



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.