCE

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

Date:

To: THE TOWN CLERK
KAMPALA

I/WE the undersigned hereby make application for a dairy licence for premises situated at

.....
Applicant's signature.

CERTIFICATE OF MEDICAL OFFICER OF HEALTH

.....
Medical Officer of Health.

ACTION BY COUNCIL

(A report of the action taken should be forwarded to the Medical Officer of Health).

.....
City Council of Kampala.

SECOND SCHEDULE
paragraphs 5(2) and 6(2)

FORM A.

The Republic of Uganda

DAIRY LICENCE

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

Licence No.....

Name of Licensee

Premises situated at are hereby licensed to be used as a dairy.

This licence expires on the day of 20.....

Dated at Kampala this day of20.....

.....
TOWN CLERK.

FORM B

DAIRY PERMIT

Permit No.....

Name of Permit holder

This Permit expires on theday of, 20....

Dated at Kampala this day of, 20.....

.....

TOWN CLERK.

THIRD SCHEDULE

paragraphs 3 and 21

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

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

Local Governments Act, Cap. 243

Local Governments (Kampala City) (Urban Agriculture) Ordinance, 2006.

Public Health Act, Cap. 281.

Public Health (Sale of Milk and Milk Products) Rules S.I. No. 281-19

JOHN SSEBAANA KIZITO,
Mayor, Kampala City Council.