



**FEDERATION OF EAST AFRICAN FREIGHT  
FORWARDERS ASSOCIATION (FEAFFA)**

**THE MODEL CUSTOMS AGENTS AND FREIGHT  
FORWARDERS MANAGEMENT BILL 2017**

SUPPORTED BY





## FOREWORD

The international supply chain system is becoming more competitive and sophisticated with shippers' needs changing rapidly. To remain in business, freight logistics service providers must understand and respond to the changing needs and add value. Modern-day freight logistics service providers must demonstrate high degree of competency and professionalism in the discharge of their services. With this understanding, the Federation of East African Freight Forwarders Association (FEAFFA) and her affiliate member national associations have made professionalization of the East Africa Customs Clearing and Freight Forwarding sector their mainstay for over a decade ago. They have initiated several interventions with the aim of moving the industry close to this ideal situation. Key among them has been training mainly through the six-month course, the East Africa Customs Freight Forwarding Practicing Certificate (EACFFPC) in which over 6,000 practitioners have already qualified, the regional code of conduct and the standard trading conditions.

In doing this, FEAFFA has been emulating best practices from elsewhere in the world especially those with whose conditions to a large extent are similar with the ones prevailing in the East African Community (EAC) region. The initiatives have also taken due consideration of the uniqueness of the EAC with developments such as regional integration. Development of a regional Model Customs Agents and Freight Forwarders Management bill is the latest step in our pursuit of professionalism. The industry in partnership with her key stakeholders among them revenue authorities, the EAC Directorate of Customs started developing a regional Policy Framework for accreditation and self-regulation of the Customs clearing and freight forwarding industry that aimed at creating and establishing standards, guidelines, principles and institutional arrangements to govern the accreditation and self-regulation of the sector. After a review by technical experts at EAC level, it was observed that the Policy Framework lacked legal backing at both national and regional level and as such could not be enforced; would conflict with the powers of the Commissioner of Customs; and covered areas that are beyond the scope of Customs Administration. It was recommended that the industry should pursue a legally binding approach to self-regulation. This gave birth to efforts to develop a regional model bill that would be used as a template for each Partner State in formulating and enacting their respective national laws on accreditation and self-regulation of the Customs Clearing and Freight Forwarding Industry and establishment of national bodies there of.

FEAFFA with support from Japan International Cooperation Agency (JICA) through the Project on Capacity Development for International Trade Facilitation in East African Region thus embarked on the process that has culminated into this regional model bill that we are presenting. The model bill itself is a product of a robust consultative process at both national, regional and international level.

The bill covers aspects considered critical by a spectrum of industry stakeholders as vital in ensuring a genuinely professional customs agents and freight forwarders sector similar to other professions. Key among them include detailed provisions on establishment of the Regulatory Board, technical qualification and continuous professional development, Certification and Registration, Obligations and conduct of registered Customs Agents and Freight forwarders, the code of conduct, offences and penalties, disciplinary proceedings, appeals, mutual recognition agreements and financial provisions.

It is our hope this is the final step in realizing the much desired industry professionalism.

**Auni Bhaiji**

President

FEAFFA

## **Word from the Executive Director**

The Customs clearing and freight forwarding (CFA) industry in East Africa continues to work towards becoming fully professional. The latest step towards this is self-regulation which is being done through enactment of national laws recognizing and entrenching the industry as a professional practice and establishing national boards as is the case with other firmly established professions. To provide a guide to partner states, we have developed a regional model bill that ensure uniformity across the entire region.

The self-regulation law intends to:

- Enhance professionalism in delivery of Customs clearing and freight forwarding services in the region
- Enhance compliance to rules and regulations in the practice of Customs clearing and freight forwarding services
- Protect consumers of Customs clearing and freight forwarding services
- Protect the Customs agents and freight forwarders
- Improve the image of the Freight logistics sector in the region
- Promote growth and development of the CFA sector

The proposed law is meant to regulate among others individual CFA practitioners, firms providing CFA services, CFA trainers and training institutions delivering CFA courses in each partner state with an eye to regional harmony.

The Self-regulation laws are expected to compliment other existing regulations in a number of ways;

- Deal with professional aspects of the registered CFA
- It will not interfere with the roles and functions of Customs as stipulated in Customs management Act/Regulations and other relevant agencies
- Self-regulation will facilitate establishment of a database of registered and certified CFAs, which will be accessible to Customs administration, other regulators, shippers and other customers of the industry etc.
- It will aid in elimination of unprofessional operators
- It will relieve Customs and other regulators the burden of arbitrating on commercial related disputes in the sector

We expect drafting of national laws based on this model bill to start across all countries and be supported through the legislative process to enactment. We anticipate amendment of EAC Customs Management Act and other relevant laws to recognize the self-regulation laws being developed. Efforts will also be made to create awareness among stakeholders on the steps and processes being undertaken by the industry.

We are very grateful to all stakeholders and partners who have been and remain with us in this daunting journey. We are aware that work has just begun but its critical to celebrate the achievements so far. Special thanks go to the EAC Secretariat especially the Directorate

of Customs and the Committee of Customs for the encouragement and technical support, the respective partner state Revenue Authorities and regulatory agencies for providing technical experts. The Lawyers and Accountants bodies that have guided through this process. Port authorities and other relevant regulatory authorities that have walked with us on this journey. We also appreciate the contribution of colleagues in the business sector like shippers through the Shippers Councils, transporters and the East Africa Business Council for supporting us.

FEAFFA is grateful to the industry through the National associations for supporting the initiative and fully embracing professionalism. Special mention goes to:

1. Association Burundaise des AgencesenDouane et Transitaires (ABADT)
2. Kenya International Freight & Warehousing Association (KIFWA)
3. Association des AgencesenDouane du Rwanda (ADR)
4. Tanzania Freight Forwarders Association (TAFFA)
5. Uganda Freight Forwarders Association (UFFA)
6. Zanzibar Freight Forwarders Bureau (ZFB)
7. Uganda Clearing Industry and Forwarding Association (UCIFA)

FEAFFA further wishes to thank JICA for providing the financial resources through the Project on Capacity Development for International Trade Facilitation in East African Region to facilitate this process this far. We hope JICA will continue supporting the process to the very end. And lastly to CITA who facilitated development of this model bill. We need all your support in order to successfully complete the remaining task of enacting the national legislations.

**John Mathenge**  
Executive Director  
FEAFFA



**THE EAST AFRICAN COMMUNITY**  
**THE MODEL CUSTOMS AGENTS AND FREIGHT**  
**FORWARDERS MANAGEMENT BILL 2017**

**ARRANGEMENT OF SECTIONS**

**PART I**  
**PRELIMINARY PROVISIONS**

1. Short title.
2. Interpretation.
3. Objective.

**PART II**  
**ESTABLISHMENT OF THE REGULATORY BOARD**

4. Establishment of the Regulatory Board.
5. Composition and Tenure of office of members of the Board.
6. Power and Functions of the Board.
7. Committees of the Board.
8. Administration and Management of the Board.
9. The Registrar and the Secretariat.

**PART III**  
**CERTIFICATION AND REGISTRATION**

10. Qualifications for certification and registration.
11. Procedure for certification and registration.
12. Contents of the certificates and registration.
13. Recognition of the Certificate.
14. Suspension and cancel of certificates of registration.
15. Restoration to the register.

**PART IV**  
**OBLIGATIONS AND CONDUCT OF REGISTERED CUSTOMS AGENTS**  
**AND FREIGHT FORWARDERS**

16. Notification of changes in particulars of company information
17. Record keeping.
18. Conduct of business.

**PART VI  
OFFENCES AND PENALTIES**

- 21.
- 22.
- 23.

**PART VII  
DISCIPLINARY PROCEEDINGS**

- 24. Complaints in respect of misconduct by customs agents and freight forwarders.
- 25. Institution of disciplinary proceedings.
- 26. Hearing in absence of a customs agent and freight Forwarder.
- 27. Communication of the Board's decisions.

**PART VIII  
APPEALS**

- 28. Establishment of Appeals Committee.
- 29. Composition of Appeals Committee.
- 30. Proceedings of Appeals Committee.
- 31. Right to Appeal.

**PART IX  
MUTUAL RECOGNITION AGREEMENTS**

- 32. Pursuant to Section 13 of this Bill, the Board shall sign mutual recognition agreements between certified and registered customs agents and freight forwarders in the Partner States.

**PART X  
FINANCIAL PROVISIONS**

- 33. Funds and resources of the Board.
- 34. Investment.
- 35. Annual and Supplementary Budgets.
- 36. Financial year.
- 37. Accounts and Audit.
- 38. Annual statement of accounts and reports.
- 39. Remuneration.

**PART XI**  
**MISCELLANEOUS**

40. Liabilities of the Board

**SCHEDULES**

FIRST SCHEDULE – Constitution of the Board

SECOND SCHEDULE – The Code of Conduct

THIRD SCHEDULE – forms  
– certificate of registration



**THE EAST AFRICAN COMMUNITY  
THE MODEL CUSTOMS AGENTS AND FREIGHT FORWARDERS  
MANAGEMENT BILL 2017**

A Bill for an Act of East African Legislative Assembly to provide for the training, certification, registration, professional development, and conduct of customs agents and freight forwarders, and for other related matters.

This Act shall apply to customs agents and freight forwarders certified and registered under this Act.

**ARRANGEMENT OF SECTIONS  
PART I**

**PRELIMINARY PROVISIONS**

**1. Short title.**

This Act shall be cited as the Model Customs Agents and Freight Forwarders Management Act

**2. Interpretation.**

In this Act unless the context otherwise requires—

“Accreditation” means the process by which the Customs Agents and Freight Forwarders Regulatory Board grants recognition that an institution has met and continues to meet the standards of academic training and competence excellence set by the Board;

“Appeals Committee” means the Appeals Committee established under Section 7 (i) ;

“Board” means the Customs Agents and Freight Forwarders Regulatory Board established under Section 4;

“Certification” means confirmation by the Customs Agents and Freight Forwarders Regulatory

Board, of a customs agent and freight forwarders qualification and competence to perform their duties effectively;

“Committee” means a committee of the Board appointed under Section 7;

“Customs Agent” means any person certified and registered under this Act to provide a

“East Africa Community Freight Forwarders Practicing Certificate (EACFFPC)” is the certificate received after successful completion of the EACFFPC training programme;

“Freight forwarder” means any person certified and registered under this Act to provide services of any kind relating to carriage, consolidation, storage, handling, packing or distribution of goods as well as ancillary and advisory services in connection therewith, including but not limited to customs and fiscal matters, declaring the goods to the relevant authorities, procuring insurance and collecting or procuring payment or documents relating to goods;

“Industry” means the freight logistics industry which comprises of all the stakeholders that manage the logistics chain that transports, warehouses, and delivers goods from the point of origin to the point of destination;

“Registrar” means the Registrar appointed in accordance with the provisions of section 8;

“Registration” means provision of conclusive proof of competent customs agents and freight forwarders by inclusion in the register of the Customs and Freight Forwarders Regulatory Board;

“Secretariat” means the Secretariat appointed in accordance with the provisions of Section 8.

### **3. Objective.**

The Act shall protect and safeguard the interests of the customs agents and freight forwarders; and provide for, administer and govern:

- i. the supervision, control and monitoring of conduct and practice of customs agents and freight forwarders.
- ii. the standardization and accreditation of customs agents and freight forwarder qualifications.
- iii. the examination, certification and registration of customs agents and freight forwarders.

**PART II**  
**ESTABLISHMENT OF THE REGULATORY BOARD**

**4. Establishment of the Regulatory Board.**

- i. There is hereby established a Regulatory Board to be known as **Customs Agents and Freight Forwarders Regulatory Board** here in after referred to as “the Board”
- ii. The Board shall be a body corporate with perpetual succession and a common seal in its corporate name, and be capable of;
  - a) suing and being sued;
  - b) borrowing and lending money;
  - c) entering into contracts; and,
  - d) subject to the provisions of this Act be capable of holding, purchasing or acquiring in any other way, any movable or immovable property, and of disposing of any of its properties.; and,
  - e) performing any other acts for the furtherance of the provisions of this Act.

**5. Composition and Tenure of office of members of the Board.**

- i. The Board shall consist of:
  - a) A Chairperson who shall be elected by members of the Board.
  - b) The Chairperson shall possess minimum qualification of ten years’ experience in the industry at senior management position and; a Certificate of Competence; or the East Africa Community Freight Forwarders Practicing Certificate (EACFFPC) and shall be registered under this Act; or served on relevant boards for not less than three years.
  - c) Members from relevant public and private sector, the majority of who shall be representatives of the private sector.
- ii. The Constitution of the Board provided under the 1st Schedule to this Act will provide for:
  - a) the number of the members
  - b) the election process for the members
  - c) the designations of the members
  - d) the tenure of office the members
  - e) the rules of procedure
  - f) resignation from the board, and
  - g) any other matter incidental to the Board’s operations.

**6. Powers and Functions of the Board.**

The Board shall carry out the following functions:

- i. Provide strategic direction to the industry;

- ii. Establishment of the committees provided for under Section 7, their terms of reference and appointment of their members;
- iii. Developing, supervising and enforcement of the Code of Conduct;
- iv. Accreditation and recognition of training institutions for training of customs clearing agent and freight forwarders;
- v. Setting standards for training and continuous professional development;
- vi. Certification, registration, and de-registration;
- vii. Determine the fees structure chargeable under this Act;
- viii. Maintenance and publication of the register’;
- ix. Dissemination of relevant information to registered customs agents and freight forwarders;
- x. Advisory role to government on behalf of the customs agents and freight forwarding industry,
- xi. Advocacy on behalf of the industry;
- xii. Dispute resolution, and;
- xiii. Any other duties incidental to the achievement of the above functions.

### **7. Committees of the Board.**

- i. The Board shall establish the following committees:
  - a) Accreditation, Examination and Certification Committee;
  - b) Information and Communication Committee;
  - c) Finance and Administration Committee;
  - d) Dispute Settlement and Disciplinary Committee;
  - e) Appeals Committee; and,
  - f) any other committee that the Board shall deem necessary for the execution of its functions.
- ii. The Board shall develop the committees’ terms of reference, and appoint the members of the committees.
- iii. The committees established by the Board under Section 7 (i) shall be governed by rules of procedure provided for in 1st Schedule of this Act.
- iv. The Board may co-opt additional members into the committees.

### **8. Administration and Management of the Board.**

- i. The Board shall appoint a Registrar of the Board who shall be the chief executive officer in charge of the Secretariat of the Board and the custodian of the register.
- ii. The Board shall appoint the Secretariat. The Secretariat shall keep all the records of the Board and committees and all documents incidental to the functions of the Board

### **9. The Registrar and the Secretariat.**

- i. There shall be a Registrar who shall be appointed by the Board through a transparent and competitive recruitment process.
- ii. The Registrar shall be responsible to the Board for the day to day administration and management of the Secretariat and affairs and functions of the Board
- iii. A person shall be eligible for appointment as Registrar to the Board if that person:

- a) is competent in managing board affairs; and,
  - b) is experience/conversant in the field of freight logistics.
- iv. The Secretariat shall be appointed by the Board through a transparent and competitive recruitment process.

### **PART III CERTIFICATION AND REGISTRATION**

#### **10. Qualifications for certification and registration.**

i. A person shall be certified as a customs agent and/or freight forwarder under this Act if he/she:

a. possesses academic or professional qualification that is recognized by the Board; or

b. satisfies the Board that he/she has experience in the customs clearing and freight forwarding industry for a number of years as prescribed by the Board, and is recommended by his/ her employer.

ii. A person shall be registered as a customs agent and/or freight forwarder under this Act after certification under Section 10 (i) above.

iii. A firm shall be registered under this Act if:

a) two or more of its Directors; or,

b) two or more of its employees, are certified and registered under this Act.; and;

c) is a member of a recognized relevant association.

#### **11. Procedure for certification and registration.**

i. Any person qualifying to apply for certification and registration under Section 10 (i) & (ii) shall submit their application to the Registrar together with the relevant accompanying documents and any fee that may be prescribed by the Board.

ii. Any firm qualifying to apply for registration respectively under Section 10 (iii) shall submit their application to the Registrar together with certificates of registration under this Act of two or more of its Directors or two or more of its employees and any fee that may be prescribed by the Board.

iii. The Accreditation, Examination and Certification committee shall approve/reject the applicant and inform the Board accordingly.

iv. The Board shall inform unsuccessful applicant within 14 days after the decision has been made.

v. The applicant whose application for certification is rejected may appeal to the Board for

review in writing within 14 days of receipt of the information.

vi. The Board shall determine an appeal within 30 days from the day the appeal is made.

vii. A person whose application for certification is approved shall swear an oath of profession and sign the commitment Form to the Code of Conduct provided for in the 4th Schedule to this Act.

viii. A certificate of registration will be issued by the Board to the successful applicant upon payment of the prescribed fee.

ix. The Board shall instruct the Registrar of the Board to enrol the person in the Register of customs agents and freight forwarders.

### **12. Contents of the certificates of registration.**

The certificate of registration shall contain:

- i. the name and physical address of the individual / firm's office;
- ii. the date of registration;
- iii. certificate number;
- iv. registration number;
- v. period of validity of certificate;
- vi. signature and seal of the Board; and,
- vii. any other detail that the Board may deem necessary to administer this Act.

### **13. Recognition of the Certificate.**

The certificate of registration issued under Section 11, shall be a prerequisite to licensing of customs agents and freight forwarders by the relevant authorities in the EAC region.

### **14. Suspension and cancel of certificates of registration.**

- i. The Board shall have the power to suspend and cancel certificates of registration as provided for in Section 22, after a fair hearing is given to the registered person who has contravened the provisions of this Act.
  
- ii. The Board shall notify the relevant authorities in accordance with Section 27.

### **15. Restoration to the register.**

The Board shall have the power to instruct the Registrar to restore a certificate of registration of a person in the register within 14 days after successful appeal proceedings and notify the relevant authorities.

## **PART IV OBLIGATIONS AND CONDUCT OF REGISTERED CUSTOMS AGENTS AND FRIEGHT FORWARDERS**

### **16. Notification of changes in particulars of company information.**

Any change in the particulars of a customs agent and /or freight forwarders' company's name, postal

address, location, directors of the company and employees, shall be notified to the Board within 30 days.

**17. Record keeping.**

Every customs agent and/ or freight forwarder shall keep records and furnish business information to the relevant authorities in accordance with national company and tax laws.

**18. Conduct of business.**

Every customs agent and/or freight forwarder registered under Section 11 of this Act shall perform their services in accordance with the Code of Conduct provided in the 2nd Schedule to this Act.

**PART V  
CODE OF CONDUCT**

**19. Development of the Code of Conduct.**

The Board shall develop a Code of Conduct to regulate the practice and conduct of registered customs agents and/or freight forwarders based on the principles of transparency, accountability, integrity, professionalism, and common best practices and business ethics,

**20. Monitoring of compliance with the Code of Conduct.**

The Board shall develop procedures for monitoring the compliance to the Code of Conduct.

**PART VI  
OFFENCES AND PENALTIES**

21. Any act or omission in contravention of Article 5 of the Code of Conduct provided under the 2nd Schedule of this Act, and any other relevant national law, constitutes an offence under this Act.

22. The Board on recommendation of Dispute Settlement and Disciplinary Committee provided for under Section 7 (i) shall

- (a) de-register, or,
- (b) suspend, any agent who has committed an offence under Section 20 of this Act.

23. A person who acts/purports to be a customs agents/freight forwarder and is not certified and registered under this Act commits an offence under this Act.

**PART VII  
DISCIPLINARY PROCEEDINGS**

**24. Complaints in respect of misconduct by customs agents and freight forwarders.**

The Board shall establish a committee as provided for under Section 7 (i) of this Act to handle complaints and disciplinary action against any registered customs agent and/or

freight forwarder who contravenes the provisions of this Act.

## **25. Institution of disciplinary proceedings.**

(i) Any person who:

- a) is aggrieved by the conduct of a customs agent and/or freight forwarder; or,
- b) has reason to believe that a customs agent and/or freight forwarder is acting; or,
- c) has acted in breach of this Act; may file a complaint in writing to the Board

(ii) The complainant shall specify in the complaint;-

- a) the name and contact particulars of customs agent and/or freight forwarder who is the subject of the complainant, in respect of whom the allegation of misconduct is made;
- b) the name and contact particulars of the complainant; and
- c) details regarding the conduct of customs agent and/or freight forwarder, or
- d) the allegation of the act of misconduct by the customs agent and/or freight forwarder

(iii) The Board shall, within 7 days upon receipt of a complaint deliver the complaint to the Dispute Settlement and Disciplinary Committee.

(iv) The committee shall within 15 working days upon receipt of the complaint:

- a) inform the customs agent and/or freight forwarder of the complaint in writing
- b) give the customs agent and/or freight forwarder the opportunity to make a response in writing within 7 days
- c) carry out necessary investigations
- d) call relevant witnesses and call for production of documents, and,
- e) any other action they deem necessary to conclude the proceedings.
- v) The committee shall conclude the proceedings within 30 working days of receipt of complaint and inform the Board of its rulings immediately
- vi) The Board shall within 15 working days inform the complainant and the accused customs agents and /or freight forwarders of the ruling.

(vii) The proceedings shall not exceed 60 working days from the date of receipt of the complaint.

## **26. Hearing in absence of a customs agent and freight Forwarder.**

In the event that the customs agents and /or freight forwarders upon being duly served with a summon, doesn't appear before the committee, the committee shall proceed with the hearing exparte.

## **27. Communication of the Board's decisions.**

The Board shall within 14 days:

i. inform the relevant licensing authorities of the decision to deregister, or suspend a certificate of registration

- ii. publish its decision to de-registrar or suspend a certificate of registration.

## **PART VIII APPEALS**

### **28. Establishment of Appeals Committee.**

The Board shall appoint an Appeals Committee provided for under Section 7 (i) for purposes of hearing appeals on disputes arising from the decisions of the Board, in instances where a customs agent and /or freight forwarder is dissatisfied.

### **29. Composition of Appeals Committee.**

The Appeals Committee shall consist of the following members:

- i. a senior member of the legal profession, representative of the national law society
- ii. a senior official from the customs administration-the Commissioner of Customs
- iii. a senior official from the industry from the national recognized freight forwarders association
- iv. one board member
- v. a prominent respected business person from the recognized national private sector umbrella body
- vi. any other member depending on the technicalities of the appeal.

### **30. Proceedings of Appeals Committee.**

- i. Members of the Appeals Committee shall appoint amongst themselves the Chairperson and the Secretary
- ii. the quorum should constitute of two thirds of the Members of the Committee.
- iii. the aggrieved party shall file his appeal within 30 days of the date the decision is made by the Board under Section 25 of this Act.
- iv. the Committee shall call a hearing within 30 days of receipt of the appeal.
- v. any party seeking an extension of the hearing of the appeal, if granted, shall pay the costs of the appeal.
- vi. no party shall be granted more than two extensions.
- vii. the completion of the hearing should not exceed a period of three months.
- viii. the ruling will be delivered within 21 days of completion of the hearing.

### **31. Right to Appeal.**

Any party aggrieved by a decision made by the Committee in Section 25 of this Act shall have the right to appeal to the Appeals Committee within thirty days of receipt of the decisions.

## **PART IX MUTUAL RECOGNITION AGREEMENTS**

32. Pursuant to Section 13 of this Bill, the Board shall sign mutual recognition agreements between certified and registered customs agents and freight forwarders in the Partner States.

**PART X**  
**FINANCIAL PROVISIONS**

**33. Funds and resources of the Board.**

The funds and resources of the Board shall consist of such funds or assets as may invest in or accrue to the Board from other sources, by way of grants, gifts and fees or in any other way

**34. Investment.**

The Board may from time to time invest monies received by or made available to the Board for purposes of additional income for the performance of their functions.

**35. Annual and Supplementary Budgets.**

i. The Board shall pass an annual budget on receipt of the Boards finance report from the Finance and Administration committee not less than one month before the beginning of the financial year.

ii. This budget shall detail the amounts of monies expected to be received and disbursed during the financial year.

iii. In the event that there is need to disburse monies that were not included in the annual budget the Board on recommendation from the Finance and Administration shall pass a supplementary budget.

**36. Financial year.**

Subject to this financial provision, financial year might be/or mean a period not 12 consecutive months. The first financial year of the Board shall commence on the date when this Act comes into operation and may be of the period longer or shorter than twelve months exceeding.

**37. Accounts and Audit.**

The Board shall cause proper books of accounts to be maintained, which shall be audited not later than three months after the close of the financial year.

**38. Annual statement of accounts and reports.**

The auditor shall not later than four months after the close of a financial year, lay before the Board the following documents in relation to that financial year

- i. a copy of the audited statement of accounts and,
- ii. a copy of the auditor's report.

**39. Remuneration.**

Members of the Board and staff shall be entitled to such remuneration, fees or allowances for expenses as the Board may prescribe annually.

**PART XI  
MISCELLANEOUS**

**40. Liabilities of the Board**

The Board/employee shall not be liable to legal proceedings for an action taken in good faith in the execution or purported execution of his/her duties, in accordance with this Act.

**SCHEDULES  
FIRST SCHEDULE**

**Constitution of the Board**

## **SECOND SCHEDULE**

### **The Code of Conduct**

#### **PREAMBLE**

- Having as one of its primary objectives, the promotion of ethical, efficient and professional practice among customs agents and freight forwarders
- Recognizing that unethical, unprofessional or illegal conduct by any customs agents and freight forwarders has adverse repercussions on the reputation and functioning of the industry as a whole;
- Embracing it's the B o a r d s mandate to achieve and maintain uniformly high professional and ethical standards throughout the customs clearing and freight forwarding industry in Eastern Africa.

The Customs Agents and Freight Forwarders Regulatory Board of has agreed to enforce the following Code of Conduct among registered customs agents and freight forwarders

#### **Article 1 - Interpretation**

For purposes of this Code of Conduct unless otherwise defined, the interpretations shall be according to this Act.

#### **Article 2 - Objectives**

By promoting and enforcing this Code of Conduct, the Board aims to:

- (i) uphold a high standard of business ethics and professional conduct among customs agents and freight forwarders.
- (ii) ensure a high level of professional education and experience essential to provision of efficient services;
- (iii) encourage operation of financially sound, stable and accountable customs agents and freight forwarders.
- (iv) combat corruption, freight logistics fraud, illicit trade and trafficking of goods and persons, including unsafe or controlled substances; and
- (v) provide a framework to monitor and enforce integrity and professionalism.
- (vi) promote healthy competition among customs agents and freight forwarders in the industry.
- (vii) provide the basis for regulating behaviour and framework for dealing with errant customs agents and freight forwarders and resolution of disputes.
- (viii) protect and promote the reputation and good public image of the customs agents and freight forwarders industry.

### **Article 3 - Professional Qualifications**

To be considered professionally qualified, and to be certified and registered as a customs agent and freight forwarder, the customs agent and freight forwarder must:

- (i) Have fulfilled the prerequisites and passed such Professional Examination(s) as required by the Board.
- (ii) Have attained competence by long experience the level of which shall be determined by the Board.
- (iii) Be of good moral standing, be able to demonstrate his good reputation among others in his or her geographical area of activity, and not have been convicted before any tribunal on accusation of fraud, corruption or tax evasion.

In the case of a firm, employ such persons professionally qualified as above to ensure the proper performance of the entity's functions

### **Article 4 - Financial standing as a qualified customs agent and /or freight forwarder**

To be considered financially sound, a customs agent and freight forwarder must belong to a firm that:

- (i) is legally registered and holds and maintains current all business, tax and regulatory permits required by law;
- (ii) operates from a permanent address with all the necessary facilities and equipment to conduct business in an efficient, thorough and timely manner;
- (iii) has financial resources adequate to its business (evidenced by references from banks, financial institutes or auditors) to the satisfaction of the Board
- (iv) maintains detailed and authentic financial records, following generally accepted accounting principles and maintaining appropriate control policies and procedures;
- (v) arranges a detailed annual audit by an established, registered and qualified accountant;
- (vi) has adequate property and liability insurance through a registered and established insurance company to cover all professional liabilities.
- (vii) shall submit annual returns to the Board. The Board shall reserve the right to verify any information provided in the annual returns

### **Article 5 - Code of Professional Conduct**

The customs agent and freight forwarder shall:

- (i) Discharge his or her duties to his or her principal(s) with honesty, integrity and impartiality;
- (ii) Perform in a conscientious, diligent and efficient manner all services undertaken in

the performance of their services

(iii) Refuse any business that the customs agent and freight forwarder is unsure he or she can perform competently, diligently and in the time required;

(iv) Exercise due diligence to ensure that goods handled are maintained at the standard of care required to ensure their safety and quality on delivery, particularly in matters concerning food storage and handling, facility maintenance and the handling of dangerous or controlled substances;

(v) Observe all national laws and other regulations relevant to the duties he or she undertakes and take reasonable care not to knowingly engage with parties who conduct illegal or unethical business;

(vi) Promote a professional business environment, avoiding violence, discrimination, harassment and intimidation of and against principals, employees and colleagues;

(vii) Protect the privacy and confidentiality of his or her principal(s) and only disclose non public information regarding his or her principal and/or the principal's business if required by law or if failure to do so would result in a crime or in imminent and serious bodily harm to the principal, the agent or practitioner or a third party;

(viii) Refrain from fraudulent practices, including but not limited to:

- misappropriation of funds or destruction of property whether tangible to intangible;
- false, fictitious or misleading entries or reports; and
- false or misleading statements to those investigating irregularities other misconduct.

(ix) Refrain from directly or indirectly paying or receiving a bribe or kickback or conferring any benefit intended to influence the conduct of any public or quasi public official or any political figure;

(x) Exercise due care when handling monie son behalf of his or her principal(s) and not misappropriate or deal dishonestly with the principals' money or other property;

(xi) Apply monies received from the principal or any other party only for the purposes for which they are intended;

(xii) Disclose to the principal any conflict of interest that may arise in the conduct of the customs agent and freight forwarder duties and refrain from making any secret or inappropriate profit or commission from his or her transaction with the principal;

(xiii) Promptly return any goods, monies, documents or other property belonging to the principal on termination of contract and refrain from retaliation against any principal for termination;

(xiv) Deal truthfully with principals and other custom agent and freight forwarder and refrain from making any claim known by the agent or practitioners to be false; and

(xv) Refrain from retaliation against a principal or any other person for reporting or substantiating misconduct by the agent or practitioners.

(xvi) At the time of contracting or at the earliest opportunity possible, provide the principal with a set Standard Trading Conditions.

(xvii) All customs agent and freight forwarders practitioners are committed to full compliance with all respective government Laws, Rules, and Regulations that may apply to their activities.

(xviii) Any illegal activity, including fraud and corrupt practices is strictly forbidden and if proven will result in immediate cancellation of certification and registration, and notification to the relevant authorities and all parties concerned.

**THIRD SCHEDULE**

**Forms**

i. Commitment form to Code of Conduct

**Declaration**

I,.....certify that I have read the Code of Conduct and understand that I individually must adhere to its terms and conditions and report promptly any action that appears in consistent with the terms and conditions here in.

Signing.....Designation.....

Witnessed: ..... (Commissioner of Oaths)

Date.....

ii. Certificate of Registration

**THE CUSTOMS AGENTS AND FRIEGHT FORWARDERS REGULATORY BOARD  
CERTIFICATE OFREGISTRATION**

Registration Number.....

Photo:



This is to certify that.....of.....

.....(address) has been registered as.....

.....in accordance with the provisions ofthe Model Customs Agents and

Freight Forwarders Management Actand is certified to practice in that capacity in the following field (s):

.....

..

.....

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

Signature..... Stamp/Seal .....

Chairman of the Board

Expiry date .....



### **Our Contacts**

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