

Uganda

Nakivubo War Memorial Stadium Trust Act Chapter 47

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Nakivubo War Memorial Stadium Trust Act
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Uganda

Nakivubo War Memorial Stadium Trust Act

Chapter 47

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An Act to establish a trust for the furtherance of organised games and to incorporate the trustees thereof.

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**board**" means the board of trustees appointed under section 4;
- (b) "**committee**" means the management committee appointed under section 12;
- (c) "**former trustees**" means the registered trustees of the Uganda Native War Memorial Recreation Ground;
- (d) "**scheduled property**" means the parcels of land described in the Schedules to this Act together with all buildings and erections on those parcels;
- (e) "**trust property**" means all land, buildings, rights, monies, securities, credits, effects and all other property whatsoever vested in the board or of or to which the board is seised, possessed or entitled and includes the scheduled property.

2. Extinguishment of existing trust

From and after the 20th August, 1953, the trust hitherto existing relating to the Uganda Native War Memorial Recreation Ground shall be extinguished and the registration of the former trustees as a corporate body under the provisions of the Land (Perpetual Succession) Ordinance (now repealed) shall be void without prejudice to any rights, liabilities, actions, claims and demands then subsisting.

3. Establishment of trust

There is established a trust to be known as the Nakivubo War Memorial Stadium Trust for the purpose of administering the trust property in such manner as to encourage the participation in athletic sports and games of organised bodies of the inhabitants of Uganda; and the trust shall be administered, controlled and managed in accordance with this Act.

4. Establishment and constitution of board of trustees

- (1) For the purpose of administering, controlling and managing the trust property there is established a board of trustees which shall be a body corporate by the name of "The Trustees of the Nakivubo War Memorial Stadium Trust" and by that name shall have perpetual succession and a common seal, and in connection with the purposes and subject to the provisions of this Act, with power to purchase, hold, manage and dispose of real and personal property and such other powers as are conferred by this Act.

- (2) The board shall consist of not fewer than seven nor more than nine members appointed by the Minister by notice published in the *Gazette*.
- (3) Each member appointed to the board shall hold office for such period as shall be specified in the notice of appointment and shall on the expiry of that period be eligible for reappointment.
- (4) If any member appointed to the board—
 - (a) dies;
 - (b) resigns;
 - (c) ceases to be a member by effluxion of time;
 - (d) is absent from Uganda for a continuous period exceeding one year;
 - (e) is declared a bankrupt or enters into any composition with his or her creditors;
 - (f) is convicted of any crime involving moral turpitude; or
 - (g) is unable by reason of any infirmity of mind or body, in the opinion of the Minister, to perform the duties of a member of the board,

there shall be deemed to be a vacancy on the board, and the Minister shall appoint another person to the board in place of that member.

- (5) The common seal of the board shall be authenticated by the signatures of the chairperson of the board or of some other member of the board authorised by the board in that behalf and of one other member of the board.
- (6) The board shall appoint a secretary to the board who shall be an officer of the board but not a member of it who shall conduct the correspondence and keep the records of the board and perform such other duties as the board may from time to time direct.
- (7) The board may appoint a treasurer to the board who shall be an officer of the board but not a member of it who shall keep the accounts and perform such other duties as the board may from time to time direct.

5. Chairperson of the board

- (1) The Minister shall appoint a chairperson and a vice chairperson of the board, each of whom shall be a member of the board appointed under [section 4](#).
- (2) Except as provided in subsection (3), the chairperson or, in his or her absence, the vice chairperson shall preside at all meetings of the board.
- (3) In the absence of the chairperson and vice chairperson, the members present at any meeting shall elect one of their number to be chairperson for the purpose of such meeting.

6. Proceedings of board

- (1) At any meeting of the board four members shall constitute a quorum for the transaction of business.
- (2) A decision of the majority of members present at any meeting of the board shall be deemed to be the decision of the board.
- (3) The chairperson or vice chairperson or member elected to be chairperson shall have a deliberative vote in common with the other members of the board; and if upon any question the voting shall be equal, he or she shall in addition have a casting vote.
- (4) The board may appoint from among the members of the board any committee for any special purpose that it may deem expedient.

- (5) The board may from time to time make rules for the transaction of the business of the board or of any committee of the board.

7. Board to keep accounts

- (1) The board shall keep a full and correct account of all monies vested, received and expended in and by it and shall at the end of each calendar year submit to the Minister a report of the operations of the board, accompanied by statements of assets and liabilities and revenue and expenditure.
- (2) The accounts of the board shall be subjected to an annual audit by an auditor approved by the Minister.

8. Powers of board

Subject to this Act, for the purpose of the administration, control and management of the trust property the board may—

- (a) sue and be sued in its corporate name;
- (b) acquire by purchase, gift or otherwise or hold lands and rights, easements or interests therein or thereover and any other property;
- (c) erect, alter, enlarge or improve any building or other erection upon any part of the trust property;
- (d) with the consent of the Minister, borrow and raise money upon such terms and conditions as may be approved by the Minister; except that the board shall not permit any mortgage or other charge whether legal or equitable to be created so as to affect the scheduled property or any part of it;
- (e) sell, lease, dispose of or otherwise deal in the trust property or any part of it; except that the board shall not sell, lease, dispose of or otherwise deal in the scheduled property or any part of it;
- (f) invest any monies not immediately required in and upon any investment for the time being authorised by law for the investment of trust monies and vary any such investment;
- (g) plant, drain, level and otherwise improve and alter any land forming part of the trust property;
- (h) employ upon such terms and conditions as it may determine such managers, agents, servants or workers as may be necessary;
- (i) from time to time hire or permit the use of such part of the trust property as consists of land, buildings or equipment to or by any person for the purpose of conducting any athletic or sporting contests or games, at such fee, if any, as the board may from time to time determine;
- (j) from time to time use the trust property or any part of it for the purpose of promoting and holding any athletic or sporting contests or games;
- (k) from time to time use the trust property or any part of it for the purpose of promoting and holding a parade, exhibition, fete, bazaar or any other function for which the trust property or any part of it is or becomes suitable, or hire or permit the use of such part of the trust property as consists of land, buildings and equipment to or by any person for any such purpose, at such fee, if any, as the board may from time to time determine;
- (l) make charges for admission to that trust property or any part of it of persons desiring to witness any athletic contests, any games or any other function, or in its discretion, permit any person or body of persons to whom the trust property or any part of it has been let, hired or permitted to be used under paragraphs (i), (j) and (k) of this section to make such charges;
- (m) support and aid in the establishment and support, whether by the grant or loan, with or without interest, of monies or otherwise, of any association or body formed for the purpose of promotion and encouragement of athletic sport and games;

- (n) do all such acts, matters and things as may be necessary for carrying out the provisions and purposes of this Act.

9. Vesting of property in board

Subject to the provisions of this Act relating to the scheduled property, all land, buildings, rights, monies, securities, credits, effects and all property whatsoever of or to which prior to the 20th August, 1953, the former trustees were seised, possessed or entitled and the benefit of all contracts entered into by the former trustees shall be and the same are vested in the board to the same extent and for the same estate or interest as they were previously vested in the former trustees to be held and enjoyed, sued for, recovered, maintained, dealt with and disposed of in accordance with this Act.

10. Board to discharge liabilities of former trustees

From and after the 20th August, 1953, the board shall in all respects be subject to and shall discharge all obligations and liabilities to which the former trustees were subject and shall indemnify the former trustees and each of them from all such obligations and liabilities and from all costs and expenses in that behalf.

11. Application of trust property

The board shall apply the trust property and any income derived from the trust property to or for the purposes of the trust; and if any land forming the whole or part of the trust property shall be sold, the proceeds of the sale shall be paid and applied in such manner as the Minister, with the advice of the board, shall direct.

12. Appointment and meetings of management committee

- (1) For the purpose of advising the board in the management and control of the trust property, the board shall appoint a management committee the chairperson of which shall be the vice chairperson of the board.
- (2) The committee shall consist of the chairperson and not more than twelve persons, who need not be members of the board, appointed by the board with the approval of the Minister.
- (3) Any person appointed to the committee shall hold office for a period fixed by the board and shall on the expiry of that period be eligible for reappointment.
- (4) If any person appointed a member of the committee—
 - (a) dies;
 - (b) resigns;
 - (c) ceases to be a member by effluxion of time;
 - (d) is absent from Uganda for a continuous period exceeding one year;
 - (e) is declared bankrupt or enters into any composition with his or her creditors;
 - (f) is convicted of any crime involving moral turpitude; or
 - (g) is unable by reason of any infirmity of mind or body in the opinion of the board to perform the duties of a member of the committee,

there shall be deemed to be a vacancy on the committee, and the board may appoint another person to be a member in place of that person.

- (5) The chairperson of the committee shall preside at all meetings of the committee; except that in the absence of the chairperson, the persons present at any meeting of the committee shall elect one of their number to be chairperson for the purposes of the meeting.

- (6) At any meeting of the committee five persons shall constitute a quorum for the transaction of business.
- (7) A decision of the majority of persons present at any meeting of the committee shall be deemed to be the decision of the committee.
- (8) The chairperson or person elected to be chairperson shall have a deliberative vote in common with the other members of the committee, and if upon any question the voting shall be equal, he or she shall in addition have a casting vote.

13. Functions of management committee

- (1) Subject to any general or special directions of the board, the committee may exercise the powers conferred upon the board by virtue of the provisions of [section 8\(h\)](#), (i), (j), (k) and (l), and all acts done by the committee in exercise of the powers conferred shall be deemed to have been done by the board.
- (2) The committee shall submit to the board either monthly or at such intervals as the board may direct a report of the exercise of the powers specified in subsection (1) and at the same time account to the board for all monies received and expended in connection with the exercise of those powers.
- (3) Subject to subsection (1), any matter relating to the administration, management or control of the trust property shall first be referred to the committee which shall consider the matter and advise the board upon the exercise of its powers in connection with the matter.

14. Validation of acts of former trustees

All acts done prior to the coming into operation of this Act by the former trustees incidental to the trusts hitherto existing relating to the Uganda Native War Memorial Recreation Ground are declared to have been done in lawful exercise of powers in that behalf, and the former trustees are released and discharged from and against all legal proceedings in respect of any such acts.

15. Protection from personal liability of members of board, etc.

- (1) No matter or thing done by the chairperson or any member, officer or employee of the board or by any member of the committee *bona fide* for the purpose of executing any of the provisions of this Act shall render the chairperson, member, officer or employee personally responsible to any action, liability, claim or demand whatever.
- (2) Without prejudice to the generality of subsection (1), no act, matter or appointment done, performed or made between the 3rd September, 1955, and the 27th December, 1956, by the board or by the chairperson or any member, officer or employee of the board in purported exercise of any of the powers contained in this Act shall be deemed to have been unlawfully done, performed or made by reason only that the period of appointment of members of the board had expired.

Schedules

First Schedule (Section 1)

Scheduled property in the freehold register

All that parcel of land situate in the Mengo district containing 11.62 acres or thereabouts and registered in volume 3, folio 24, of the freehold register.

Second Schedule (Section 1)

Scheduled property in the leasehold register

All that parcel of land situate in the Mengo district containing .836 acre or thereabouts and contained in volume 247, folio 3, of the leasehold register.