

THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA

CONSTITUTIONAL PETITION NO.....25.....OF 2022

- 1. PLATFORM FOR VENDORS IN UGANDA LIMITED
- 2. VOICES FOR LABOUR LIMITED:.....PETITIONERS

VERSUS

- 1. KAMPALA CAPITAL CITY AUTHORITY
- 2. THE ATTORNEY GENERAL OF UGANDA:.....RESPONDENT

NOTICE OF PRESENTATION OF PETITION

- To: 1. Kampala Capital City Authority
- 2. The Attorney General of Uganda

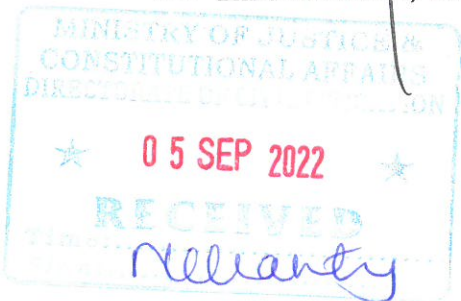
TAKE NOTICE that PLATFORM FOR VENDORS IN UGANDA LIMITED and VOICES FOR LABOUR LIMITED has filed a Petition against you in this Court.

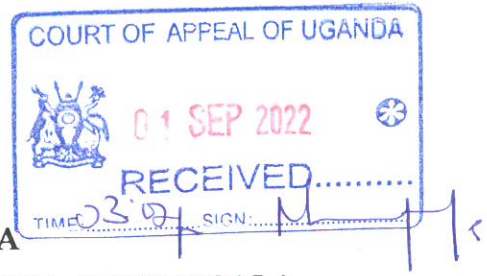
YOU are hereby required to file an answer within 10 (ten) days after the Petition has been served on you.

SHOULD YOU fail to file an answer on or before the date above mentioned, the Petitioner may proceed with the Petition which may be determined in your absence.

GIVEN under my Hand and Seal of this Honourable Court this.....^{1st}.....day of Sept.....2022

.....
REGISTRAR, CONSTITUTIONAL COURT

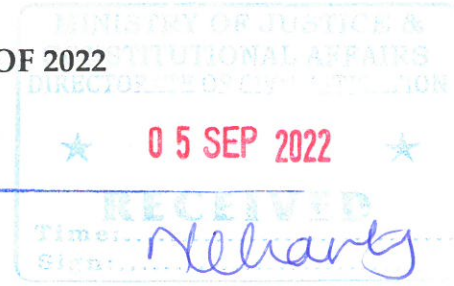




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PETITION

(Under Article 137(1)(2),(3)(a)&(b) and (4) of the Constitution of the Republic of Uganda 1995 as amended and the Constitutional Court (Petitions and References) Rules, SI 91 of 2005)

THE HUMBLE PETITION of PLATFORM FOR VENDORS IN UGANDA LIMITED and VOICES FOR LABOUR LIMITED (hereinafter referred to as 'the Petitioners') of C/o M/s Tuhimbise & Co. Advocates, Plot 54, Kampala Road, Damanico Building, 1st Floor, Office C-02, P.O Box 36340, Kampala, showeth that:

- 1. The 1st Petitioner; PLATFORM FOR VENDORS IN UGANDA LIMITED is a civil society organisation incorporated under the laws of Uganda as a company limited by guarantee; to organise vendors and informal businesses so as to strengthen their organizational capacities to fully participate, lobby, network and contribute towards creating decent and productive work.
- 2. The 1st Petitioner; VOICES FOR LABOUR LIMITED is a civil society organization incorporated under the laws of Uganda as a company limited by guarantee; to

FEE PAID 10,500
RECEIPT NO. 00228222
SIGN. [Signature] TITLE KA
DATE 11/09/22

FEE PAID 200,500
RECEIPT NO.
SIGN. [Signature] TITLE KA
DATE 11/09/22

defend and promote the rights and interests of workers through legal aid and representation, research, advocacy, campaigns and training among other methods.

3. The 1st Respondent is a Statutory Authority established under an Act of Parliament (Kampala Capital City Authority Act, 2010), responsible for the management of Kampala Capital City.
4. The 2nd Respondent is the Attorney General of Uganda and the Principal Legal Advisor to the Government of Uganda.
5. The Petitioners herein are keen and are actively engaged in matters relating to governance, constitutionalism, recognition, promotion and enforcement of rights and interests of street vendors and hawkers.
6. The Petitioners herein are ardent believers in good governance, the rule of law, constitutional governance and fundamental human rights and freedoms. The Petitioners believe that they have a duty to protect the sanctity of the Constitution of the Republic of Uganda.
7. The Petitioners herein bring this Petition in the higher public interest, to seek the interpretation of the matters herein which they believe have created a chasm and also, continue to be a recipe for the abuse of the sanctity of the Constitution of the Republic of Uganda, as stated in the preceding paragraphs of this Petition.
8. Your Petitioners allege that:
 - (a) The eviction of street vendors from the streets of Kampala Capital City by the 1st and 2nd Respondent without any viable alternative for their socio-economic survival and/ or well-being is inconsistent with and in contravention of Articles 22, 40(2) & 21(1)(2), 42, 45, National objective XIV, IX, and X of the Constitution of the Republic of Uganda.

- (b) The prohibition and recurrent prosecution of acts or business of street vending and hawking under Section 15(3) of the Trade Licencing Act as amended; Regulation 13(1) of the Local Government (Kampala City Council) (Maintenance of Law and Order Ordinance 2006); the Local Governments (Kampala City Council) (Street Traders) Ordinance are inconsistent with and in contravention of Articles 21(1)(2), 22, 40(2), 42, 45, and National Objective XIV, IX and X of the Constitution of the Republic of Uganda.
- (c) Section 16(5) & (6) of the Trade Licencing Act as amended in 2015 is inconsistent with and in contravention of Articles 40(2), 21, 42 and 45 of the Constitution of the Republic of Uganda in as far as it gives excessive discretion to the licencing authority to grant or reject or revoke a hawker's licence without providing for requirements and/or conditions of being granted the same and/or reasons for rejecting the same under the said law.
- (d) The failure of the 2nd Respondent to appoint the appeals authority under Section 9(9) of the Trade Licencing Act as amended in 2015 is inconsistent with and in contravention of Articles 28 and 42 of the Constitution of the Republic of Uganda.
- (e) Regulation 13(2) of the Local Governments (Kampala City) (Maintenance of Law and Order) Ordinance, 2006 and Regulation 5 of the Local Governments (Kampala City) Street Traders Byelaws Statutory Instrument 243 – 23 are inconsistent with and in contravention of Articles 21, 40(2), 21, 42 and 45 of the Constitution of the Republic of Uganda in as far as they give excessive discretion to the Licencing Authority to refuse to grant a street trader's permit without stipulating the requirements and conditions for granting the same and/or reasons for refusal to grant the said licence.
- (f) The whole of the Local Governments (Kampala City) (Street Traders) Byelaws Statutory Authority 243- 23 is obsolete and outdated in as far as it defines a "street trader" to mean a propeller of a wheel barrow, shoe repairer, shoe polisher, watch repairer, newspaper or book seller or

charcoal seller carrying on business on a street or any other public space hence being inconsistent with and in contravention of Articles 21, 40(2),45 and National objectives XIV, IX ad X of the Constitution of the Republic of Uganda.

9. THIS Petition is supported by the Affidavit attached hereto, deponed by **ODARO STEPHEN**, the 1st Petitioner's Director and the said Affidavit shall be relied on at the hearing of this Petition, along with other Affidavits that shall be made available before the hearing.

WHEREFORE, your Petitioners bring this Petition in the higher public interest, for the good of the Republic of Uganda, in defence of constitutional order, good governance, and promotion of rule of law and humbly pray that this Honourable Court be pleased to grant the following:

(a) **DECLARATIONS** that:

- (i) The eviction of street vendors from the streets of Kampala Capital City by the 1st and 2nd Respondents without any viable alternative for their socio-economic survival and/or well-being is inconsistent with and in contravention of Articles 22,40(1)(a) & 21(1)(2) and National Objective XIV, IX, and X of the Constitution of the Republic of Uganda.
- (ii) The prohibition and recurrent prosecution of acts or business of street vending under Section 15(3) of the Trade Licencing Act as amended in 2015 Regulation 13(1) of the Local government (Kampala City Council)(Maintenance of Law and order ordinance 2006, the Local Governments(Kampala City Council) (Street Traders) Ordinance is inconsistent with and in contravention of Articles 21(1)(2),22,40(1)(a) and National objective XIV, IX ad X of the Constitution of the Republic of Uganda.
- (iii) Section 16(5) & (6) of the Trade Licencing Act as amended in 2015 is inconsistent with and in contravention of Articles 40(2), 21, 42, 45 of the Constitution of the Republic of Uganda.

- (iv) The failure of the 1st Respondent to appoint the appeals authority under Section 9(9) of the Trade Licencing Act as amended in 2015 is inconsistent with and in contravention of Articles 28 and 42 of the Constitution of the Republic of Uganda.
- (v) Regulation 13(2) of the Local Governments (Kampala City)(Maintenance of Law and Order) Ordinance, 2006 and Regulation 5 of the Local Governments (Kampala City) (Street Traders) Byelaws Statutory Instrument 243 – 23 are inconsistent with and in contravention of Articles 21, 40(2), 21 and 42 of the Constitution of the Republic of Uganda.
- (vi) The whole of the Local Governments (Kampala City) (Street Traders) Byelaws Statutory Authority 243- 23 is inconsistent with and in contravention of Articles 21, 40(2) and National Objectives XIV, IX ad X of the Constitution of the Republic of Uganda.
- (b) An **ORDER** setting aside the directive by the 1st and 2nd Respondents to evict street vendors and hawkers from carrying on their work on the streets of Kampala Capital City.
- (c) A **RECOMMENDATION** that the 1st and 2nd Respondents put in place street vending and hawking laws that both regulate and protect the livelihoods of street vendors and hawkers in Kampala Capital City.
- (d) Any other or further Declaration(s) and/or Order(s) that this Honourable Court may deem fit.
- (c) Each Party bears its own Costs for the Petition.

DATED at Kampala this 21st day of AUGUST 2022

 STEPHEN OJORO PANDE (DIRECTOR)

1st PETITIONER

Dkt. KAWOTE ROBINAH (DIPLOMA)

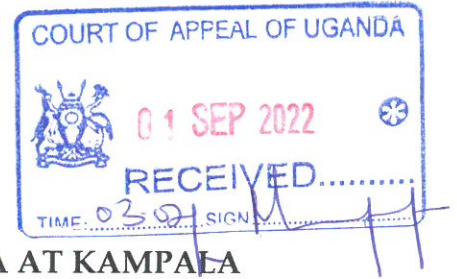
2nd PETITIONER

Drawn & filed by:

M/s Tuhimbise & Co. Advocates,
Plot 54, Kampala Road
Damanico Building, Office C-02,
P.O. Box 36340,
Kampala.

To be served on:

The Attorney General,
Attorney General's Chambers,
Queens Chambers, Plot 1 Parliament Avenue,
Kampala.



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2. THE ATTORNEY GENERAL OF UGANDA:.....:RESPONDENTS

AFFIDAVIT IN SUPPORT OF THE PETITION

I, ODARO STEPHEN PADDE of C/o M/s Tuhimbise & Co. Advocates, Plot 54, Kampala Road, Damanico Building, 1st Floor, Office C-02, P.O Box 36340, Kampala, Uganda do hereby make an oath and swear as follows:-

1. THAT I am a male adult Ugandan of sound mind and the Director of the 1st Petitioner and I swear this Affidavit in that capacity.
2. THAT the 1st Petitioner organizes and represents a considerable number of street vendors in Kampala.
3. THAT in early January, 2022, thousands of street vendors were brutally evicted from the streets of Kampala without sufficient notice and being given viable alternatives to earn livelihoods.

4. **THAT** the 1st and 2nd Respondents have neither put in place a clear and effective regulatory framework that both regulates and protects the livelihoods of street vendors and hawkers in Uganda but instead rely on an outdated and obsolete framework that only criminalises street vending and hawking.
5. **THAT** through the years, the 1st Petitioner has held a series of dialogue meetings with the 1st and 2nd Respondents in an effort to have the street vendors and hawkers properly regulated and their livelihoods protected which culminated in a draft bill entitled “The Local Government (Kampala Capital City Authority) (Street Traders) Ordinance 2019.” However, to date, the said draft bill has never been debated and passed by the 2nd Respondent (see copies of the dialogue correspondences and the bill annexed as “A1”, “A2” and “B”).
6. **THAT**, in spite of the above attempt to put in place a Street Trader’s Ordinance that both regulates and protects street vendors and hawkers’ livelihoods, the 1st and 2nd Respondents in mid-December 2022 through media gave street vendors and hawkers 30 (thirty) days to vacate all the streets of Kampala Capital City.
7. **THAT**, indeed after the expiry of the 30 (thirty) days’ notice, thousands of street vendors and hawkers were brutally evicted and arrested by the 1st and 2nd Respondents without being given alternatives with in which to carry on their work which was their main source of livelihood.
8. **THAT** I am aware through my Lawyers M/s Tuhimbise & Co. Advocates that the Constitution of the Republic of Uganda under Article 21(1) (2) entitles all persons to equal protection of the law in all spheres of political, economic, social and cultural life and further protects them from discrimination based on sex, race, colour, ethnic origin, tribe, birth, creed or religion, *social or economic standing*, political opinion or disability.
9. **THAT** I am also aware through my Lawyers M/s Tuhimbise & Co. Advocates that the Constitution of the Republic of Uganda under Article 40(2) provides for every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business.

10. THAT I am also aware through my Lawyers M/s Tuhimbise & Co. Advocates that the Constitution of the Republic of Uganda under Article 22 entitles every person to a right to life which includes the right to livelihood.
11. THAT through my Lawyers M/s Tuhimbise & Co. Advocates, I have been advised that National objective XIV obliges the 1st Respondent to fulfill *the fundamental rights of all Ugandans to social justice and economic development* and shall, in particular, ensure that; all developmental efforts are directed at ensuring the maximum social and cultural well-being of the people; and all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, *work*, decent shelter, adequate clothing food security and pension and retirement benefits.
12. THAT I have been further advised that by my Lawyers M/S Tuhimbise & Co. Advocates that National objective X of the Constitution of the Republic of Uganda obliges the 1st Respondent to take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them and that further National Objective IX of the Constitution of the Republic of Uganda directs the 1st Respondent to encourage private initiative and self – reliance in order to facilitate rapid and equitable development.
13. THAT I have further been advised by my Lawyers M/s Tuhimbise & Co. Advocates that Article 42 of the Constitution of the Republic of Uganda gives every person appearing before any administrative official or body has a right to be treated justly and fairly and shall have a right to apply to a court of law in respect of any administrative decision taken against him or her.
14. THAT in contravention of Articles 22, 40(2) & 21(1), (2) & 42 and National Objectives XIV, IX, and X of the Constitution of the Republic of Uganda, the 1st and 2nd Respondent evicted street vendors and hawkers from the streets of Kampala Capital without any viable alternative for their socio-economic survival and/or well-being.

15. **THAT** in contravention of Articles 21(1) (2), 22, 40(2) & 42 and National Objectives XIV, IX ad X of the Constitution of the Republic of Uganda, the 1st and 2nd Respondents criminalize street vending and hawking under Section 15(3) of the Trade Licensing Act as amended in 2015 and Regulation 13(1) of the Local government (Kampala City) (Maintenance of Law and Order) Ordinance 2006.
16. **THAT** in contravention of articles 40(2), 21 and 42 of the Constitution of the Republic of Uganda, Section 16(5) & (6) of the Trade Licencing Act as amended in 2015 gives excessive discretion to the licencing authority to grant or reject or revoke a hawker's licence without providing for requirements and/or conditions of being granted the same.
17. **THAT** in contravention of Articles 21, 40(2), 21 and 42 of the Constitution of the Republic of Uganda, Regulation 13(2) of the Local Governments(Kampala City) (Maintenance of Law and Order) Ordinance, 2006 and Regulation 5 of the Local Governments (Kampala City) (Street Trades) Byelaws Statutory Instrument 243-23 give excessive discretion to the Licensing Authority to refuse to grant a street trader's permit without stipulating the requirements and conditions for granting the same and/or reasons for refusal to grant.
18. **THAT** in contravention of Articles 21, 40(2) and National Objectives XIV, IX ad X of the Constitution of the Republic of Uganda, the whole of the Local Governments (Kampala City) (Street Traders) Byelaws Statutory Authority 243-23 is obsolete and outdated in as far as it defines a "street trader" to mean a propeller of a wheel narrow, shoe repairer, shoe polisher, watch repairer, newspaper or book seller or charcoal seller carrying on business on a street or any other public space excluding many street vendors who do not fall the defined category.
19. **THAT** I swear this Affidavit challenging the constitutionality of the actions of the 1st and 2nd Respondent of evicting street vendors and hawkers from the streets without providing a viable alternative for their livelihoods and well-being and Sections 15(3) 16(5) &(6) of the Trade Licencing Act, Cap.104 as amended in 2015, Regulations 13(2) and 15(3) of the Local Governments (Kampala City)

(Maintenance of Law & Order) Ordinance, 2006 and the whole of the Local Governments (Kampala City)(Street Trader) Byelaws Statutory Authority 243-23.

20. That whatever I have stated hereinabove is true and correct to the best of my knowledge save for Paragraphs 10, 11, 12, 13, 14 and 15 which advise I got from my lawyers M/s Tuhimbise & Co. Advocates which advice I verily believe to be true and correct.

SWORN at Kampala

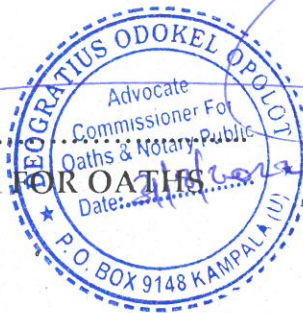
this 31st day of AUGUST 2022

by the said ODARO STEPHEN PADDE

DEPONENT

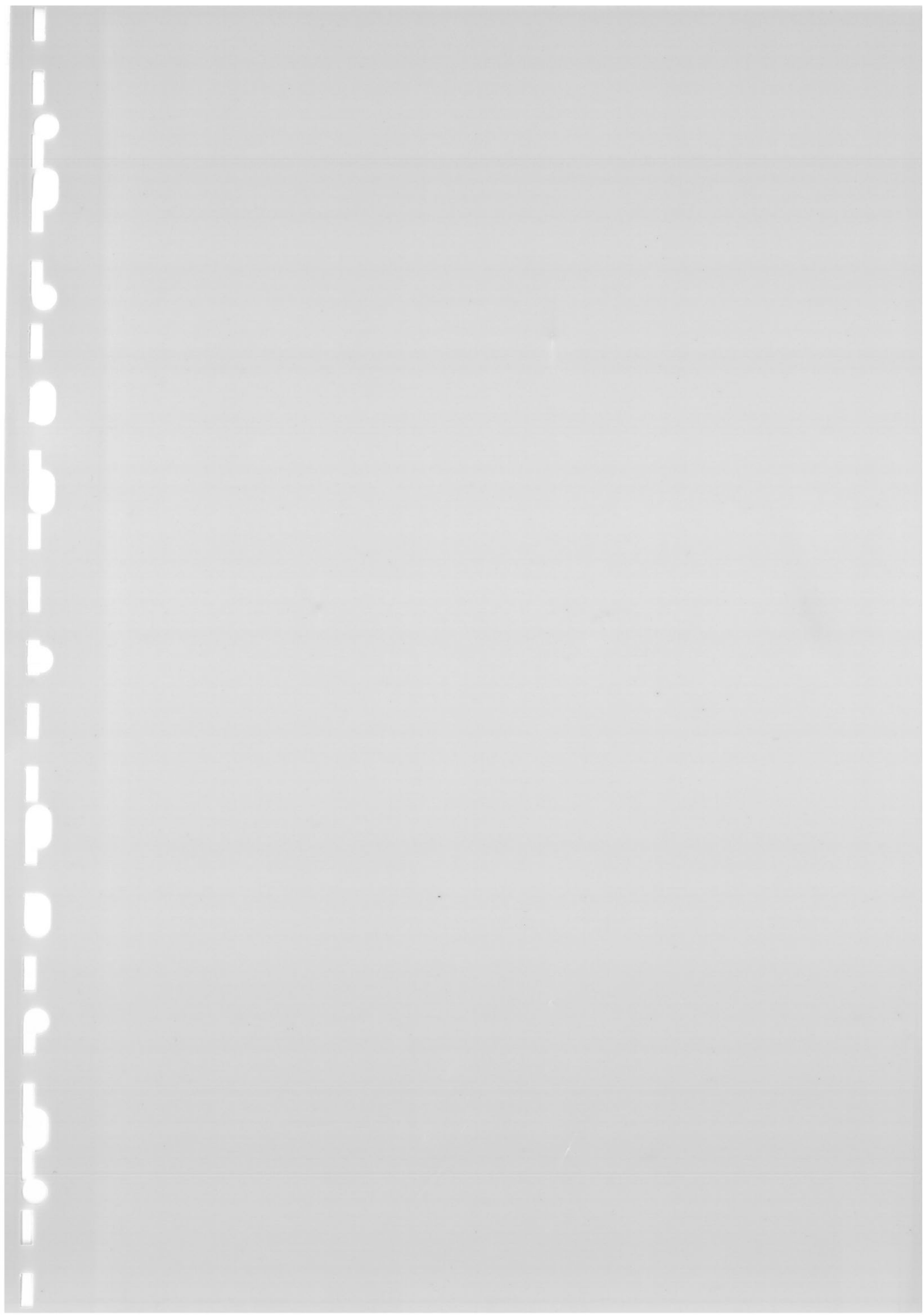
Before me:

.....
COMMISSIONER FOR OATHS



Drawn & filed by:

M/s Tuhimbise & Co. Advocates,
Plot 54, Kampala Road,
Damanico Building, Office C-02,
P.O. Box 36340,
Kampala.





Ms. Dorothy Kisaka
Executive Director,
Kampala Capital City Authority

25th April 2022

Dear Madam,

Re: Invitation to a policy dialogue on “The Regulatory Framework and the Informal Economy in Greater Kampala Metropolitan Area (GKMA): How inclusive can it be?”

Greetings from Friedrich-Ebert-Stiftung (FES) and Platform for Vendors in Uganda (PLAVU)

FES in partnership with PLAVU kindly invite you to a policy dialogue on **“The Regulatory Framework and the Informal Economy in Greater Kampala Metropolitan Area (GKMA): How inclusive can it be?”** on Thursday, 12th May 2022 at Hotel Fairway Kampala from 7:30am – 2:00pm.

The policy dialogue will bring together government officials, informal workers, Private Sector representatives, Civil Society Organisations, Members of Parliament, and academics, to fast track the progress on the formulation of policies and legal frameworks governing the informal economy for an inclusive, just and resilient city for all in the GKMA.

As part of the policy dialogue, PLAVU will highlight the plight of street vendors in GKMA and the need for a working regulatory framework favorable for informal workers. In the dialogue, a presentation of the informal economy and the law will be presented to generate options on how to manage the potentially conflicting needs and interests of the informal workers and other urban stakeholders with a view to promoting a Just and inclusive city for all.

Please find attached copy of the programme for your perusal.


In case of any inquiries, please contact Mr. Stephen Odaro, the General Secretary at PLAVU on odarostephen@gmail.com or 0782987901 or Mr. John Bosco Mubiru, the Programme Manager at FES on John-Bosco.Mubiru@fes.de or on 0757505470.

To confirm your participation please contact Mr. Stephen Odaro and Mr. Tomson Mwijukye on Tomson.Mwijukye@fes.de or 0757505698. Please confirm your participation by Thursday Monday 5th May 2022

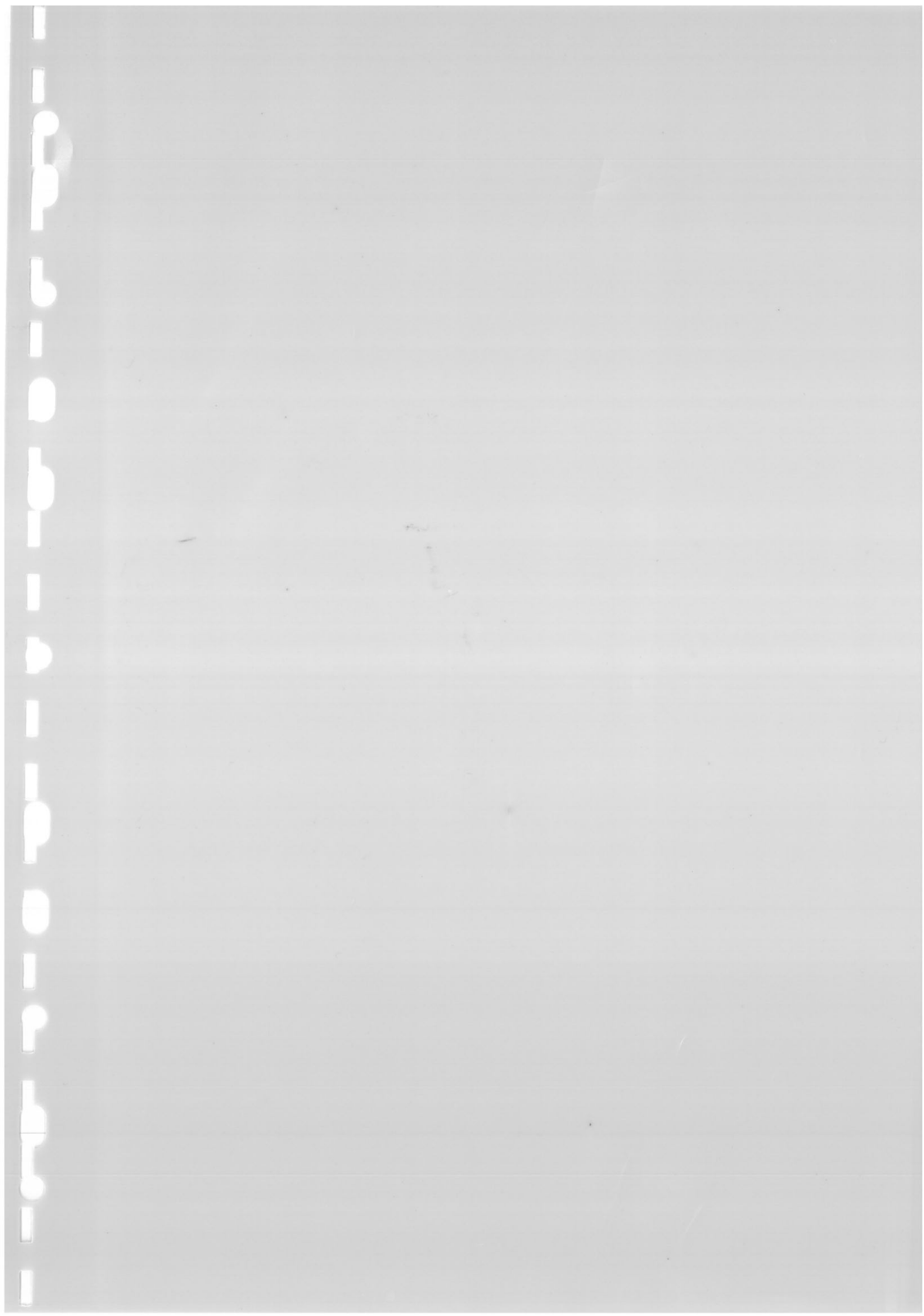
Thank you and we are looking forward to your participation and enriching policy ideas.

Yours faithfully,


Rolf Paasch
Resident Representative
Friedrich-Ebert-Stiftung (FES)
Uganda Office


Stephen Odaro Padde
General Secretary,
Platform for Vendors in Uganda

Cc: Ag Director - Gender, Community Services & Production
Cc: Manager - Commercial Services





Hon. Eria Lukwago,
The Lord Mayor,
Kampala Capital City Authority

A2
**FRIEDRICH
EBERT
STIFTUNG**
3/10/2022
Kampala
25th April 2022
A Commissioner For Oaths

Dear Sir,

Re: Invitation to a policy dialogue on “The Regulatory Framework and the Informal Economy in Greater Kampala Metropolitan Area (GKMA): How inclusive can it be?”

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To confirm your participation please contact Mr. Stephen Odaro and Mr. Tomson Mwijukye on Tomson.Mwijukye@fes.de or 0757505698. Please confirm your participation by Thursday 5th May 2022

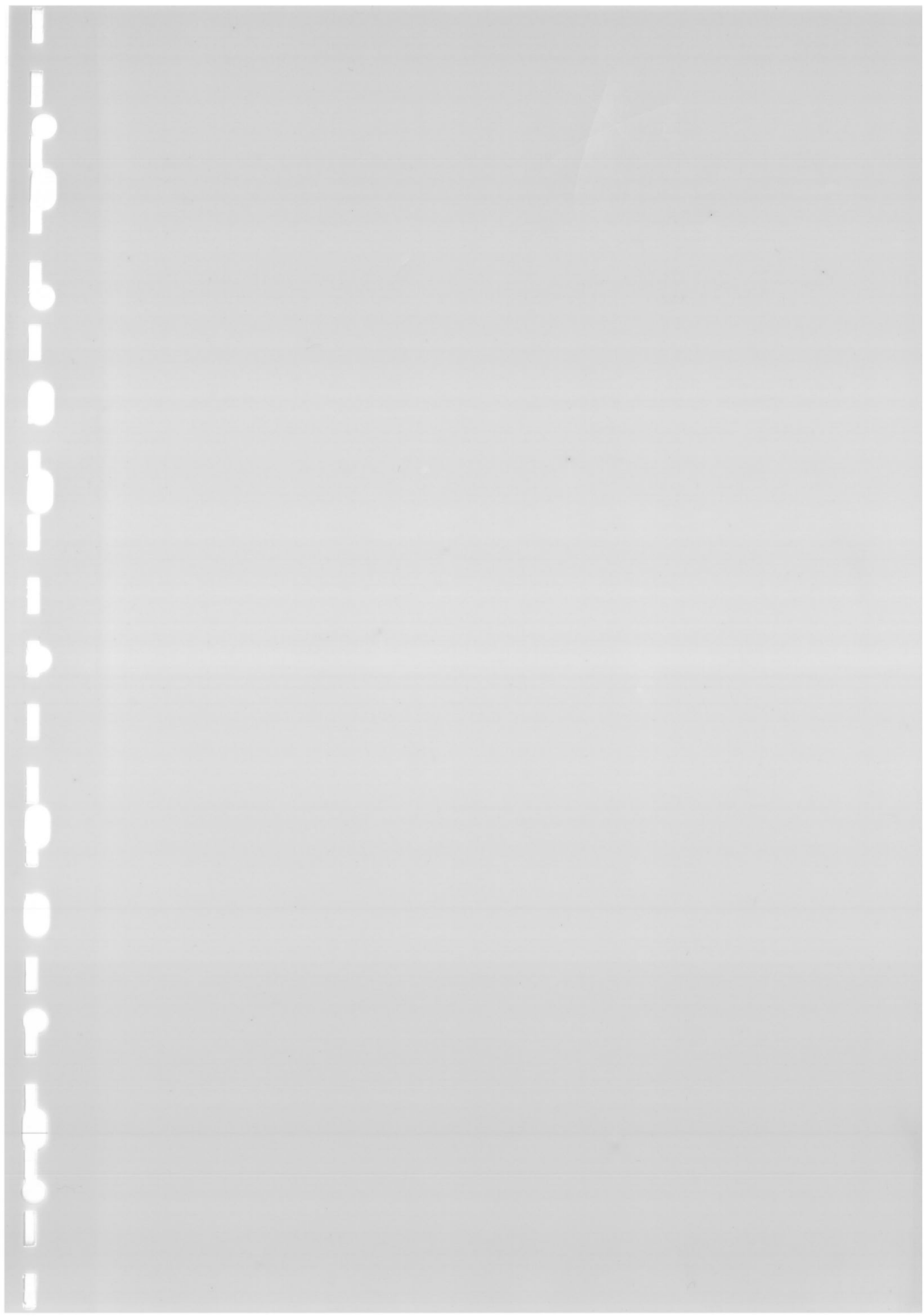
Thank you and we are looking forward to your participation and enriching policy ideas.

Yours faithfully,

Rolf Paasch
Resident Representative
Friedrich-Ebert-Stiftung (FES)
Uganda Office

Stephen Odaro Padde
General Secretary,
Platform for Vendors in Uganda

Cc: Personal Assistant – Mr. Elvis Kintu Nsonyi





Abraham Alim
02/07/2019
B
OPERO STAFF
Kampala

A Bill to introduce the Kampala Capital City (Regulation of Street Trade) Ordinance, 2019

THE KAMPALA CAPITAL CITY (REGULATION OF STREET TRADE) ORDINANCE, 2019

MEMORANDUM

1. Object of the Bill

There are currently many laws regulating street trade in Kampala. These include: The Trade Licensing Act, The Local Governments (Kampala City) (Hawking) Byelaws, Local Governments (Kampala City) (Street Traders) Byelaws, Local Governments (Kampala City Council) (Maintenance of Law and Order) Ordinance 2006. The object of this Bill is to amalgamate the existing laws and come up with a comprehensive regulatory framework on street trading.

Accordingly the Bill seeks to repeal paragraphs 13 and 15 of the Local Governments (Kampala City Council) (Maintenance of Law and Order) Ordinance, 2006 and to repeal the Local Governments (Kampala City) (Street Traders) Byelaws and the Local Governments (Kampala City) (Hawking) Byelaws.

The purpose of the Bill is to provide a framework that will allow for street trading in an orderly fashion. The hope is that this will spur greater economic activity, create employment and remove the need for occasional high-handed enforcement against street traders.

2. Provisions of the Bill

The Bill seeks to:

- a) Provide for a clear and comprehensive licensing and regulation regime for persons who wish to engage in street trade.
- b) Provide for overall management and control of street trade in the city by the Kampala Capital City Authority

ERIAS LUKWAGO,
Lord Mayor Kampala Capital City.

DRAFT

An Ordinance to provide for the licensing, regulation and management of street trade in Kampala City and for other matters connected with or incidental to the foregoing.

BE IT ORDAINED by the Authority of Kampala Capital City as follows:-

ARRANGEMENT OF PARAGRAPHS

Paragraphs

PART I- PRELIMINARY

1. Citation
2. Application
3. Definition

PART II- REGULATION OF STREET TRADE

4. Prohibition of Street Trade without a licence
5. Duration of a Street Trade Licence
6. Street trade licence to be non-transferable
7. Production of licence on demand

PART III- STREET VENDING

8. Street Vendors to trade in Uniform
9. Exempt Vendors
10. Hawking Licence
11. Hawkers to trade in Uniform
12. Special Street Trading Licence
13. General Offences
14. Repeal

SCHEDULES

- | | |
|-----------------|----------------------------|
| First Schedule | Currency Point. |
| Second Schedule | Street Trade Licence Fees. |

Third Schedule

Fourth Schedule

Fifth Schedule

Application form for a street trading
licence.

Street Trade Licence

Colour Code and Fees for Street Trade
Uniforms

DRAFT

A Bill for an Ordinance

**THE KAMPALA CAPITAL CITY (REGULATION OF STREET
TRADE) ORDINANCE, 2019**

An Ordinance to provide for the licensing and management of the street vendors and hawkers in Kampala, fees payable by street vendors and hawkers and for other matters connected with or incidental to the foregoing.

BE IT ORDAINED by the governing body of Kampala Capital City as follows:-

PART 1 – PRELIMINARY

1. Citation

This Ordinance may be cited as the Kampala Capital City (Regulation of Street Trade) Ordinance, 2019

2. Application

This Ordinance shall apply to Street Traders in Kampala Capital City.

3. Definition

In this Ordinance, unless the context otherwise requires—

“Act” means the Kampala Capital City Act, 2010;

“Authority” means Kampala Capital City Authority established by section 5 of the Kampala Capital City Act, 2010;

“Capital City” means Kampala Capital City;

"Capital City Area" means the whole expanse of Kampala Capital City as defined in the Schedule to the Act;

"Currency point" has the value assigned to it in Schedule 1. to this Ordinance;

"Executive Director" means the Executive Director of Kampala Capital City Authority;

"General business area" means any area of Kampala city designated as a general business area by the Authority;

"Hawker" means a person who sells goods by retail other than in trading premises or in a market established by law and duly gazetted as a Market whether public or private;

"Law Enforcement Officer" means a Kampala Capital City Authority Law Enforcement Officer;

"Minister" means the Minister responsible for the Capital City;

"Sell" with its grammatical variants and cognate expressions includes to offer for sale and to expose for sale;

"Street trade" means the selling of goods by a hawker or street vendor on or along the street, walkways, thoroughfares, roundabouts and traffic junctions and selling of goods outside of any structure not attached to land whether of a permanent or temporary nature;

"Street trading licence" means either a street vending licence or a hawker's licence duly issued by the Authority;

"Street Vendor" means any person who sells goods by retail or wholesale on or along the street, walkways, thoroughfares or at a particular station or stall on the street, thoroughfare or walkway;

PART II – REGULATION OF STREET TRADE

4. Prohibition of Street trade without licence

- (a) No person shall carry out any street trade without a street trading licence granted to him or her for that purpose by the Authority.
- (b) The authority may upon application and on payment of the prescribed fee indicated in the second schedule grant a street trade licence.
- (c) The application for a street trade licence shall be made in the form set out in the third schedule to this Ordinance.
- (d) A street trade licence shall be in the form prescribed in the Fourth schedule to this ordinance and shall be issued subject to conditions as the Authority may deem fit to impose such as:
- i. the kind of goods which may be sold;
 - ii. the area within which the street trading shall take place;
 - iii. the hours during which the goods may be sold.
- (e) The authority may refuse to grant a street trade licence without assigning any reason for the refusal, and may revoke any licence granted under this ordinance if it is satisfied that any of the terms and conditions upon which the licence was granted has been contravened.
- (f) Any person who carries on street trade without a licence issued by the Authority commits an offence and shall upon conviction be liable to pay a fine of three (3)

currency points or to imprisonment not exceeding six (6) months or both.

5. Duration of a Street Trade License

A street trade licence granted by the Authority under this Ordinance shall be valid for a period of One (1) year from the date of issue.

6. Street Trading Licence to be non-transferable

A holder of a street trading licence granted by the Authority under this ordinance shall not let, hire, lend or sell the licence to any other person.

7. Production of Licence on demand

Every person conducting street trade whether on his or her own accord or as an agent shall be in possession of a valid licence and shall produce the licence upon demand by a Law Enforcement Officer or a Police Officer or any other person authorized by the Authority.

PART III - STREET VENDING

8. Street Vendors to trade in Uniform

- (a) Every person authorised to carry on street trade in Kampala as a Vendor shall while doing so be required to dress in a manner prescribed in the Fifth Schedule to this Ordinance.
- (b) The Uniform to be worn by a street vendor shall be color coded in accordance with the division in which the trader operates.
- (c) The Uniform shall be purchased from the Authority at the time of grant of the licence upon payment of the fee prescribed in the Fifth Schedule to this Ordinance.

- (d) Any person who carries on trade as a street vendor without the proper attire commits an offence and shall upon conviction be liable to pay a fine not exceeding three (3) currency points or to imprisonment not exceeding six (6) months or both.

9. Exempt Vendors

No trading licence shall be required in any trade or business in respect of which a separate licence is required by or under any written law.

PART IV - HAWKING

10. Hawking License

- (a) No person shall trade as a hawker unless he or she is in possession of a valid hawkers licence provided for under Paragraph 4(a) of this Ordinance and granted to him or her for that purpose by the Authority.
- (b) The fee for a hawking license shall be as prescribed in the Trade (Licensing) (Amendment of Schedule) (No. 2) Instrument, 2011 or other such law that may be in force at the time of an application for a hawking license.
- (c) A person under the age of eighteen years shall not be granted a hawkers licence.

11. Hawkers to trade in Uniform

A person engaging in street trade as a Hawker shall be required to wear a uniform in the colour and at a fee prescribed by the Authority in the Fifth schedule to this Ordinance.

PART V – GENERAL

12. Special Street Trading Licence

- (a) Any person carrying on street trade that loses their licence or has the same destroyed before the lapse of the licence validity period shall be entitled to apply for a special trading licence.
- (b) Where the authority is satisfied that a licence granted under this Act has been lost or destroyed, the authority shall, on application made to it and on payment of the fee prescribed in the second schedule to this Ordinance issue a special street trade licence to the applicant.

13. General Offences

Any person who contravenes any provision of this Ordinance commits an offence and shall be liable upon conviction to a fine not exceeding three (3) currency points or to imprisonment for six (6) months or to both.

14. Repeal

- (a) The Local Government (Kampala City Council) (Maintenance of Law and Order) Ordinance, 2006 (Ordinance 6/2006) is amended by repealing Paragraphs 13 and 15.
- (b) The Local Governments (Kampala City) (Street Traders) Byelaws Statutory Instrument No. 243-23 is repealed.
- (c) The Local Governments (Kampala City) (Hawking) Byelaws Statutory Instrument No. 243-24 is repealed.

FIRST SCHEDULE

Paragraph 3,13

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings.

DRAFT

SECOND SCHEDULE

Paragraph 4,12

STREET TRADE LICENCE FEES

Street Category	Trade	Grade 1	Grade 2
Street Hawker		UGX. 112,500/=	UGX. 60,000/=
Street Vendor		UGX. 210,000/=	UGX. 78,750/=
Street Wholesaler		UGX. 498,750/=	UGX. 236,250/=
Special Fee	Licence	UGX. 25,000/=	

DRAFT

THIRD SCHEDULE

Paragraph 4

KAMPALA CAPITAL CITY AUTHORITY
APPLICATION FORM FOR A STREET TRADING LICENSE

(To be filled in triplicate)

Name of the applicant:	
Physical and Email Address of the applicant:	
Telephone Number:	
COIN:	
Location of the site (Street, plot number, road name, nearest landmark)	
Permit request: (hawking/vending) <i>*tick whichever applicable</i>	
Type of goods to be sold	
Reason(s)* why?	
Signature:	
Date:	

Attach proof of Payment

KAMPALA CAPITAL CITY AUTHORITY
STREET TRADE LICENCE

Licence Number:	
Holder's details: (<i>Contact Name, Email address, telephone number</i>)	
Place of Business: (<i>Division, street, road name, nearest landmark</i>)	
Licenced to carry on business of:	
Conditions/Restrictions to the permit (<i>if any</i>):	
Amount paid:	
Validity:	

FIFTH SCHEDULE

Paragraphs 8, 11

COLOUR CODE AND FEES FOR STREET TRADE UNIFORMS:

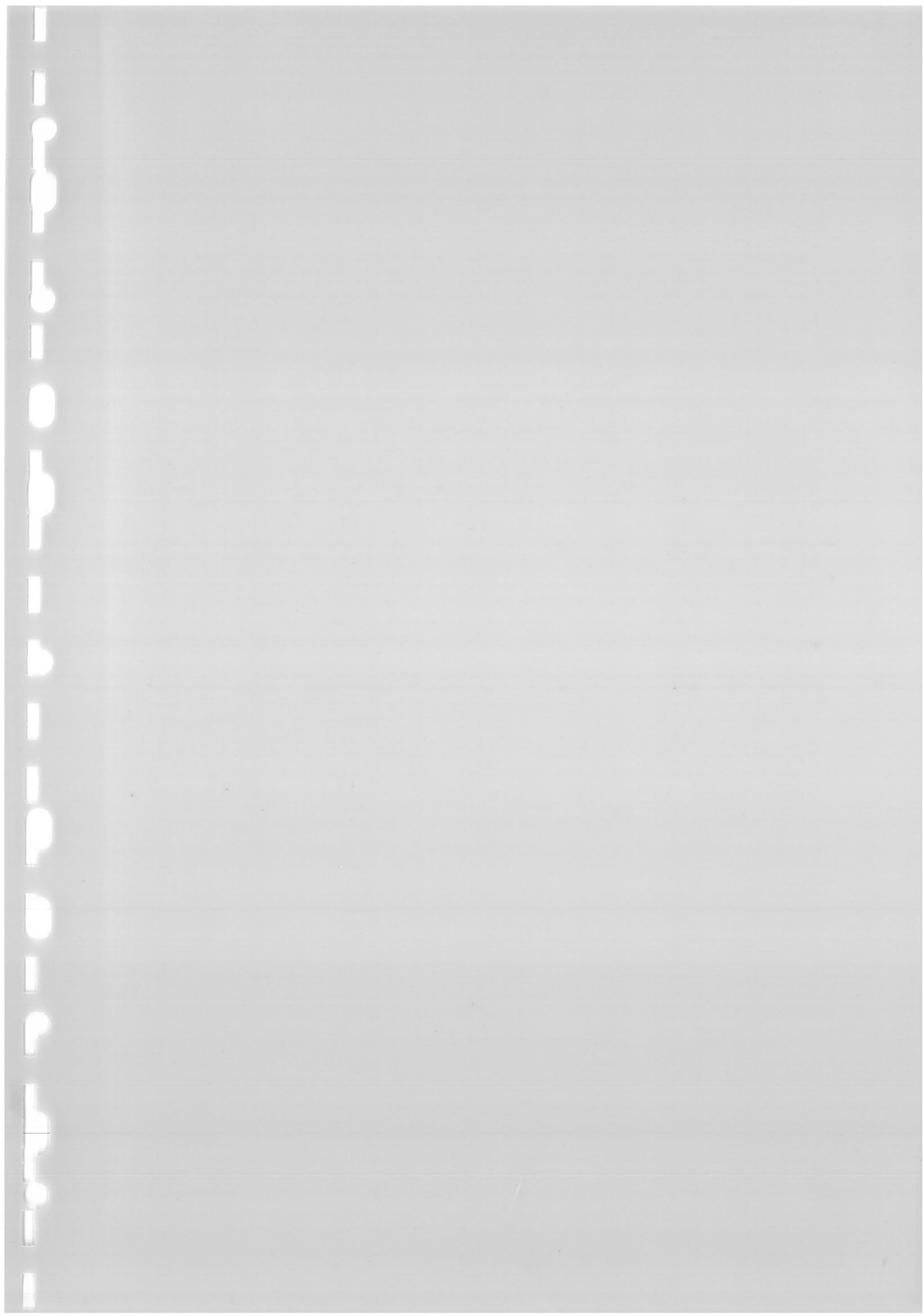
- (1) All persons carrying out street trade as Street Vendors shall wear uniform in the following colours in accordance with the City Division of Operation.

Kampala Central	Green
Nakawa	Blue
Rubaga	Orange
Kawempe	Red
Makindye	Yellow

- (2) The cost of a Street Vendors Uniform shall be UGX 50,000/=.
- (3) All persons carrying out street trade as Hawkers in Kampala shall wear Black Overalls as Uniform.
- (4) A Hawkers uniform shall be purchased at the price of UGX 50,000/=.

PASSED by the Kampala Capital City Authority on the day of, 2019.

I HEREBY signify my hand this Day of, 2019.





**THE REPUBLIC OF UGANDA
IN THE CONSTITUTIONAL COURT OF UGANDA AT KAMPALA**

CONSTITUTIONAL PETITION NO.....25.....OF 2022

- 1. PLATFORM VENDORS IN UGANDA LIMITED**
- 2. VOICES FOR LABOUR LIMITED:.....PETITIONERS**

VERSUS

- 1. KAMPALA CAPITAL CITY AUTHORITY**
- 2. THE ATTORNEY GENERAL OF UGANDA:.....RESPONDENTS**

SUMMARY OF EVIDENCE

The Petitioners will prove that the actions of the 1st and 2nd Respondents including provisions in their legislations complained of in the petition and supporting affidavits are inconsistent with and in contravention of the provisions of the Constitution of Uganda and International law.

LIST OF WITNESSES

1. The Petitioners
2. Others with leave of Court

LIST OF DOCUMENTS

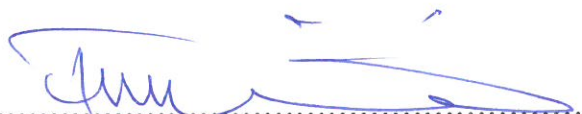
1. All Annexures attached to and/or documents referred to in the Petitioners' Affidavit
2. Others with leave of court

LIST OF AUTHORITIES

1. The Constitution of Uganda of the Republic of Uganda.
2. Trade Licencing Act, Cap.104 as amended in 2015,
3. Local Governments (Kampala City) (Maintenance of Law & Order Ordinance)

4. Local Governments (Kampala City) (Street Traders) Byelaws Statutory Authority 243-23.
5. International Instruments and/or Conventions
6. Others with leave of Court.

DATED at Kampala this^{31st}.....day of.....^{August}.....2022



.....
M/s TUHIMBISE & CO. ADVOCATES

Drawn & filed by:

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