



THE REPUBLIC OF UGANDA

Registered at the
General Post Office for
transmission within
East Africa as a
Newspaper

The

Uganda Gazette



THE REPUBLIC OF UGANDA

Published
by
Authority

303

Vol. XCVII No. 46

10th September, 2004

Price: Shs. 1000

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General Notice No. 286 of 2004.

MINISTRY OF ENERGY AND MINERAL DEVELOPMENT

GUIDELINES ON LICENSING OF PETROLEUM FACILITIES AND OPERATORS

(General Notice issued under Section 6 of the Petroleum Supply
Act, 2003)

Introduction

In January 2003 the Ministry of Energy and Mineral Development (the Ministry) wrote to the Kampala City Council (KCC) to stop issuing new licences for construction of petroleum retail stations. Suspension of licences was for purposes of ensuring that development of new petrol stations in Kampala is in accordance with the new guidelines to be issued by the Ministry. These guidelines are intended to serve that purpose.

Policy Context

In 1994 Government adopted a policy of free market economy driven by the private sector. Price control and bureaucratic resource allocations were abolished. Government also privatized its interests in the three oil-marketing companies, which were nationalized in the 1970s.

The Energy Policy for Uganda was adopted in 2002. The Policy covers, inter alia, the downstream petroleum subsector. After adoption of the Policy, the Ministry formulated a new legal framework to regulate the subsector on the principles of a free market with open access and fair competition. Industry regulation is therefore focused mainly on health, safety and environmental (HSE) standards; unless there are elements of unfair competition in the market.

The main goal of the Energy Policy is to meet energy needs of the population in an environmentally sustainable manner. The broad Policy objectives with respect to the downstream petroleum subsector are to:

- (a) establish demand for the resource;
- (b) increase access to modern affordable and reliable energy services;
- (c) improve energy governance and administration;

(d) stimulate economic development; and

(e) manage energy-related environmental impacts.

The strategy for achieving the above broad policy objectives are:

- (i) to prepare database on petroleum resources and build local capacity to acquire, access and evaluate the resource;
- (ii) to attract private capital and management in provision of petroleum services;
- (iii) to promote and encourage competition;
- (iv) to create a transparent legal and regulatory framework;
- (v) to ensure energy supply security and reliability;
- (vi) to promote petroleum trade within the region; and
- (vii) to strengthen environmental monitoring in the sector.

These guidelines are intended to implement the Energy Policy in the above context.

Legal Context

The Petroleum Supply Act, 2003 (the Act) was enacted and came into force in November 2003. The Act repealed the Petroleum Act, Cap 97 of the 1964 Laws of Uganda and the Uganda Oil Board Statute of 1991. The Act also revoked the Petroleum Filling Stations Rules, S.I. 27-29 issued under the Urban Authorities Act, Cap 27 of the 1964 Laws of Uganda. The Act provides for anyone intending to enter the petroleum supply chain to apply to the Commissioner of Petroleum Supply (the Commissioner) for grant of a petroleum construction permit (the Permit) and/or grant of a petroleum operating license (the Licence).

For purposes of these guidelines, the petroleum supply chain covers petroleum import, export, re-export, storage, distribution and sale both at bulk consumer and retail outlets/stations.

Objectives of the Guidelines

The objective of the guidelines is to provide for a transparent, orderly and non-discriminative treatment of all applications to enter the petroleum supply chain. Existing facilities that currently do not meet the requirements of these guidelines will be required, within a given time frame, to re-align their facilities accordingly or closedown.

Procedure for application

Application for a Permit and/or a Licence will be made in writing addressed to the Commissioner. Application will contain minimum information as listed below but applicants are advised to include any other information they consider will support their application.

Information Required

1. Name and address of applicant.
2. Corporate status of applicant; whether sole proprietorship, partnership, unincorporated business, incorporated private/public company, association or a cooperative. If registered, a copy of the registration certificate, memorandum & articles of association or constitution, list of directors or of the executive of the company or organisation, as the case may be shall be enclosed.
3. Location and ownership of sites where facilities are to be built. For each site, the applicant shall indicate whether local authority approval to construct facilities has been granted. In case where property is (to be) leased or rented from third parties, copy of agreement/contracts shall be availed.
4. Intended source/supplier of petroleum products.
5. Description of the project's over-all design and layout, type(s) of pumps, product tanks, piping, forecourt, office block, availability and source of power, water supply and communication, sanitation and drainage, and fencing of the facility.
6. Project cost estimates including operating capital to be employed. Indication of financial & technical resources available to the applicant including proof of necessary capital.
7. Organization structure and qualifications & experience of personnel to be employed to operate the system.
8. Undertaking to secure insurance protection against third party liability during both construction and operational phases.
9. A project brief giving likely and potential environmental impact of the project.
10. Description of surrounding area of the site for petroleum installation.
11. Description of safety programmes, equipment and plans for protection of occupational health, industrial safety and the environment during construction and operations of the facility.

Evaluation and Site Inspection

The Commissioner will evaluate the application for suitability of the location, standards of design and safety as a petroleum facility, competence or experience of operator, adequacy of investment resources, and general financial/economic viability. The Commissioner, acting as the lead agency and in consultation with the National Environment Management Authority (NEMA), will evaluate the environmental impact of the project and advise on mitigation measures to be undertaken. The evaluation process will include inspection of the site(s).

Application fees

Application fees are necessary to facilitate evaluation of the applications for permits and licences. A fee structure will be announced and gazetted in future. For the time being no fees will be charged or demanded.

Lifting of Ban in Kampala

With the issuance of these guidelines, the earlier ban on construction of new petrol stations in Kampala is hereby lifted. However, new stations must be constructed in line with these guidelines.

Guidelines are Interim

These Guidelines are interim and shall serve until Regulations are issued under the Petroleum Supply Act, 2003. The Guidelines may be amended by the Minister.

SYDA N. M. BBUMBA (MRS), (MP).

Minister of Energy and Mineral Development,
Amber House.

29/33 Kampala Road

P. O. Box 7270, KAMPALA.

May 2004.

General Notice No. 287 of 2004.

THE LOCAL GOVERNMENT ACT

(Cap. 243)

Section 122

NOTICE

PUBLICATION OF CAMPAIGN PERIOD FOR THE POST OF CHAIRPERSON, KALIRO TOWN COUNCIL, AND KAMULI DISTRICT COUNCILLORS, KAMULI DISTRICT

NOTICE IS HEREBY GIVEN by the Electoral Commission, subject to Section 122 of the Local Government Act (Cap. 243) that the period commencing 13th and ending 20th day of September, 2004, is hereby appointed campaign period in the form of joint candidates meetings for Kaliro Town Council Chairperson and Kamuli District Councillors, Kamuli District.

Issued at Kampala, this 9th day of September, 2004.

ENG. DR. BADRU M. KIGGUNDU,
Chairman, Electoral Commission.

General Notice No. 288 of 2004.

THE LOCAL GOVERNMENT ACT.

(Cap. 243)

Section 122

NOTICE

APPOINTMENT OF CAMPAIGN PERIOD FOR KALIRO TOWN COUNCILLORS, KAMULI DISTRICT

Notice is hereby given by the Electoral Commission, subject to Section 122 of the Local Governments Act (Cap. 243), that the period commencing 17th and ending 20th day of September, 2004, is hereby appointed campaign period in the form of joint candidates meetings for Town Council Councillors in the newly created Town Council of Kaliro, Kamuli District.

Issued at Kampala, this 9th day of September, 2004.

ENG. DR. BADRU M. KIGGUNDU,
Chairman, Electoral Commission.

General Notice No. 289 of 2004.

THE COMPANIES ACT, (Cap. 110).
NOTICE.

Pursuant to section 20 (3) of the Companies Act notice is hereby given that Cowiconsult has by Special Resolution passed on the 1st day of October, 2003 and with the approval of the Registrar of Companies changed its name to Cowi A/S and that such new name has been entered in my register.

DATED at Kampala, this 1st day of October, 2003.

BISEREKO KYOMUHENDO,
Assistant Registrar of Companies.

General Notice No. 290 of 2004.

IN THE MATTER OF THE COMPANIES ACT CAP. 110.
AND
IN THE MATTER OF AN EXTRA-ORDINARY
GENERAL MEETING OF AGRI-INDUSTRIAL
MANAGEMENT AGENCY LTD.

SPECIAL RESOLUTION

At the company's extra - ordinary General Meeting duly convened and held on 27th August, 2004 at the Company's premises at Kampala and attended by all the shareholders, it was proposed and unanimously resolved as follows;

1. That in consideration of the Directors Declaration of Solvency made on 3rd August, 2004 the Company be Wound-up Voluntarily and this resolution be published in the Uganda Gazette within 14 days and circulated in at least one regular Newspaper as required by law.
2. That Messrs Kaahwa, Kafuuzi, Bwiruka & Co. Advocates of P.O. Box 804 Fort Portal be appointed liquidators of the Company who should work in close consultation with Mr. Kakyomya Erisa (Chairman Board of Directors Uganda Tea Growers Corporation) and Mr. Turyahebwa Deo (Director Uganda Tea Growers Corporation) in determining the methods of disposing off the Company's assets.
3. That the remuneration of the liquidators inclusive of reimbursable expenses shall not exceed 20% of the net proceeds from realisable assets of the Company.
4. That the Registrar of Company be notified accordingly and this resolution be published as required by law.

Resolved this 27th day of August, 2004 at Kampala.

ERISA KAKYOMYA,
Chairman,
Uganda Tea Growers Corporation
Shareholder

W.K. BALISANGA APUULI
Shareholder.

KABAGAMBE - KASENENE,
Shareholder.

In presence of Bwiruka Richard of Kaahwa, Kafuuzi, Bwiruka & Co. Advocates.

General Notice No. 291 of 2004.

SWABOTS LIMITED
THE COMPANIES ACT CAP 110
A Company Limited By Shares
In The Matter Of SWABOTS Ltd
(In Members' Voluntary Winding Up)

And
In The Matter Of The Companies Act [CAP 110]

NOTICE IS HEREBY GIVEN that in pursuance of section 288 of the Act the final general meeting of the above-named company will be held at KPMG Office 1st Floor Rwenzori Courts Plot 2 & 4 Nakasero Road on 14th October 2004 at 9:00 am for the purposes of laying before such meeting the account of the winding up of the above-named company and of giving any explanation of it.

Dated this 10th day of September, 2004.

Signed

JOHN KIRUTHU,
Liquidator.

A member entitled to attend and vote at the meeting is entitled to appoint a proxy to attend and vote in his or her place. A proxy need not be a member of the Company.

General Notice No. 292 of 2004.

THE TRADE MARKS ACT.
(Cap. 83).
NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Crane Chambers, P.O. Box 6848, Kampala.

(21) APPLICATION NO. 26393 IN PART "A".

(52) Class 11.

(54)

KERAMAG

(53)

(59)

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