

CHAPTER 46

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CHAPTER 46

THE HISTORICAL MONUMENTS ACT.

Commencement: 15 May, 1968.

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.

Declaration of preserved and protected objects.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “advisory panel” means the advisory panel appointed under section 16;
- (b) “conservator of antiquities” includes any person appointed to maintain and inspect a preserved or protected object;
- (c) “discover” means to reveal or obtain scientific knowledge in relation to any object of archaeological, palaeontological, ethnographical, historical or traditional interest;
- (d) “district commissioner” includes an administrative or assistant administrative officer;
- (e) “excavate” includes to dig, probe, search or investigate any object of archaeological, palaeontological, ethnographical, historical or traditional interest;
- (f) “historical monument” means any object, site, place, building or erection having connections with historical events;
- (g) “Minister” means the Minister to whom functions under this Act are assigned;
- (h) “museum” means the National Museum of Uganda;
- (i) “object” when used in relation to—
 - (i) 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 of such object;

- (ii) 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;
- (j) “owner” includes an occupier;
- (k) “prescribed” means prescribed by regulations made under this Act;
- (l) “preserved object” means any object declared to be a preserved object under section 2;
- (m) “protected object” means any object declared to be a protected object under section 3.

2. Declaration of preserved objects.

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

(2) 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 Land Acquisition Act, any land which appears to the Minister to be required for the purposes of preserving or affording access to the object.

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

3. Declaration of protected objects.

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

(2) Subject to this Act, a declaration by the Minister under subsection (1) shall not affect the estate, right, title or interest in such object of the owner or any person beneficially entitled to it.

4. Protection of objects by agreement.

(1) When the Minister has declared any object to be a protected object under section 3(1), he or she may enter into a written agreement with

the owner or any person beneficially entitled to the object for the protection of the object.

(2) An agreement entered into under subsection (1) may provide for all or any of the following matters—

- (a) the maintenance of the object to be carried out by the Minister;
- (b) the custody of the object;
- (c) the duties of any person who may be employed for the purposes of this Act;
- (d) the restriction of the owner's right or the right of any person entitled to the object, to destroy, remove, alter or deface the object or build on or near the site of the object;
- (e) 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;
- (f) the removal by the Minister of the object for permanent or temporary exhibition in the museum;
- (g) the submission of a dispute or difference to an arbitration; and
- (h) 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 that land or portion of that land.

(3) 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.

5. Gift or bequest.

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

6. Protection of certain places.

A place of worship or tomb declared to be a protected object under section 3(1) shall not be used for any purpose inconsistent with its character.

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