

UGANDA

THE HISTORICAL MONUMENTS ACT, 1967

An Act to provide for the preservation and protection of historical monuments and objects of archaeological, palaeontological, ethnographical and traditional interest and for other matters connected therewith.

Date of Assent: 21st October, 1967.

Date of Commencement: (15th May 1968).

Be it enacted by the President and the National Assembly, in this present Parliament assembled, as follows:--

Declaration of Preserved and Protected Objects

- (1) The Minister may, by statutory instrument, declare any object of archeological, palaeontological, ethnographical, traditional or historical interest to be a preserved object for the purposes of this Act.

The Minister may, for the purposes of preservation of any object declared under this Act, request the Minister responsible for land matters to acquire, pursuant to the provisions of the Land Acquisition Act, 1965, any land which appears to the Minister to be required for the purposes of preserving or affording access to the object.

Any object and any land acquired as the result of a request made under the provisions of subsection (2) of this section shall vest in the Uganda Land Commission.

- (1) For the purposes of this Act, the Minister may, by statutory instrument, declare any object of archeological, palaeontological, ethnographical, traditional or historical interest to be a protected object.

Subject to the provisions of this Act, a declaration by the Minister under the provisions of the immediately preceding subsection shall not affect the estate, right, title, or interest in such object of the owner or any person beneficially entitled thereto.

- (1) When the Minister has declared any object to be a protected object under the provisions of subsection (1) of section 2 of this Act, he may enter into a written agreement with the owner or any person beneficially entitled to the object for the protection thereof.

An agreement entered into under the provisions of the preceding subsection may provide for all or any of the following matters, that is to say,
the maintenance of the object to be carried out by the Minister;

the custody of the object;

the duties of any person who may be employed for the purposes of this Act;

the restriction of the owner's right or any person entitled thereto, to destroy, remove, alter or deface the object or build on or near the site of the object;

the facilities of access to the object to be granted to the public and to any person who may be employed for the purposes of this Act to inspect or maintain the object;

the removal by the Minister of the object for permanent or temporary exhibition in the Museum;

the submission of a dispute or difference to an arbitration; and notice to be given to the Minister in case the land on which the object is situated, is offered for sale by the owner, and the right to be reserved to the Minister to purchase such land or portion of such land.

Where the Minister is satisfied that an owner or a person beneficially entitled to a protected object intends to make an alteration, addition to, or to repair, destroy or deface or injure or cultivate or build on or near a protected object in breach of the terms of an agreement for its protection, the Minister may apply for an injunction to a court of competent jurisdiction.

The Minister may accept a gift or bequest of any protected object which he shall deposit in the Museum if portable.

A place of worship or tomb declared to be protected object under the provisions of subsection (1) of section 2 of this Act shall not be used for any purpose inconsistent with its character.

The Minister may, by statutory instrument, publish lists of the preserved or protected objects.

Maintenance

No person, whether owner or not, shall do any of the following acts to or in relation to any object, declared to be preserved or protected under the provisions of this Act, that is to say.

- cultivate or plough the soil so as to affect to its detriment any object declared to be preserved or protected;
- make alteration, addition to, or repair, destroy, deface or injure any object declared to be preserved or protected;
- allow any animal under his control to damage any object declared to be preserved or protected; and
- write, draw, or carve any writing or figure thereon.

For the purposes of maintenance and inspection of any preserved or protected object there shall be an inspector of monuments who shall be appointed by the Minister and shall be a public officer.

(1) The duties of the inspector of monuments shall include.

- the entering and the inspection of preserved or protected objects;
- the fencing, repairing and generally maintaining preserved or protected objects;
- the erection of tablet or notice about any such object; and
- the performance of any such duty which is connected with the preservation and protection of any such preserved or protected object or monument or part thereof.

(1) Any person who discovers any object which may reasonably be considered to be of archaeological, palaeontological, ethnographical, historical or traditional interest shall, within fourteen days, report to the inspector of monuments or a district commissioner or the curator of the Museum.

Any person who discovers any such object shall take such measures as may be reasonable for its protection.

Every district commissioner or the curator of the Museum to whom a discovery of any

object or a report is made, under the provisions of subsection (1) of this section, shall forthwith report the discovery in writing to the inspector of monuments.

The inspector of monuments may enter and inspect any site or place of the discovery of any object.

Where any object discovered, is a part habitation or occupation, the inspector of monuments shall give the owner or occupier of the land on which the object is discovered, reasonable notice of his intention to enter and inspect the site or place of the discovery.

Where the inspector of monuments is satisfied that any object discovered is an object of archaeological, palaeontological, ethnographical, traditional or historical interest, he shall report the discovery of the object to the Minister who, for the purposes of this Act, may, by statutory instrument, declare it to be a preserved or protected object.

- (1) The Minister may, for the purposes of excavation, issue a license under this section. Unless a person is authorised by a license issued by the Minister, under the provisions of the preceding subsection, no person shall whether on his own land or elsewhere, excavate, any object of archaeological, palaeontological, ethnographical, or traditional interest; or remove any object hitherto undiscovered from any site, place or monument or collect or remove any object which he knows or has reasonable cause to believe is an object of archaeological, ethnographical, historical, or traditional interest. The Minister shall, before issuing a license under this section, satisfy himself that the applicant for a license, is competent by both training and experience to carry out satisfactorily an excavation in accordance with the most recent scientific methods; has sufficient personnel and financial resources to enable him to carry out an excavation; is able to arrange for the proper scientific study of any object discovered; has, in the case of a protected object, had in writing the permission of the owner or a person beneficially entitled thereto; and has not been convicted of an offence under this Act or has not been convicted of any other offence involving fraud or dishonesty at anytime in Uganda or elsewhere.
12. (1) Any portable object discovered in the course of an excavation shall be surrendered to the Minister who shall deposit it in the Museum. Notwithstanding the provisions of the preceding subsection, where any object is discovered in a protected site, place, or monument, the owner of the protected site, place, or monument shall be entitled to a reasonable compensation.
13. (1) The Minister may, acting in accordance with the advice of the advisory panel, issue a license for sale of a protected object on such conditions as he may think fit. No person shall sell or exchange any protected object except in accordance with any condition attached to a license issued under the provisions of the immediately preceding subsection. Notwithstanding the provisions of paragraph (b) of subsection (2) of section 11 of this Act, the Minister may, before issuing a license under this section, require the applicant for a license to produce to him the object if portable. The Minister may not grant under this section, a license to any person who has been convicted of an offence under this Act or who has been convicted of any offence involving fraud, or dishonesty in Uganda or elsewhere.
14. (1) No person shall export any preserved or protected object except with the permission of the Minister in writing acting in accordance with the advice of the

advisory panel.

For the purposes of study the Minister may, acting in accordance with the advice of the advisory panel, permit in writing the export of any preserved or protected object to a recognised institution of learning.

The Minister may, at the request of the trustees of the Museum or any interested party, permit temporary export of any object for exhibition outside Uganda.

15. (1) For the purposes of advising him to implement the provisions of this Act, the Minister may appoint an advisory panel which shall consist of,
- (a) a member nominated by the Trustees of the Museum;
 - (b) a member nominated by the Principal of Makerere University College;
 - (c) two members nominated by the Minister responsible for Mineral and Water Resources;
 - (d) a member nominated by the Minister responsible for Education;
 - (e) a member nominated by the Minister responsible for Information, Broadcasting and Tourism;
 - (f) such other persons not exceeding five as he may from time to time think fit.
- The Minister may pay the members of the advisory panel, such allowances as he may determine.

Miscellaneous

A person licensed under the provisions of section II. of this Act shall submit to the Minister two copies of a full report in respect of his excavation within twenty-four months from the date of completion of such excavation and shall submit one copy of the report to the curator of the Museum.

Subject to the provisions of paragraph (c) of section 20 of this Act, the public shall have a right of access to any preserved or protected object.

Any person who

destroys, alters, defaces, removes, repairs, injures, or imperils any preserved or protected or discovered object;

contravenes any of the terms and conditions imposed in a license issued under the provisions of this Act; or

contravenes any of the provisions of this Act, commits an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

19. (1) Subject to the provisions of sections 10 and 14 of this Act, nothing in this Act shall prevent an officer of the Geological Survey and Mines Department from undertaking his duties under the Mining Act.

The holder of a prospecting or mining right, issued under the provisions of the Mining Act, shall be subject to the provisions of this Act.

Any lands acquired under the provisions of subsection (2) of section I of this Act shall, for the purposes of paragraph (a) of section 13 of the Mining Act, be land dedicated or set apart for public purposes.

20. The Minister may, by statutory instrument, make Regulations, prescribing conditions relating to excavations under this Act; prescribing conditions relating to any sale of a protected object;

regulating the right of access by the public to preserved or protected object; and generally for the better carrying into effect the object and purposes of this Act.

21. In this Act, unless the context otherwise requires,

"advisory panel" means the advisory panel appointed under section 15 of this Act;

"discover" means to reveal or obtain scientific knowledge in relation to any object of archaeological, palaeontological, ethnographical, historical or traditional interest;

"excavate" includes to dig, probe, search or investigate any object of archaeological, palaeontological, ethnographical historical or traditional interest;

"district commissioner" includes an administrative or assistant administrative officer;

"historical monument" means any object, site, place, building or erection having historical events;

"inspector of monuments" includes any person appointed to maintain and inspect a preserved or protected object;

"Minister" means the Minister to whom functions under this Act are assigned;

"Museum" means the National Museum of Uganda;

"object" when used in relation to,

an object of archaeological, palaeontological, ethnographical or historical interest includes any site, place, structure, erection of building, memorial, tumulus, cairn, pit-dwelling, trench, fortification, irrigation work, cave, rock sculpture, inscription, monolith, fossil remains of man or animal or plant or any object which is of historical interest, or any part thereof;

an object of traditional interest means any object made, erected or built, or formed in a traditional or localised fashion by human agency, other than an object intended for sale;

"owner" includes an occupier

"prescribed" means prescribed by Regulations made under this Act;

"preserved object" means any object declared to be a preserved object under section 1 of this Act;

"protected object" means any object declared to be a protected object under section 2 of this Act.

The Objects of Archaeological Interest (Preservation) Act, is hereby repealed.

This Act shall come into force on such day as the Minister may, by statutory instrument, appoint.

(15.05.1968 : Statutory Instrument n° 72 of 1968)