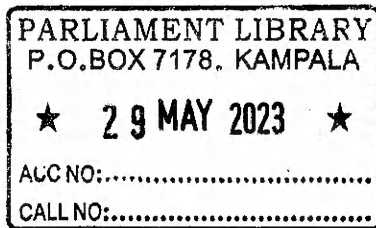




THE REPUBLIC OF UGANDA

**THE MUSEUMS AND MONUMENTS
ACT, 2023**





THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.

Y. Museveni

.....
President

Date of assent: *27th April 2023*

Act

Museums and Monuments Act

2023

THE MUSEUMS AND MONUMENTS ACT, 2023

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**THE REPUBLIC OF UGANDA****THE MUSEUMS AND MONUMENTS ACT, 2023**

An Act to consolidate and reform the law relating to cultural and natural heritage; to strengthen the administrative structures for the effective management of cultural and natural heritage; to provide for the classification of museums; to provide for the development, management and maintenance of museums and monuments; to provide for the formalisation, control and protection of tangible and associated intangible cultural heritage and works of art collection; to repeal the Historical Monuments Act, Cap. 46 and for related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Application**

This Act applies to all activities, operations and transactions related to the conservation, preservation, protection and management of—

- (a) museums, monuments and the associated intangible cultural heritage; and
- (b) works of art collection.

2. Object of Act

The object of this Act is—

- (a) to ensure the protection of cultural and natural heritage resources and the environment;
- (b) to give effect to the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage;
- (c) to give effect to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property;
- (d) to give effect to the 2003 Convention for the safeguarding of the Intangible Cultural Heritage;
- (e) to give effect to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expression;
- (f) to strengthen the legal and regulatory framework for the conservation, preservation, protection and management of all cultural and natural heritage resources;
- (g) to strengthen and provide for the institutional structure for effective management of museums and monuments; including enhancing the capacity of the Department for effective governance;
- (h) to prohibit the illicit trafficking of artefacts;
- (i) to promote local content of cultural and natural heritage;
- (j) to provide for the progressive rehabilitation of heritage sites;
- (k) to promote regional and international cooperation;

- (l) to promote the collection and documentation of information concerning natural and cultural heritage; and
- (m) to promote and guide public private partnerships in the conservation and preservation of cultural and natural heritage.

3. Interpretation

In this Act, unless the context otherwise requires—

“alter” means any action affecting the structure, appearance or physical properties of a place or object, whether by way of structural or other works, by painting, plastering or other decoration or any other means;

“antiquity” means any movable or immovable object which was made, written, inscribed, built, discovered or modified by a human being before the year 1962 including caves, sculpture, coins, pottery, manuscripts and other kinds of manufactured products which indicate the beginning and development of science, arts, handicrafts, religions, traditions of previous civilisations, or any part added to that thing or rebuilt after that date;

“archaeological” means material remains resulting from human activity which are in a state of disuse and are in or on land and which are older than fifty years, including artefacts, human remains and artificial features and structures upon investigation by archaeologists;

“associated intangible cultural heritage” means practices, representations, expressions, knowledge, skills as well as instruments, objects, artefacts and cultural spaces which are associated with communities, groups and individuals and which are recognised as part of the cultural heritage of the communities, groups or individuals;

- “authorised officer” includes employees of the Department and any person appointed by the Minister to carry out a designated role of compliance or enforcement function under this Act;
- “Commissioner” means the Commissioner responsible for museums and monuments;
- “conservation” includes the professional care, maintenance, preservation and sustainable use of any heritage resource so that it shall continue to play a useful role for the benefit of the present and future generations;
- “conservator” means a person appointed to maintain and or inspect a preserved and protected object or any related function;
- “cultural heritage” means any place or object of cultural significance;
- “cultural significance” includes aesthetic, architectural, historical, scientific, social, spiritual, linguistic including cultural, artistic, and natural history; and technological value or significance of a cultural object;
- “curation” includes the professional care, selection or exhibition of any object of archaeological, palaeontological, ethnographical, historical or traditional interest;
- “curator” means a person working in a museum responsible for the development, preservation and interpretation of museum collections;
- “currency point” has the value assigned to it in the Schedule to this Act;
- “Department” means the Department of Museums and Monuments in the Ministry responsible for museums, monuments and antiquities;

- “development” means any physical intervention, excavation, or actions, other than those carried out by natural forces, which may, in the opinion of the relevant authority, in any way result in a change to the nature, appearance, or physical nature of a place, or influence its stability and future wellbeing;
- “discover” means to reveal or obtain scientific knowledge in relation to any object of paleontological, archaeological, ethnographical, historical or traditional importance;
- “excavation” includes the digging, probing, searching, or investigation of any object of paleontological, archaeological, historical or traditional interest which is underground;
- “fossil” means the specimen of the remains or impression of a prehistoric plant or animal embedded in rock and preserved in petrified form;
- “grave” means a place of interment and includes the contents, headstone or other marker of such a place and any other structure on or associated with such place;
- “heritage” means anything tangible or intangible, natural or cultural including features of the landscape such as hills, waterways, and trees as well as the built cultural environment that have intangible heritage values attached to them;
- “heritage agreement” means an agreement referred to in section 34;
- “heritage site” means a place that is given value by local, regional or national groups of people in terms of their cultural or historical identity which is declared by the Minister to be a heritage site;
- “heritage value” means any importance attached to the tangible or intangible object or place of and of natural, historical or cultural significance;

- “historic building” means a building of special architectural or historical interest declared by the Minister to be a protected building and includes any object or structure fixed to the building;
- “historic landscape” means an ensemble of interrelated natural and cultural features that establish the essentials of a fabric for historic sites, districts, neighbourhoods, communities or an entire region;
- “mineral” means any substance, whether in solid, liquid or gaseous form occurring naturally in or on the earth, formed by or subject to a geological process; but does not include petroleum, as defined under the Petroleum (Exploration, Development and Production) Act, 2013 or substances excluded from the definition of minerals under Article 244 (5) of the Constitution;
- “mineral right” means a right to prospect, explore or mine for minerals under a prospecting licence, an exploration licence, a retention licence, a large scale mining licence, a medium scale mining licence, a small scale mining licence or an artisanal mining licence issued under the Mining and Minerals Act, 2022;
- “Minister” means the Minister responsible for museums, monuments and antiquities;
- “monument” means a place or immovable structure of any age which is of historical, cultural, scientific, architectural, technological or other human interest and includes historic buildings or historic landscapes;
- “museum” means a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage which is open to the public, accessible and inclusive and fosters diversity and sustainability; operating and

communicating ethically, professionally and with the participation of communities and offering valid experiences for education, enjoyment, reflection and knowledge sharing;

“natural heritage” includes—

- (a) natural features consisting of physical and biological formations or groups of such formations which are of outstanding local, regional, national or universal value from the aesthetic or scientific point of view;
- (b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding local, regional, national or universal value from the point of view of science, aesthetics or conservation;
- (c) natural sites or precisely delineated natural areas of outstanding local, regional, national or universal value from the point of view of science, conservation or natural beauty; and
- (d) areas such as rivers, hills, caves, rock shelters, calderas, trees and other natural features which are, or have been of religious significance, use, or veneration;

“object” means any movable property of natural or cultural significance which is protected under this Act;

“palaeontology” means the scientific study of fossils as a way of obtaining information about the history of life on earth;

“presentation” includes exhibition or display of; provision of access and guidance to; provision, publication or display of information in relation to; and performances or oral presentations related to heritage values protected in terms of this Act;

“protected area” means a site which has been and remains declared by the Minister to be a protected area;

“protected object” means any other object or type of object, whether or not part of an immovable structure which, being of historical or cultural interest, has been and remains declared by the Minister to be a protected object;

“responsible body” means an authority authorised by law to manage cultural and natural heritage including museums and monuments;

“site” means any area of land, including land covered by water and includes any structures or objects on the land; and

“Uganda museum” means the Uganda National Museum continued in force under section 13.

4. Principles for sustainable cultural heritage conservation and management

(1) A person who performs any function, duty or role under this Act in relation to the conservation, preservation and management of museums, monuments or historical sites to ensure sustainability, shall take into account, and give effect to, the principles of sustainable heritage, conservation and management prescribed under this Act and other applicable written laws.

(2) Subject to subsection (1), a person shall, when identifying or assessing the heritage of Uganda—

- (a) take into account all cultural values and indigenous knowledge systems;
- (b) take into account material or cultural heritage value and involve the least possible alteration or loss of material or cultural heritage;

- (c) promote the use, enjoyment of and access to heritage places, in a way consistent with their cultural significance and conservation needs;
- (d) contribute to social, spiritual, artistic, political and economic development;
- (e) safeguard the rights of present and future generations through research, documentation and storage; and
- (f) respect human rights and the ethical profession of conservation.

PART II—ADMINISTRATION

5. Administration, management and development

(1) The administration, management and regulation of museums and monuments shall be undertaken by the Department of Museums and Monuments, subject to the overall policy guidance of the Minister.

(2) The administration, management and regulation of associated intangible cultural heritage shall be undertaken by the Ministry responsible for culture.

The Minister

6. Functions of Minister

The Minister shall—

- (a) provide policy guidance to the Department to ensure its efficient operation;
- (b) oversee resource mobilisation for programmes in support of conservation and preservation of museums and monuments, where applicable;

- (c) coordinate with relevant Government ministries, departments and agencies on issues relating to the regulation and management of museums and monuments; and
- (d) perform any other function incidental to the purposes of this Act.

7. Functions of Minister responsible for culture

- (1) The Minister responsible for culture shall provide policy guidance on matters relating to associated intangible cultural heritage.
- (2) The Minister responsible for culture shall make regulations relating to associated intangible cultural heritage.

Department of Museums and Monuments

8. Functions of Department of Museums and Monuments

- (1) The Department of Museums and Monuments shall—
 - (a) be responsible for the administration, development, management and regulation of museums, monuments and heritage sites;
 - (b) implement the UNESCO operational guidelines;
 - (c) undertake research of cultural and natural heritage;
 - (d) inspect, monitor and audit museums and monuments operations;
 - (e) promote, conserve and protect cultural heritage objects in the context of social and economic development;
 - (f) ensure coordination and strengthening of institutional capacity building for museums and monuments;
 - (g) promote participation of private sector investments in conservation and development of museums and monuments;

- (h) collect and manage cultural and natural heritage data and information associated with museums and monuments from heritage exploration and development operations;
- (i) ensure the right to national participation in heritage exploration, development and exploitation operations;
- (j) manage the impact of heritage exploration, development and exploitation activities on the economy, environment and socio-economic life;
- (k) compile, publish and disseminate data and information concerning the cultural and natural heritage resources of Uganda;
- (l) promote the development of and conduct research in cultural and natural heritage;
- (m) collect sufficient information on the cultural and natural heritage associated with museums and monuments of Uganda to market Uganda;
- (n) examine books of accounts, vouchers, documents or records of any kind required to be kept under this Act or regulations made under this Act, or the terms and conditions of any licence issued under this Act, and take copies of such books of account, vouchers, documents or records;
- (o) facilitate the development of human capacity and technological development;
- (p) encourage private sector participation in the conservation and preservation of cultural and natural heritage resources associated with museums and monuments;
- (q) improve the availability of information on heritage to the public;

- (r) jointly develop and observe internationally accepted standards of conservation and preservation of cultural and natural heritage, with relevant stakeholders; and
- (s) coordinate with other ministries and agencies in the execution of policy measures and strategies for museums and monuments.

(2) The Department may, for the purposes of this Act, establish regional offices.

9. Role of local governments

- (1) For the purposes of this Act, a local government shall—
 - (a) integrate information generated by the Department into their development plan and participate in the implementation of the museums and monuments policies, laws and related activities in collaboration with the Department;
 - (b) create awareness of the importance of museums and monuments in the development agenda within their areas of jurisdiction in collaboration with the Department; and
 - (c) facilitate dialogue between the local communities and owners or managers of museums or monuments.

(2) A conservator, curator, tourism officer or community development officer at a local government shall assist the relevant local government in providing the required technical support under subsection (1).

10. Role of institution of traditional or cultural leader

For the purposes of this Act, the institution of traditional or cultural leaders shall in accordance with the Institution of Traditional or Cultural Leaders Act, 2011—

- (a) serve as custodians of the cultural heritage of the institution; and

- (b) protect and preserve royal regalia and other artefacts as they relate to their cultural heritage.

PART III—MUSEUMS

11. Classification of museums

- (1) Museums in Uganda shall be classified as follows—
 - (a) national museum;
 - (b) regional museum;
 - (c) city museum;
 - (d) institutional museum;
 - (e) district museum;
 - (f) community, site or field museum;
 - (g) private museum; and
 - (h) specialised museums including virtual museums, religious museums and mausoleums.

(2) In this section, “mausoleums” means a tomb designed to house the remains of the deceased above the ground.

12. Establishment of museums

(1) A person shall not establish or develop a museum in Uganda without a licence or declaration issued in accordance with this Act.

(2) Without prejudice to subsection (1), the Minister may prohibit the establishment of a museum in the interest of security, public safety, interest or morals.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction—

- (a) in the case of an individual, to a fine not exceeding one hundred currency points;

- (b) in the case of a body corporate, to a fine not exceeding one hundred currency points.

(4) The Minister may, in addition to any penalty imposed by court under subsection (3), ban the person convicted from obtaining a licence in Uganda for a period not exceeding one year.

National Museum

13. Uganda Museum

(1) The Uganda Museum existing immediately before the coming into force of this Act shall continue in existence, subject to this Act.

(2) The Uganda Museum shall be the national museum of Uganda.

(3) The Department shall be responsible for the management of the Uganda Museum in accordance with this Act.

- (4) The Uganda Museum shall—
 - (a) serve as a national repository for objects, artefacts, art works or specimens of scientific, palaeontological, ethnographical, archaeological, historical and technological of cultural and natural heritage;
 - (b) serve as a place where research and dissemination of knowledge in all fields of scientific, technological and historical interest may be undertaken;
 - (c) present the cultural and natural heritage of Uganda for educational and entertainment purposes;
 - (d) preserve and treat objects selected for display in the museum for public viewing and enjoyment; and
 - (e) any other functions incidental to museums.

(5) For the purposes of performing the function under this Act, the Uganda Museum may—

- (a) acquire by way of gift or purchase, or accept by way of loan or deposit, any object of scientific, cultural, technological, historical or human interest; and
- (b) exchange or otherwise dispose of objects not required for the purpose of the Uganda Museum and lend objects vested in the Uganda Museum to any person or institution within or outside Uganda.

Regional, district or city museums

14. Regional, district or city museums

(1) The Minister may, by statutory instrument, establish a regional, district or city museum.

(2) The Minister shall, in making a statutory instrument under subsection (1), declare a regional, district or city museum to be, in whole or in part—

- (a) a site of special interest for the purposes of protecting history, culture, architecture, nature and scenic areas of national or international importance;
- (b) a recreational museum for purposes of tourism; or
- (c) an area for a purpose as may be prescribed in the instrument.

(3) Subject to subsection (1), the Minister shall, in consultation with the district or city council, specify a responsible body for the management, maintenance and control of the regional, district or city museum.

*Community museums***15. Declaration of community museums**

(1) The Minister may, by statutory instrument, establish a community museum to serve the interests of the history or culture of a community or an indigenous group within that community.

(2) The Minister shall, in consultation with the local government authority and the institution of traditional or cultural leader, specify a responsible body to manage, maintain and control the community museum.

(3) A community museum established under this section shall not be used for any purpose without the approval, by resolution, where applicable, of—

- (a) the local council; or
- (b) the institution of traditional or cultural leader.

16. Management of community museums

The revenue derived from the management of a community museum by the responsible body shall belong to and form part of the accountable funds of the responsible body and shall be utilised for the sustainable management of the community museum.

*Private museums.***17. Private museums**

(1) A person who intends to establish a private museum shall apply to the Commissioner for a licence to operate a private museum in a manner prescribed by regulations made under this Act.

(2) For the purpose of this section, “private museum” means a museum with private collections and owned by a person for the

preservation and showcasing of collections for present and future generations.

18. Promotion of museums

(1) A responsible body managing a museum in accordance with sections 14 and 15 shall promote museums through communication and education.

(2) Notwithstanding subsection (1) a relevant actor including civil society, media, private sector and academia may promote or advocate, for the protection and management of museums and other heritage resources.

19. Register of museums

(1) The Department shall maintain a register of all museums in Uganda in accordance with this Act and regulations made under this Act.

(2) The register maintained under subsection (1) shall include an inventory of the collections in the museum.

PART IV—SITES, MONUMENTS AND ANTIQUITIES

20. Duty to protect sites and monuments

(1) The Department shall protect and maintain a site or monument owned by Government.

(2) Notwithstanding subsection (1), the Department may designate a responsible body to protect and maintain a site or monument owned by Government.

(3) Where a monument or any part of the monument is used periodically for religious observances, the Minister may issue guidelines on the usage of the monument for purposes of protecting the monument from pollution or desecration.

(4) A person may access a monument or part of the monument for the purposes of religious observances, upon payment of a fee prescribed by regulations made under this Act.

21. Monuments and memorials

The Department shall protect and preserve public monuments and memorials in accordance with this Act.

22. Inspection and repair of monuments

The Commissioner may cause the inspection or repair of a monument in accordance with regulations made under this Act.

23. Compulsory repair orders

(1) The Commissioner may, where a monument, heritage value or site has been neglected into disrepair, by notice, cause the owner, caretaker or responsible body to repair the monument, heritage value or site.

(2) Where the owner, caretaker or body responsible for the protection of the monument, heritage value or site, fails to comply with the terms of the notice issued under subsection (1) within the specified time, the Commissioner may cause the repair of the heritage value or site and recover the costs of the repair from the owner or responsible body.

(3) Subject to subsection (2), the owner or responsible body may, within twenty-one days from the date of receipt of the notice to repair under subsection (1) apply to the Commissioner for extension of time specified in the notice.

24. Acquisition of monuments and antiquities

(1) The Department may, subject to this Act and any other applicable written law, acquire, purchase or take on a lease or accept a gift or bequest of a monument or antiquity.

(2) Where the Department has acquired, purchased or taken on lease or accepted a gift or bequest of a monument or antiquity, the Department shall ensure that the source of origin is established and recognised.

(3) The Minister may, by regulations made under this Act, prescribe the handling, acquisition, purchasing or taking on a lease or accepting a gift or bequest of a monument or antiquity by Government.

25. Compulsory acquisition of sites and monuments

The Department may, where a monument of national importance or significance, is in danger of being destroyed, compulsorily acquire the monument in accordance with article 26(2)(b) of the Constitution.

26. General duty to conserve cultural and natural heritage

(1) A Government ministry, department or agency, local government or community within or surrounding a heritage site, monument or museum in Uganda shall conserve and protect that heritage site, monument or museum.

(2) A person who abuses, misuses, alters, destroys or does any activity that is likely to threaten the existence of a heritage site, monument or museum commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points, or imprisonment not exceeding ten years, or both.

PART V—DECLARATION, PRESERVATION AND PROTECTION

27. Declaration of preserved cultural and natural objects, areas or sites

(1) The Minister may, on the recommendation of the Department, by statutory instrument, declare an object, area or site as a cultural or natural heritage for preservation under this Act.

(2) Subject to subsection (1), the Minister may, compulsorily acquire the object, area or site in accordance with article 26(2)(b) of the Constitution.

28. Protection and preservation of object, area or site by agreement

The Department may enter into a heritage agreement with the owner of an object, area or site declared as a cultural or natural heritage under this Act, for the preservation or protection of the object, area or site, in accordance with regulations made under this Act.

29. Provisional protection of cultural and natural heritage

(1) The Department may, by notice in the Gazette, protect—

- (a) cultural and natural heritage resources;
- (b) a specified place, site or immovable structure or building declared a national heritage under subsection (5); or
- (c) an object with historical, cultural, artistic or scientific importance.

(2) Notwithstanding subsection (1), a local authority may, in consultation with the Department, by notice in the Gazette, protect a cultural or natural heritage, object or place within its jurisdiction for a period not exceeding three months.

(3) Subject to subsection (1) and (2), the Department or local authority shall notify the owner of the place, site, immovable structure or building or object of historical, cultural, artistic or scientific importance, in writing, of the intention to issue provisional protection, within thirty days before the date of issuing the notice.

(4) The Department or a local authority may, where it deems it fit, cease to protect a place, site, immovable structure or building or object of historical, cultural artistic or scientific importance by withdrawing the notice issued under subsection (2).

(5) For the purposes of this section, “national heritage” includes protected heritage resources that have been declared by the Minister, by statutory instrument, as heritage resources of significant value to Uganda.

(6) The Department shall inform the relevant local authority within fifteen days from the date of publication or withdrawal of a notice issued under subsection (2).

(7) A local authority which is providing provisional protection of a place, site, immovable structure or building or object of historical, cultural artistic or scientific importance, shall notify the Department of the withdrawal of a notice issued under subsection (2).

30. Gifts or bequests

Where an authorised person receives a gift or bequest of an object, he or she shall deposit the object, if it is portable, in a museum classified under section 11.

31. Protection of faith based sites

A place of worship declared to be a preserved and protected object or site shall not be used for any purpose inconsistent with its character.

32. Palaeontological, archaeological, shipwrecks as protected sites of the State

(1) The Department shall protect and maintain all palaeontological or archaeological sites, material, or shipwrecks in the territorial waters of Uganda.

(2) Subject to subsection (1), all protected palaeontological, archaeological objects, materials or shipwrecks are the property of Uganda.

(3) The Department shall ensure that palaeontological, archaeological objects, materials or shipwreck - objects discovered in

the territorial waters of Uganda are deposited in a museum classified under section 11, or a public institution that has a collection policy, upon terms and conditions for the conservation of the objects.

(4) A person who discovers palaeontological and archaeological objects or materials in the course of development or agricultural activity shall report his or her findings to a police officer or the local government, within forty-eight hours from the time when the objects were discovered.

33. Burial grounds and graves of national heroes and victims

(1) Burial grounds and graves of national heroes and victims shall be declared to be preserved and protected objects of Uganda under this Act and shall be gazetted.

(2) Burial grounds of cultural or traditional institutions shall remain the property of the respective institutions which shall maintain and manage the institutions.

(3) The Department shall provide advisory services to the bodies responsible for the preservation and maintenance of traditional, clan or family burial grounds in accordance with the applicable laws.

(4) Where it is not the responsibility of any authority or institution, the Department shall conserve and care for burial grounds and graves under subsections (1) and (2).

(5) The Department shall identify and record the graves of victims of conflict or war and any other graves which the Department deems to be of historical or cultural significance and may erect and maintain memorials associated with the graves.

(6) A person shall not, except with the authorisation of the Minister or a local authority—

- (a) destroy, damage, alter, exhume the contents of, remove from its original position or disturb, the grave of a victim of conflict, or any burial ground;

- (b) destroy, damage, alter, exhume the contents of, remove from its original position or otherwise disturb any grave or burial ground which is situated outside a formal cemetery and administered by a local authority; or
- (c) bring onto or use at, a burial ground or grave referred to in paragraph (a) or (b), any excavation equipment, or any equipment which assists in the detection or recovery of metals.

(7) The circumstances under which a person is deemed to have destroyed, damaged or altered a grave or burial ground under this section shall be prescribed by regulations made under this Act.

(8) The Minister or local government shall not authorise the destruction or damage of any burial ground or grave referred to in subsection (6)(a), unless satisfied that the applicant has made satisfactory arrangements for the exhumation and re-interment of the contents of the grave, at the cost of the applicant and in accordance with this Act.

PART VI—HERITAGE AGREEMENTS, APPLICATION FOR
LICENCES AND PERMITS

34. Heritage agreements

(1) The Minister may enter into an agreement, in this section referred to as a “heritage agreement”, consistent with the provisions of this Act, with any person, local authority, conservation body or community for the conservation, development or management of a heritage resource.

(2) A heritage agreement in respect of a site forming part of any land shall be binding on the owner of the land.

(3) The owner of a site or place which is under guardianship shall, except as expressly provided by this Act, continue to have the same estate, right, title and interest in and to the site or place as before.

*Excavation licence***35. Restrictions on acquisition of excavation licence**

(1) An excavation licence shall not be granted to or held by—

(a) an individual who—

- (i) is not a citizen of Uganda;
- (ii) is under the age of eighteen years;
- (iii) is or becomes an undischarged bankrupt, as a result of having been adjudged or otherwise declared bankrupt under any written law; or

(b) a company—

- (i) which has not been registered or incorporated under the Companies Act, 2012; or
- (ii) which is in liquidation, except where the liquidation is part of a scheme for the reconstruction or amalgamation of such company.

(2) Without prejudice to subsection (1), except for an excavation licence issued to an individual in accordance with this Act, an excavation licence under this Act shall only be granted—

- (a) to a company registered or incorporated under the Companies Act, 2012;
- (b) a body corporate registered or incorporated under the laws of Uganda;
- (c) a partnership under the Partnership Act, 2010;
- (d) a corporative society registered under the Cooperative Societies Act, Cap. 112; or
- (e) an association or business registered under any other written law.

36. Excavation licence

A person who intends to carry out excavation activities under this Act, shall apply for an excavation licence to the Commissioner, in a manner prescribed by regulations made under this Act.

37. Size of area covered by excavation licence

The area covered by an excavation licence shall not exceed such area as shall be prescribed by regulations made under this Act.

38. Duration, renewal and revocation of excavation licence

The duration, renewal and revocation of an excavation licence shall be prescribed by regulations made under this Act.

39. Rights and duties of holder of excavation licence

(1) Subject to this Act, any other applicable law and any condition in an excavation licence, the holder of an excavation licence shall have the exclusive right to carry on excavation operations in the area that is subject of the licence, in accordance with rights and obligations prescribed by regulations made under this Act.

(2) The holder of an excavation licence may, in the exercise of the right conferred under subsection (1), enter the licensed area and remove artefacts from the area and dispose of the artefacts in accordance with the rights and duties prescribed by regulations made under this Act.

(3) The relevant local government shall ensure that the excavation licence holder concerned abides by the measures for health, safety and environmental protection prescribed by regulations made under this Act.

(4) The Department shall provide technical assistance and training to excavation licence holders with regard to excavation and prospecting for artefacts, health and safety measures for sites, environmental protection, and procedures to be followed to obtain an excavation licence.

(5) The Department shall carry out any operation in an area subject to a licence, for the purpose of collecting information required to control excavation activities in the area.

(6) An excavation licence relating to artefacts does not confer on the holder any right to obtain a mineral right.

40. Operations of holder of excavation licence

(1) A holder of an excavation licence shall explore for, excavate and produce artefacts in an effective and efficient method.

(2) A holder of an excavation licence shall carry out the excavation in accordance with the National Environment Act, 2019, the Occupational Safety and Health Act, 2006 and any other applicable written law.

(3) The Minister may, by regulations made under this Act, prescribe measures for the protection, health and safety of excavation operations.

41. Objects discovered to be surrendered

(1) A valuable or portable object discovered in the course of an excavation shall be handed over to the Commissioner who shall deposit the valuable or portable object in the Uganda Museum.

(2) Notwithstanding subsection (1), where an object is discovered in a private site, place or monument, the owner of the site, place or monument shall be entitled to compensation.

Research Permit

42. Research permit

(1) A researcher, who intends to carry out palaeontological, archaeological, ethnographical or historical research in Uganda shall, with the approval of the Department, apply to the National Council of Science and Technology for a research permit.

(2) A researcher who intends to carry out a palaeontological or archaeological excavation or anthropological enquiry into artefacts shall apply to the Department for a research permit.

(3) An application for a research permit shall be made to the Commissioner in a manner prescribed by regulations made under this Act.

43. Preservation of objects by researcher

(1) A researcher who holds a valid permit issued under this Act shall, in the course of his or her research—

- (a) register and document all paleontological or archaeological objects or materials collected or excavated from the field; and
- (b) cause all objects and materials referred to in subsection (1)(a) to be conserved, preserved and stored in the Uganda Museum.

(2) Subject to subsection (1), the curator of the Uganda Museum or an authorised officer, shall compile a list of all the collected and excavated objects or materials, which shall form part of the objects of the Uganda Museum.

Export Permit

44. Prohibition of export of palaeontological or archaeological objects

(1) A person shall not export from Uganda, any palaeontological or archaeological objects discovered in Uganda, on loan, for laboratory analysis or study, without an export permit issued under this Act.

(2) A person who exports any palaeontological or archaeological object from Uganda in contravention of subsection (1) commits an offence and is liable, on conviction, to a fine not

exceeding ten thousand currency points or imprisonment for a term not exceeding ten years or both.

45. Export permit

(1) An application for an export permit shall be in a manner prescribed by regulations made under this Act.

(2) The Commissioner may grant to any person a permit to export palaeontological or archaeological objects discovered in Uganda on conditions determined by or under this Act and specified in the permit.

(3) The grant of a permit under subsection (1) shall not exempt the holder of the permit from complying with the requirements of any other applicable written law relating to exports.

PART VII—HERITAGE INFORMATION

46. Financing of Department to undertake heritage surveys

(1) The Government shall finance the Department from the Consolidated Fund to undertake development and management of paleontological, archaeological, ethnographical, historical and traditional information including collection, processing, interpretation and promotion of paleontological, archaeological, ethnographical, historical and traditional data.

(2) The Government may explore innovative ways of financing paleontological, archaeological, ethnographical, historical and traditional data generation and management through Public Private Partnerships in accordance with the Public Private Partnerships Act, 2015, and financing through loans in consultation with the Minister responsible for finance, grants and research fees.

(3) The Government shall ensure full Government ownership of paleontological, archaeological, ethnographical, historical and traditional data and information.

47. Collection, ownership, custodianship, management and accessibility

(1) The Department shall establish and maintain a data bank for the purpose of recording, tracing and storing of all paleontological, archaeological, ethnographical, historical and traditional data generated under this Act.

(2) The data bank established under subsection (1), shall be the central depository for paleontological, archaeological, ethnographical and historical information.

(3) All paleontological, archaeological, ethnographical, historical data and all archaeological materials acquired under a licence or permit granted under this Act belong to the Government.

(4) An excavation licence holder shall submit all data generated during exploration or excavation operations and the required support including samples, cores and cuttings, in a manner that shall be prescribed by regulations made under this Act.

(5) Notwithstanding subsection (4), a developer or contractor drilling boreholes, carrying out civil works involving large excavations or conducting technical investigation shall submit archaeological samples, cores and cuttings to the Department for future reference.

(6) The Minister shall, by regulations made under this Act, specify the format of the information to be submitted under this Act.

(7) Subject to the Constitution and the Access to Information Act, 2005, paleontological, archaeological, ethnographical and historical information submitted under subsection (4) shall remain confidential for as long as the excavation licence is valid.

(8) The excavation licence holder may use the information provided under subsection (4) as well as any other information generated during the exploration of excavation phase.

(9) Where any information is deemed sensitive on the basis of national interest or commercial purposes, a request may be made by the excavation licence holder for confidentiality on an exceptional basis and the Minister shall determine the scope of such exception and provide a duration after which such information will be made available to the general public.

48. Heritage surveys or prospecting

(1) The Department shall undertake heritage surveys or prospecting for archaeological or paleontological materials using all appropriate technologies.

(2) The holder of an excavation licence who conducts prospecting operations, technical co-operation studies, excavation operations or collection operations shall submit the information, data, reports and interpretations to the Department at no fee, in a manner prescribed by regulations made under this Act.

49. Management of heritage and paleontological resources information

(1) The Department shall—

- (a) gather, document, evaluate and disseminate information on archaeological resources;
- (b) carry out public education and awareness on archaeological and paleontological resources;
- (c) foster information exchange on objects with other ministries, departments, agencies of Government, foreign agencies, international and nongovernmental agencies, as applicable;
- (d) coordinate with relevant local governments in the management of archaeological information;

- (e) advise Government on objects information gaps and needs; and
- (f) develop guidelines and principles for the gathering, documentation, evaluation, security and dissemination of objects information.

(2) Subject to confidentiality, the Department may publish any objects information that it considers necessary for public education and awareness.

50. Confidentiality of data

(1) Subject to the Constitution and the Access to Information Act, 2005, all information, data, reports and interpretations submitted to the Commissioner under this Act and regulations made under this Act shall be kept confidential for a period—

- (a) when the excavation licence is valid; or
- (b) ending on the date on which the licence or permit to which such information, data, reports and interpretations relate have lapsed, are cancelled or terminated, or the area to which such permits or rights relate have been abandoned or relinquished.

(2) The Government—

- (a) is not liable for the bonafide or inadvertent release of information or data submitted under this Act; and
- (b) does not guarantee the accuracy or completeness of any such information or data or interpretation of the data or information.

(3) All data disclosed to third parties shall be based on terms, which to the extent possible ensure, that they are treated as confidential by the recipient for so long as the data remains subject to the data confidentiality agreement.

PART VIII—PROTECTION OF THE ENVIRONMENT

51. Prohibition of pollution

(1) A holder of a licence or permit issued under this Act is prohibited from polluting the environment.

(2) A holder of a licence or permit issued under this Act shall undertake an environmental and social impact assessment in accordance with the National Environment Act, 2019.

(3) The holder of a licence or permit whose operations may have an effect on the environment shall, in accordance with the requirements of this Act, the National Environment Act, 2019, any applicable written law and in accordance with good practice, be responsible for any negative effects, including pollution, on the environment.

(4) The holder of a licence or permit under subsection (1), shall put in place measures to prevent the pollution from occurring during excavation or development operations, including by use of best available techniques and best environmental practices.

52. Liability for pollution by holder of licence or permit

A holder of a licence or permit under this Act who pollutes the environment contrary to this Act, the National Environment Act, 2019 or any other applicable written law is strictly liable for any damage caused to human health or the environment, regardless of fault.

53. Liability for pollution damage caused without licence or permit

Where pollution damage occurs during an excavation or development operation and the operation has been conducted without a licence or permit, the party that conducted the excavation or development operation is liable for the damage, regardless of fault.

54. Environmental protection standards

There shall be included in every excavation licence or research permit granted under this Act, a condition that the holder of the licence or permit takes all necessary steps to ensure the prevention and minimisation of pollution of the environment, in accordance with the standards and guidelines prescribed under the National Environment Act, 2019.

PART IX—COMMUNITY ENGAGEMENT

55. Participation of communities

(1) The holder of a licence or permit issued under this Act shall assist in the development of communities affected by its operations to promote sustainable development, enhance the general welfare and the quality of life of the inhabitants, and shall recognise and respect the rights, customs, traditions and religion of local communities.

(2) The nature of assistance in the development of a community affected by the operations of a holder of a licence or permit issued under this Act shall be specified in the community development agreement referred to in section 57.

56. Communities to benefit from heritage values

(1) The Commissioner shall constitute a local area committee to caretake a cultural and natural heritage resource within its community.

(2) The local area committee shall comprise five members, including a representative from the local government and institution of culture or cultural leader, where applicable.

(3) A community within which a cultural and natural heritage resource is situated shall get first priority in the protection, conservation and development of the heritage resource.

(4) A community within which tangible and associated intangible cultural heritage is situated or established shall be entitled to share from the revenue collected from the heritage within their locality as prescribed by regulations made under this Act.

57. Negotiation of community development agreement

(1) The officers referred to in section 9(2) shall be responsible for supporting communities in negotiating a community development agreement with research permit holders.

(2) All excavation licence or research permit holders shall negotiate a community development agreement with representatives from communities likely to be affected by the excavation or research activities of the holder.

(3) The community development agreement referred to in subsection (1) shall be signed by representatives of the community, the permit holder and other invested and affected parties.

(4) The conclusion of a community development agreement entered into under this section shall be a prerequisite for commencement of operations under an excavation licence.

(5) The excavation licence or research permit holder shall after obtaining the excavation licence, submit to the Commissioner, the duly signed community development agreement.

(6) The Minister shall, in consultation with the relevant stakeholders, develop a model community development agreement to guide negotiations between the community and the holder of an excavation licence or research permit under this Act.

58. Compensation and resettlement

A holder of an excavation licence or research permit shall, in accordance with applicable written law, compensate or resettle a person—

- (a) who claims a right or an interest in land over which an excavation licence or research permit has been granted under this Act; or
- (b) whose right or interest in any land is affected in any manner by the grant of an excavation or development licence.

PART X—GUARDIANSHIP, DISCOVERIES, RESTITUTION
AND PROHIBITIONS

59. Guardianship of sites and monuments

(1) The Department shall be the guardian of any monument which is owned by the Government or has no apparent owner.

(2) Notwithstanding subsection (1), the Department may, with written consent of an owner of a monument, be the guardian of such monument.

60. Agreement for protection or preservation of sites and monuments

(1) The Minister may enter into a written agreement with the owner of a site or monument for the protection or preservation of the site or monument.

(2) An agreement under this section shall be binding on any person claiming to be the owner of the site or monument to which the agreement relates or any person on whose behalf the agreement was executed.

(3) Any rights acquired by the Department or owner in respect of expenses incurred in maintenance of a heritage value or site shall not be affected by the termination of an agreement under this section.

61. Discoveries.

(1) A person who discovers any object, reasonably considered to be of palaeontological, archaeological, ethnographical, historical or traditional interest, shall immediately report to the Department, police station or local government whichever is nearest.

(2) A person who discovers an object referred to in subsection (1), shall ensure that he or she provides reasonable measures for the protection of the object until the object is taken into custody by the relevant authority.

(3) Where a discovery of an object is reported to the police or local government under subsection (1), the police or local government, shall notify the Minister within seven days from the date of the report.

62. Restitution of heritage objects

The Government may reconstitute or return cultural objects that are outside Uganda.

63. Prohibition of sale, transfer of or dealing in antiquities and protected objects

(1) A person shall not sell, transfer ownership or possession of or deal in an antiquity or a protected object without the written approval of the Commissioner.

(2) Notwithstanding subsection (1), the Government may acquire a protected object or antiquity by way of purchase, exchange, gift, bequest or loan.

64. Prohibition of removal of antiquities and protected objects

(1) A person shall not move an antiquity or protected object from the designated placement of the antiquity or protected object.

(2) Notwithstanding subsection (1), a person may apply to the Commissioner for a permit to remove an antiquity or protected object from the designated placement of the antiquity or protected object.

(3) A permit to remove an antiquity or protected object shall be made in a manner prescribed by regulations made under this Act.

PART XI—OFFENCES AND PENALTIES

65. General offences

A person who—

(a) contravenes any of the terms or conditions of a licence or permit; or

(b) fails to comply with the order of an authorised officer, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points, or imprisonment for a term not exceeding five years, or both.

66. Offences against cultural and natural heritage resources

(1) A person who—

(a) destroys, removes, injures, alters or defaces or does any act that imperils the preservation of a cultural and natural heritage resource; or

(b) breaches any regulation relating to entry of persons into a monument which is used for religious observances, or any other condition of access to a monument, or any other cultural and natural heritage resource,

commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points, or imprisonment for a term not exceeding seven years, or both.

(2) Where a person is convicted of an offence under subsection(1)(a), he or she may by court order pay to the Department a sum of money for any restoration made by the Department on the cultural and natural heritage resource.

67. Offences relating to licences and permits

A person who—

- (a) conducts an excavation or development operation without an appropriate licence or permit;
- (b) carries out a business of cultural objects;
- (c) carries out trading, transportation, storage or any other activity of protected objects without the approval of the Commissioner; or
- (d) within the meaning of the provisions of the Penal Code Act, aids or assists illegal trading or transfer of artefacts,

commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a term not exceeding seven years, or both.

68. Prohibition of use of explosives

A person who uses explosives and hazardous chemical substances in excavation or development activities, commits an offence and is liable, on conviction, to a fine not exceeding five thousand currency points or imprisonment for a term not exceeding seven years, or both.

69. Counterfeiting and similar offences

A person who counterfeits or issues, without authority, a cultural object, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a term not exceeding three years, or both.

70. Falsification of certificate of origin and other documents

A person who knowingly falsifies a certificate of origin or any material information on a certificate of origin of artefacts or cultural objects commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a term not exceeding three years, or both.

71. Offences relating to excavation, research and development of cultural and natural heritage resources

(1) A person who employs a child below the minimum working age, as defined under the Employment Act, 2006, in excavation or development operations, commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand currency points or imprisonment for a term not exceeding four years, or both.

(2) A person who exploits cultural and natural heritage resources without complying with standards for environmental protection, health and safety, commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand currency points or imprisonment for a term not exceeding four years, or both.

72. Laundering of proceeds of illicit trade in cultural objects

A person who—

- (a) carries out acts aimed at laundering the proceeds of the illicit trade in cultural objects;
- (b) assists any person who is involved in the illicit trade in cultural objects to escape the legal consequences of his or her actions;
- (c) conceals or disguises the true nature, origin, location, disposition, movement or ownership of property which the person knows to be the product of the illicit trade in cultural objects; or
- (d) acquires or possesses property, with knowledge that the property is the product of the illicit trade in cultural objects,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment for a term not exceeding ten years, or both.

73. Obstruction of Commissioner or authorised officers

A person who, without reasonable excuse, hinders or obstructs the Commissioner or any authorised officer or other person from carrying out any of his or her duties or functions under this Act, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment for a term not exceeding one year, or both.

74. Offences relating to authorised officers

A person who—

- (a) fails to comply with a lawful order issued by an authorised officer in accordance with this Act;
- (b) refuses an authorised officer entry upon any land, water, premises, facility, vehicle or vessel, which he or she is empowered to enter by this Act;
- (c) obstructs, intimidates, molests, hinders or wilfully delays an authorised officer in the exercise or performance of the Department's powers and functions under this Act;
- (d) refuses an authorised officer access to records, including electronic records, kept in accordance with this Act;
- (e) knowingly or negligently misleads or gives wrong or false information to an authorised officer under this Act;
- (f) knowingly makes a statement or produces a document that is false or misleading in a material particular to an authorised officer engaged in carrying out his or her duties and functions under this Act;
- (g) fails to answer questions or produce anything required to be produced under the Act;

- (h) refuses or resists a lawful search or inspection; or
- (i) fails to state or wrongly states his or her name or address to an authorised officer in the course of his or her duties under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points or imprisonment for a term not exceeding two years, or both.

75. Impersonation of authorised officers

A person, not being a staff of the Department or an authorised officer, who takes or assumes the name, designation, character or appearance of a staff of the Department or an authorised officer for the purpose of—

- (a) obtaining admission to any premises;
- (b) doing or causing to be done any act which he or she is not entitled to do; or
- (c) doing any unlawful act,

commits an offence and is liable on conviction, in addition to any other punishment to which he or she may be liable for the commission of any offence under this Act, to a fine not exceeding three thousand currency points or imprisonment for a term not exceeding two years, or both.

76. Unlawful seizure

A person who—

- (a) takes, causes or permits to be taken, anything seized under this Act otherwise than in accordance with this Act;
- (b) fails or neglects to deliver to the Department anything subject to seizure;

- (c) breaks, destroys or throws overboard from any facility, aircraft, vessel or vehicle, anything for the purpose of preventing its seizure or for the purpose of preventing it from being secured after it has been seized; or
- (d) destroys or damages anything that is seized under this Act otherwise than in circumstances provided for in this Act or regulations made under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding three thousand currency points.

77. Removing or defacing the seal of the Department

A person who—

- (a) removes a seal installed by the Department or an authorised officer from any premises, facility or package without the authority of the Department or the authorised officer; or
- (b) wilfully alters, defaces, obliterates or imitates, any mark placed by the Department or an authorised officer on any premises, site or package,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or imprisonment for a term not exceeding three years, or both.

78. Offences committed by body corporate

(1) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she, as well as the body corporate, commits that offence.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine or imprisonment prescribed by the relevant section of the applicable law.

79. Alerting offender

A person who, with intent to obstruct an authorised person or an employee of the Department in the execution of his or her duty, alerts; or does any act for the purpose of alerting any person engaged in the commission of an offence under this Act, whether or not that person is in a position to take advantage of such alert or act, commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or imprisonment for a term not exceeding one year, or both.

80. Conspiracy to commit an offence

A person who conspires with another person to contravene any of the provisions of this Act, commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or imprisonment for a term not exceeding two years, or both.

81. Continuing or subsequent offences

(1) A person convicted of an offence under this Act who continues to contravene any of the provisions of this Act, commits an offence and is liable to an additional penalty—

- (a) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment for a term not exceeding seven years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

(2) A person who commits a second or subsequent offence is liable to pay an additional penalty—

- (a) in the case of an individual, to a fine not exceeding one thousand currency points or imprisonment for a term not exceeding five years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding ten thousand currency points.

82. General penalty

A person who contravenes any provision of this Act for which no penalty is specifically provided, commits an offence and is liable, on conviction,—

- (a) in the case of an individual, to a fine not exceeding five thousand currency points or imprisonment for a term not exceeding seven years, or both; or
- (b) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

83. Power of court to confiscate and order forfeiture

(1) The court, by which a person is convicted of an offence under this Act, may order the forfeiture of an artefact or cultural object in respect of which the offence was committed or which was found in that person's possession.

(2) An artefact or cultural object forfeited under subsection (1) shall, unless otherwise ordered by the court, be in custody of the Department.

84. Power of court to order compensation

A person convicted of an offence under this Act may be held liable for any loss or damage caused by the offence and may be ordered by the court to pay—

- (a) to the Government, in addition to any penalty imposed by the court for the offence, an amount of compensation for that loss or damage up to five times the value of the artefact, monument or heritage site; or
- (b) up to ten times the amount of any fees or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

85. Deprivation of monetary benefits

A court which convicts a person of an offence under this Act may, inquire into the money benefit acquired or saved by the person as a result of the commission of the offence and may, in addition to any other penalty imposed, impose a fine equal to the court's estimation of that monetary benefit, despite any maximum penalty provided elsewhere.

86. Cancellation of licences and permits by court

The court may, on convicting a person granted a licence or permit of an offence under this Act—

- (a) order that the licence or permit be cancelled; or
- (b) disqualify that person from obtaining a licence or permit for a period as the court considers just.

87. Further powers of court

A court, on convicting any person for an offence under this Act, may order that person, within a time specified in the order, to do any act that the person had failed, refused or neglected to do.

PART XII—MISCELLANEOUS

88. Indemnity of officials

The staff of the Department or an authorised officer performing functions under this Act shall not incur any liability in respect of the exercise or performance, or purported exercise or performance, by him or her in good faith of any function under and for the purposes of this Act.

89. Administrative review by Minister

(1) A person aggrieved by a decision of the Commissioner may, within thirty days after being notified of the decision, request, in writing, an administrative review of the decision of the Commissioner.

(2) The Minister may, within thirty days after receipt of a request for administrative review under this section, confirm, set aside or vary the decision of the Commissioner.

(3) The Minister shall give reasons in writing for his or her decision on a review under this section.

(4) A person who is aggrieved by the decision of the Minister may appeal to a court of competent jurisdiction.

90. Excavation and research reports

(1) A person issued with an excavation licence or research permit under this Act, shall within three months from the date of completion of the excavation or research, submit a report to the Commissioner.

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points, or imprisonment for a term not exceeding ten years, or both.

91. Right of access by the public to preserved or protected sites

Subject to this Act, the public shall have a right of access to any preserved or protected site upon payment of fees prescribed by regulations made under this Act.

92. Amendment of Schedule

The Minister may, by statutory instrument, after consultation with the Minister responsible for finance and with the approval of the Cabinet, amend the Schedule to this Act.

93. Application of the Mining and Minerals Act, 2022

(1) Nothing in this Act shall prevent the Directorate of Geological Survey and Mines under the Ministry responsible for

Energy and Mineral Development from performing its duties under the Mining and Minerals Act, 2022.

(2) The holder of a mineral right, issued under the Mining and Minerals Act, 2022 shall exercise his or her rights under the mineral right subject to the provisions related to a protected area and the protected building.

(3) Any palaeontological or archaeological finding of outstanding universal value dug or excavated in the course of mining in an area shall be surrendered to the Department for proper preservation, protection, curation and storage at the Uganda Museum.

(4) Subject to subsection (3), all findings of outstanding universal value dug or excavated in the course of mining in an area shall be published in the Gazette.

94. Radioactive material

(1) A holder of an excavation licence or research permit shall ensure that any excavation of radioactive material is managed in accordance with the Atomic Energy Act, 2008.

(2) The holder of the licence or permit shall, in accordance with this Act and authorisation obtained from the Atomic Energy Council, control the use of radioactive materials, to prevent exposure or contamination and accumulation of radioactive material and to provide for safe disposal of the waste.

(3) Where any radioactive material is discovered in the course of exercising any right under this Act or any authority under any other enactment, the holder of the licence or such other authority shall immediately notify the Atomic Energy Council or the nearest police authority, but in any case, not later than seven calendar days after the discovery.

(4) Where any radioactive material is discovered on any land other than land subject to an excavation licence or research permit, the owner or lawful occupier of the land shall, as soon after he or she is aware of such discovery, notify the Atomic Energy Council or the nearest police station.

(5) For the avoidance of doubt, a holder of an excavation licence or research permit who contravenes this section is liable for any exposure of persons to materials or waste containing radioactive material.

(6) A holder of an excavation licence or research permit who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding four hundred currency points or imprisonment for a term not exceeding four years, or both.

(7) For the purpose of this section “radioactive material” means any matter or substance containing one or more radionuclides, the activity or concentration of which is sufficiently intense to entail a significant risk of disability or disease to anybody or organ in exposure, whether external or internal, and whether continuous or total.

95. Regulations

(1) The Minister may, on the recommendation of the Department, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister shall, in consultation with the Minister responsible for mineral development and with the approval of Cabinet, by statutory instrument, declare protected heritage resources and heritage resources of significant value to Uganda.

(3) A statutory instrument made under subsection (2) shall be laid before Parliament.

(4) Parliament may, by resolution, revoke the statutory instrument laid under subsection (3) or a particular provision of the statutory instrument, within thirty days from the date on which the statutory instrument is laid.

(5) Without prejudice to subsection (1), the Minister may make regulations relating to—

- (a) excavations under this Act;
- (b) the sale of protected objects;
- (c) the preservation of historical buildings;
- (d) the management of artefacts;
- (e) access by the public to historical sites and preserved or protected objects;
- (f) protection, preservation, alteration and access to and use of areas of natural heritage;
- (g) works of art collection;
- (h) exploration licences and export permits;
- (i) curatorial practice in museums and management of protected areas;
- (j) control of reproduction of objects of anthropological, palaeontological or archaeological interest;
- (k) licensing of dealers in antiquities;
- (l) the fees to be paid; and
- (m) any other matter required to be prescribed under this Act.

96. Repeal and savings

- (1) The Historical Monuments Act Cap. 46 is repealed.

(2) Notwithstanding the repeal of the Historical Monuments Act under subsection (1)—

- (a) any public officer or other employee holding office or employment under the repealed Act on the date of commencement of this Act, shall continue to hold such office or employment as if appointed or employed under this Act; and
- (b) any statutory instruments made under the repealed Act shall, in so far as it is consistent with the provisions of this Act, continue in force as if it was made under this Act.

97. Existing licences, permits and agreements

(1) A licence or permit issued under the Historical Monuments Act Cap. 46 repealed by section 96, in respect of which the validity still subsists immediately before the commencement of this Act—

- (a) shall have effect from the commencement of this Act as if granted under this Act;
- (b) in so far as it is consistent with the provisions of this Act, continue in force as if it was made under this Act; and
- (c) in the case of licence or permit for a specified period, shall remain in force, subject to this Act, for so much of that period as falls after the commencement of this Act.

(2) Any agreement or similar arrangement made under the Historical Monuments Act repealed by section 96 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

Act

Museums and Monuments Act

2023

SCHEDULE

section 3

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

Cross References

Access to Information Act, 2005, Act 6 of 2005.

Atomic Energy Act, 2008, Act 24 of 2008.

Companies Act, 2012, Act 1 of 2012.

Constitution of the Republic of Uganda, 1995.

Cooperative Societies Act, Cap. 112.

Employment Act, 2006, Act 6 of 2006.

Institution of Traditional or Cultural Leaders Act, 2011, Act 6 of 2011.

Land Act, Cap. 227.

Mining and Minerals Act, 2022, Act 25 of 2022.

National Environment Act, 2019, Act 5 of 2019.

Occupational Safety and Health Act, 2006, Act 9 of 2006.

Partnerships Act, 2010, Act 2 of 2010.

Petroleum (Exploration, Development and Production) Act, 2013, Act 3 of 2013.

Public Private Partnerships Act, 2015, Act 13 of 2015.



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

A handwritten signature in black ink, consisting of a stylized, cursive script.

.....
Clerk to Parliament

Date of authentication: 07-03-2023