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Legal Notice

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General Notice No. 239 of 2003.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Susan Batuuka who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 12th day of October, 2001 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 11th day of April, 2003 for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala, HELLEN OBURA (MRS.),
19th June, 2003. *Acting Secretary, Law Council.*

General Notice No. 240 of 2003.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Nalukenge Harriet Amy who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 12th day of October, 2001 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 11th day of April, 2003 for the issue of a Certificate of Eligibility for entry of her name on the Roll of Advocates for Uganda.

Kampala, HELLEN OBURA (MRS.),
18th July, 2003. *Acting Secretary, Law Council.*

General Notice No. 241 of 2003.

THE ADVOCATES ACT.

NOTICE.

APPLICATION FOR A CERTIFICATE OF ELIGIBILITY.

IT IS HEREBY NOTIFIED that an application has been presented to the Law Council by Ssempebwa Nsubuga Edward who is stated to be a holder of Bachelor of Laws of Makerere University having been awarded a Degree on the 23rd day of July, 1998 and to have been awarded a Diploma in Legal Practice by the Law Development Centre on the 11th day of April, 2003 for the issue of a Certificate of Eligibility for entry of his name on the Roll of Advocates for Uganda.

Kampala, HELLEN OBURA (MRS.),
19th June, 2003. *Acting Secretary, Law Council.*

General Notice No. 242 of 2003.

THE COMPANIES ACT, 1964.

(Cap. 85).

NOTICE.

Pursuant to section 20 (3) of the Companies Act, notice is hereby given that Landways Agency (U) Limited has by Special Resolution passed on 25th July, 2003 and with the approval of the Registrar of Companies changed its name to Landways Agencies (U) Limited and that such new name has been entered in my register.

DATED at Kampala, this 5th day of August, 2003.

BEN TURYASINGURA,
Assistant Registrar of Companies.

General Notice No. 243 of 2003.

THE TRADEMARKS ACT

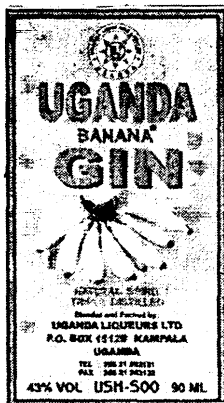
SECTION 38

ALTERATION OF A REGISTERED TRADEMARK No. B 757.

TO WHOM IT MAY CONCERN

TAKE NOTICE THAT the Trade mark No. B 757 Class 33 Schedule III in the name of Uganda Liqueurs Limited, P.O. Box 15128, Kampala in respect of Alcoholic beverages; duly advertised in the *Uganda Gazette* under General Notice No. 461/2002 dated 29th November, 2002 in the name of

Uganda Liqueurs Limited has been altered under section 38 of the Trade marks Act as under: with disclaimer on exclusive use of words 'Uganda', 'Banana', 'Gin' and 'Natural Spirit: Triple Distilled' except as represented.



DATED at Kampala this 6th day of August, 2003.

RITA BBANGA-BUKENYA (MRS),
Assistant Registrar of Trade Marks.

General Notice No. 244 of 2003.

THE TRADEMARKS ACT
SECTION 38
ALTERATION OF A REGISTERED
TRADEMARK No. B 739.

TO WHOM IT MAY CONCERN

TAKE NOTICE THAT the Trade mark No. B 739 Class 33 Schedule III in the name of Uganda Liqueurs Limited, P.O. Box 15128, Kampala in respect of Alcoholic beverages: duly advertised in the *Uganda Gazette* under General Notice No. 104/2002 dated 5th April, 2002 in the name of Uganda Liqueurs Limited has been altered under section 38 of the Trade marks Act as under: with disclaimer on exclusive use of words 'Uganda', 'Banana', 'Pombe' and 'Natural Spirit: Triple Distilled' except as represented.



DATED at Kampala this 6th day of August, 2003.

RITA BBANGA-BUKENYA (MRS),
Assistant Registrar of Trade Marks.

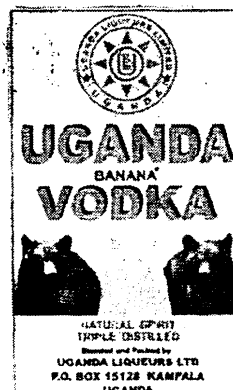
General Notice No. 245 of 2003.

THE TRADEMARKS ACT
SECTION 38
ALTERATION OF A REGISTERED
TRADEMARK No. B 738.

TO WHOM IT MAY CONCERN

TAKE NOTICE THAT the Trade mark No. B 738 Class 33 Schedule III in the name of Uganda Liqueurs Limited, P.O. Box 15128, Kampala in respect of Alcoholic beverages: duly advertised in the *Uganda Gazette* under General Notice

No. 104/2002 dated 5th April, 2002 in the name of Uganda Liqueurs Limited has been altered under section 38 of the Trade marks Act as under: with disclaimer on exclusive use of words 'Uganda', 'Banana', 'Vodka' and 'Natural Spirit: Triple Distilled' except as represented.



DATED at Kampala this 6th day of August, 2003.

RITA BBANGA-BUKENYA (MRS),
Assistant Registrar of Trade Marks.

General Notice No. 246 of 2003.

THE TRADE MARKS ACT.
(Cap. 83).
NOTICE.

NOTICE IS HEREBY GIVEN that any person who has grounds to oppose the registration of any of the marks advertised herein may within sixty days from the date of this *Gazette*, lodge a Notice of opposition on Trade Mark Form No. 6 together with a fee of Shs. 4000 in case of National applicants or US\$ 250 in case of Foreign applicants. The period of lodging Notice of opposition may be extended in suitable cases by the Registrar as he thinks fit upon such terms as he may direct. Formal opposition should not be lodged until after reasonable notice has been given by letter to the applicant so that he may have an opportunity to withdraw his application before the expense of opposition proceedings is incurred. Failure to give such notice will be taken into account in considering any application by the opponent for an order for costs if the opposition is uncontested by the applicant. Representations of the marks herein advertised can be inspected at the office of the Registrar of Trade Marks, Parliamentary Buildings, P.O. Box 7151, Kampala.

- (21) APPLICATION No. 25878 IN PART "A".
(52) Class 16.
(54)

 **RENAISSANCE**

- (53)
(59)
(64)
(57) *Nature of goods*— All goods in class 16.
(73) *Name of applicant*— Renaissance Financial Holdings Ltd.
(77) *Address*— 7th Floor, Karigamombe Centre 53 Samora Machel Ave P.O. Box BE 1086 Belvedere, Harare - Zimbabwe.
(74)
(22) *Date of filing application*—10th July, 2003.

(21) APPLICATION No. 25961 IN PART "A".

(52) Class 16.

(54)



(53)

(59)

(64)

(57) *Nature of goods*— Pens.

(73) *Name of applicant*—Alia Commodities (U) Ltd.

(77) *Address*—P.O. Box 1026, Jinja.

(74)

(22) *Date of filing application*—5th August, 2003.

(21) APPLICATION No. 25962 IN PART "A".

(52) Class 3.

(54)



(53) *Disclaimer*— Registration of this Trademark shall give no right to the exclusive use of the words "NATURAL TASTE & SUPER CLEAN", "MINT TOOTHPASTE" and "FOR WHITER N' HEALTHIER TEETH" except as represented.

(59)

(64)

(57) *Nature of goods*— Toothpaste.

(73) *Name of applicant*—Alia Commodities (U) Ltd.

(77) *Address*—P.O. Box 1026, Jinja.

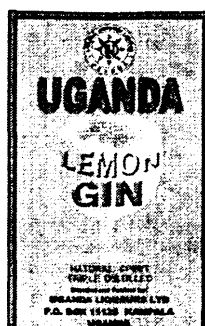
(74)

(22) *Date of filing application*—5th August, 2003.

(21) APPLICATION No. B 770 IN PART "B".

(52) Class 33.

(54)



(53) *Disclaimer*— Registration of this Trade mark shall give no right to the exclusive use of the words, "UGANDA", "LEMON", "GIN" and "NATURAL SPIRIT: TRIPLE DISTILLED" except as represented.

(59)

(64)

(57) *Nature of goods*— Alcoholic beverages.

(73) *Name of applicant*— Uganda Liqueurs Limited.

(77) *Address*— P.O. Box 15128, Kampala, Uganda

(74)

(22) *Date of filing application*— 6th August, 2003.

(21) APPLICATION No. 25732 IN PART "A".

(52) Class 11.

(54)

Panasonic

(53)

(59)

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(57) *Nature of goods*— Installations for lighting; incandescent lamp; glow switch starters; miniature bulbs; screw-in fluorescent lamp; fluorescent lamp; tungsten halogen lamps; flash lights; electric lanterns; head lamps; fluorescent lighting fixtures; dynamo lighting sets for bicycles; sensor lights; germicidal lamps; electric insect killers; installations for cooking; automatic bread makers for home use; electric kettle; electric pressure cookers; electric rice cookers; gas rice cookers; slow cookers; electric roasters; ovens for cooking; toasters; coffee makers; electric cooking stoves; electric thermo pots; gas cookers; induction heating hobs; electric barbecue griddles; electric tea leaf grinders; microwave ovens; gas cooking stoves with ovens; electric food-pans; sinks; cooking tables; installations for refrigeration and freezing; refrigerators; gas refrigerators; freezers; cold and/or hot water dispensers; cold water dispensers; hot water dispensers; electric refrigerating show cases; electric freezing show cases; electric water coolers; electric ice makers; ventilating apparatus and instruments; electric fans; ventilating fan; electric air purifiers; range hoods for cookers; electric dehumidifiers; electric air purifiers; range hoods for cookers; electric dehumidifiers; electric humidifiers; air curtains; air handling units; ceiling fans; roof ventilators; electrostatic precipitator; electric deodorizers for cars; installations for heating, cooking and air-conditioning; heat exchanger units; evaporative air refreshing apparatus; gas stoves; kerosene stoves; electric stoves; electric space heaters; electric blankets; electric floor carpets; kerosene fan heaters; electric food warmers (kotatsu); gas cordless warmers; installations for sanitary purposes; electric bidets; toilets; washing toilet seats; portable toilets; septic tanks for domestic use; septic tanks for industrial use; water purifiers for domestic use; filters for water purifiers; alkaline water ionizers; household mineral water maker; incinerators (trash burners); sauna baths; electric home shower; bubble dispensers; shower heads; bath tubs; water heaters; gas instantaneous water heaters; electric hair dryers; electric clothes drying apparatus for household purposes; electric pants presses for household purposes; electric pore cleaners for domestic use; electric ion treatment apparatus for hair; electric ion steamer for facial treatment; warming panels; warming rugs; sewage aeration treatment installations; whirlpool baths; spot lamps; emergency lights; connecting devices for lamps; ballast; mercury vapour lamps; sodium lamps; exit lights; searchlights; footmuffs (electrically heated); light diffusers; safety lamps; lighting apparatus and instruments; ventilator.

(73) *Name of applicant*—Matsushita Electric Industrial Co., Limited [Matsushita Denki Sangyo Kabushiki Kaisha], a Japanese Corporation.

(77) *Address*—1006 Oaza Kadoma, Kadoma-shi, Osaka Prefecture, Japan.

(74) *C/o M/s. Mugerwa & Masembe Advocates*, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 5th February, 2003.

(21) APPLICATION NO. 25957 IN PART "A".

(52) Class 25.

(54)

moja

(53)

(59)

(64)

(57) *Nature of goods*— Footwear.

(73) *Name of applicant*—S & Z Investment Ltd.

(77) *Address*— P.O. Box 21295, Kampala.

(74)

(22) *Date of filing application*—30th July, 2003.

(21) APPLICATION NO. 25730 IN PART "A".

(52) Class 7.

(54)

Panasonic

(53)

(59)

(64)

(57) *Nature of goods*— Machine and machine tools; welding machines; robots for metalworking; machines for inserting electronic components; dry etching machinery; micro electric-discharge machines; optical disc production systems; processing machines for printed wired board; parts mounting machines; gas-operated soldering machines; screw fastening machines; electric screw drivers; electric hand drills; motors; motors, electric, other than for land vehicles; generators for electricity; (DC) direct current generators; (AC) alternating current generators; home electricity generation system; elevators(lifts); washing machines; electric clothes washing machines; tubs for electric clothes washing machines; electric dish washers; electric dish washing and/or drying machines; compressors; air compressors; centrifugal compressors; pumps; electric pumps; mixing, cutting and chopping machines; electric blender machines; electric juice extractors; electric food processors; electric meat grinders; electric can openers; electric knife sharpeners; electric coffee mills; electric ice crushers; electric garbage disposers; electric hand mixers; garden tools; electric lawn mowers; garden sprayers for disinfectants and insecticides other than hand tools; electric appliances for cleaning; electric vacuum cleaners; electric floor polishers; electric water supplier; chip mounting devices; electric wax applicators for skis.

(73) *Name of applicant*—Matsushita Electric Industrial Co., Limited [Matsushita Denki Sangyo Kabushiki Kaisha], a Japanese Corporation.

(77) *Address*—1006 Oaza Kadoma, Kadoma-shi, Osaka Prefecture, Japan.

(74) *C/o M/s. Mugerwa & Masembe Advocates*, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 4th June, 2003.

(21) APPLICATION NO. 25731 IN PART "A".

(52) Class 9.

(54)

Panasonic

(53)

(59)

(64)

(57) *Nature of goods*— Automatic vending machines; photographic, cinematographic optical apparatus and instruments; cameras; tripods for cameras; cases of cameras; electric flash units for cameras; digital still cameras; neck strap for cameras; PC (Personal Computer) connecting codes for digital cameras; batteries for digital cameras; (AC) alternating current adapters for digital cameras; microscope with illuminators; electron microscopes; polarizing microscopes; zoom microscopes; plain paper copiers; stapling units for plain paper copiers; rollers for plain paper copiers; paper feeders for plain paper copiers; drums for plain paper copiers; bearings for plain paper copiers; electronic printing boards; optical lenses; fire-extinguishing apparatus; fire extinguishers; batteries; dry cells; batteries; rechargeable batteries; battery chargers; storage batteries; solar cells; fuel cells; nickel cadmium batteries; nickel hydrogen batteries; lithium batteries; lithium ion batteries; carbon rods for dry batteries, carbon rods for welding use; carbon electrode for dry batteries; carbon electrode for welding use; wiring apparatus; connectors[electricity]; electric cables; electrical conduits; floor ducts especially for housing electric cables; ballast (for discharge lamps); under carpet wiring system consisting of conduits for electric cables; dimmer switches; circuit breakers; magnetic contractors and starters; circuit protectors; switch gears; electric junction boxes; appliance switches; push switches; slide switches; touch switches; detector switches; electrical power receptacles; plugs(electrical); electric time switches; signaling apparatus and instruments; video entry phones; intercom systems; electric door chimes; electric buzzers; fire alarms; gas leakage alarms; burglar alarms; portable emergency buzzers; acoustic machines and apparatus; radios; cassette tape players and/or recorders; radio cassette recorders; DAT recorders; portable cassette tape players; cases for cassette tape players; portable cassette players with radio; compact disc players and/or recorders; cases for optical disc players; MD (Mini Disc) players; lens cleaning discs for optical disc players; mini disc players and/or recorders; (MD) mini disc decks; DVD audio players and/or recorders; secure digital audio players and/or recorders; secure digital video players and/or recorders; MP3 (Mpeg-1 Audio Layer-3) players; speakers; tuners;

amplifiers; stereo component system; record players; graphic equalizers; clock radios; IC chip recorders; digital sound processors; headphones; cordless headphones; earphones; earphones with microphones; microphones; sing-along cassette players and/or recorders; software (recorded); electric megaphones; audio-video systems for use in language laboratories; car audio systems; optical disc auto changers; cassette adapters for reproducing sound; public address equipment (systems) audio mixers; magnetic tape cleaners; magnetic disc cleaners; record cleaners; optical fiber cables; audio cable and/or video cable; audiovisual machines and apparatus; television receivers; cathode ray tube displays; cathode ray tubes; image pick up tubes; plasma television receivers; plasma displays; plasma display panels; speakers for plasma display; parts and accessories for plasma display, namely stands; parts and accessories for plasma display, namely wall hanging fittings; LCD television receivers; liquid crystal displays; Colour projection television receivers; combined television receiver with video tape recorder; combined television receiver with disk player; antennas; GPS antenna; diversity antennas; tuners for satellite broadcasting; tuners for cable broadcasting; terrestrial tuners; tuners for television; tuners for audio broadcasting; internet terminals; LCD (Liquid Crystal Display) projectors; parts and accessories for LCD (Liquid Crystal Display) projectors, namely lenses; parts and accessories for LCD (Liquid Crystal Display) projectors, namely ceiling hanging fittings; parts and accessories for LCD (Liquid Crystal Display) projectors, namely lamps; video cassette recorders; camcorders; cables for camcorders; cases for camcorders; electric viewfinders for camcorders; waterproof covers for camcorders; (AC) alternating current adapters for camcorders; batteries for camcorders; shoulder straps for camcorders; video cameras; video camera recorders; frame rate converters; video printers; cleaning papers for video printers; laser disk players; video CD players; video CD software; electronic publications (downloadable); DVD video players and/or recorders; digital HD (High Definition) video cassette tape recorders; Colour video systems for large-scale display; cable television systems; hard disk drivers; video camera overhead projectors; electric optical display boards; multi purpose electric display systems; closed circuit video equipment systems. DVD software; television cameras; video switchers; non-linear editing systems; editing controller; DVD authoring apparatus; light emitting diode display; USB cables; projection screens; optical-disc machines and apparatus; optical disc drives; optical disc recorders; optical disc players; optical disc changers; optical disc cartridges; optical disc mastering apparatus; communication machines and apparatus; facsimile transceivers; bottled toners for facsimile machines; transceivers; telephones; cellular mobile telephones; carry case for cellular mobile telephone; telephone answering machines; private automatic branch exchange systems; global positioning system receivers; radio telephones; marine radars; radars; radio paging receivers; mobile communication systems; multi-channel access radio systems; electric traffic information

apparatus; video teleconferencing systems; personal handy phones; local area network systems; audio-visual codes (encoders and decoders); in-car navigation and/or route guidance appliance; electronic toll collecting units for cars; remote controllers; checking (supervision) apparatus and instruments; electric apparatus for door closing and opening; communication and monitoring system for apartment buildings; intruder detection systems; anti-theft warning apparatus; electric theft prevention installations; electric multi-layer security appliances; electric operated gates for garages; automatic controlling machines and instruments; electric distribution boards; traffic-signal control apparatus; bus location system; ultrasonic vehicle detectors; apparatus for intelligent transport systems; light dimmers; daylight switches; inverters; programmable controllers; transformers; power distribution apparatus [electricity]; portable power source; power capacitors; computers and computer peripheral devices; computers; gateway apparatus for computer network; wireless PCM/CIA communication cards; word processors; computer software (recorded); image scanners for personal computer; printers; CF (Compact Flash) cards; PCM/CIA adapters; PC cards; cordless cards for LAN (Local Area Network); computer keyboards; mouse (data processing equipment); CDROM drives; floppy disk drives; card readers; card reader and/or writers; bar code readers; time recorders; handy data terminal; electronic cash registers; point of sales systems; data collection terminals; personal digital assistants; DVD-RAM and/or ROM drive; CAD and/or CAM systems; hard disc drives; electronic calculators; computer software; uninterruptible power source for computers. communication, broadcasting; video games; external storage media; video cassette tapes; cleaning tapes for tape drives; digital video cassette tapes; audio cassette tapes; floppy discs; blank optical discs; mini-discs; DVDs; SD (Secure Digital) memory cards; measuring apparatus and instruments; thermoluminescence dosimetry systems; portable X-ray dosimeters; electronic counters; ammeters; power consumption meters; clamp meters; electric leakage meters; electric insulation meters; thermometers; measurement system processors; multi-circuit type electric power monitor; micro-precision measurements; weight scales with body fat monitor; step counters; audio and/or video analyzers; oscilloscopes; modulators; voltmeters; distortion meters; sensors; MR (magnetic resistant) sensors; photo sensor; temperature sensors; position sensors; angular rate sensors; rotation sensors; angle sensors; dew condensation sensors; displacement sensors; shock sensors; current sensors; ultrasonic ceramic sensors; fuel level sensors; magnetic sensors; electric components; light emitting diodes; liquid crystal elements; LCD module; magnetrons; diodes; transistors; thermostats; integrated circuits; IC (Integrated Circuit) memory cards; LSI; semiconductor memory (devices); (one chip) microcomputers; electret condenser microphone cartridge; halftone image processors; thermal printing heads; magnetic heads; permanent magnets; relays; computer display components; semiconductor laser module; CCD image sensor;

film capacitor; membrane unit for oxygen enrichment; electric tuner units; high frequency units; RF (Radio Frequency) front end system units; RF (Radio Frequency) modulators; coin validating units; coin selector units; bill validating units; bill selector units; magnetic card readers and/or writers; printed wiring boards; single-sided printed wiring boards; double sided printed wiring boards; multilayer printed wiring boards; printed circuit substrates; speaker components; power modules; AC adapters; chargers; convergence magnets; parts of copying machines and facsimile machines, namely magnet rolls for developing and cleaning device; DC/DC converters; inductors (coils); fixed inductors; variable inductors; condensers; film condensers; electrolytic capacitors; electric double layer capacitors; ceramic capacitors; filters of electric signals; EMI (Electromagnetic Interference) filters; noise filters; SAW (Surface Acoustic Wave) filters; ceramic filters; line filters; dielectric filters; tunable filters; light modulators; light deflectors; optical transmission components; optical coupling components; laser diode modules; photo diode modules; optical connectors; aspherical lenses; power transformers; switching transformers; current transformers; pulse transformers; line transformers; input and output transformers; flyback transformers; deflection yokes; piezoelectric transformers; thermistors; varistors (surge absorbers); piezoelectric ceramics components; ceramic resonators; SAW (Surface Acoustic Wave) resonators; acousto-optic devices; resistors; potentiometers; trimmer potentiometers; thermal cutoffs; R networks consisting of resistor array for interface circuit; C networks consisting of capacitor array for interface circuit; RC networks consisting of resistor array and capacitor array for interface circuit; encoders; printer units; hybrid IC; switch components; heat sink wiring boards; electro luminescence elements; magnetic resistive (Magnetic Resistant) elements; coils; choke coils; switches; panel switches; touch panels; remote control units; analog tuners; digital tuners; electronic tuners; duplexers; SAW (surface Acoustic Wave) devices; couplers; balun; Power dividers; voltage controlled oscillators; wireless communication modules and unit; RF (Radio Frequency) modules; PLL (Phase Locked Loop) synthesizer modules; thermal printer units; other electric utensils for the household; electric flat irons; electric hair curlers; electric hair irons; electric ion steamers for face; electric curlers for eyelashes; trolley ducts for wiring [electricity]; solenoids; counters; switch boards; telephone apparatus; printed circuit; remote control telemetering machines and instruments; high-frequency and regulation apparatus instruments; electric conduits; communication and monitoring appliances for apartment buildings; switching power supply units; earth leakage breakers; fault-current protective switches; magnetic switches; current converters; liquid level controllers; switches and sockets; lighting remote controls; photo-electric switches; circuit

controllers; line selectors; sensor; power controller; frequency controllers; induction voltage regulators; aerials; switch boxes; lighting control apparatus; welding machines; electric arc welding apparatus; welding electrodes; metal cutting machines (by arc, gas, or plasma); electric soldering apparatus.

(73) *Name of applicant*—Matsushita Electric Industrial Co., Limited [Matsushita Denki Sangyo Kabushiki Kaisha], a Japanese Corporation.

(77) *Address*— 1006 Oaza Kadoma, Kadoma-shi, Osaka Prefecture, Japan.

(74) *C/o M/s.* Mugerwa & Masembe Advocates, 3rd Floor, Diamond Trust Building, P.O. Box 7166, Kampala.

(22) *Date of filing application*— 4th June, 2003.

(21) APPLICATION NO. 25843 IN PART "A".

(52) Class 30.

(54)

SPICE N SPICE

(53)

(59)

(64)

(57) *Nature of goods*— All goods included in class 30.

(73) *Name of applicant*—Natraj Trading Company Limited.

(77) *Address*— P.O. Box 7861, Kampala.

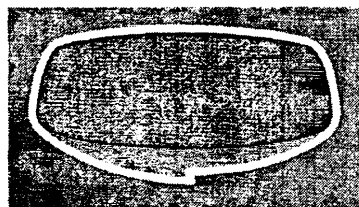
(74) *C/o M/s.* Muhumuza Laki, Twesigire & Co. Advocates, P.O. Box 22852, Kampala.

(22) *Date of filing application*—2nd July, 2003.

(21) APPLICATION NO. 25295 IN PART "A".

(52) Class 30.

(54)



(53)

(59)

(64)

(57) *Nature of goods*—Coffee, coffee extracts and coffee-based preparations; coffee substitutes and extracts of coffee substitutes; tea, tea extracts and tea-based preparations; cocoa and preparations having a base of cocoa, chocolate, chocolate products, confectionery, sweets; sugar; sweeteners, bakery products, bread, yeast, pastry; biscuits, cakes, desserts, puddings; ice cream, products for the preparation of ice cream; honey and honey substitutes; breakfast cereals, rice, pasta, foodstuffs having a base of rice, of flour or of cereals, also in the form of ready-made dishes; sauces; aromatising or seasoning products for food, salad dressings, mayonnaise.

(73) *Name of applicant*—Societe Des Produits Nestle S.A.

(77) *Address*— Vevey Switzerland.

(74) *C/o M/s.* Katende, Ssempebwa & Co. Advocates, P.O. Box 2344, Kampala.

(22) *Date of filing application*— 21st October, 2002.

Kampala,
6th August, 2003.

RITA BBANGA-BUKENYA (MRS.),
Assistant Registrar of Trade Marks.

ADVERTISEMENTS

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Sheema Block 5 Plot 1065 at Kitohwa.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of J. Tumwesigye a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Mbarara,
30th July, 2003.

J.K. KARUHANGA,
for Chief Registrar of Titles

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Kyadondo Block 244 Plot 5189, Area 0.202 Hectares at Kisugu.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Frederick Wilson Nsamba Semaganda of P.O. Box 5410, Kampala, a special Certificate of Title under the above Block and Plot, the Certificate of Title which was originally issued having been lost.

Kampala,
25th July, 2003.

OPIO ROBERT,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Leasehold Register—Volume 1070 Folio 17, Plot No. 9, Kahinju Place, Fortportal, Kabarole.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Charles Kahimbara Bulemu of P.O. Box 7063, Kampala, a special Certificate of Title under the above Volume and Folio, the Certificate of Title which was originally issued having been lost.

Kampala,
25th January, 2002.

ROBERT V. NYOMBI,
for Chief Registrar of Titles.

THE REGISTRATION OF TITLES ACT, 1964.

(Cap. 205).

NOTICE.

ISSUE OF SPECIAL CERTIFICATE OF TITLE.

Singo Block 542 Plot 1, Area 64.8 Hectares at Kyakayondo Estate.

NOTICE IS HEREBY GIVEN that after the expiration of one month from the publication hereof, I intend to issue in the names of Nasanaeri Lutu Mayanja of Kasambya Mut. III Singo, a special Certificate of Title under the above Block and Plot of the Mailo Register, the duplicate Certificate of Title which was originally issued having been lost.

Mityana,
1st August, 2003.

ROBERT NYOMBI,
for Chief Registrar of Titles.

IN THE HIGH COURT OF UGANDA HOLDEN AT
MBALE.

COMPANIES CAUSE No. 0001 OF 2002.

In the Matter of MBALE UNITED TRANSPORTERS LTD
AND

In the Matter of THE COMPANIES ACT(CAP 85).
BETWEEN

1. MAFABI MUTWALIBI	} Petitioners
2. MAKOKA DAVID	
3. FREDRICK WILLIAMS	
4. PATRICK GIDUDU	
5. HUSSEIN ISHAQ	
6. CHARO PHILIP	

AND

MBALE UNITED TRANSPORTERS LIMITED—Respondent
ADVERTISEMENT OF PETITION

NOTICE IS HEREBY GIVEN that a Petition for an order that MBALE UNITED TRANSPORTERS LIMITED may be wound up by the Court under the provisions of the Companies Act or for such other order as shall be just was presented to the High court of Uganda holden at Mbale on the 16th day of September, 2002 by Mutwalibi Mafabi, Makoka David, Fredrick Williams, Patrick Gidudu, Ishaq Hussein and Charo Bill Philip of Samuel Wegoye Advocate, Plot 18 Republic Street, P. O Box 990 Mbale.

And that the said Petition is directed to be heard before the Court sitting at Mbale on the 2nd day of September, 2003; and any creditor or contributory of the said company desirous to support or oppose the making in person or by his advocate for that purpose; and copy of the petition will be furnished by the undersigned to any creditor or contributory of the said Company requiring such copy on payment of the regulated charge for the same.

Signed: MAKOKA DAVID

Address: P.O. Box 1804, Mbale.

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the above-named, notice in writing of his intention so to do. The notice must state the name and address of the person, or, if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their advocate (if any) and must be served, or if posted must be sent by post, in sufficient time to reach the above name not later than 1:00 o'clock in the afternoon of the 30th day of August, 2003.

IN THE HIGH COURT OF UGANDA AT KAMPALA.

HIGH COURT ADMINISTRATION CAUSE No. 655 OF 2003.

In the matter of the estate of the Late Nnambi Dorothy

AND

In the matter of an application for letters of Administration by the Administrator General of P.O. Box 7151, Kampala.

NOTICE OF APPLICATION

TO WHOM IT MAY CONCERN.

TAKE NOTICE that an application for a grant of letters of Administration to the Estate of the late Nnambi Dorothy has been made to this court by the Administrator General of P.O. Box 7151, Kampala.

This court will proceed to grant the same if no caveat is lodged with this Honourable Court within a period of fourteen (14) days from the date of publication of this notice unless cause be shown to the contrary.

DATED at Kampala this 30th day of July, 2003.

P.P OKELLO,
Registrar/Family.

ACTS SUPPLEMENT

to The Uganda Gazette No. 37 Volume XCVI dated 8th August, 2003.

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Act 8 *National Forestry and Tree Planting Act* 2003
THE NATIONAL FORESTRY AND TREE PLANTING ACT, 2003.

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2003

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LAW DEVELOPMENT CENTRE
REFERENCE LIBRARYTHE NATIONAL FORESTRY AND TREE PLANTING
ACT, 2003.

An Act to provide for the conservation, sustainable management and development of forests for the benefit of the people of Uganda; to provide for the declaration of forest reserves for purposes of protection and production of forests and forest produce; to provide for the sustainable use of forest resources and the enhancement of the productive capacity of forests; to provide for the promotion of tree planting; to consolidate the law relating to the forest sector and trade in forest produce; to establish a National Forestry Authority; to repeal the Forests Act, Cap. 246 and the Timber (Export) Act Cap. 247; and for related matters.

DATE OF ASSENT: 17TH JUNE, 2003.

Date of commencement: 8th August, 2003.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. (1) This Act may be cited as the National Forestry and Tree Planting Act, 2003.

Short title
and
commence-
ment.

(2) This Act shall come into force on the date it is published in the *Gazette*.

Act 8

Purposes of
the Act.

2. The purposes of this Act are—

(a) to create an integrated forest sector that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from forests and trees by all the people of Uganda;

(b) to guide and cause the people of Uganda to plant trees;

(c) to ensure that forests and trees are conserved and managed in a manner that meets the needs of the present generation without compromising the rights of future generations by safeguarding forest biological diversity and the environmental benefits that accrue from forests and trees;

(d) to promote the improvement of livelihoods through strategies and actions that contribute to poverty eradication;

(e) to encourage public participation in the management and conservation of forests and trees;

(f) to facilitate greater public awareness of the cultural, economic and social benefits of conserving and increasing sustainable forest cover;

(g) to promote the decentralisation and devolution of functions, powers and services within the forest sector; and

(h) to ensure that environmental benefits, costs and values are reflected in strategies and activities relating to forestry.

3. In this Act, unless the context otherwise requires—

“authorised person” means a forestry officer, an Honorary Forestry Officer, a Wildlife Protection Officer, police officer, or other person designated by the Minister under section 51 to be an authorised person for the purposes of this Act;

Inter-
pretation.

“Authority” means the National Forestry Authority established by section 52;

“Board” means the Board of Directors of the Authority established by section 55;

“central forest reserve” means an area declared to be a central forest reserve under section 6;

“collaborative forest management” means a mutually beneficial arrangement in which a forest user group and a responsible body share roles, responsibilities and benefits in a forest reserve or part of it;

“community forest” means an area declared to be a community forest under section 17;

“currency point” means the value assigned to a currency point in the First Schedule;

“endangered species” means a tree species in danger of extinction and which is unlikely to survive if detrimental or adverse factors prevail, or if remedial action is not taken immediately;

“environmental impact assessment” means a systematic examination conducted in accordance with the National Environment Statute 1995, to determine whether or not a project will have any adverse impact on the environment;

Statute No.
4 of 1995.

“Executive Director” means the Executive Director of the Authority appointed under section 65, or a person authorised to act on his or her behalf;

“firewood” includes parts of a tree made up into bundles or loads or cut up in the manner in which it is usual to cut wood for burning and all refuse wood generally, but does not include sound straight timber, logs or poles of any kind;

“forest” means an area of land containing a vegetation association that is predominantly composed of trees of any size, and includes—

- (a) a forest classified under this Act;
- (b) a natural forest, woodland or plantation;
- (c) the forest produce in a forest; and
- (d) the forest ecosystem;

“forest ecosystem” means any natural or semi-natural formation of vegetation whose dominant element is trees, with closed or partially closed canopy, together with the biotic and abiotic environment;

“forest management” means the practical application of scientific, economic, and social forestry principles to the administration of forests for specific forestry objectives;

“forest produce” means anything which occurs or grows in a forest and includes—

- (a) trees, timber, firewood, poles, slabs, branch wood, wattle, roots, withes, sawdust, charcoal, bark, fibres, resins, gum, wood oil, latex, leaves, flowers, fruits and seeds;
- (b) honey, mushrooms, grass, orchids, climbers, creepers, wood ash, litter, soil;
- (c) stone, gravel, clay or sand which occurs naturally in a forest and which is not a mineral within the meaning of the Mining Act; and
- (d) a living organism or product or derivative of a living organism;

“forestry purposes” means activities relating to the protection, growing or harvesting of forest produce or to the provision of environmental services as described in the management plan for the respective forest reserve;

“forest reserve” means an area declared to be a central or local forest reserve under this Act;

“forestry” means the management and conservation of forests and trees, and includes the management of land that does not have trees growing on it, but which forms part of an area reserved for or dedicated to forestry;

“forest user group” means a group comprising members of a local community registered in accordance with regulations;

“Fund” means the Tree Fund established by section 40;

“graded timber” means timber graded and marked or passed and marked in accordance with regulations;

“Honorary Forestry Officer” means a person appointed by the Minister under section 50;

“inventory” means a survey carried out to determine, in a given area, the constitution, extent and condition of a forest or area reserved for forestry;

“joint management forest reserve” means a forest reserve whose management is shared among two or more lead agencies;

“lead agency” means a person, Ministry, Government department, local government council or administrative unit established under the Local Governments Act 1997, a parastatal, agency or public officer in which or whom a written law vests functions related to the management of trees, forests, forest ecosystems, forest reserves or forest produce;

Act No. 1
of 1997.

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“licence” means a licence issued under this Act;

“livestock” includes cattle, horses, donkeys, mules, pigs, sheep, goats, camels and other domesticated animals, fowl and their young, and in the case of fowl, their eggs;

“local community” includes households and persons living in a defined geographical area, in close proximity to a forest, and identified by common history, common culture or common residence, and may include all the residents of a village which shares a boundary with a forest;

“local council” means local government councils and administrative unit councils established under the Local Governments Act, 1997;

“local forest reserve” means an area declared to be a local forest reserve under section 9;

“local government” means a local council established under section 4(2), (3), (4) and (5) of the Local Governments Act, 1997;

“management plan” means a management plan for a forest reserve, community forest or private forest prepared in accordance with section 28;

“Minister” means the Minister responsible for forestry;

“National Environment Management Authority” means the National Environment Management Authority established by the National Environment Statute, 1995;

“National Forest Plan” has the meaning assigned to it in section 49;

“non-wood forest produce” means all forest produce that is not trees, timber, firewood or any product directly derived from them, or a mineral under the Mining Act;

Act No. 1
of 1997.

Act No. 1
of 1997.

Statute No.
4 of 1995.

Cap. 248.

“prescribed” means prescribed by or under this Act;

“private forest” means a natural forest or a plantation forest or area dedicated to forestry, registered under section 21 or 22;

“protected tree” means a tree or group of trees protected under section 31;

“rare species” means a tree species with a small national population but that is currently not endangered or vulnerable, although it is at risk;

“regulations” means regulations made under section 92;

“reserved species” means a tree species declared to be reserved under section 30;

“responsible body” means a body designated to manage, maintain and control a forest reserve or a community forest under this Act and in the case of a private forest, the owner or person in charge of the forest;

“site of special scientific interest” means an area within a forest reserve set aside as a result of—

(a) special attributes relating to its technical management; or

(b) the presence in it of rare, endangered or vulnerable species, or high biological diversity;

“specimen” includes a wild plant or tree and its derivatives, alive or dead, whether or not native to Uganda, and any readily recognisable part of that plant or tree;

“strict nature reserve” means an area within a forest reserve set aside for species and habitat protection and in which only research, education and monitoring are permitted;

“sustainable management or utilisation” means present use of a resource, which does not compromise the right to use the same resource by future generations;

“timber” includes a tree or any part of a tree which has fallen or been felled, and all wood, whether or not sawn, split, hewn or otherwise cut up or fashioned, but does not include firewood;

“tree” includes palm, bamboo, cane, shrub, bush, climber, seedling, sapling and re-growth of all kinds, and any part of them;

“vulnerable species” means a tree species that may or is likely to become endangered if adverse or detrimental factors are not eliminated.

PART II—FOREST RESERVES AND OTHER FORESTS.

Classific-
ation of
forests.

4. Forests in Uganda are classified as—
- (a) central forest reserves;
 - (b) local forest reserves;
 - (c) community forests;
 - (d) private forests; and
 - (e) forests forming part of a wildlife conservation area declared under the Uganda Wildlife Statute, 1996.

Statute No.
14 of 1996.

Responsi-
bility for
forest
reserves.

5. (1) The Government or a local government shall hold in trust for the people and protect forest reserves for ecological, forestry and tourism purposes for the common good of the citizens of Uganda.

(2) In furtherance of the trust obligations under subsection (1), and in furtherance of the right to a clean and healthy environment, any person or responsible body may bring an action against a person—

(a) whose actions or omissions have had or are likely to have a significant impact on a forest; or

(b) for the protection of a forest.

Central Forest Reserves.

6. (1) The Minister may, on the advice of the Board—

Declaration
of central
forest
reserve.

(a) after consultation with the local council and the local community in whose area the proposed forest reserve is to be located; and

(b) with the approval of Parliament signified by its resolution,

by statutory order, declare an area to be a central forest reserve.

(2) The Minister, in making a statutory order under subsection (1), shall declare a central forest reserve to be, in whole or in part—

(a) a site of special scientific interest for the purpose of—

(i) protecting nature and scenic areas of national or international importance;

(ii) enhancing biological genetic resources in an undisturbed, dynamic and evolutionary state;

(iii) maintaining animal and plant indicator species; or

(iv) preserving rare, endangered or vulnerable species, or high biological diversity;

(b) a strict nature reserve for the purpose of—

(i) protecting streams, rivers, lakes, lakeshores, riverbanks or wetlands;

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- (ii) soil, slope and environment protection; or
- (iii) protecting the ecosystem;
- (c) a joint management forest reserve;
- (d) a recreation forest for purposes of eco-tourism; or
- (e) any other area, for a purpose prescribed in the order.

Procedure
for
declaring a
central
forest
reserve.

7. (1) The Minister shall, before making an order under section 6—

- (a) give simultaneous notice of the proposed declaration in the *Gazette*, in an appropriate print media, and in any other media that is likely to draw the matter to the attention of all interested persons;
- (b) consult with the local community through public meetings and other means that will offer the local community an effective opportunity to express their views concerning the declaration of the reserve;
- (c) ensure that an environmental impact assessment is carried out; and
- (d) where the land on which the proposed forest reserve is to be situated is private land or land in which any person has an interest, acquire the land in accordance with the Constitution, the Land Acquisition Act 1965 and the Land Act 1998.

Act No. 14
of 1965.
Act No. 16
of 1998.

(2) The Minister shall, in a notice issued under subsection (1)(a)—

- (a) identify the location of the land on which the proposed central forest reserve is to be situated, and the approximate area of the land;

- (b) include a summary of the proposed management plan for the forest reserve; and
- (c) invite written comments and representations on the proposed declaration to be made within ninety days after the date of publication of the notice in the *Gazette*.

8. (1) The Minister shall, before amending an order declaring a central forest reserve, comply with the procedure for declaring a central forest reserve prescribed by section 7.

Amendment
of order
declaring
central
forest
reserve.

(2) Where an amendment to an order declaring a central forest reserve will result—

(a) in the reduction of part of the central forest reserve, an area at least equivalent in size to the reduction shall be simultaneously declared a central forest reserve; or

(b) in the removal of the whole forest reserve, an area at least equivalent in size to the abolished reserve shall be simultaneously declared a central forest reserve.

(3) Before a new area is declared a central forest reserve in terms of subsection (2), the environmental impact assessment must find the area to be of equivalent or greater environmental value.

(4) An order declaring a central forest reserve, shall be revoked only where—

(a) soil, slope, or other watershed conditions in the area will not be irreversibly damaged;

(b) an environmental impact assessment carried out in respect of the proposed new land use of the area, finds that the same area can be adequately reforested within five years after harvest or clearance of the land, should the area subsequently be the subject of a new declaration as a central forest reserve;

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CENTRE
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- (c) protection is provided for streams, rivers, lakes, lake shores, river banks, wetlands and wildlife from detrimental changes in temperature or from erosion, pollution, degradation, deposit of sediments and desertification in areas where the proposed new land use is likely to seriously and adversely affect habitats or the environment; and
 - (d) maintenance of animal and plant indicator species within the area is assured.
- (5) An amendment to an order declaring a central forest reserve shall be approved by Parliament, signified by its resolution.

Local Forest Reserves.

Declaration
of local
forest
reserve.

9. (1) The Minister may—

- (a) at the request of the local council in whose area the proposed reserve is to be situated; and
- (b) with the approval of Parliament signified by its resolution,

by statutory order, declare an area to be a local forest reserve.

(2) The Minister, in making a statutory order under subsection (1), shall declare a local forest reserve to be, in whole or in part—

- (a) a site of special scientific interest for the purpose of—
 - (i) protecting nature and scenic areas of national or international importance;
 - (ii) enhancing biological genetic resources in an undisturbed, dynamic and evolutionary state;

- (iii) maintaining animal and plant indicator species; or
- (iv) preserving rare, endangered or vulnerable species or high biological diversity;
- (b) a strict nature reserve for the purpose of—
 - (i) protecting streams, rivers, lakes, lakeshores, riverbanks or wetlands;
 - (ii) soil, slope or environment protection; or
 - (iii) protecting the ecosystem;
- (c) a joint management forest reserve;
- (d) a recreation forest for purposes of eco-tourism; or
- (e) any other area, for a purpose as may be prescribed in the order.

(3) The Minister shall, in every order declaring a local forest reserve under this section, specify a local government as a responsible body for the forest reserve in trust for the people of Uganda, and with effect from the commencement of the order or from a date specified in the order, the management, maintenance and control of the local forest reserve shall be the responsibility of that local government.

LAW DEVELOPMENT
CENTRE
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Procedure
for
declaring a
local forest
reserve.

10. (1) The Minister shall, before making an order under section 9—

- (a) give simultaneous notice of the proposed declaration in the *Gazette*, in an appropriate print media, and in any other media that is likely to draw the matter to the attention of all interested persons;
- (b) consult with the local community through public meetings and other means that will offer the local community an effective opportunity to express their views concerning the declaration of the forest reserve;

LAW DEVELOPMENT CENTRE
REFERENCE LIBRARY

- (c) ensure that an environmental impact assessment is carried out; and
- (d) where the land on which the proposed forest reserve is to be situated is private land or land in which any person has an interest, acquire the land in accordance with the Constitution, the Land Acquisition Act 1965 and the Land Act 1998.

Act No. 14
of 1965.
Act No. 16
of 1998.

(2) The Minister shall, in a notice issued under subsection (1)(a)—

- (a) identify the location of the land on which the proposed local forest reserve is to be situated, and the approximate area of the land;
- (b) include a summary of the proposed management plan for the forest reserve; and
- (c) invite written comments and representations on the proposed declaration to be made within ninety days after the date of publication of the notice in the *Gazette*.

Amendment
of order
declaring
local forest
reserve.

11. (1) The Minister shall, before amending an order declaring a local forest reserve, comply with the procedure for declaring a local forest reserve prescribed by section 10.

(2) Where an amendment to an order declaring a local forest reserve will result—

- (a) in the reduction of part of the local forest reserve, an area at least equivalent in size to the reduction shall be simultaneously declared a local forest reserve; or
- (b) in the removal of the whole forest reserve, an area at least equivalent in size to the abolished reserve shall be simultaneously declared a local forest reserve.

(3) Before a new area is declared a local forest reserve in terms of subsection (2), the environmental impact assessment must find the area to be of equivalent or greater environmental value.

(4) An order declaring a local forest reserve shall be revoked only where—

- (a) soil, slope, or other watershed conditions will not be irreversibly damaged;
- (b) an environmental impact assessment carried out in respect of the proposed new land use of the area finds, that the same area can be adequately reforested within five years after harvest or clearance of the land, should the area subsequently be the subject of a new declaration as a local forest reserve;
- (c) protection is provided for streams, rivers, lakes, lakeshores, riverbanks, wetlands and wildlife from detrimental changes in temperature, or from erosion, pollution, degradation, deposit of sediments, and desertification in areas where the proposed new land use is likely to seriously and adversely affect habitats or the environment; and
- (d) maintenance of animal and plant indicator species within the area is assured.

(5) An amendment to an order declaring a local forest reserve shall be approved by Parliament, signified by its resolution.

12. (1) Where the Minister is satisfied that—

- (a) a local government has failed to manage, maintain and control a forest reserve as required by section 13(3);

Transfer of
management
of local
forest
reserve to
the
Authority.

(b) a local government has failed to implement the management plan for the local forest reserve; or

(c) it is necessary for the proper protection, control and management of a local forest reserve,

the Minister may, by statutory order, transfer the responsibility for the protection, control and management of the local forest reserve to the Authority.

(2) The Minister shall, before making an order under subsection (1), give notice in writing to the local government of his or her intention to make the order and may give a period of not less than ninety days to the local government, within which the council shall take remedial measures or make representations as to why responsibility for the local forest reserve should not be removed from it.

(3) The Minister may, on the application of the local government, revoke an order made under subsection (1)—

(a) if he or she is satisfied that the forest reserve has been restored to an acceptable standard; and

(b) the local government has given an undertaking in writing, to the satisfaction of the Minister, to manage the local forest reserve in accordance with generally accepted principles of forest management.

(4) Notwithstanding subsection (3), the Minister may reclassify the local forest reserve as a central forest reserve in accordance with sections 6 and 7.

Management of Forest Reserves.

Management
of forest
reserves.

13. (1) A forest reserve shall be managed in a manner consistent with the purpose for which it is declared.

(2) For the avoidance of doubt, a forest reserve shall not be put under any use other than in accordance with the management plan.

(3) A responsible body shall manage, maintain and control the forest reserve in accordance with generally accepted principles of forest management as may be prescribed in guidelines issued by the Minister, including but not limited to the following—

- (a) natural forests shall not be destroyed, damaged or disturbed except in the course of carrying out activities for the sustainable management of the forest reserve;
- (b) forests shall be developed and managed so as to—
 - (i) conserve biological diversity, ecosystems and habitats;
 - (ii) sustain the potential yield of their economic, social, health and environmental benefits;
 - (iii) promote the fair distribution of their economic, social, health and environmental benefits;
 - (iv) promote their health and vitality;
 - (v) conserve natural resources, especially soil, air and water quality; and
 - (vi) conserve natural heritage and promote aesthetic, cultural and spiritual values.

14. (1) No person shall, in a forest reserve, cut, disturb, damage, burn or destroy any forest produce, or remove or receive any forest produce except—

- (a) in accordance with regulations or guidelines made for the proper management of the forest reserve;

Prohibited
activities
forest
reserves.

- (b) in the course of the management of the forest reserve by the responsible body;
- (c) in terms of the exercise of a right or interest in the forest reserve; or
- (d) in accordance with a licence issued under this Act.

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

Collaborative
forest
manage-
ment.

15. A responsible body may enter into a collaborative forest management arrangement with a forest user group for the purpose of managing a central or local forest reserve or part of it in accordance with regulations or guidelines issued by the Minister.

Reclassifica-
tion of
forest
reserves.

16. (1) A local community, a local council in the area in which a local forest reserve is situated or an interested person may, at any time in writing, request the Minister to review the status of a central forest reserve or local forest reserve with the object of seeking its reclassification as a local forest reserve or a central forest reserve respectively.

(2) The Minister shall respond in writing to a request made under subsection (1), refusing or allowing the request, within one hundred and eighty days after receipt of the request.

(3) Where the Minister refuses a request made under subsection (1), he or she shall give reasons in writing for the refusal.

(4) Where the Minister allows a request under subsection (1), he or she shall cause the reclassification of the forest reserve to be made—

- (a) where a local forest reserve is to be reclassified as a central forest reserve, in accordance with section 6; and
- (b) where a central forest reserve is to be reclassified as a local forest reserve, in accordance with section 9.

Community Forests.

17. (1) The Minister may—

(a) after consultation with the District Land Board and the local community; and

Declaration
of
community
forest.

(b) upon approval by resolution of the District Council,
by statutory order, declare an area within its jurisdiction to be a
community forest.

(2) The Minister shall, in every order declaring a
community forest under this section, specify a responsible body
for the community forest, and with effect from the
commencement of the order or from a date specified in the order,
the management, maintenance and control of the community
forest shall be the responsibility of that body.

(3) An order made under subsection (1) shall be
published by posting outside the office or other meeting place of
the local government, a notice specifying the situation, duly
surveyed extent and limits of the community forest.

(4) An area declared for use as a community forest
under this section shall not be used for any other purposes
without the approval by resolution of the District Council and
written consent of the Minister.

18. The District Council shall, in amending an order
declaring a community forest, comply with the procedure for
declaring a community forest under section 17.

Amendment
of order
declaring a
community
forest.

Act 8

Management
of
community
forest.

19. (1) Any revenue derived from the management of a community forest by the responsible body shall belong to and form part of the accountable funds of the responsible body and shall be devoted to the sustainable management of the community forest and the welfare of the local community.

Act No. 1
of 1997.

(2) A local government may make bye-laws in accordance with the Local Governments Act 1997, applicable to any community forest in respect of any matter that the local government may deem necessary in accordance with this Act.

Transfer of
management
of
community
forest to
local
government

20. (1) Where, in the opinion of the Minister, it is expedient for ensuring the proper protection, control and management of a community forest, the Minister may, by statutory order, transfer the responsibility for the protection, control and management of the forest to a local government, and immediately, the local government shall exercise all the powers of the responsible body over the community forest.

(2) The Minister may, on the application of the responsible body, revoke an order made under subsection (1), if—

(a) he or she is satisfied that the community forest has been adequately rehabilitated; and

(b) the responsible body has given an undertaking, in writing, to the satisfaction of the Minister, to manage the forest in accordance with generally accepted principles of forest management.

Private Forests.

Private
natural
forests.
Act No. 16
of 1998.

21. (1) A person may register with the District Land Board, a natural forest situated on land owned in accordance with the Land Act 1998, or a forest or land in respect of which a licence is granted in accordance with this Act.

(2) All forest produce in a natural forest registered under subsection (1) belongs to the owner of the forest and may be used in any manner that the owner may determine, except that forest produce shall be harvested in accordance with the management plan and regulations made under this Act.

(3) A District Forest Officer may issue directions to the owner of a plantation forest whether registered under subsection (1) or not, requiring the owner to manage the forest in a professional and sustainable manner.

22. (1) A person may register with the District Land Board, a plantation forest situated on land owned in accordance with the Land Act 1998, or a forest or land in respect of which a licence is granted in accordance with this Act.

Private
forest
plantations.
Act No. 16
of 1998.

(2) All forest produce in a plantation forest registered under subsection (1) belongs to the owner of the plantation and may be used in any manner that the owner may determine, except that forest produce shall be harvested in accordance with the management plan and regulations made under this Act.

(3) A District Forest Officer may issue directions to the owner of a plantation forest registered under subsection (1), requiring the owner to manage the forest in a professional and sustainable manner.

23. (1) Any person may enter into a contractual or other arrangement with the owner or holder of an interest in a private forest, for the right to harvest, purchase, or sell or arrange for the management, harvesting, purchase, or sale of all or any part of the forest produce in the private forest.

Contractual
or other
arrange-
ments.

(2) Where the owner or holder of an interest in a private forest has entered into a contract under subsection (1), the contract may be registered against the title of that owner or occupier of the land to which the contract relates in accordance with the Registration of Titles Act and the Land Act 1998.

Cap. 205
Act No. 16
of 1998.

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(3) Where land has not been alienated, or where no certificate of title to ownership of land has been issued, the District Land Board shall register the contract as a separate folio on the Register Book.

Register of
rights and
interests.

24. The District Land Board shall maintain a register in which all rights and interests of any nature in respect of private forests shall be kept, including—

- (a) the nature of the right or interest;
- (b) the manner in which it came into existence;
- (c) the name of the holder or beneficiary of the right or interest; and
- (d) any other information as may be prescribed.

Forests
owned or
managed by
cultural or
traditional
institutions

25. Subject to article 246 of the Constitution, a traditional or cultural institution or leader may hold, own or manage a forest, subject to such directions as the Minister may prescribe.

Assistance
in forestry
manage-
ment.

26. (1) The Minister, the Authority or a local government may provide technical services to local communities, organisations, cultural or traditional institutions and other persons involved in the development of community forests and private forests and forestry activities in general, and may charge fees for those services.

(2) Assistance under subsection (1) may include—

- (a) providing information, training and advice on the management of forests;
- (b) the establishment and maintenance of nurseries and other facilities necessary for seeds and plants;
- (c) material or financial assistance;

- (d) the collection and dissemination of information, the provision of technical guidance and promotion of public awareness about forestry and the conservation and utilisation of forestry resources;
- (e) the promotion of seed production, agro-forestry and tree growing, and in particular, the growing of fruit species;
- (f) assisting local councils in the conservation and management of local forest reserves;
- (g) promoting the conservation of forest biological diversity and the ecosystem; and
- (h) co-operating and liaising with other lead agencies in the management of forests and forest produce.

27. (1) For the avoidance of doubt, Government or a local government has no ownership over trees or forest produce situated on private land.

Ownership
of trees on
private land.

(2) A District Forest Officer may issue directions to the owner of trees or forest produce situated on private land, requiring the owner to manage the trees or forest produce in a professional and sustainable manner.

Management Plans.

28. (1) A responsible body shall prepare a management plan and, in the case of a forest reserve or community forest, the plan shall be prepared in consultation with the local community.

Manage-
ment plan.

(2) A management plan shall—

- (a) contain a description of all matters relating to the forest, the forest produce and the use currently being made of the forest produce;
- (b) state the type of activities to be carried out in the forest;

- (c) state the management objectives of the forest;
- (d) state the measures to be taken for the sustainable management of the forest, and, except in the case of a private forest, the involvement of local communities in the management of the resources;
- (e) state the resources likely to be available to enable the management plan to be executed; and
- (f) contain any other information as the Minister may prescribe.

(3) A management plan shall be approved by the Minister or by a person designated by the Minister for that purpose.

(4) A management plan made under this section is binding on all persons having dealings with or interests in the forest.

(5) A management plan shall be disseminated to the local community.

(6) A management plan shall be revised every five years, or within such other time as the Minister may prescribe.

(7) For the avoidance of doubt, a management plan shall be prepared, within one year after the coming into force of this Act, for every forest reserve declared under the Forests Act, and in existence at the commencement of this Act.

PART III—PROTECTION AND CONSERVATION OF ASSETS.

29. (1) All forest biological resources and their derivatives, whether naturally occurring or naturalised within a forest, shall be conserved and managed for the benefit of the people of Uganda in accordance with this Act and any other law relating to biological resources.

(2) The transfer of any forest biological resources and their derivatives from the territorial jurisdiction of Uganda shall not diminish or extinguish the sovereignty of Uganda over those resources.

Cap. 246.

Sovereignty
over forest
biological
resources.

(3) The Minister is the lead agency for regulating access to forest genetic resources and shall, for that purpose, collaborate with other lead agencies in accordance with this Act, other laws, conventions and protocols relating to the management or control of biological resources, including cross-border bio-diversity.

30. (1) The Minister may, in the case of a tree species of international or national importance that is endangered, rare or threatened, declare, by statutory order, that tree species to be a reserved species which shall be subject to such controls as the Minister may specify in the order.

Reserved
species.

(2) A District Council may, in the case of a tree species of local importance that is endangered, rare or threatened, declare, by statutory order, that tree species to be a reserved species which shall be subject to such controls as the District Council may specify in the order.

(3) The Minister shall, before making an order under this section—

- (a) assess, make and publish a report on the socio economic and ecological impacts of the proposed declaration;
- (b) ensure that the declaration is based on the results of an assessment relating to species status and the state of the forest ecosystem; and
- (c) take into account the views and representations of the affected local community.

(4) The absence of sufficient scientific evidence shall not be used by the Minister or District Council as a reason for refusing to declare a species as a reserved species for the purposes of this section.

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Protected
trees.

31. (1) The Minister or a District Council may, by statutory order, in respect of private land declare a particular tree, or group of trees on that land to be a protected tree or trees subject to such controls as the Minister may specify in the order.

(2) A declaration under subsection (1) shall be for the purpose of—

- (a) preserving scenic beauty or attraction;
- (b) conserving a distinctive specimen of any tree species;
- (c) preventing soil erosion;
- (d) conservation of biological diversity or species diversity; or
- (e) conservation, protection and development of natural resources.

(3) The Minister or a District Council shall, before making an order under this section—

- (a) assess, make and publish a report on the socio economic and ecological impacts of the proposed declaration;
- (b) ensure that the declaration is based on the results of an assessment relating to species status and the state of the particular tree or group of trees; and
- (c) take into account the views of the affected communities.

(4) Any person who, without the written consent of the Minister or the respective District Council—

- (a) cuts, damages, destroys, disturbs or removes any protected tree; or
- (b) collects, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of any part of a protected tree,

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

32. (1) No person shall, except, for forestry purposes and in accordance with a management plan, or in accordance with a licence granted under this Act, in a forest reserve or community forest—

Prohibited
activities.

(a) cut, take, work or remove forest produce;

(b) clear, use or occupy any land for—

(i) grazing;

(ii) camping;

(iii) livestock farming;

(iv) planting or cultivation of crops;

(v) erecting of a building or enclosure; or

(vi) recreational, commercial, residential,
industrial or hunting purposes;

(c) collect biotic and abiotic specimens; or

(d) construct or re-open a road, track, bridge, airstrip, or
landing site.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding three years, or both.

33. (1) Subject to the management plan, a member of a local community may, in a forest reserve or community forest, cut and take free of any fee or charge, for personal domestic use in reasonable quantities, any dry wood or bamboo.

Domestic
use of forest
produce.

(2) For the avoidance of doubt, no person may, in a strict nature reserve or a site of special scientific interest cut or take dry wood or bamboo or other forest produce.

Act 8

Prevention
of damage.

34. (1) A person cutting, working, harvesting, removing or taking forest produce from a forest reserve shall take all care and necessary precautions to prevent damage to other forest produce or to the environment.

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

Precaution
against fire.

35. (1) No person shall light or cause to be lit a fire in a forest, except in a place established for that purpose, or as otherwise permitted by an authorised person.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to imprisonment for a term not exceeding seven years.

(3) An authorised person may burn or authorise any person to burn such fire-lines or grass or other inflammable material as may, in his or her opinion, be necessary for the control of fire or for the better protection or management of any part of a forest.

Pests and
diseases.

36. The Minister, the Authority or a District Council shall, in the media, notify the public of the existence of plant and livestock pests or diseases dangerous to forests or forest produce and prescribe the measures to be taken to control or eradicate those pests and diseases.

Inventory of
forests.

37. (1) The Minister shall, in consultation with the lead agencies, make an inventory of all forests in Uganda.

(2) An inventory made under subsection (1) shall—

(a) state the total area of forests and other areas used for forestry;

- (b) state the type and quantity of forest resources in the forests and other areas used for forestry;
- (c) make recommendations for areas that require forest cover through afforestation and reforestation; and
- (d) state any other matter as the Minister may prescribe.

38. A person intending to undertake a project or activity which may, or is likely to have a significant impact on a forest shall undertake an environmental impact assessment.

Environment
impact
assessment.

PART IV—TREE PLANTING AND GROWING.

39. (1) The Minister or a District Council shall issue directions for the planting and growing of trees.

Tree
planting and
growing.

(2) Directions issued under subsection (1) may provide for—

- (a) the area to which the directions apply;
- (b) the persons, or classes of persons, to undertake the tree planting;
- (c) the frequency of tree planting;
- (d) the specifications of the tree planting to be undertaken;
- (e) the days on which tree planting is mandatory; and
- (f) any other matter relating to tree planting.

40. (1) There is established a Tree Fund.

Tree Fund.

(2) The Fund shall be managed by a body appointed by the Minister.

(3) The monies of the Fund shall consist of—

- (a) monies appropriated by Parliament;
- ~~(b)~~ loans obtained by Government;
- (c) grants, gifts and donations;
- (d) any monies required to be paid into the Fund; and
- (e) monies from any other source approved by the Minister in writing, in consultation with the Minister responsible for finance.

(4) The Fund shall be used—

- (a) to promote tree planting and growing at national and local level; and
- (b) to support tree planting and growing efforts of a non-commercial nature which are of benefit to the public.

(5) The administrative costs of managing the Fund shall be charged to the Fund.

(6) The Minister shall direct the managing body of the Fund to maintain accounts which shall be audited annually by the Auditor General.

(7) The managing body of the Fund shall submit to the Minister, once in every six months, a report on the operations of the Fund, giving such information on the affairs of the Fund as the Minister shall specify in writing.

(8) The Minister shall submit an annual report to Parliament on the performance of the Fund.

PART V—LICENCES.

Licences.

41. (1) A responsible body may, subject to the management plan, grant a licence to an interested person for—

- (a) the cutting, taking, working or removing of forest produce from a forest reserve or community forest; or

(b) the sustainable utilisation and management of the forest reserve or community forest.

(2) A responsible body shall in accordance with regulations, prescribe the terms, conditions, rights and fees for a licence granted under this section.

(3) Nothing in this section shall be deemed to transfer to or vest in the person granted a licence, any privilege, right, title, interest or easement over the forest reserve or community forest, other than that stated in the terms of the licence.

42. A responsible body shall, through a fair, open and competitive process in accordance with procedures prescribed by regulations, invite applications for a licence under this Act.

Application
for licence.

43. (1) No person shall, except in accordance with section 33 or where he or she has been granted a licence for the purpose, grow, cut, take, work or remove any forest produce from a forest reserve or community forest.

Unlicensed
activities.

(2) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or to imprisonment for a term not exceeding three years, or both.

PART VI—TRADE IN FOREST PRODUCE.

44. (1) No person shall export timber without an export licence issued by a licensing authority appointed by the Minister.

Timber
export
licences.

(2) A person who exports or attempts to export timber without a licence issued in accordance with subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points or imprisonment for a term not exceeding three years or both.

(3) An export permit issued under this section shall be issued only for the export of graded timber.

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Restriction
on
movement
of forest
produce.

45. The Minister may, on the advice of the Authority and lead agencies, by statutory order, prohibit or restrict the movement by any person of forest produce for such periods, in such areas and on such terms as may be specified in the order.

PART VII—ADMINISTRATION.

Responsi-
bilities of
Minister.

46. The Minister is responsible for—

- (a) policy formulation and planning; and
- (b) ensuring the implementation of functions connected with the implementation of the forestry policy, the National Forest Plan and this Act.

Mandate of
responsible
Ministry in
relation to
local gover-
nments.
Act No. 1
of 1997.

47. For the purposes of ensuring the implementation of national policies with respect to the forest sector and adherence to performance standards by local governments, the Minister is, in accordance with the Local Governments Act, 1997, responsible for—

- (a) inspecting, monitoring and co-ordinating Government initiatives and policies in the forest sector as they apply to local governments;
- (b) co-ordinating and advising persons and organisations in relation to forest projects involving direct relations with local governments; and
- (c) assisting in the provision of technical advice, support, supervision and training to local governments to enable them to carry out the delivery of forestry services in their respective areas, and to develop their capacity to manage local forest reserves and community forests.

District
Forestry
Office.
Act No. 1
of 1997.

48. (1) A District Council shall, in accordance with the Local Governments Act 1997, establish a District Forestry Office, which shall be funded by the Government.

(2) A District Council shall appoint a District Forestry Officer and such other officers, as the Government may determine, to run the District Forestry Office established under subsection (1).

(3) The functions of a District Forestry Officer are—

- (a) to advise the District Council on all matters relating to forestry;
- (b) to liaise with the Authority and other lead agencies on matters relating to forestry;
- (c) to promote forestry awareness in the district;
- (d) to promote the planting of trees;
- (e) to undertake duties involved in the management of local forest reserves;
- (f) to advise and support the management of community forests;
- (g) to assist in the development and provision of advisory services relating to private forests;
- (h) to cause to be prosecuted, any person wilfully destroying any forest resources in contravention of this Act; and
- (i) to perform any other function as the District Council may prescribe.

49. (1) The Minister shall cause to be prepared a National Forest Plan, which shall be a public document and which shall be the framework for the implementation of the forestry policy and programmes by Government and stakeholders in the forest sector.

(2) In preparing the National Forest Plan under subsection (1), the views of persons and organisations involved in forestry in the public and private sector shall be sought and taken into account, and in particular the views of persons whose livelihoods are dependent on the forest sector.

(3) The Minister shall submit the National Forest Plan to Cabinet for approval.

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GEOGRAPHICAL INFORMATION

National
Forest Plan.

(4) The National Forest Plan shall, after Cabinet has approved it, be published in the *Gazette*.

(5) The Minister shall cause the National Forest Plan to be monitored and periodically reviewed.

Honorary
Forestry
Officers.

50. (1) The Minister may appoint suitably qualified persons as Honorary Forestry Officers, on such terms and conditions as the Minister shall determine, to assist in the implementation of this Act.

(2) The appointment of an Honorary Forestry Officer shall be effective for an area or function as the Minister shall determine.

(3) An appointment under this section shall be by notice in the *Gazette*.

Authorised
persons.

51. The Minister may, by notice in the *Gazette*, designate as many officers as he or she may deem fit, from duly qualified public officers, whether by name or by title of office, to be authorised persons for the purposes of this Act and shall state the area, functions and limits of operation of the authorised person.

PART VIII—NATIONAL FORESTRY AUTHORITY.

✓
Establish-
ment of the
Authority.

52. (1) There is established the National Forestry Authority.

(2) The Authority is a body corporate with an official seal and may, for the discharge of its functions under this Act—

(a) acquire, hold and dispose of moveable and immovable property;

(b) sue and be sued; and

(c) do all acts and things as a body corporate may lawfully do.

(3) The Authority shall be under the general supervision of the Minister.

53. (1) The official seal of the Authority shall be in a form determined by the Board.

Official seal
of the
Authority.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the Executive Director and one other member of the Board.

(3) In the absence of the Executive Director, the person performing the functions of the Executive Director shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Authority by the Executive Director, or by any member of the Board or any other person if that member of the Board or other person has been duly authorised by resolution of the Board to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the Authority in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

54. (1) The functions of the Authority are—

Functions of
the
Authority.

- (a) to develop and manage all central forest reserves;
- (b) to identify and recommend to the Minister, areas for declaration as central forest reserves, and the amendment of those declarations;
- (c) to promote innovative approaches for local community participation in the management of central forest reserves;
- (d) to prepare and implement management plans for central forest reserves and to prepare reports on the state of central forest reserves and such other reports as the Minister may require;

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- (e) to establish procedures for the sustainable utilisation of Uganda's forest resources by and for the benefit of the people of Uganda;
- (f) to co-operate and co-ordinate with the National Environment Management Authority and other lead agencies in the management of Uganda's forest resources;
- (g) in conjunction with other regulatory authorities, to control and monitor industrial and mining developments in central forest reserves;
- (h) in consultation with other lead agencies, to develop, or control the development of tourist facilities in central forest reserves;
- (i) to enter into an agreement or other arrangement with any person, for the provision of forestry services, subject to such charges as may be agreed upon;
- (j) to carry out or commission research for the purposes of conservation, development and utilisation of forests, and for the conservation of biological diversity and genetic resources; and
- (k) to ensure the training of forestry officers and other public officers in the development and sustainable management of forests.

(2) The Authority may, in addition to the functions specified in subsection (1), perform any of the following functions in accordance with a contract entered into for the purpose, and subject to such charges as may be agreed upon—

- (a) inspect, monitor and co-ordinate local governments in the management of their respective local forest reserves, and produce reports on the state of local forest reserves as the Minister may require;

- (b) provide technical support and guidance to District Forest Officers in their delivery of forestry advisory services relating to community forests, private forests, the promotion of tree planting, growing and forestry awareness;
- (c) supervise and train local governments in the implementation of the provisions of this Act relating to the planting, protection and conservation of trees and forests;
- (d) advise on innovative approaches for local community participation in the management of local forest reserves;
- (e) advise on, and support the preparation of management plans for local forest reserves, private forests and other forests on private land;
- (f) in conjunction with other lead agencies, monitor and guide the development of tourist facilities in local forest reserves, private forests and other forests on private land; and
- (g) liaise with the National Environment Authority in the protection of Uganda's forest resources, and the evaluation of environmental impact assessments undertaken in accordance with section 38.

(3) The Authority shall perform such other functions as may be conferred on it under this Act or by the Minister in writing.

55. (1) The Authority shall have a Board of Directors consisting of seven members, at least two of whom shall be females, as follows—

- (a) a Chairperson;
- (b) the Executive Director who shall be an *ex-officio* member; and

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Board of
Directors.

(c) five other members.

(2) The members of the Board shall be persons of high moral character and proven integrity who have had experiences of, and shown capacity in forestry, environment management, business and administration.

(3) The Minister shall appoint the members of the Board.

(4) The Minister shall, in appointing the members of the Board, ensure that there is a balance of skills and experience among the members of the Board.

(5) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

Disqualifica-
tion from
appointment
as member.

56. A person shall not be appointed to the Board who is an undischarged bankrupt or who has made any assignment or arrangement with his or her creditors.

Tenure of
office of
Board
members.

57. (1) A member of the Board, other than the Executive Director, shall hold office for three years and is eligible for re-appointment for one more term, except that of the first members to be appointed to the Authority, three shall be appointed to hold office for two years.

(2) A member of the Board may, at any time, resign his or her office by letter addressed to the Minister.

(3) The Minister may, at any time, remove a member of the Board, from office—

(a) for inability to perform the functions of his or her office arising from infirmity of body or mind;

(b) for misbehaviour or misconduct;

(c) for incompetence;

(d) if the member is absent without prior permission of the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four

consecutive meetings of the Board, or is absent from Uganda for more than twelve consecutive months;

(e) if the member is bankrupt or insolvent or enters into a composition scheme with his or her creditors; or

(f) if the member is convicted of an offence involving dishonesty, fraud or moral turpitude.

58. Where a member is removed from office under this section, the Minister may appoint another person qualified in accordance with section 55(2) to replace that member.

Filling of
vacancies of
the Board.

59. The Chairperson and the members of the Board shall be paid such remuneration as the Minister may determine.

Remunera-
tion of
Board
members.

60. (1) The Board is responsible for the general direction and supervision of the Authority.

Functions of
the Board.

(2) Without prejudice to the generality of subsection (1) the Board shall—

(a) review and approve operating plans, budgets, reports and audited financial statements of the Authority;

(b) oversee the operations of the Authority;

(c) provide guidance to the Executive Director and staff of the Authority; and

(d) establish and approve rules and procedures for appointment, termination, discipline and terms and conditions of service of staff of the Authority.

(3) The Board is, in the performance of its functions, responsible to the Minister.

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61. The Second Schedule has effect in relation to meetings of the Board and other matters provided for in that Schedule.

Meetings of
the Board.

Committees
of the
Board.

62. (1) The Board may appoint committees to advise it on any matter concerning the functions of the Board as it may determine.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Board and such other persons, whether members of the Board or not, as the Board may determine.

(3) The Board shall, in writing, specify the terms and conditions of service of the members of a committee appointed under subsection (1).

(4) The Board may delegate any of its functions under this Act to a committee appointed under this section.

(5) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(6) Members of a committee appointed under this section may be paid such allowances as the Board may determine.

(7) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

Forestry
Committees.

63. (1) The Authority may, in consultation with the respective local governments, establish Forestry Committees.

(2) A Forestry Committee established under subsection (1) shall consist of—

(a) a Chairperson appointed by the Authority;

(b) one person to represent each of the District administrations covered by the respective forest management area;

(c) a senior employee of the Authority in the area who shall be the secretary to the committee; and

(d) four persons including at least one female, who are knowledgeable in forestry matters nominated by a process of public advertisement.

(3) The board shall specify the terms and conditions of service of the Forestry Committees.

64. (1) The functions of a Forestry Committee are—

Functions of
Forestry
Committees.

(a) to inform the Authority of the ideas, desires and opinions of the people in the respective areas on all matters relating to the conservation and use of the central forest reserves;

(b) to assist local communities to benefit from the central forest reserves;

(c) to advise the Authority on the implementation of its functions under this Act; and

(d) to perform such other functions as the Authority may require or delegate to it.

(2) A Forestry Committee shall submit to the Authority an annual report on its activities and other matters related to forestry management in the area.

(3) The Board shall give directions in writing to a Forestry Committee relating to the procedure for meetings of the committee.

Staff of Authority.

65. (1) There shall be an Executive Director of the Authority who shall be appointed by the Minister on the recommendation of the Board, on terms and conditions to be specified in the instrument of appointment.

Executive
Director

(2) The Executive Director shall be a person with professional qualifications and relevant experience in administration, economics, finance, law, management, environment or technical knowledge relating to forestry.

Functions of
Executive
Director.

66. (1) The Executive Director is the chief executive officer of the Authority and is responsible for the day-to-day operations and administration of the Authority.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director is responsible for—

- (a) the implementation of the policies and programmes of the Authority and reporting on them to the Board;
- (b) the proper management of the funds and property of the Authority;
- (c) the organisation and control of the staff of the Authority;
- (d) the development of an operating plan to guide the Authority in achieving its objectives;
- (e) the development of management plans for the utilisation of forestry resources in the central forest reserves;
- (f) co-operation with other lead agencies and organisations in the forest sector;
- (g) the development of an economic, efficient and cost effective internal management structure; and
- (h) performing any other duty that may be assigned to him or her by the Board.

(3) The Executive Director is, in the performance of his or her functions, answerable to the Board.

67. (1) The Executive Director shall hold office for three years and is eligible for re-appointment for one more term.

(2) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt or insolvent, or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence involving dishonesty, fraud or moral turpitude;

Tenure of
office of
Executive
Director.

(d) he or she is removed from office by the Minister on the recommendation of the Board for—

- (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (ii) misbehaviour or misconduct; or
- (iii) incompetence.

68. (1) The Board may, on the advice of the Executive Director, appoint other officers and staff of the Authority as may be necessary for the effective performance of the functions of the Authority.

Other officers and staff of the Authority.

(2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their instruments of appointment.

69. A member of the Board or an employee of the Authority or a person acting on the directions of such a person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Authority.

Protection of members and employees.

Finances.

70. The funds of the Authority shall consist of—

Funds of the Authority.

- (a) money appropriated by Parliament for the purposes of the Authority;
- (b) fees charged for services rendered by the Authority under this Act;
- (c) revenue earned from activities of the Authority under this Act;
- (d) grants, gifts or donations from the Government or other sources made with the approval of the Minister responsible for finance; and
- (e) any other funds received by the Authority in the performance of its functions under this Act.

Duty to
operate on
sound
financial
principles.

71. The Board shall, in discharging its duties in relation to the Authority, perform its functions in accordance with sound financial and commercial practice and shall ensure that revenue is sufficient to meet expenditure.

Power to
open and
operate
bank
accounts.

72. (1) The Board shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The Board shall ensure that all money received by or on behalf of the Authority is banked as soon as practicable after being received.

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the bank accounts of the Board without the authority of the Board.

Borrowing
powers.

73. The Board may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the Authority under this Act.

Investment
of surplus
funds.

74. Any funds of the Authority not immediately required for any purpose under this Act may be invested in a manner which the Board may, after consultation with the Minister and the Minister responsible for finance, determine.

Estimates.

75. (1) The Executive Director shall, within two month before the end of each financial year, cause to be prepared and submitted to the Board for its approval, estimates of the income and expenditure of the Authority, and the operating plan for the next financial year.

(2) The Board shall, within two months, cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure submitted by the Executive Director under subsection (1) as approved by the Board.

Financial
year of the
Authority.

76. The financial year of the Authority is the period of twelve months beginning on the first day of July in each year and ending on the 30th day of June in the next calendar year.

Accounts.

77. (1) The Executive Director shall cause to be kept proper books of accounts and records of the transactions of the Authority.

(2) Subject to any direction given by the Minister, the Board shall cause to be prepared and submitted to the Minister and the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts, which shall include—

- (a) a balance sheet, a profit and loss account and a source and application of funds statement; and
- (b) any other information in respect of the financial affairs of the Authority as the Minister responsible for finance may, in writing require.

78. (1) The Auditor General shall, in each financial year, audit the accounts of the Authority.

Audit.

(2) The Board shall ensure that within four months after the end of each financial year, a statement of accounts described in section 77(2) is submitted to the Auditor-General for auditing.

(3) The Auditor General shall have access to all books of accounts, vouchers and other records of the Authority, and is entitled to any information and explanation required in relation to those records.

79. (1) The Board shall, within three months after the end of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, containing such information as the Minister may require.

Annual and
other
reports.

(2) The Board shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

80. Any notice or document may be served on the Authority by delivering it at the office of the Executive Director or by sending it by registered post to the Executive Director.

Service of
documents.LAW DEVELOPMENT
CENTRE
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PART IX—OFFENCES.

General
offences.

81. Any person who—

- (a) contravenes any of the terms or conditions of a licence granted under this Act;
- (b) without due authority, alters, moves, destroys or defaces any boundary mark of a forest;
- (c) fails to sustainably manage, maintain and control a forest in accordance with this Act;
- (d) fails to comply with a management plan;
- (e) fails or neglects to plant trees in accordance with this Act; or
- (f) fails to comply with the order of an authorised person,

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

Counter-
feiting and
similar
offences.

82. Any person who—

- (a) counterfeits or issues without due authority, an licence;
- (b) is found in possession of a licence which is fraudulently issued;
- (c) submits false information in an application for a licence under this Act;
- (d) counterfeits, alters, obliterates or defaces any stamp, mark, sign or licence issued under this Act;

- (e) knowingly receives or keeps in his or her possession any forest produce which is fraudulently marked or which has been cut or removed in contravention of this Act;
- (f) counterfeits or fraudulently uses on any forest produce, a mark used by an authorised person; or
- (g) transports, deals in or stores timber with counterfeit marks;

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding five years.

83. A person convicted of an offence under this Act for which no penalty is provided is liable—

- (a) in the case of a first offence, to a fine not exceeding thirty currency points or imprisonment for a term not exceeding three years or both; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding forty currency points or imprisonment for a term not exceeding five years or both.

84. (1) The court by which a person is convicted of an offence under this Act may order the forfeiture of—

- (a) any forest produce in respect of which the offence was committed or which was found in that person's possession; or
- (b) any vehicle, machinery, weapon or other thing which was used to commit the offence or which was capable of being used to take forest produce found in his or her possession.

(2) Any forest produce forfeited under subsection (1) shall, unless otherwise ordered by the court, be sold or otherwise disposed of—

- (a) as the responsible body may direct; or
- (b) where the responsible body has been convicted of the offence, sold or otherwise disposed of as the Minister directs.

Power of
court to
order
compens-
ation.

85. A person who is convicted of an offence against 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 State, 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 produce; or
- (b) up to ten times the amount of any fees, royalties or other payments which, had the act constituting the offence been authorised, would have been payable in respect of the authorised act.

Cancellation
of licences,
etc.

86. The court may, on convicting a person granted a licence under this Act of an offence against this Act—

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

Further
powers of
court.

87. A court, on convicting any person—

- (a) for an offence against this Act, may order that person, within a time specified in the order, to do any act the person had failed, refused or neglected to do;
- (b) of clearing, using or occupying land in a forest reserve shall, in addition to any other penalty it may impose, order that person, within a time to be specified in the order—
 - (i) to vacate the land;

- (ii) to restore the land to its original state; or
- (iii) to remove from the land any livestock, buildings or enclosures which he or she may have erected, and any crops which he or she may have planted on that land.

88. (1) An authorised person may arrest, without warrant, any person whom he or she reasonably suspects has committed, or is in the process of committing an offence under this Act.

Powers of
authorised
person

(2) Where an authorised person suspects that any person is in possession of any forest produce unlawfully obtained, he or she may search that person or any baggage, package, parcel, conveyance, vehicle, tent or building under the control of that person.

(3) An authorised person may seize and detain any forest produce, livestock, tools, boats, conveyance, machinery, or other implements, which he or she reasonably suspects, are liable to be forfeited under this Act.

(4) Where the officer acting under subsection (3) is of the opinion that the item seized is subject to speedy and natural decay or will entail avoidable expenses on the part of Government, he or she may sell it, and the proceeds of that sale shall be treated in the same manner as the seized item would have been treated if there had been no sale.

(5) No action shall be brought against an authorised person or a person acting under his or her direction in respect of any deterioration in quality or value of any forest produce, instrument or item seized under subsection (3).

(6) An officer seizing or detaining any item under subsection (3) shall commence administrative proceedings leading to prosecution in respect of that item without delay.

Obstruction
of
authorised
person.

89. A person who obstructs an authorised person in the execution of his or her duties under this Act commits an offence and is liable, on conviction, to a fine not exceeding thirty currency points, or to imprisonment for a term not exceeding three years, or both.

Penalties
under
statutory
orders.

90. A statutory order made under this Act may prescribe in respect of a contravention of the statutory order, that the offender is liable to a fine not exceeding forty currency points or imprisonment for a term not exceeding five years, or both, and in the case of a continuing offence, to an additional fine not exceeding two currency points in respect of each day or part of a day on which the offence continues.

PART X—MISCELLANEOUS.

Access to
information.

91. (1) Every citizen has a right of access to any information relating to the implementation of this Act, submitted to or in the possession of the State, a local council, the Authority or a responsible body.

(2) A person desiring information under subsection (1) shall apply to the relevant body under subsection (1), and shall be granted access to the information on the payment of the prescribed fee, if any in a prescribed manner.

(3) Freedom of access to information under this section does not extend to proprietary information which is treated as confidential.

(4) For purposes of this section, "proprietary information" shall mean information on research or practices initiated or paid for by an individual or private company or financial standing of an individual or private company which is not for public consumption.

Regulations.

92. (1) The Minister may, by statutory instrument, make regulations—

(a) for any purpose for which regulations may be made under this Act;

- (b) prescribing anything which may be prescribed under this Act; and
- (c) generally for the purpose of carrying into effect the provisions of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) the principles by which the fees, if any, for a licence may be determined by the responsible body;
- (b) the manner in which a responsible body may sell or dispose of forest produce from a forest reserve;
- (c) the species of trees or other forest produce which may be cut or removed from a forest reserve, and the manner in which the trees or produce may be removed or cut;
- (d) the areas within a forest reserve in which forest produce may or may not be cut or removed, and the replanting of trees and the closing or partial closing of areas to cutting and removing of produce;
- (e) the prohibition or regulation of trade in forest produce and genetic materials;
- (f) the trade names to be used for tree species and other forest produce;
- (g) the notification of plant and livestock pests and diseases dangerous to forests and forest produce and the measures to be taken to control or eradicate the notified pests or diseases;
- (h) the prohibition, control and management of fires;
- (i) the introduction of alien and exotic species;
- (j) the certification and control of tree seeds and other reproductive materials;

- (k) the manner and circumstances in which a licence may be granted, varied, suspended or cancelled;
- (l) the prohibition or control of acts, materials or machines likely to cause damage to a forest reserve or community forest;
- (m) the prohibition or regulation of the entry of persons or vehicles into a forest reserve or part of a forest reserve or community forest;
- (n) the compulsory use of approved or other devices for marking livestock as may be necessary to identify livestock licensed or permitted to graze in a forest reserve or community forest;
- (o) the sustainable management or utilisation of forests;
- (p) the prohibition of any act or directing the responsible body or the owner of a forest to take necessary steps for the protection of any forestry resource;
- (q) forest utilisation practices, including joint forest management and collaborative forest management;
- (r) the granting of rights in or over forests;
- (s) the exercise of control over the collection, removal and sale of reserved species;
- (t) the exercise of control over the collection, removal and sale of protected trees;
- (u) the compiling and maintaining of an inventory and a register of forests;
- (v) the certification of forests and labeling of forest produce to verify its origin from sustainable sources of supply;
- (w) the appointment of a licensing authority for the issuing of timber export licences and the granting, refusal, suspension and revocation of timber export licences;

- (x) the export of timber and the inspection and grading of timber;
- (y) the registration and management of private forests;
- (z) the issuing of directions for the planting of trees, and the designation of areas for the mandatory planting of trees in any part of Uganda;
- (aa) support to the development of the trade in carbon sequestration credits;
- (bb) guidelines for the declaration of central, local and community forest reserves; and
- (cc) guidelines for accessing information including the relevant application form.

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(3) Regulations made under this section may prescribe, in respect of a contravention of the regulations, that the offender is liable to a fine not exceeding fifty currency points, or to imprisonment for a term not exceeding five years, or both.

93. (1) The Minister may, by statutory instrument, with the approval of Cabinet, amend the First Schedule.

Amendment
of
Schedules.

(2) The Minister may by statutory instrument, amend the Second Schedule.

94. All property and assets vested in the Forestry Department before the commencement of this Act shall vest in the Authority, subject to all interests, liabilities, obligations and trusts affecting the property.

Transfer of
assets and
liabilities.

95. (1) The Authority shall, on the effective date of its operations, accept into its employment, every person who, immediately before the commencement of this Act, was an employee of the Forestry Department and who was given an option to serve by the Authority and has opted to serve as an employee of the Authority.

Employees
of Forestry
Department.

(2) A person employed by the Forestry Department at the time of the commencement of this Act shall be paid terminal benefits and pensions in accordance with the existing terms and conditions of service of that employee and shall cease to be a staff of the Forestry Department.

(3) A person who is not accepted as an employee of the Authority is entitled to terminal benefits and pensions in accordance with the existing terms and conditions of service of that employee.

Repeal and
savings.

Cap. 246.

Cap. 247.

96. (1) The following Acts are repealed—

(a) the Forests Act; and

(b) the Timber (Export) Act.

(2) A statutory instrument made under any of the Acts repealed by subsection (1), and which is in force immediately before the commencement of this Act, shall remain in force until revoked by regulations made under this Act.

(3) A licence or permit issued under any of the Acts repealed by subsection (1), and which is in force immediately before the commencement of this Act—

(a) shall have effect from the commencement of this Act as if granted under this Act; and

(b) 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.

(4) Any agreement or similar arrangement made under any of the Acts repealed by subsection (1) shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

FIRST SCHEDULE

SECTIONS 3, 93.

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

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SECOND SCHEDULE

SECTION 61

MEETINGS OF THE BOARD.

Meetings of
the Board.

1. (1) The Chairperson shall convene every meeting of the Board at such times and places as the Board may determine, and the Board shall meet for the discharge of business at least once in every three months.

(2) The Chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least four members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, the members present shall elect one of their number to preside at that meeting.

Quorum.

2. (1) The quorum for a meeting of the Board is four members.

(2) All decisions at a meeting of the Board shall be by a majority of the votes of the members present and voting and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

Power to
co-opt.

3. (1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Authority, to attend and take part in the proceedings of the Board.

(2) A person attending a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have any right to vote at that meeting.

Validity of
proceedings
not affected
by vacancy.

4. The validity of any proceedings of the Board shall not be affected by a vacancy in its membership, or by any defect in the appointment or qualification of a member.

5. (1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall disclose the nature or extent of his or her interest at a meeting of the Board.

Disclosure
of interest
of members.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not participate in any deliberation, or take part in any decision of the Board with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

6. Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

Board may
regulate its
procedure.

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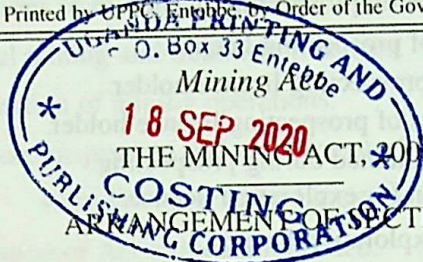
ACTS SUPPLEMENT

to The Uganda Gazette No. 37 Volume XCVI dated 8th August, 2003.

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Act 9

2003



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THE MINING ACT, 2003.

An Act to repeal and replace the Mining Act, Cap. 248, with a new legislation on mining and mineral development which conforms, and otherwise gives effect, to the relevant provisions of the Constitution; to vest the ownership and control of all minerals in Uganda in the Government; to provide for the acquisition of mineral rights; and to provide for other related matters.

DATE OF ASSENT: 30th July, 2003.

Date of commencement: See Section 1(2).

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. (1) This Act may be cited as the Mining Act, 2003.

Short title
and
commence-
ment.

(2) This Act shall come into force on a day to be appointed by the Minister by statutory instrument and different days may be appointed for the commencement of different provisions.

2. In this Act, unless the context otherwise requires—

Inter-
pretation.

“authorised officer” means a public officer to whom the Commissioner has delegated any of his or her powers, duties and functions under section 13 of this Act;

“building mineral” means rock, clay, gravel, laterite, murram, sand, sandstone and slate, which is mined by a person from land owned or lawfully occupied by him or her for his or her own domestic use in Uganda for building, or mined by a person for his or her own use for road-making, and includes such other minerals as the Minister may from time to time declare by notice published in the *Gazette*, to be building minerals;

“capital” means all cash contributions, plant, machinery, equipment, buildings, spare parts, raw materials and other business assets other than goodwill;

“company” means a body corporate formed or registered under the Companies Act, Cap. 85;

“Commissioner” means the Commissioner for the Geological Survey and Mines Department appointed under section 13 of this Act;

“currency point” means the value of a currency point specified in the First Schedule to this Act;

“customs officer” has the meaning assigned to it under the Customs Management Act, 1970;

“environmental impact audit” has the meaning assigned to it under the National Environment Statute, 1995;

“environmental impact assessment” has the meaning assigned to it under the National Environment Statute, 1995;

“environmental impact statement” has the meaning assigned to it under the National Environment Statute, 1995;

Statute No.
4 of 1995.

Statute No.
4 of 1995.

Statute No.
4 of 1995.

“excavation” means any trench, pit, shaft or other open working;

“exploration area” means the land covered by or acquired under an exploration licence;

“exploration licence” means an exploration licence acquired under the provisions of Part III of this Act;

“explore” means to define the extent and determine the economic value of a mineral deposit;

“Government” means the Government of the Republic of Uganda;

“holder” means a person to whom a licence is granted under this Act, and includes every person to whom that licence is lawfully transferred or assigned;

“in default” means in breach of any of the provisions of this Act, the regulations, any condition of a licence or any provision of a mining agreement;

“industrial minerals” means barite, rock, clay, dolomite, feldspar, granite, gravel, gypsum, laterite, limestone, mica, magnesite, marble, phosphate rock, sand, sandstone, slate and talc, which is commercially mined by a person for use in Uganda or industrially processed into finished or semi-finished products, and includes such other minerals as the Minister may from time to time declare by notice published in the *Gazette*, to be industrial minerals;

“Inspector of Mines” includes the Principal Inspector of Mines, Senior Inspector of Mines and any person authorised by the Commissioner to act in any of those capacities;

“land” includes land beneath any water, the seabed and sub-soil of such land;

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“location licence” means a location licence acquired under the provisions of Part IV of this Act for small scale operations;

“location licence area” means land subject of a location licence;

“medical officer” has the meaning assigned to it under the Public Health Act;

“mine” includes any place, excavation or working where any operation connected with mining is carried on, together with all buildings, premises, erections and appliances used for or in connection with such operation, and includes a quarry where building minerals and industrial minerals are mined;

“mining” or “to mine” means intentionally to dig or excavate minerals and includes any operation directly or indirectly necessary for, or incidental to, the winning of minerals;

“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 in the Petroleum (Exploration and Production) Act, 1985, water or building mineral;

“mineral agreement” means an agreement entered into by the Minister relating to the matters specified in section 18 of this Act;

“mineral deposit” means a mass of naturally occurring mineral material of economic value;

“mineral right” means a prospecting licence, an exploration licence, a retention licence, a mining lease or location licence;

“mineral processing” means procedures, such as dry and wet crushing and grinding of ore or other products containing minerals, to raise concentration of the substance mined;

“mineral product” means a substance derived from an ore by mining or processing;

“mining area” means land subject to a mining lease;

“mining lease” means a mining lease acquired under the provisions of Part III of this Act;

“mining operations” means operations carried out in the course of mining;

“Minister” means the Minister responsible for mineral development;

“ore” means a natural aggregate of one or more minerals, which may be mined and sold at a value or from which some part may be profitably extracted;

“ore body” means a continuous well defined mass of material of sufficient ore content to make extraction economically feasible;

“passageway” means any highway, road, street, footpath, or installation of any railway, tramway, wire-line, cableway, chute, pipe, sewer, drain, tunnel, shaft, fluming or watercourse, and includes any right of way, easement or hereditament;

“person” includes an individual, a company or other corporate entity or an association or body of persons whether incorporated or unincorporated;

“precious minerals” include —

(i) precious stones, namely agate, amber, amethyst, cat’s eye, chrysolite, diamond, emerald, garnet, opal, ruby, sapphire, turquoise and all other substances of a similar nature to any of them; and

(ii) precious metals, namely gold, silver, platinum, iridium, osmium, palladium, ruthenium, rhodium, or any other rare earth elements;

"programme of exploration operations" means a programme of exploration operations prepared by a holder and approved by the Commissioner on the granting of an exploration licence and includes any amendments to such programme made pursuant to the provisions of this Act;

"programme of development and mining operations" means a programme of development and mining operations prepared by a holder and approved by the Commissioner on the granting of a mining lease and includes any amendments to such program made in pursuance to this Act;

"prospect" means intentionally to search for minerals and mineral deposits and includes any operations to test the mineral bearing qualities of any land or mining area;

"prospecting licence" means a prospecting licence acquired under the provisions of Part III of this Act;

"public officer" has the meaning assigned to it under the Constitution;

"registered holder", in relation to a mineral right, means the person whose name is for the time being recorded as the holder of a mineral right pursuant to section 92 of this Act;

"regulations" means regulations made under this Act;

"retention area" means land subject to a retention licence;

"retention licence" means a retention licence acquired under Part III of this Act;

"small-scale operations" means prospecting or mining operations which do not involve expenditure in excess of five hundred currency points or the use of specialised technology;

“termination” means the lapse of a mineral right by its expiry, surrender or cancellation;

“working for profit” means producing a mineral product for use or sale.

“wetland” has the meaning assigned to it under the National Environment Statute, 1995.

Statute No. 4
of 1995.

3. Subject to any right granted to any person under this Act, the entire property in and control of all minerals in, on or under, any land or waters in Uganda are and shall be vested in the Government, notwithstanding any right of ownership of or by any person in relation to any land in, on or under which any such minerals are found.

Ownership
of minerals.

4. (1) Subject to the provisions of this Act, a person may acquire the right to search for, retain, mine and dispose of any mineral in Uganda by acquiring such right under and in accordance with the provisions of this Act.

Acquisition
of mineral
right.

(2) No person may explore or prospect for, or retain or mine or dispose of any mineral in Uganda except under, and in accordance with, a licence issued under this Act.

(3) Any person who contravenes subsection (2) of this section commits an offence and is liable on conviction—

(a) in the case of an individual, to a fine not exceeding twenty five currency points, or imprisonment for a term not exceeding one year or both; and

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

(4) Where a person is convicted of an offence under subsection (3) of this section, the court before which such person is convicted may—

- (a) order the forfeiture of all minerals unlawfully obtained by such person;
- (b) and in the event that the minerals cannot for any reason be forfeited, order the forfeiture of such sums of money as the court shall assess as the reasonable value of the minerals; and any minerals or their value so forfeited shall become the property of the Government and shall be disposed of as the Commissioner may direct.

(5) Notwithstanding the provisions of subsection (2) of this section, the Commissioner may authorise any person to undertake exploration or prospecting operations without a mineral right in the course of scientific investigation into the geological or mineral resources of Uganda, subject to such conditions as the Commissioner may determine.

Restrictions
on
acquisition
of mineral
right.

5. No mineral right shall be granted to or held by—

(a) an individual who—

- (i) is not a citizen of Uganda;
- (ii) is under the age of 18 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 in Uganda or incorporated under the Companies Act; or
- (ii) which is in liquidation, except where the liquidation is part of a scheme for the reconstruction or amalgamation of such company.

6. (1) A prospecting licence shall not be transferable.

Transfer of
mineral
right.

(2) Without prejudice to subsection (1) of this section, the transfer of any other type of mineral right or of a share of that right shall be void and of no legal effect unless approved by the Commissioner.

(3) An application for the approval of the transfer of a mineral right of a type referred to in subsection (2) of this section shall be submitted to the Commissioner and shall contain such details as may be prescribed, together with such other information as the Commissioner may require.

(4) The Commissioner may give his or her approval for the transfer referred to in subsection (3) of this section where the proposed transferee of the mineral right is a person that controls or is controlled by, or is under joint or common control with, the holder of the mineral right; however, such transferee is not disqualified under any provisions of this Act from holding the mineral right sought to be transferred.

(5) Where the Commissioner has given his or her approval to the transfer of a mineral right under subsection (4) of this section, the transferee of such mineral right, unless otherwise exempted by the relevant transfer agreement, shall assume and be jointly and severally responsible for all rights, liabilities and duties of the transferor under the mineral right prior to the transfer.

7. (1) A mineral right shall be granted by the Commissioner as provided for in this Act and shall be in such form as may be prescribed.

Form and
content of
mineral
right.

(2) A mineral right shall specify —

(a) the name and address of the holder of the mineral right;

(b) the date of the grant of the mineral right and the period for which it is granted;

- (c) a description of the area over which it is granted;
- (d) the mineral or minerals in respect of which it is granted; and
- (e) the conditions on which it is granted.

Types of
mineral
right.

8. Prospecting, exploration and mining shall be carried out only under a prospecting licence, an exploration licence, a retention licence, a mining lease or a location licence as the case may be.

Application
for mineral
right.

9. An application for a mineral right shall be made to the Commissioner and shall be in such form and contain such information as may be prescribed.

Further
information
in support
of
application.

10. The Commissioner may, for the purpose of, and prior to, making a decision whether or not to grant an application for a mineral right—

- (a) request the applicant to furnish such further relevant information as he or she considers necessary; and
- (b) make such consultation or investigation as he or she considers necessary.

Compliance
with other
laws, etc.

11. Where any act is prohibited or otherwise regulated by any written law other than this Act, nothing in this Act shall be construed as authorising the holder of a mineral right to do any such act, otherwise than in accordance with that written law.

Security for
compliance.

12. (1) The Commissioner may, from time to time, make such arrangements as appear appropriate to him or her to ensure that the holder of a mineral right complies with this Act and in particular shall require guarantees in respect of that compliance.

(2) Failure to provide the guarantees required under subsection (1) of this section shall constitute a contravention of this Act for the purposes of section 90 of this Act.

PART II—ADMINISTRATION.

Commissioner for Geological Survey and Mines Department.

13. (1) Subject to the Constitution and any other laws regulating or providing for the appointment of public officers, the President shall appoint a Commissioner for the Geological Survey and Mines Department and such other public officers as may be necessary for carrying into effect the provisions of this Act.

(2) The Commissioner may delegate or assign to any public officer appointed under subsection (1) of this section, any or all of his or her powers, duties and functions under this Act, but in so doing the Commissioner shall not be taken to have divested himself or herself of the right to exercise any of those powers, duties and functions.

14. (1) The Commissioner, an Inspector of Mines or an authorised officer may, at all reasonable times, enter upon any land, prospecting area, exploration area, mining area or mine, or any factory or premises where minerals are kept or processed on any such land, prospecting area, exploration area, mining area or mine, for the purpose of—

Powers of Commissioner, etc.

- (a) generally inspecting any such land or area, premises, workings or factory and examining prospecting, exploration or mining operations or the treatment of minerals being performed or carried on there;
- (b) ascertaining whether the provisions of this Act are being complied with;
- (c) taking soil samples or specimen of rocks, ore concentrates, tailings or minerals situated upon such land or area, premises, workings or factory for the purpose of examination or assay;
- (d) breaking up the surface of any such land to ascertain the rocks or minerals within or under the land;
- (e) digging up any land and fixing any post, stone, mark or object to be used in the survey of such land;

(f) examining books of accounts, vouchers, documents or records of any kind required to be kept under this Act or the regulations, or the terms and conditions of any mineral right, and taking copies of such books of account, vouchers, documents or records; or

(g) obtaining such other information as he or she may deem necessary.

(2) The Commissioner, Inspector of Mines or an authorised officer may, with respect to the health and safety of persons employed by a holder of a mineral right, issue written directions to and impose restrictions on such holder or any person so employed.

(3) In exercising his or her powers under subsection (1) of this section, the Commissioner, Inspector of Mines or an authorised officer shall ensure that as little damage and inconvenience as possible is caused to the owner or lawful occupier of the land on which the powers are exercised.

Obstruction
of
Commissioner,
etc.

15. Any person who, without reasonable excuse, hinders or obstructs the Commissioner, Inspector of Mines, 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 hundred currency points or to imprisonment for a term not exceeding one year, or both.

Indemnity
of officials

16. The Minister, Commissioner, or any other public officer appointed under section 13 of 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.

Prohibition
of officers
to acquire
interest.

17. (1) No officer shall directly or indirectly acquire any right or interest in any mineral right and any document or transaction purporting to confer any such right or interest in any officer shall be void and of no legal effect.

(2) No officer shall acquire or retain any share in a company carrying on prospecting, exploration or mining operations in Uganda.

(3) Any officer who contravenes subsection (2) of this section 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.

(4) In addition to the penalty prescribed in subsection (3) of this section, a court which convicts an officer of an offence under this section shall also order that any shares or other interest involved in or connected with the commission of the offence shall be forfeited and shall be disposed of in a manner determined by the Commissioner by order published in the *Gazette*.

(5) For the purposes of this section, "officer" means a public officer for the time being engaged in the administration of this Act.

PART III—MINERAL AGREEMENT, PROSPECTING LICENCE, EXPLORATION LICENCE, RETENTION LICENCE AND MINING LEASE.

18. (1) The Minister may enter into an agreement, in this section referred to as a "mineral agreement" consistent with the provisions of this Act with any person with respect to any matter relating to or connected with operations or activities under an exploration licence or a mining lease.

Mineral
agreements.

(2) A mineral agreement shall include the terms and conditions relating to—

(a) minimum exploration or mining operations to be carried out and the time table determined for purposes of such operations;

(b) the minimum expenditure in respect of exploration or mining operations;

- (c) the manner in which exploration or mining operations shall be carried out;
- (d) the processing, whether wholly or partly in Uganda of any mineral or group of minerals found, won or mined by the holder of a mineral right in the course of exploration or mining operations;
- (e) the basis on which the market value of any mineral or group of minerals in question may from time to time be determined;
- (f) financial and insurance arrangements;
- (g) resolution of disputes through an international arbitration or a sole expert;
- (h) any other matter incidental to or connected with the provisions of paragraphs (a) to (g) of this subsection.

(3) Any term or condition contained in a mineral agreement that is inconsistent with any provision of this Act shall, to the extent of the inconsistency, be void and of no legal effect.

(4) Nothing contained in a mineral agreement shall be construed as absolving any party to such agreement from any requirement prescribed by law.

Application
for
prospecting
licence.

19. An application for the grant of a prospecting licence—

- (a) shall be made to the Commissioner in the prescribed form and upon payment of the prescribed fee; and
- (b) may contain any other matter, which the applicant wishes the Commissioner to consider.

Grant of a
prospecting
licence.

20. (1) Subject to the provisions of this Act, the Commissioner may grant a prospecting licence and, as appropriate, revoke any such licence.

(2) The Commissioner shall, where he or she refuses to grant a prospecting licence, or decides to revoke any such licence, give the applicant a statement of his or her reasons for the refusal.

21. (1) No prospecting licence shall authorise the holder of the licence to prospect over an area of land that is, or forms part of—

Restrictions
on
prospecting
licence.

(a) an exploration area, a retention area or a location licence area;

(b) a forest reserve, game reserve, national park, or an urban centre, unless the holder of the prospecting licence has first given notice to and obtained permission from the relevant authorities and complies with any conditions imposed by such authorities.

(2) Where it is necessary to fly over any land for the purpose of exercising any right under a prospecting licence, nothing in this section shall prevent any such flight from being undertaken, provided it is in accordance with the provisions of section 11 of this Act.

22. A prospecting licence shall be for the duration of one year.

Duration of
prospecting
licence.

23. (1) Subject to the provisions of this Act, a prospecting licence shall confer on the holder of such licence a non-exclusive right to carry on prospecting operations for any mineral.

Rights of
prospecting
licence
holder.

(2) For the purpose of exercising the right referred to in subsection (1) of this section, the holder of a prospecting licence may, subject to the provisions of this Act and the conditions of each licence, if any, either himself or herself or by or through his or her employees or agents, enter any area not otherwise excluded from prospecting and erect camps and temporary buildings, and do any other act or thing that may facilitate the

exercise of that right; however the erection of any such can- and buildings and the doing of any such other act or thing sh not be construed as conferring any right or title to or interest the land covered by such area.

Obligations
of
prospecting
licence
holder.

24. The holder of a prospecting licence shall—

- (a) subject to section 21 of this Act, carry prospecting operations in accordance with his her licence;
- (b) submit to the Commissioner quarterly, or at su other intervals as may be prescribed, geologi and financial reports and such other informati as may be prescribed;
- (c) report any mineral discovery to the Commission and
- (d) remove on or before the expiration of his or h prospecting operations, any camps, tempora buildings or installations which he or she m have erected; and shall repair or make good a damage caused to the surface of the land to t satisfaction of the Commissioner.

Minerals
obtained
during
prospecting

25. (1) Minerals obtained in the course of prospecting und a prospecting licence shall be the property of the Governme and, except such reasonable quantity as may be prescribed f the purpose of sampling, assay, analysis or other examination shall not be disposed of by the holder of the licence or by an other person without the written consent of the Commissioner

(2) Where the holder of a prospecting licence desires retain or dispose of any minerals obtained in the course prospecting, he or she shall make an application in writing to t Commissioner stating the kind and quantity of minerals respect of which the application is made and the situation of t land from which the mineral was obtained; and if t

Commissioner is satisfied that it is reasonably necessary to enable the applicant to test the mineral-bearing qualities of the land on which the applicant is prospecting, the Commissioner may authorise the applicant in writing to retain any such minerals or the Commissioner may authorise the applicant to dispose of the minerals upon payment of the prescribed royalties.

26. An application for an exploration licence shall—

Application
for
exploration
licence.

(a) be made to the Commissioner in the prescribed form and upon payment of the prescribed fee;

(b) be accompanied by a plan of the area over which the licence is sought, drawn in such a manner and showing such particulars as may be prescribed;

(c) identify the minerals in respect of which the licence is sought;

(d) give—

(i) in respect of the person or, if there is more than one person, the name and nationality of each person, making the application;

(ii) in the case of a body corporate, its name and place of incorporation, the names and nationalities of the directors, managers and other officers of a similar rank, and if the body corporate has a share capital, the name of any person who is the beneficial owner of more than five per cent of the issued share capital;

(iii) information on the financial status and the technical and industrial competence and experience of the applicant;

- (e) state the period, not exceeding three years, for which the licence is sought;
- (f) be accompanied by a proposed programme of exploration operations for the proposed period of the licence and the estimated cost of the operations;
- (g) contain evidence in support of the existence of the minerals, which the licence will cover in the proposed exploration area;
- (h) contain or be accompanied by a statement giving particulars of the applicant's proposals with regard to the employment and training of Ugandan citizens; and
- (i) contain any other matter or information, which the applicant wishes the Commissioner to consider.

Grant of
exploration
licence.

27. (1) Subject to provisions of this Act, the Commissioner may grant an exploration licence and, as appropriate, revoke such licence.

(2) The area of land in respect of which an exploration licence may be granted shall not be more than five hundred square kilometres; except that a person may hold more than one exploration licence, in which case there shall be no amalgamation of the exploration licence areas for purposes of discharging obligations under this Act.

(3) There shall be attached to an exploration licence a programme of exploration operations approved by the Commissioner.

Restrictions
on
exploration
licence.

28. (1) No exploration licence shall be granted over an area of land which is the subject of a mining lease, a retention licence or a location licence.

(2) Where an area of land is subject to an exploration licence, no other exploration licence shall be granted in respect of that area.

(3) No exploration licence shall be granted to an applicant unless the Commissioner is satisfied that—

- (a) the applicant has adequate financial resources, technical competence and experience to carry on effective exploration operations;
- (b) the programme of proposed exploration operations is adequate for the period of the licence;
- (c) the applicant's proposal for exploration operations has provided for the employment and training of Ugandan citizens;
- (d) the applicant is able and willing to comply with the terms and conditions of the exploration licence;
- (e) the minerals to which the proposed exploration licence relate exist in the proposed exploration area; and
- (f) the applicant is not in default.

29. Subject to the provisions of this Act, an exploration licence shall be of such duration, not exceeding three years, as may be specified in the licence.

Duration of
exploration
licence.

30. (1) The holder of an exploration licence may, within three months before the expiration of such licence, apply for renewal of the licence in respect of an area of land, which is not greater in extent than half of the exploration area as at the date of the grant or last renewal of the licence.

Renewal of
exploration
licence.

(2) A renewal under subsection (1) of this section shall take effect immediately after the expiration of the exploration licence being renewed.

(3) An application under subsection (1) of this section shall—

(a) state the period, not exceeding two years, for which renewal of the licence is sought;

(b) be accompanied by—

(i) a report on exploration operations so far carried out;

(ii) the costs incurred in carrying out the operations;

(iii) a statement giving particulars of the programme of exploration operations proposed to be carried out in the renewed period;

(iv) a plan identifying the area of land in respect of which renewal of the licence is sought;

(c) indicate any alteration in the particulars specified pursuant to section 26 (d) of this Act.

(4) Subject to subsection (5) of this section, where an application has been duly made under this section for the renewal of an exploration licence, the Commissioner shall renew such licence for a period not exceeding two years.

(5) The Commissioner may reject an application for renewal of an exploration licence if the conditions specified in paragraphs a, b, c, d and e of section 28 (3) of this Act are not satisfied.

(6) Where an exploration licence has been renewed once, the Commissioner may—

- (a) at the request of the holder of that licence; and
- (b) if the Commissioner considers it in the public interest to do so,

in writing, extend the term of the licence with effect from the date of its expiry for a period not exceeding two years on the same terms and conditions, as the licence being renewed or extended.

(7) On the renewal of an exploration licence, the Commissioner shall cause the licence to be amended accordingly; and there shall be appended to the licence the approved proposed programme of exploration operations to be carried out during the renewed period.

31. (1) Subject to the provisions of this Act and any other written law, an exploration licence confers on the holder of such licence the exclusive right to carry on exploration operations in the area of land and for the mineral to which the licence relates.

Rights of an
exploration
licence
holder.

(2) For the purpose of exercising the right under subsection (1), the holder of an exploration licence may, subject to the provisions of this Act, the regulations and the conditions of the licence, either himself or herself, or by or through his or her employees or agents, enter the exploration area and erect camps and temporary buildings, including installations in any waters forming part of the exploration area; except that the erection of any such camp or building shall not be construed as conferring any right or title to or interest in the exploration area.

32. (1) The holder of an exploration licence shall—

- (a) commence exploration not later than four months from the date of issue of such licence;
- (b) demarcate and keep demarcated the exploration area in the prescribed manner;
- (c) carry on exploration operations in accordance with the approved programme of exploration operations;

Obligations
of
exploration
licence
holder.

- (d) notify the Commissioner of the discovery of any mineral other than that to which such licence relates within a period of thirty days of such discovery;
- (e) unless the Commissioner otherwise stipulates, remove, within 60 days of the expiry of the exploration licence, any camps, temporary buildings or machinery erected or installed by him or her and repair or otherwise make good any damage to the surface of the land occasioned by such removal and other activities, to the satisfaction of the Commissioner;
- (f) subject to the conditions of the exploration licence, expend on exploration not less than the amounts specified in the exploration programme to be expended;
- (g) submit to the Commissioner at such intervals as may be prescribed such reports and such information verified in such manner as may be prescribed;
- (h) employ and train citizens of Uganda in accordance with the agreed proposals, particulars of which have been appended to the licence; and
- (i) keep and maintain in Uganda an address which shall be registered with the Commissioner, and to which all communications and notices shall be sent.

(2) The holder of an exploration licence shall keep, at the address referred to in subsection (1) (i) of this section, full and accurate records to the satisfaction of the Commissioner, of his or her exploration operations which shall show—

- (a) boreholes drilled;
- (b) formation penetrated, with detailed logs of such formation;

- (c) minerals discovered;
- (d) the result of any geochemical or geophysical analysis;
- (e) the result of any analysis and identification of samples removed for such purposes;
- (f) the geological interpretation of the records maintained under paragraphs (a) to (e) of this subsection;
- (g) the number and particulars of persons employed;
- (h) any other work done under the exploration licence; and
- (i) such other matters as may be prescribed;

and shall supply, at least once every six months or at such other intervals as may be prescribed, copies of such records to the Commissioner, together with any reports prepared from or as a result of such records.

(3) Any person who intentionally or negligently provides the Commissioner with false or misleading records under this subsection commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding one year, or both.

33. The holder of an exploration licence may from time to time notify the Commissioner of amendments he or she wishes to make to his or her programme of exploration operations; and the amendments shall, unless rejected by the Commissioner within two months after being notified, have effect after such a period.

Amendment
of
exploration
programme.

34. (1) Where the holder of an exploration licence applies for a mining lease over his or her exploration area, and the application is not finally dealt with before the date of expiry of the exploration licence, the holder of such licence shall apply for a renewal of the licence.

Status of
exploration
licence
pending
grant of a
mining
lease.

(2) The Commissioner shall grant a mining lease to an applicant under subsection (1) of this section only if at the time of the grant the applicant's exploration licence is current or has not expired.

Application
for retention
licence.

35. (1) The holder of an exploration licence may apply to the Commissioner for the grant of a retention licence on the grounds that—

(a) he or she has identified a mineral deposit within the exploration area which is potentially of commercial significance; and

(b) such mineral deposit cannot be developed immediately by reason of adverse market conditions, economic factors and other factors beyond their reasonable control, which are of a temporary nature.

(2) An application for a retention licence shall be accompanied by the prescribed fee and the following—

(a) a full feasibility study and assessment by appropriate experts or consultants acceptable to the Commissioner on—

(i) the extent and prospect for recovery and the commercial and economic significance of the mineral deposit concerned;

(ii) the impact of mining operations on the environment and ways and means of eliminating or minimising any adverse effects; and

(b) such other information as the Commissioner may reasonably require regarding the proposals of the applicant for the retention and development of the deposit.

36. (1) Where the Commissioner is satisfied that commercial development of a mineral deposit is not presently possible for reasons specified in an application for a retention licence, but may be possible within a period of three years from the date of the application, the Commissioner may grant a retention licence to the applicant over that part of the exploration area.

Grant of retention licence.

(2) Without limiting the power of the Commissioner to impose conditions on a mineral right, the conditions of a retention licence may include conditions for the preservation of a mineral deposit.

37. A retention licence may be granted for a period not exceeding three years.

Duration of retention licence.

38. (1) Where the Commissioner remains satisfied that commercial development of a mineral deposit is or has not been possible at the expiry of a retention licence, that licence may, on the application of the holder, be renewed for a single period not exceeding two years.

Renewal of retention licence.

(2) Before renewing a retention licence, the Commissioner shall require the holder of the licence to provide him or her with such updated studies and assessments of the prospects of the development and commercial exploitation of the mineral deposit concerned as may reasonably be required.

39. (1) A retention licence confers on the holder of such licence an exclusive right to apply for a mining lease over the area in respect of which the retention licence has been granted.

Rights and obligation under a retention licence.

(2) The holder of a retention licence shall continue to carry out studies referred to in section 38(2) of this Act during the period of that licence.

40. Where the Commissioner is satisfied that commercial mineral development of an area that is subject to a retention licence has become possible during the currency of such licence, the Commissioner may by notice to the holder of the licence, require the holder to apply for a mining lease in respect of the area concerned and may, at anytime thereafter, cancel the retention licence.

Power to request retention licence holder to apply for mining lease.

Application
for mining
lease.

41. (1) An application for the grant of a mining lease shall be in the prescribed form and shall be accompanied by the prescribed fee.

(2) An application for the grant of a mining lease shall—

(a) be made to the Commissioner;

(b) indicate financial and technical resources available to the applicant to carry out his or her obligations under such lease;

(c) be accompanied by a full feasibility study including a plan of the area in respect of which the lease is sought;

(d) state the period for which the lease is sought;

(e) give or be accompanied by a statement giving details of the mineral deposits in the area of land over which the lease is sought, including details of all known minerals proved, as well as possible and probable ore reserves and mining conditions;

(f) be accompanied by a technological report on mining and processing techniques proposed to be used by the applicant;

(g) give or be accompanied by a statement giving particulars of the programme of proposed development and mining operations, including a statement of—

(i) the estimated capacity of production and scale of operations;

(ii) the estimated overall recovery of the ore and mineral products; and

(iii) the nature of the mineral products;

- (h) be accompanied by a report on the goods and services required for the mining operations, which can be obtained within Uganda and the applicant's proposals with respect to the procurement of those goods and services;
- (i) be accompanied by a statement giving particulars of the applicant's proposals with respect to the employment and training of citizens of Uganda;
- (j) be accompanied by a business plan giving a detailed forecast of capital investment, operating costs and revenues; and the anticipated type and source of financing including the year for the positive cash flow and financial plan and capital structure;
- (k) set out any other matter which the applicant wishes the Commissioner to consider or as the Commissioner may require; and
- (l) provide such other information as may be prescribed.

42. (1) Subject to section 43 of this Act, where an application has been duly made by the holder of an exploration licence for the grant of a mining lease then, not later than two months, or such further period as the Commissioner may allow, after the holder has given notice to the Commissioner of the discovery of orebody—

Disposal of application for mining lease by holder of exploration.

- (a) in or on land subject to the exploration licence; or
- (b) in respect of a mineral to which his or her licence relates,

the Commissioner shall grant the mining lease applied for on such terms and conditions as the Commissioner may determine.

(2) An application for a mining lease shall be advertised in the *Gazette* and copies of the accompanying plan shall be displayed at the relevant district and subcounty headquarters and at such other place as the Commissioner may specify.

(3) The applicant shall show written proof that he or she has reached an agreement with the landowner of the area he or she intends to mine.

Restrictions
on grant of
mining
lease.

43. (1) Subject to section 48 (7) of this Act, no mining lease shall be granted over an area of land in, or which is, a mining area.

(2) No mining lease shall be granted to any person over land which is in an exploration area or retention licence area or a location area, unless that person is the holder of an exploration licence, a retention licence or a location licence, as the case may be, in respect of that land.

(3) No mining lease shall be granted to an applicant unless he or she satisfies the Commissioner that—

(a) the area of land over which the lease is sought is not in excess of the area reasonably required to carry out the applicant's programme of proposed mining operations;

(b) the programme of proposed mining operations takes proper account of environmental impact assessment, environmental impact research, environmental statement and safety factors;

(c) the feasibility study of the relevant ore body indicates that the mineral deposit in question can be profitably mined;

- (d) the applicant has adequate financial resources, technical competence and experience to carry on effective mining operations;
- (e) the applicant's proposals for the employment and training of citizens of Uganda are adequate;
- (f) the applicant's proposals with respect to the procurement of goods and services obtainable within Uganda are satisfactory;
- (g) the applicant demonstrates a willingness and an ability to comply with the terms and conditions applicable to the mining lease;
- (h) the applicant has secured the surface rights of the land the subject of his or her application; and
- (i) the applicant is not in default.

(4) The Commissioner shall not refuse an application for the grant of a mining lease on any ground referred to in subsection (3) of this section unless the Commissioner—

- (a) has given notice to the applicant of his or her intention to refuse to grant the lease on that ground;
- (b) specified in the notice a period within which the applicant may make appropriate proposals to correct or remedy the defect or omission which forms the basis of ground for intended refusal; and
- (c) the applicant has not, before the expiration of that period, made the proposals.

44. (1) The Commissioner shall, within sixty days after receiving an application under section 41 of this Act, cause the applicant for the grant of a mining lease to be notified of the Commissioner's decision on his or her application, and if the application is granted, of the details of the proposed lease.

Disposal
and notice
of decision
on mining
lease
appli.

(2) If within thirty days after an applicant is notified pursuant to subsection (1) of this section that the Commissioner is prepared to grant a mining lease, such applicant fails to give notice of his or her willingness to accept the proposed lease, his or her application shall be taken to have lapsed.

(3) The grant of a mining lease shall be published in the *Gazette*.

Contents of
mining
lease.

45. (1) A mining lease shall—

- (a) specify the date of the grant of the lease and the period for which it is granted;
- (b) specify the mineral(s) for which it is granted;
- (c) include a description and plan of the area of land over which it is granted;
- (d) specify the conditions on which it is granted.
- (e) specify particulars of the applicant's proposals for the employment and training of citizens of Uganda; and
- (f) specify particulars of the applicant's proposals with respect to the procurement of goods and services obtainable within Uganda, which shall form part of the lease.

(2) There may be included in a mining lease conditions with respect to the processing, disposal or sale of the mineral to be mined.

Duration of
mining
lease

46. The period for which a mining lease is granted shall be specified in the lease and shall not exceed twenty one years or the estimated life of the ore body proposed to be mined, whichever is shorter.

Renewal of
mining
lease.

47. (1) The holder of a mining lease may apply to the Commissioner for the renewal of his or her lease in respect of all, or of part of the mining area not later than one year before the expiry of such lease.

(2) An application under subsection (1) of this section shall—

- (a) state the period, not exceeding fifteen years, for which renewal is sought;
- (b) be accompanied by a statement giving particulars of mining operations proposed to be carried out in the renewed period;
- (c) be accompanied by a statement giving details of—
 - (i) the latest proved probable and possible ore reserves;
 - (ii) the capital investments to be made and the production costs and revenue forecasts in respect of the renewed period;
 - (iii) any expected changes in the method of mining, treatment, marketing and disposal of mineral products;
 - (iv) any likely effects on the environment and measures to be taken to mitigate such effects;
 - (v) such further information as the Commissioner may require, and
- (d) if renewal of the lease is sought in respect of part only of the mining lease area, be accompanied by a plan and description identifying that part of the mining lease area.

(3) Subject to subsection (4) of this section, where an application is duly made under this section for the renewal of a mining lease, the Commissioner shall renew such mining lease for a period not exceeding fifteen years or the life of the ore body, whichever is shorter, subject to such conditions as the Commissioner may determine.

(4) The Commissioner shall refuse to renew a mining lease, if—

- (a) the applicant is in default;
- (b) the development of the mining lease area has not proceeded with reasonable speed;
- (c) minerals do not remain in reasonable quantities to be produced profitably;
- (d) the programme of mining operations proposed to be carried out is not adequate or satisfactory and the renewal will be contrary to national interest;
- (e) the Commissioner has given to the applicant notice of his or her intention to refuse to renew the mining lease—
 - (i) giving in the notice particulars of the ground for the intended refusal;
 - (ii) stating a date before which the applicant must take appropriate action or make representations with respect to the ground for the intended refusal; and
 - (iii) the applicant has not, before that date made appropriate amendments to his or her application or made representations, which in the opinion of the Commissioner remove the ground for the intended refusal.

Amendment
of
programme
of
operations
of mining
lease.

48. (1) Subject to subsection (2) of this section and the conditions of the lease, if any, the holder of a mining lease may from time to time, notify the Commissioner of amendments he or she wishes to make to his or her programme of development and mining operations; and such amendments shall, unless the Commissioner rejects them within three months after being so notified, have effect after such period.

(2) An amendment, which substantially alters a programme of development and mining operations, shall not have effect unless the Commissioner has agreed to such an amendment.

(3) Where in the course of exercising his or her rights under a mining lease the holder of the mining lease discovers any mineral for which the lease does not relate, he or she shall, within thirty days after the discovery, notify the Commissioner of the discovery, giving particulars of the mineral discovered and the site and circumstances of the discovery; and the holder of the lease may apply to the Commissioner to have the mining of such mineral included in his or her mining lease, giving in his or her application a proposed programme of mining operations in respect of the discovery.

(4) Where the Commissioner is satisfied with a proposed programme of mining operations submitted under subsection (3) of this section, the Commissioner may approve such programme on such terms and conditions as he or she thinks fit and may amend the mining lease accordingly.

(5) Where the Commissioner has approved a proposed programme of mining operations under subsection (3) of this section, the holder of the relevant mining lease may apply to the Commissioner to have his or her mining area enlarged and the Commissioner may, subject to the provision of subsection (6) of this section, approve such application.

(6) A mining lease area shall not be enlarged so as to include any area over which the applicant could not by reason of this Act, be granted a mining lease.

(7) Where the holder of a mining lease does not wish to develop a newly discovered mineral or minerals, and it is in the national interest to do so, the Commissioner may grant a mineral right under this Act to a third party subject to the reasonable rights of the holder.

Rights of
mining
leaseholder.

49. Subject to the provisions of this Act, any other written law, the regulations, and any condition of a mining lease, the holder of a mining lease shall have the exclusive right to carry on exploration and mining operations in his or her mining area; and may in the exercise of such right, enter upon the land to which his or her mining lease relates with his or her employees, agents and contractors and may—

- (a) take all reasonable measures on and under the surface of his or her mining area to mine and process the minerals to which his or her mining lease relates;
- (b) erect the necessary equipment, plant, machinery and buildings for the purpose of mining, transporting, dressing, treating, smelting and refining the minerals or mineral products recovered by him or her during mining operations;
- (c) dispose of any mineral products recovered; and
- (d) stack or dump any mineral or waste product in accordance with the prescribed mining industry practice.

Obligations
of mining
leaseholder.

50. (1) Subject to the provisions of this Act, the holder of a mining lease shall—

- (a) develop and mine the mineral deposits covered by his or her lease in accordance with the approved programme of development and mining operations and the terms and conditions of his or her lease;
- (b) commence production on or before the date specified in the programme of development and mining operations as the proposed date of such production;
- (c) demarcate and keep demarcated his or her mining area in such a manner as may be prescribed;

(d) keep and maintain in Uganda an address which shall be registered with the Commissioner, and to which all communications and notices shall be addressed.

(2) The holder of a mining lease shall—

(a) maintain at the address referred to in subsection (1) (d) of this section and submit monthly to the Commissioner complete and accurate records of operations relating to his or her lease including—

(i) copies of all maps, geological reports, including interpretations, sample analyses, aerial photographs, cores, logs and tests and all other data obtained and compiled by the holder of such mining lease;

(ii) systematic financial statements and such other books of account as the Commissioner may require, and where the holder is engaged in any activity not connected with his or her operations under the mining lease, he or she shall maintain separate books of account of his or her operations under the mining lease; and

(iii) such other reports and information as the Commissioner may request;

(b) permit an authorised officer at any time to inspect the books and records maintained in pursuance of paragraph (a) of this subsection; and shall deliver to the Commissioner, without charge, copies of any part of such books and records as may be required;

(c) within ninety days after the end of each financial year, furnish the Commissioner with a copy of his or her audited annual financial report, showing the profit or loss for the financial year and the state of financial affairs of the holder of the mining lease for the year in question.

Wasteful
mining and
treatment
practices.

51. (1) Where the Commissioner considers that the holder of a mining lease is using wasteful mining or treatment practices, the Commissioner may notify the holder accordingly and require him or her to show cause within such period as the Commissioner may specify, why he or she should not cease to use such practices.

(2) Where, within the period specified in any notice issued under subsection (1) of this section the holder of the mining lease fails to satisfy the Commissioner that he or she is not using wasteful mining or treatment practices, or that the use of such practices is justified, the Commissioner may order the holder of the mining lease concerned to cease using such practices within such period as the Commissioner may specify.

(3) Where the holder of the mining lease fails, after being so ordered, to cease using wasteful mining or treatment practices, the Commissioner may cancel that mining lease or may suspend the mining lease for such period as the Commissioner thinks fit.

Coordination
of mining
operations.

52. (1) Where the Commissioner considers that the public interest or the interests of the holders of mining leases and location licences covering neighbouring or contiguous mining or location licence areas would best be served with regard to the efficient and economic exploitation of minerals by the co-ordination of all or part of the mining operations of the holders, the Commissioner may direct the holders to effect such co-ordination by entering into an agreement, to be approved by the Commissioner, to effect the co-ordination within such time as the Commissioner may specify.

(2) Before giving any directions under subsection (1) of this section, the Commissioner shall afford the holders of the mining leases and location licences concerned reasonable opportunity to make representations to him or her in writing.

Cessation,
suspension
and
curtailment
of
production.

53. (1) Subject to subsection (3) of this section, the holder of a mining lease shall notify the Commissioner—

(a) one year in advance, if he or she proposes to cease production from his or her mine;

(b) six months in advance, if he or she proposes to suspend production from his or her mine;

(c) three months in advance, if he or she proposes to curtail production from his or her mine;

and shall, in all cases, give good technical and economic reasons for such cessation, suspension or curtailment.

(2) Where for reasons beyond his or her reasonable control, the holder of a mining lease ceases, suspends or curtails production from his or her mine without complying with subsection (1) of this section, he or she shall within fourteen days of the cessation, suspension or curtailment notify the Commissioner.

(3) Where the Commissioner receives a notification referred to in subsection (1) or subsection (2) of this section, or where the Commissioner otherwise becomes aware of any cessation, suspension or curtailment of production, he or she shall cause the matter to be investigated; and shall, subject to any relevant requirement contained in the mining lease, give his or her approval to the cessation, suspension or curtailment.

(4) Approval of cessation, suspension or curtailment may be given subject to such conditions as the Commissioner may impose.

PART IV—LOCATION LICENCE.

54. (1) The Minister may, with the approval of the Cabinet, by statutory instrument, exclude or modify any of the provisions of this Act, which would otherwise apply to the granting of a location licence.

Application
of Act to
location
licence.

(2) For the purposes of subsection (1) of this section, “location licence” means a licence for prospecting and mining operations by methods which do not involve substantial expenditure and the use of specialised technology; and for the purposes of this subsection “substantial expenditure” means expenditure in excess of five hundred currency points necessary to bring the mine into production or such other amount as may be prescribed.

Location
licence.

55. (1) Any person who wishes to carry on small-scale prospecting and mining operations shall apply for a location licence.

(2) A location licence shall be granted, in the case of an individual, only to a citizen of Uganda, and in the case of a body corporate, only where citizens of Uganda hold at least fifty one percent of the beneficial ownership of such a body.

Application
for location
licence

56. (1) An application for a location licence shall be made to the Commissioner in the prescribed form and shall be accompanied by the prescribed fee.

(2) An application for a location licence—

(a) shall state the full name of the applicant and, in the case of a partnership or other association of persons, the full names and nationalities of all such persons; and in the case of a body corporate, the registered name of such body corporate and particulars of its shareholders, if any;

(b) shall identify the mineral in respect of which the licence is sought;

(c) shall identify the area in respect of which the licence is sought;

(d) shall be accompanied by a statement giving particulars of the nature of the mining operations proposed to be carried out, the capital and experience available to the applicant to conduct prospecting and mining operations of the mineral efficiently and effectively; and

(e) may set out any other matter which the applicant wishes the Commissioner to consider or as the Commissioner may request.

57. (1) Subject to the provisions of this Act, the Commissioner may grant a location licence in a prescribed form.

Grant of
location
licence.

(2) The Commissioner shall, before refusing to grant a location licence to an applicant—

(a) give to the applicant notice of the grounds of his or her intended refusal;

(b) in such notice, require the applicant to correct or remedy within a reasonable time any defect or omission which forms the basis of the grounds for the intended refusal; and

shall only refuse to grant the licence if the applicant fails to correct or remedy such defect or omission within such reasonable time.

58. The area covered by a location licence shall not exceed such area as shall be prescribed and shall be demarcated by the applicant in such a manner as may be prescribed or as an authorised officer may, in the circumstances, consider appropriate.

Size of area
covered by
location
licence.

59. (1) Subject to subsections (2) and (3) of this section, a location licence shall be valid for a period, not exceeding two years; however, on application made to the Commissioner, such period may be renewed for further periods not exceeding two years at a time.

Duration,
renewal and
revocation
of location
licence.

(2) The Commissioner may revoke a location licence if—

(a) he or she is satisfied that, in the case of an individual, the holder of such licence has entered into an arrangement with a person who is not a citizen of Uganda, the effect of which is to transfer to that person the benefit of such licence; or in the case of

a body corporate, the holder is no longer a body corporate of which at least fifty one percent of the beneficial ownership is held by citizens of Uganda;

(b) within a period of six months from the date the licence was granted or renewed no mining operations have commenced under the licence; or

(c) if the location licence is not being worked to the satisfaction of the Commissioner.

(3) The Commissioner shall not renew a location licence under subsection (1) of this section if—

(a) the Commissioner is satisfied that the applicant has not carried on, in good faith, within the limits of his or her competence and resources, prospecting and mining in the licensed area and intends to continue doing so;

(b) the applicant has not carried out effective restoration of the surface areas to the satisfaction of the Commissioner; or

(c) the applicant is in default.

(4) Without prejudice to subsection (3) of this section, the holder of a location licence who fails or neglects to carry out the restoration referred to in paragraph (b) of subsection (3) of this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding one year or both.

Rights and
duties of
location
licence
holder.

60. (1) The holder of a location licence has the right to enter his or her licence area and, subject to this Act, the regulations, and the conditions of the licence, has the exclusive right to prospect for and mine in that area, and to remove and dispose of the mineral in respect of which the licence was issued.

(2) The holder of a location licence shall—

- (a) within the limits of his or her competence and resources carry on, in good faith, in the licensed area prospecting and mining operations;
- (b) furnish the Commissioner with such information relating to those operations as the Commissioner may reasonably require;
- (c) carry out promptly any directives relating to his or her prospecting or mining operations which may be given to him or her by the Commissioner or an authorised officer for the purpose of ensuring safety or good mining practices;
- (d) before beginning or ceasing any prospecting or mining operations, notify in writing the appropriate local authority and an authorised officer of his or her intention to begin or cease any such prospecting or mining operations;
- (e) keep accurate records of the minerals and mineral products obtained or mined by him or her; and such records shall be submitted for inspection every calendar month and whenever demanded by the Commissioner or an authorised officer;
- (f) carry out rehabilitation and reclamation of mined out areas;
- (g) submit to the nearest office of the Commissioner monthly returns of his or her operations not later than fourteen days after the preceding month.

61. (1) The Commissioner or an authorised officer may inquire into and decide any dispute between persons engaged in small-scale mining operations, either amongst themselves or as between themselves and third parties, concerning any of the matters referred to in subsection (2) of this section; and may

Inquiry into disputes.

make any order which may be necessary for the purpose of giving effect to his or her decisions and to order the payment by any party to the dispute of such compensation to any other party as may be reasonable.

(2) The matters referred to in subsection (1) of this section are—

- (a) disputed boundaries;
- (b) any wrongful act committed, or any act wrongfully omitted, in the course of small-scale operations, by any licensed person against any other person;
- (c) acts, omissions, or matters in the course of, connected with, or auxiliary to small-scale mining operations; and
- (d) assessment of payment of compensation under small-scale mining operations in accordance with section 82 of this Act.

Inquiry
proceedings.

62. (1) Proceedings in an inquiry under subsection (1) of section 61 of this Act shall be as follows—

- (a) the person complaining shall lodge a memorandum containing his or her complaint with the Commissioner;
- (b) the memorandum shall be in the prescribed form and shall contain a summary of the subject matter of the complaint and the relief claimed;
- (c) upon receipt of such memorandum the Commissioner or an authorised officer shall give notice, in the prescribed form, to the party against whom the complaint has been lodged of the nature of the complaint and the time and place at which the complaint will be heard and determined; and the Commissioner or an authorised officer may, if he or she thinks it fit to

do so, call upon the person against whom the complaint has been lodged to submit his or her defence to the complaint in writing;

(d) at the time and place appointed to hear and determine the complaint, the parties shall attend and state their respective cases before the Commissioner or authorised officer and may call evidence on oath in support of their cases; and the Commissioner or an authorised officer shall give his or her decision on the complaint after hearing such statement and evidence; and

(e) the Commissioner or the authorised officer may, at any time during an inquiry into or the hearing of a complaint under this section, seize or cause to be seized any minerals which are the subject matter of the dispute and may retain them pending his or her decision.

(2) The law for the time being regulating proceedings before a court established under the Magistrates Courts Act, 1970, and the powers of such court in the exercise of its civil jurisdiction shall, with necessary modifications, apply to proceedings before the Commissioner or an authorised officer under this section, and to the enforcement of any decision of the Commissioner or an authorised officer, as if such decision were the decision of that court.

(3) Nothing in this section shall prevent the Commissioner or an authorised officer from settling forthwith and without regard to the provisions of this section, any dispute between any parties, where it is practicable to do so and the settlement is at the written request of the parties; and in such a case, the request shall be deemed an undertaking by the parties that any decision arising from the settlement will be accepted as final.

Legality of
proceedings.

63. (1) Proceedings before the Commissioner or an authorised officer under section 62 of this Act shall be admissible in any court of law.

(2) Nothing in sections 61 and 62 of this Act shall be construed as preventing any person from instituting in any of the courts of Uganda any proceedings he or she may think fit to institute as provided by law.

PART V—INSPECTION OF OPERATIONS UNDER MINERAL RIGHTS.

Powers of
Commissioner to
inspect.

64. The Commissioner, an authorised officer or any other person empowered to do so under any other law, may at all reasonable times—

- (a) enter, inspect, and examine any land on which prospecting, exploration, mining, or mineral processing operations are being conducted or land which is the subject of any mineral right;
- (b) enter any area, structure, vehicle, vessel, aircraft or building that, in his or her opinion, has been or is to be used in connection with prospecting, exploration, mining or mineral processing operations;
- (c) examine and inquire into the condition and ventilation of any mine or any building used in or connected with prospecting, exploration, mining or mineral processing operations and all matters relating to safety, welfare and health of persons employed in any such mine or building;
- (d) inspect and test any machinery, plant or equipment that, in his or her opinion, has been, is being or is to be used in connection with prospecting, exploration, mining or mineral processing operations; or

(e) inspect the storage of explosives and any explosives that, in his or her opinion, have been, are being or are to be used in connection with exploration or mining operations; and

(f) exercise all powers necessary for carrying this part of this Act into effect.

65. Where in any respect the Commissioner or an authorised officer or other person referred to in section 64 of this Act finds any mine or any machine, plant, thing or practice used in or connected with prospecting, exploration or mining operations to be dangerous or defective so as, in his or her opinion, to threaten or tend to cause injury to any person or to be detrimental to the welfare or health of any person, the Commissioner, an authorised officer or such other person shall give notice in writing to the holder of the mineral right concerned, or his or her agent in charge of the operations or mine; and shall state in such notice the particulars in respect of which such mine, machine, plant, thing or practice is considered to be dangerous or defective, and may order work to be suspended until the danger or defect is remedied or removed to his or her satisfaction.

Powers to order the remedy of dangerous or defective operations.

(2) On receipt of the notice referred to in subsection (1) of this section, the holder of the mineral right concerned or his or her agent shall comply with the requirements of the notice, or if the holder objects to the notice, he or she shall immediately state his or her objection in writing to the Commissioner who shall make a determination on the objection.

(3) Where such notice is given by an authorised officer and the holder of the mineral right concerned objects to the Commissioner under subsection (2) of this section, the holder of the mineral right shall nevertheless cease to operate the mine or use the machine, plant, thing or practice to which the notice relates, and shall withdraw all workers from the danger indicated by the authorised officer until such time as the objection has been determined by the Commissioner; except that if in the opinion of

the authorised officer, there is no immediate danger, the authorized officer may allow work to proceed during the time that the objection is being determined, subject to such restrictions and upon such conditions to ensure safety as the authorized officer shall specify in writing.

Powers of
authorised
medical and
public
officers to
make
inspections.

66. (1) Any authorised medical officer, or authorised public officer may inspect, examine and inquire into the health and welfare of persons employed in or connected with prospecting, exploration or mining operations, and may exercise any of the powers prescribed for that purpose under this or any other Act.

(2) Where in any respect an authorised medical officer or authorised public officer referred to in subsection (1) of this section finds any matter, thing or practice in or connected with prospecting, exploration or mining operations to be detrimental to the health or welfare of persons referred to in subsection (1) of this section, such authorised medical or authorised public officer shall give notice to the holder of the mineral right concerned or to his or her agent in charge of the operations under the mineral right; and shall state in the notice the matter, thing or practice which the authorised medical or public officer considers detrimental, and shall require the matter, thing or practice to be remedied within such time as he or she may specify.

(3) Where the holder of the mineral right or his or her agent objects that the matter, thing or practice complained of in any notice under subsection (2) of this section is detrimental to the health or welfare of any person, he or she shall, immediately after the receipt of the notice, state his or her objection in writing to the Commissioner and thereupon the objection shall be determined by the Commissioner or an authorised officer.

(4) Nothing in this section shall affect or detract from the provisions of any other written law relating to public health or the employment of labour.

(5) In this section, "authorised medical officer or authorised public officer" means a medical officer or a public officer authorised by the Commissioner to carry out any function under this Act.

67. No person shall be precluded or exempted by any agreement from doing any acts that may be necessary for complying with the provisions of sections 65 and 66 of this Act, nor shall any person be exempted by or under any agreement from liability to any damages, penalty or forfeiture for not doing any such acts.

Require-
ments of
Act not
subject to
exemption
by
agreement.

68. (1) Whenever an accident occurs during the course of any prospecting, exploration or mining operations and the accident—

Report of
accidents.

(a) results or is likely to result in loss of life or injury to any person; or

(b) results or is likely to result in any person's incapacity to work for a period of five days or more;

the person in charge of such operations shall, notwithstanding the provisions of any other written law, without delay make a report in writing of the accident and all the circumstances relating to the accident to the Commissioner or an authorised officer.

(2) Where an accident of a type referred to in subsection (1) of this section occurs, the Commissioner shall hold an inquiry into the cause of the accident and shall record his or her findings.

(3) A person holding an inquiry under subsection (2) of this section shall, for the purpose of such inquiry, have all the powers of a court of law to summon witnesses, to call for production of books and documents and to examine witnesses and the parties concerned on oath.

(4) Any person who is summoned to attend or to produce books or documents in pursuance of subsection (3) of this section and who refuses or neglects to do so, or refuses to answer any question put to him or her by or with the concurrence of the officer holding the inquiry commits an offence under this Act.

PART VI—BUYING, SELLING AND DEALING IN MINERALS.

Persons
authorised
to buy or
sell
minerals.

69. (1) No person may buy or sell, either as principal or agent, any minerals unless he or she is a licensed mineral dealer

(2) A licensed mineral dealer may only buy minerals in the course of his or her business from a person who acquired his or her minerals lawfully or in accordance with the provisions of this Act or the regulations.

(3) Notwithstanding the provisions of subsection (1) of this section, the holder of a mineral right may sell any minerals acquired by him or her under this Act without obtaining a mineral dealer's licence.

Mineral
dealer's
licence.

70. (1) The Commissioner may, upon application and proof that a person is in possession of or commands sufficient working capital to ensure the carrying on of his or her business satisfactorily, issue to such person a mineral dealer's licence on payment of the prescribed fee.

(2) Every mineral dealer's licence shall expire on 31st December in the year in which the licence is granted.

(3) The Commissioner may refuse to issue a mineral dealer's licence or may revoke such licence, provided a notice of particulars of the grounds for the intended refusal or intended revocation has been given to the applicant.

Liability of
mineral
dealers for
royalties.

71. Every holder of a mineral dealer's licence shall be liable for the due payment to the Commissioner of all royalties due on any minerals bought, received or exported by the holder and shall give the Commissioner such security as may be prescribed for the due payment of all such royalties.

Records to
be kept by
mineral
dealers.

72. (1) Every holder of a mineral dealer's licence shall keep a register showing—

- (a) all purchases and sales of minerals made by such holder and the nature and weight of the minerals;
- (b) the price paid or received for the minerals and the date of each purchase or sale;
- (c) the name and address of the vendor and his or her right to be in possession of such minerals;
- (d) the name and address of the purchaser or consignee to whom the minerals are sold or consigned; and shall—
 - (i) cause every transaction to be recorded in the register within twenty four hours of being made; and
 - (ii) produce and exhibit the register to the Commissioner, an authorised officer or any police officer not below the rank of Assistant Superintendent of Police whenever so required.

(2) Every holder of a mineral dealer's licence shall deliver to the Commissioner in the months of March, June, September and December, a copy of the record referred to in subsection (1) of this section for the preceding three months, together with a declaration that the record is correct.

(3) A holder of a mineral dealer's licence who fails to comply with any of the provisions of subsection (1) and (2) of this section commits an offence.

Goldsmith's
licence.

73. (1) No person shall manufacture any article from any precious mineral or from any substance containing any precious mineral unless such person has obtained a goldsmith's licence.

(2) An application for a goldsmith's licence shall be made to the Commissioner in the prescribed form and, subject to subsection (4) of this section, the Commissioner may grant a licence to the applicant on payment of the prescribed fee.

(3) A goldsmith's licence shall continue in force until the 31st day of December of the year of issue.

(4) The Commissioner shall, before refusing to grant or renew a goldsmith's licence—

(a) give to the applicant a notice of particulars of the grounds for his or her intended refusal;

(b) in such notice, require the applicant to correct or remedy within a reasonable time any defect or omission which forms the basis of the grounds for the intended refusal; and

shall only refuse to grant the licence if the applicant fails to correct or remedy such defect or omission within such reasonable time.

Retail
shopkeepers

74. The Commissioner may in his or her discretion, and notwithstanding the provisions of section 73 of this Act, authorise any retail shopkeeper to manufacture and sell articles partly manufactured from precious minerals without being licensed as a goldsmith, if the shopkeeper satisfies the Commissioner that the selling of such articles shall not constitute the sole or principal portion of his or her business.

75. (1) Every licensed goldsmith shall keep a register showing—

Register to
be kept by
goldsmiths.

- (a) all purchases and sales of articles of commerce containing precious minerals made by him or her;
- (b) purchases of unwrought precious minerals made by him or her;
- (c) the nature, weight, price paid or received and the date of each purchase or sale of the articles and minerals referred to in paragraphs (a) and (b) of this subsection;
- (d) the name and address of the respective vendor and purchaser of any of the items referred to in paragraphs (a) and (b) of this subsection; and shall—
 - (i) cause every transaction to be recorded in the register within twenty four hours of being made, and
 - (ii) produce and exhibit the register to the Commissioner, an authorised officer or any police officer not below the rank of Assistant Superintendent of Police whenever so required.

(2) Copies of records referred to under subsection (1) of this section shall be submitted to the Commissioner quarterly.

(3) A licensed goldsmith who fails to comply with any of the provisions of subsection (1) and (2) of this section commits an offence.

76. (1) No licensed mineral dealer shall—

- (a) deal in minerals in a manner which is not specifically authorised by the terms of his or her licence;
- (b) store any mineral at a place other than in or on premises specified in his or her licence; or

Compliance
with
mineral
dealer's
licence.

(c) buy, sell, deal in, receive either as principal or agent, any mineral at any place other than in or on premises specified in his or her licence.

(2) A licensed mineral dealer or goldsmith who fails to comply with the provisions of subsection (1) of this section commits an offence.

Cancellation
of mineral
dealer's
licence on
conviction.

77. Where any licensed mineral dealer or goldsmith is convicted of an offence under this Act or the regulations and the time limit for appeal against the decision has elapsed or the appeal has been refused, the Commissioner shall cancel the licence of such mineral dealer or goldsmith.

PART VII—MINERAL RIGHTS AND SURFACE RIGHTS.

Restriction
on exercise
of mineral
rights.

78. (1) The holder of a mineral right shall not exercise any of his or her rights under that mineral right—

(a) in respect of or on any land set apart for any public purpose, other than mining, or on any land which is—

(i) dedicated as a place of burial; or

(ii) a place of religious significance; or

(iii) the site of a public building,

except with the written consent of the appropriate Minister or other relevant authority;

(b) in respect of or on any land which is the site of, or which is within two hundred metres, or such greater distance as may be prescribed, of any inhabited, occupied or temporarily unoccupied house or building, or any land—

(i) within five metres or such greater distance as may be prescribed, of land which has been cleared or ploughed or otherwise prepared in good faith for the growing of, or upon which there are growing agricultural crops; or

- (ii) which is the site of, or within one hundred metres, or such greater distance as may be prescribed, of any cattle dip, tank, or similar body of water, except with the written consent of the owner or lawful occupier or the duly authorised agent* of the owner or lawful occupier of that land;
- (c) in respect of or on any land reserved for the purpose of any railway track, or which is within fifty metres, or such distance as may be prescribed, of the boundaries of any land so reserved, except with the written consent of the responsible railway administration;
- (d) in respect of or on any land within two hundred metres, or such greater distance as may be prescribed, of the boundaries of any township, except with the written consent of the authority having control over the township;
- (e) in respect of or on any land within two hundred metres from any lake or within one hundred metres from any river, except with a permit issued under the National Environment Statute, 1995;
- (f) in respect of or on any land comprising a street, road, power station, aerodrome or oil well heads, except with the written consent of the authority having control of any such land;
- (g) in a national park or game reserve, except with the written consent of the authority having control of the park or game reserve;
- (h) within a forest reserve without the written consent of the authority having control of the forest reserve;
or

Statute No.
4 of 1995.

(i) in respect of or on any land, which is held communally for cultural rites, without the written consent of the community concerned.

(2) Any consent under subsection (1) of this section may be given subject to such conditions as are specified in the instrument of consent.

(3) For the purpose of subsection (1) (a) of this section, "public purpose" means a purpose prescribed as such.

(4) A person exercising any right under a mineral right on any land shall, if required to do so by any lawful occupier of any such land, produce evidence that he or she is the holder of such mineral right or an agent or employee of the holder; and if he or she fails to do so he or she may be treated as a trespasser.

Rights
under
mineral
right to be
exercised
reasonably.

79. The rights conferred by a mineral right shall be exercised reasonably and in such a manner as not to adversely affect the interests of any owner or occupier of the land on which the rights are exercised.

Right to
graze stock
and
cultivate.

80. (1) The owner or lawful occupier of any land within an area which is the subject of a mineral right shall retain the right to graze stock upon or to cultivate the surface of such land, so far as the grazing or cultivation does not interfere with the proper working in such area for prospecting, exploration or mining purposes; and in so far as the grazing or cultivation does not constitute a danger or hazard to livestock or crops.

(2) Where the owner or lawful occupier of any land exercises the right conferred by and under subsection (1) of this section—

(a) any loss or damage to stock or crops arising out of the exercise of such right shall be borne by the owner or lawful occupier of the land; and

(b) any interference by the owner or lawful occupier with the proper working or operation in such area for prospecting, exploration or mining purposes shall be a ground for terminating such right.

81. (1) The holder of a mining lease may, if he or she requires the exclusive use of the whole or any part of the mining area concerned, and if so requested by the owner or lawful occupier of any part of such area, obtain a land lease or other rights to use the area upon such terms as to duration or the extent of the land to which the lease shall relate, as may be agreed between the holder and the owner or lawful occupier of the land in question, or failing an agreement, as may be determined by arbitration.

Acquisition of exclusive rights by holder of mining lease.

(2) In assessing any rent payable under this section, an arbitrator shall determine the rent in relation to values, at the time of arbitration, current in the area in which the mining lease is situated, for land of a similar nature, but without taking into account any enhanced value due to the presence of minerals.

82. (1) The holder of a mineral right shall on demand made by the owner or lawful occupier of any land subject to such mineral right, pay the owner or lawful occupier fair and reasonable compensation for any disturbance of the rights of the owner or occupier; and for any damage done to the surface of the land by the holder's operations; and shall on demand made by the owner of any crops, trees, buildings or works damaged during the course of such operations, pay compensation for any crops, trees, buildings or works so damaged; except that—

Compensation for disturbance of rights.

(i) in assessing compensation payable under this section, account shall be taken of any improvement effected by the holder of the mineral right or by his or her predecessor in title the benefit of which has or will accrue to the owner or lawful occupier of the land;

(ii) the basis upon which compensation shall be payable for damage to the surface of any land shall be the extent to which the market value of the land upon which the damage occurred has been reduced by reason of the damage;

- (iii) no compensation shall be payable to the occupier of a state grant land in respect of any operations under a mineral right existing at the date of such state grant.

(2) If the holder of a mineral right fails to pay compensation when so demanded under this section, or if the owner or lawful occupier of any land is dissatisfied with any compensation offered, the dispute shall be determined by arbitration.

(3) A claim for compensation under subsection (1) of this section shall be made within a period of one year from the date when the act which is the basis for such claim occurred, failing which, notwithstanding the provisions of any other written law, the claim shall not be enforceable.

Option for
compensation by
landowner.

83. The owner or lawful occupier of any land subject to a mineral right is entitled to compensation under either section 82 of this Act or to a share of royalties under section 98 of this Act.

Interference
with
passage-
ways.

84. (1) No holder of a mineral right shall at any time, in the exercise of the rights granted under this Act, interfere with or perform any act which may tend to interfere with the exercise of any right of passageway in the area covered by such mineral right, nor shall he or she perform any act which may damage or tend to damage any passageway, without first obtaining the consent in writing of the holder of the right of passageway; except that in the case of customary public rights of passageway, or where the holder of the right of passageway cannot be found by the person requiring his or her consent, the consent of the Chief Administrative Officer of the district concerned shall be deemed sufficient consent.

(2) Nothing in this section shall prevent the holder of an exploration licence or mining lease from diverting any public path within the area of his or her licence or lease, if the diversion is made entirely within the area held by him or her and is aligned and maintained to the satisfaction of the Chief Administrative Officer of the district concerned; and on conclusion of the exploration or mining operations, the affected public path is restored to the condition in which it was before the interference.

85. (1) Notwithstanding any provision of the Access to Roads Act, 1969, the holder of a mineral right may, subject to this section, construct a road to give access to a public road from the area covered by his or her mineral right.

Access to
public
roads
Act of
1969

(2) Where the holder of a mineral right constructs an access road under subsection (1) of this section, he or she shall not hinder or prevent any other person from having access to or using that road; except that—

(a) where any person uses the road in such a manner as to do appreciable damage to the road, or to enhance substantially the cost of the road's upkeep or maintenance, the person who constructed the road may call upon such user to contribute to the cost of the upkeep or maintenance of the road; and

(b) where any person uses the road in such a manner as to interfere materially with the free use and enjoyment of the road by the person who constructed the road, the person who constructed the road may call upon such user to limit his or her use of the road so as to stop the interference.

(3) Where any dispute arises from or in connection with the matters referred to in subsection (2) of this section, either party may lodge a complaint with the Minister for his or her decision on the dispute.

86. Except as otherwise provided in this Act, all rights in wetlands and in the waters of any spring, stream, river, watercourse, pond or lake on or under public land, are vested in the Government; and no such wetlands or water shall be obstructed, dammed, diverted, polluted or otherwise interfered with, directly or indirectly, except in accordance with the provisions of Part II of the Water Statute, 1995.

Rights in
waters and
wetlands.

Statute No.
9 of 1995.

Grant of
water rights.

87. (1) Every application for a mineral right shall indicate whether the applicant intends—

- (a) to utilise for prospecting, exploration and mining operations any water existing within the boundaries of his or her mineral right;
- (b) to utilise any natural source of water existing at the site to which mining products are conveyed for washing;
- (c) to obtain and convey to the area of his or her mineral right from any natural water supply outside the boundaries of the mineral right such specified volume of water as may be required for the relevant operations;
- (d) to occupy any land that may be required for the construction of a dam, reservoir or pumping station and for the conveyance of such water to the area where the water is utilised, by means of pipes, duets, flumes, furrows or otherwise, and for such conveyance to have a right of passageway;
- (e) to construct any works necessary for the collection, storage or conveyance of such water.

Statute No.
9 of 1995.

(2) Part II of the Water Statute, 1995, shall apply in relation to and for the purpose of acquiring the right to use water in any manner or for any purpose or object specified in subsection (1) of this section.

PART VIII—SURRENDER, CANCELLATION AND SUSPENSION OF MINERAL RIGHTS.

Withdrawal
of
application
for mineral
right.

88. (1) An applicant for a mineral right or any renewal of such mineral right may withdraw his or her application at any time before the application is approved or rejected, by notifying the Commissioner in writing that he or she wishes to withdraw the application.

(2) Where an applicant referred to in subsection (1) of this section withdraws his or her application after the application has been lodged and has been substantially or wholly approved, any applicable prescribed fee paid shall not be refunded.

89. (1) Subject to section 53 of this Act and the regulations made under this Act, the holder of a mineral right may, subject to any conditions of his or her licence, surrender the area covered by his or her mineral right or part of such right by—

Surrender of
area
covered by
mineral
right.

- (a) giving the Commissioner, not less than three months notice of his or her intention to surrender the whole or part of the area concerned; and
- (b) applying to the Commissioner for and obtaining a certificate of surrender.

(2) Where the application for a certificate of surrender is in respect of part only of the area covered by the mineral right, the holder shall—

(a) in his or her application—

- (i) if it relates to a mining lease area, provide a diagram of the area to be surrendered;
- (ii) in the case of any other mineral right, provide a plan, in a form acceptable to the Commissioner, of the area to be surrendered;
- (iii) in all cases give records and reports with respect to his or her prospecting, exploration or mining operations; and

(b) if the application is approved, demarcate the remaining area in the prescribed manner.

(3) No surrender of any area covered by a mineral right shall be effective unless and until the Commissioner has issued a certificate of surrender in respect of the area.

(4) A surrender shall be without prejudice to any liabilities or obligations incurred by the holder in relation to the area surrendered prior to the date of such surrender.

(5) On the issue of a certificate of surrender the Commissioner shall—

(a) where the surrender is in relation to the whole area covered by a mineral right, cancel such right; or

(b) where the surrender is in respect of part only of the area covered by a mineral right, amend such right accordingly.

(6) No certificate of surrender shall be issued unless all the technical data relating to the mineral right in question has been deposited with the Commissioner.

(7) Any person who contravenes any of the provisions of this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred and fifty currency points or imprisonment for a term not exceeding two years, or both.

Suspension
or
cancellation
of mineral
right.

90. (1) Subject to the provisions of this section, the Commissioner may suspend or cancel a mineral right if the holder of such mineral right—

(a) fails to make any of the payments required by or under this Act on the due date;

(b) contravenes any provision of this Act, the regulations or the conditions of his or her mineral right or the provisions of any other written law relating to mines and minerals;

(c) dies, or becomes insolvent or bankrupt, or enters into any agreement or scheme of composition with his or her creditors, or takes advantage of any written law for the benefit of his or her debtors or goes into liquidation, except as part of a scheme for the reconstruction of the holder's business organisation;

- (d) makes any statement to the Commissioner in connection with his or her mineral right which he or she knows or ought to have known to be false; or
- (e) for any reason becomes ineligible to apply for a mineral right under section 4 of this Act.

(2) The Commissioner shall, before suspending or cancelling any mineral right give to the holder of the mineral right a written notice and shall, in such notice, require the holder to remedy, within a reasonable time, any breach of the conditions of his or her mineral right; and where the breach cannot be remedied, to show cause to the satisfaction of the Commissioner why the mineral right concerned should not be suspended or cancelled.

(3) Upon cancellation of a mineral right under this section, the rights of the holder of the mineral right shall cease, but without prejudice to any liabilities or obligations incurred under or in relation such mineral right prior to the date of cancellation.

91. (1) Subject to the provisions of this Act, the regulations and any provision to the contrary under any mineral right, the former holder of any such mineral right may, within six months after the date of termination of his or her mineral right, remove from the prospecting, exploration or mining area any building, fixed machinery or other movable property and any mineral product which may have been extracted from those areas.

Assets on
termination

(2) Where the Commissioner certifies that any buildings or fixed machinery are necessary for the continued maintenance of any area, which is the subject of a mineral right, those buildings or fixed machinery shall not be removed without the consent of the Minister.

(3) In any case where the Minister refuses to consent to the removal of any such buildings or fixed machinery by the former owner of those buildings or machinery under subsection (2) of this section, the Government shall pay adequate compensation to the owner of the buildings or fixed machinery concerned.

Delivery of documents on termination of mineral right.

92. Upon the termination of any mineral right, the former holder of the mineral right shall deliver to the Commissioner within such period as may be prescribed, all the records which, prior to the termination, the former holder was obliged to maintain under the provisions of this Act.

PART IX—REGISTRATION AND RECORDS.

Register.

93. (1) The Commissioner shall cause a record of every mineral right, other than a prospecting licence, granted under this Act and of any dealings with or affecting every such mineral right to be kept in a register, in this Part referred to as “the register”.

(2) When a mineral right, other than a prospecting licence, is granted, the Commissioner shall cause the name of the person to whom the mineral right is granted to be recorded in the register as the registered holder of that mineral right.

(3) Where the Commissioner is satisfied that a mistake has been made or that some matter has been incorrectly entered in the register, the Commissioner shall rectify the register by correcting that mistake or incorrect entry.

(4) The grant, renewal, suspension or termination of all mineral rights, other than prospecting licences, and all mineral dealers’ licences and goldsmiths’ licences shall be published in the *Gazette*.

Offences in relation to register.

94. A person who wilfully—

(a) makes, or causes to be made or concurs in making a false entry in the register; or

(b) produces or tenders in evidence a document falsely purporting to be a copy of, or an extract from, an entry in the register or of or from an instrument lodged with the Commissioner under this Part,

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

95. The register shall at all reasonable times be open for inspection by any person on payment of the prescribed fee; and a person may make copies of any entry in the register on payment of the prescribed fee.

Inspection
of register.

96. Where the original of any instrument creating or evidencing any right under this Act is lost or destroyed or so obliterated as to become illegible, the Commissioner may, at the request of the holder of the instrument, cause a copy of the instrument to be prepared and endorsed with all the entries that were in the original instrument, so far as these can be ascertained from the records in the Commissioner's office and other available information; and the Commissioner shall make and sign a memorandum on the copy stating that such copy is a substitute to be used in place of the original.

Replacement
of original
instrument.

97. (1) The Commissioner may give a certificate with respect to any matter referred to in subsection (2) of this section and such certificate shall be received in proceedings before any court as evidence of any such matter, but without prejudice to the right to adduce evidence in rebuttal.

Evidentiary
provision.

(2) A certificate referred to in subsection (1) of this section is a certificate of the Commissioner that—

(a) a mineral right was granted, transferred, suspended or cancelled on or with effect from a date specified in such certificate;

(b) any land, identified in the certificate is or was on a date specified in the certificate subject to a mineral right;

(c) a mineral specified in the certificate is or was on a date specified in the certificate subject to a mineral right;

(d) any condition specified in the certificate is or was on a date so specified a condition of a mineral right;

- (e) a certificate of surrender was issued in respect of land identified on a date specified in the certificate;
- (f) any condition specified in the certificate is a condition on which a certificate of surrender was issued or on which any consent or approval so specified was given; or
- (g) a person named in the certificate is or was on a date specified on the certificate the holder of a mineral right.

PART X—FINANCIAL PROVISIONS.

Royalties.

98. (1) Subject to section 100 of this Act, all minerals obtained or mined in the course of prospecting, exploration, mining or mineral beneficiation operations shall be subject to the payment of royalties on the gross value of the minerals based on the prevailing market price of the minerals at such rates as shall be prescribed.

(2) Royalty shall be shared by the Government, Local Governments and owners or lawful occupiers of land subject to mineral rights in the manner specified in the Second Schedule to this Act.

(3) Samples of minerals for the purposes of assay, analysis or other examination, and in such quantities as shall be determined by the Commissioner, shall be exempted from the payment of any royalty.

(4) For the purposes of this section, “mineral beneficiation” means the process of improving the grade or quality of mineral ore using various mining processes.

Waiver of
royalty, etc.

99. The Minister may, with the approval of the Cabinet, waive in whole or in part, any royalty payable on any mineral obtained or mined from a particular deposit, for such period as the Minister may determine, if he or she considers it expedient to do so in the interests of the production of any such mineral.

100. Where for any reason it is impractical to assess the amount of any royalty due, the Commissioner may, with the approval of the Minister, assess a provisional royalty.

Provisional royalties.

101. The value of any mineral, whether for export or for domestic consumption, shall be determined in such manner as shall be prescribed.

Valuation of minerals.

102. Where a mineral is to be stockpiled by the producer, a notice to stockpile shall be given to the Commissioner who shall assess the value of the mineral for the determination of royalty due; and the royalty so determined shall be paid as though the mineral has been disposed of commercially.

Royalty on stockpiled minerals.

103. The assessed royalty on any mineral shall be due within thirty days from the date of the assessment, and delay in payment shall attract an interest on the unpaid royalty at the rate of 2% per annum above the commercial bank lending rate as established by the Bank of Uganda; and interest on any such unpaid royalty shall not be deductible for purposes of assessing taxable income.

Due date of royalty

104. (1) Where the holder of a mineral right fails to pay any royalty payable by him or her on or before the due date, the Commissioner shall, by notice served on the holder, prohibit the holder from disposing of any mineral obtained or mined by him or her from the mining area concerned, or from any other mining area held by that holder, until all outstanding royalties have been paid or until an arrangement has been made, acceptable to the Commissioner, for the payment of the royalties, and the holder shall comply with the notice.

Failure to pay royalty on due date.

(2) Any holder of a mineral right who contravenes or fails to comply with a notice given under subsection (1) of this section, commits an offence.

105. (1) Royalty and any annual surface rent payable under this Act are debts owed to the Government and are recoverable as such by civil action in a court of competent jurisdiction.

Recovery of royalty, etc.

(2) In any proceedings under subsection (1) of this section, a certificate of the Commissioner certifying that a specified amount of royalty, or an annual surface rent of a specified amount, is payable by an identified person shall be received as evidence of that fact; but without prejudice to the right to adduce evidence in rebuttal.

(3) Where two or more persons are the joint holders of a mineral right when royalty becomes payable, those persons are jointly and severally liable for the payment of the royalty or annual surface rent without prejudice to any agreement, express or implied existing between or among them.

Annual
mineral
rents.

106. (1) There shall be payable to the Commissioner by an applicant for, or the holder of, a mining lease, a location licence, a retention licence or an exploration licence, an annual mineral rent of such amount as shall be prescribed.

(2) The annual rent payable under subsection (1) of this section is payable on the application for the grant of a mining lease, a location licence, a retention licence or an exploration licence and thereafter annually on the anniversary of the grant until the termination of the mineral right concerned.

Commissioner's power to require for information.

107. (1) Where the Commissioner has reason to believe that a person is capable of giving information or producing or making available books or documents relating to minerals obtained or mined by the holder of a mineral right or the value of such minerals, the Commissioner may, in writing order that person—

(a) to furnish to him or her in writing, within the period and in the manner specified in the instrument, any such information;

(b) to attend before him or her or a person specified in the instrument, at a specified time and place, and there to answer questions relating to minerals obtained or mined by such holder or the value of such minerals; or

- (c) to produce or make available to a person specified in the instrument, at a specified time and place, books or documents in his or her custody, power or control, relating to minerals obtained or mined by such holder or the value of such minerals.

(2) A person is not excused from furnishing information, answering a question or producing or making available books or documents when required to do so under this Act merely because the information to be so furnished, the answer to the question or the production or making available of any such books or documents, might tend to incriminate him or her or make him or her liable to a penalty; but the information so furnished is not admissible in evidence against such person in any proceeding other than proceedings for an offence against this section.

(3) Where books or documents are made available pursuant to a requirement under subsection (1) (c) of this section, the person to whom the books or documents are so made available may make copies of, or take extracts from, those books or documents.

(4) A person shall not—

(a) refuse or fail to comply with a requirement under subsection (1) of this section to the extent to which that person is capable of complying with such requirement;

(b) in purported compliance with such a requirement, knowingly furnish information that is false or misleading in a material particular;

(c) when attending before the Commissioner or an authorised officer in pursuance of such a requirement, knowingly make a statement or produce a document which is, or knowingly produce books which are false or misleading in a material particular; or

- (d) when making available books or documents in pursuance of such a requirement, knowingly make available books which are, or a document which is, false or misleading in a material particular.

(5) Any person who contravenes subsection (4) of this section commits an offence and is liable on conviction to a fine of not less than one hundred and fifty currency points or to a term of imprisonment not exceeding one year, or both.

PART XI—PROTECTION OF THE ENVIRONMENT.

108. (1) Every holder of an exploration licence or a mining lease shall carry out an environmental impact assessment of his or her proposed operations in accordance with the provisions of the National Environment Statute, 1995.

(2) The holder of a licence referred to in subsection (1) of this section shall commence his or her operations under this Act only after securing a certificate of approval of his or her proposed operations from the National Environment Management Authority.

(3) The holder of a licence referred to in subsection (1) of this section shall carry out an annual environmental audit, and shall keep records describing how far the operations conform to the approved environmental impact assessment.

(4) The provisions of subsections (1) and (3) of this section relating to environmental impact assessment and audit shall not apply to the holder of a location licence.

109. (1) There shall be included in every exploration licence or mining lease granted under this Act a condition that the holder of such licence or lease 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 Statute, 1995.

Environ-
mental
Impact
assessment
and
environ-
mental
audits.
Statute No.
4 of 1995.

Environ-
mental
protection
standards.

Statute No.
4 of 1995.

(2) Notwithstanding the provisions of subsection (1) of this section, the holder of an exploration licence or a mining lease may exceed the standards and guidelines prescribed under the National Environment Statute, 1995, if authorised by a pollution licence issued under the National Environment Statute, 1995.

Statute No.
4 of 1995.

(3) The holder of an exploration licence or a mining lease shall submit to the Commissioner and the Executive Director of the National Environment Management Authority an environmental management plan indicating the type and quality of wastes to be generated from any exploration or mining operations under this Act and the method of its final disposal.

(4) The environmental management plan referred to in subsection (3) of this section may be revised from time to time either by the holder of the exploration licence or mining lease, or if required by the Commissioner or the Executive Director of the National Environment Management Authority.

110. (1) There shall be included in an exploration licence or a mining lease granted under this Act, a condition that the holder shall submit an environmental restoration plan of the exploration or mining area that may be damaged or adversely affected by his or her exploration or mining operations.

Environ-
mental
restoration
plan.

(2) The environmental restoration plan shall include the following—

(a) an identification of the exploration or mining area concerned, its current uses and productivity prior to exploration or mining operations;

(b) a detailed time table of the accomplishment of each major step to be carried out under the restoration plan which may include—

(i) the reinstatement, levelling, re-vegetation, reforestation and contouring of the affected land;

(ii) the filling in, sealing, or fencing off of excavations, shafts and tunnels, or

(iii) any other method that may be prescribed;

(c) the use to which the land is proposed to be put following restoration, including a statement of the utility and capacity of the restored land to support a variety of alternative uses.

(3) In making a decision whether to accept the environmental restoration plan, the Commissioner shall take into account—

(a) the steps taken to comply with applicable environmental protection standards, existing land use policies and plans and any applicable health and safety standards; and

(b) the consideration that has been given in developing the environmental restoration plan in a manner consistent with local physical, environmental and climatological conditions.

111. (1) Where an exploration licence or a mining lease over any land is wholly or partly terminated, the Commissioner may, by notice served on the person who was the last holder of the exploration licence or mining lease concerned, direct the person to take such steps within such time as may be specified in the notice to give effect, in relation to the land which is no longer subject to such licence or lease, to any conditions included in his or her exploration licence or mining lease under sections 109 and 110 of this Act.

(2) Any person to whom a direction is given under subsection (1) of this section who, without reasonable excuse, fails or neglects to comply with such direction commits an offence and is liable on conviction—

(a) in the case of an individual, to a fine of not less than one hundred currency points or to imprisonment for a term of not less than two years or both; and

(b) in the case of a body corporate, to a fine of not less than five hundred currency points.

(3) Where a person to whom a direction is given under subsection (1) of this section does not comply with such direction, the Commissioner may take or cause to be taken any steps specified in the notice containing the direction.

(4) Costs and expenses incurred pursuant to subsection (3) of this section are a debt due to the Government and are recoverable as such from the guarantees provided under section 12 (1) of this Act or from the environment performance bond executed under section 112 of this Act or by civil action in a court of competent jurisdiction.

(5) In any proceedings instituted for the recovery from a person to whom a direction was given under subsection (1) of this section of a debt due by that person to the Government under subsection (4) of this section, a certificate of the Commissioner that a specified amount is the amount of the debt due shall be received as evidence of that fact without prejudice to the right to adduce evidence in rebuttal.

(6) A debt due by any person to the Government under subsection (4) of this section is recoverable notwithstanding that that person has been convicted of an offence under subsection (2) of this section.

(7) Where two or more persons are the joint holders of an exploration licence or a mining lease, those persons are jointly and severally liable for the payment of any costs and expenses which may be recovered under this section from the person who is or was the last holder of the licence without prejudice to any right to contribution existing between them.

Environ-
mental
performance
bond.

112. (1) The Commissioner may require the holder of an exploration licence or a mining lease to execute an environmental performance bond to ensure the fulfilment of all the environmental requirements under this Act.

(2) The amount of such bond shall depend on the environmental restoration plan and shall reflect the probable difficulty of restoration, taking into consideration such factors as topography, geology of the site, hydrology and re-vegetation potential.

(3) Liability under the bond shall be for the duration of the mining and restoration operations.

(4) The amount of the bond required may be adjusted by the Minister by statutory instrument.

PART XII—MISCELLANEOUS PROVISIONS.

Preference
for Ugandan
products
and
employment
of Uganda
citizens.

113. (1) The holder of a mineral right shall in the conduct of his or her operations give preference to—

(a) materials and products made in Uganda; and

(b) service agencies located in Uganda,

to the maximum extent possible and consistent with safety, efficiency and economy.

(2) The holder of a mineral right shall, in all phases of his or her operations, give preference in employment to citizens of Uganda to the maximum extent possible and shall carry out all operations in a manner consistent with safety, efficiency and economy.

Under-
ground
work for
women, etc.

114. Notwithstanding the provisions of any other law to the contrary, a woman may be employed in any underground work in any mine or in any operation or activity relating to or associated with mining.

115. (1) No minerals shall be disposed of in any manner whether for the purposes of sampling, assay, analysis or otherwise except—

Disposal of minerals.

(a) with the written consent of the Commissioner;

(b) in accordance with the terms of the mineral right concerned; or

(c) as otherwise permitted by or under this Act.

(2) Any person who contravenes subsection (1) of this section commits an offence and is liable, on conviction, to a fine of not less than two hundred and fifty currency points or to imprisonment for a term of not less than two years, or both.

116. (1) The Commissioner may grant to any person a permit to export minerals from Uganda on conditions determined by or under this Act and specified in such permit.

Export of minerals.

(2) The grant of any such permit shall not exempt the person concerned from complying with the requirements of any other law relating to the export of minerals.

(3) Any person who exports any mineral from Uganda without complying with the requirements of subsection (1) of this section commits an offence and is liable, on conviction, to a fine of not less than two hundred and fifty currency points or to imprisonment for a term of not less than two years, or both.

117. (1) The Commissioner may grant to any person an import permit to import minerals into Uganda on conditions prescribed by or under this section and specified in such permit.

Import of minerals.

(2) A person who imports any minerals into Uganda under this section shall make a declaration before a customs officer regarding the type and quantity of minerals imported, after which the customs officer shall certify the import permit.

(3) An import permit under subsection (1) of this section shall be issued only on payment of the prescribed fee.

(4) Before any minerals are re-exported from Uganda, the relevant import permit shall be surrendered to a customs officer who shall submit it to the Commissioner.

(5) Any person who imports any minerals into Uganda without complying with the requirements of this section commits an offence and is liable, on conviction, to a fine of not less than two hundred and fifty currency points or to imprisonment for a term of not less than two years, or both.

Administrative
review by
Minister.

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

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

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

Judicial
review of
Minister's
decision

119. (1) Any person aggrieved by—

(a) the rejection by the Minister of a request for administrative review under section 118 of this Act; or

(b) any direction, decision or order by the Minister under this Act; or

(c) any other act or omission by the Minister under this Act,

may, within forty five days after receipt of notification of the act or omission complained of, or, if the Minister fails to decide on an administrative review within thirty days after the period prescribed under subsection (2) of section 118 of this Act, apply to the High Court for judicial review.

(2) On an application to the High Court under this section, the High Court may make such orders as it may consider just.

120. (1) Any person who shall—

Mis-
cellaneous
offences:

(a) place or deposit or be an accessory to the placing or depositing of any mineral in any spot or place for the purpose of misleading any person as to the nature, quality or quantity of the mineral naturally occurring at such spot or place; or

(b) mingle or cause to be mingled with any sample of metal, mineral ore or any substance which will increase or decrease the value or in any way change the nature of such metal, mineral or ore, with intent to defraud any person,

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

(2) Any person who without lawful authority—

(a) wilfully breaks, defaces or removes, or in any way interferes with any boundary mark, beacon, pillar, peg or post erected for any of the purposes of this Act; or under the regulations; or

(b) wilfully removes or alters any such mark, beacon, pillar, peg or post after it has been delineated on a plan or survey,

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

(3) Any person who—

(a) interferes with any prospecting, exploration or mining operations authorised by or under this Act;

(b) obstructs any holder of a mineral right in the exercise of any right conferred by or under this Act; or

(c) interferes with any machinery, plant, works or property established on, in, under or over any land in exercise of a right conferred by or under this Act,

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

(4) Any person who commits a breach of any of the provisions of this Act for which no penalty is expressly provided shall be liable, on summary conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding one year, or both.

(5) Where any person is convicted of an offence under this section and the time limited for appeal has elapsed or the appeal has been refused, the Commissioner shall cancel any mineral right which has been granted to any such person under this Act.

Regulations.

121. (1) The Minister may make regulations for the conservation and development of mines and minerals on new areas or areas already gazetted as such and otherwise for the purpose of giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the regulations may include provisions for or with respect to—

(a) anything, which may be prescribed under this Act;

(b) the manner in which applications under this Act shall be made, the form of documents required and information to be supplied by an applicant;

- (c) the shape of the area over which a mineral right may be granted and the manner in which areas and boundaries shall be marked, beaconed and surveyed and the fees payable in respect of such surveys;
- (d) the rejection of an application for a mineral right and the renewal, transfer, assignment or surrender of a mineral right;
- (e) the returns to be rendered and the nature of the accounts, books and plans to be kept by the holder of a mineral right;
- (f) the valuation, sampling, weighing and testing of minerals;
- (g) the method of calculation of the amount of royalties and the manner of payment of such royalties;
- (h) the fees to be paid in respect of any service rendered or matter or thing done under this Act;
- (i) the restriction or prohibition of prospecting, exploration or mining operations for environmental reasons;
- (j) the safety of the public and the safety and welfare of persons employed in mines and the carrying on of prospecting, exploration and mining operations in a safe, proper and effective manner;
- (k) the notices and other safety measures necessary to protect the owner or lawful occupier of any land who exercises his or her right to graze stock upon or cultivate the surface of such land under section 80 of this Act;
- (l) the inspection of mines by authorised officers;

- (m) the proper and efficient working of exploration and mining areas and mines, as well as the avoidance of wasteful mining practices or wasteful metallurgical practices;
- (n) the penalties, not exceeding one hundred currency points or imprisonment for a term not exceeding one year, for breach of any offence under the regulations or anything which is to be prescribed; and
- (o) requiring any person who is the holder of a mineral right on the date of commencement of this Act to comply with such provisions of this Act as the Minister may from time to time specify.

Repeal of
Mining Act,
Cap. 248.

122. (1) The Mining Act, Cap 248, is repealed.

(2) Notwithstanding the repeal referred to in subsection (1) of this section—

- (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;
- (b) any regulations made under the repealed Act shall, in so far as they are consistent with the provisions of this Act, continue in force as if they were made under this Act.

Amendment
of Schedule.

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

Transitional
provisions
relating to
existing
mineral
rights, etc.

124. Notwithstanding the repeal referred to in section 122 of this Act, any right or title granted under the repealed enactment and subsisting immediately before the date of commencement of this Act shall continue in force; except that any such right or title shall be limited as prescribed by the law under which it was granted.

SCHEDULES.

FIRST SCHEDULE

Section 2

A currency point is equivalent to twenty thousand shillings.

SECOND SCHEDULE.

Section 98(3)

Government	...	...	...	80%
Local Governments	...	...	...	17%
Owners or lawful occupiers of land subject to mineral rights	...	...	...	3%

