

## CHAPTER 333

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## CHAPTER 333

### THE UGANDA TOURIST BOARD ACT.

*Commencement:* 4 November, 1994.

**An Act to establish a Uganda Tourist Board and to provide for its composition, objects, functions, administration and finances and for other matters related to the board.**

#### PART I—INTERPRETATION.

##### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “appointed member” means a member of the board appointed under section 3(1)(a) or (c);
- (b) “board” means the board established under section 2;
- (c) “chairperson” means the chairperson of the board;
- (d) “financial year” means a period of twelve months ending on the thirtieth day of June in each year;
- (e) “Minister” means the Minister responsible for tourism.

#### PART II—ESTABLISHMENT OF THE BOARD.

##### **2. Establishment of the board.**

(1) There shall be established a body to be known as the Uganda Tourist Board.

(2) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The board may, subject to any limitations contained in this Act, acquire, hold, manage and dispose of any property, movable or immovable, and enter into any contract or other transaction and do anything which may in law be entered into or done by a body corporate.

##### **3. Composition of the board.**

(1) The board shall consist of the following members—

- (a) the chairperson;
- (b) a senior official appointed by the Minister to represent the Ministry responsible for tourism;
- (c) the person appointed under section 10 to be general manager as ex officio member;
- (d) six other members who possess qualities likely to be beneficial to the board, of whom at least— (i) one shall be appointed by reason of his or her knowledge of international tourism; (ii) one shall be appointed from a list of three names submitted by travel agents to represent their interests; (iii) one shall be appointed from a list of three names submitted by tour operators to represent their interests; (iv) one shall be appointed from a list of three names submitted by hotel and catering operators to represent their interests;
- (v) one shall be appointed from a list of three names submitted by agencies involved in environment protection to represent their interests; (vi) one shall be appointed from a list of three names submitted by groups involved in cultural promotion to represent their interests.

(2) The members of the board referred to in subsection (1)(a) and (d) shall be appointed by the Minister on such terms and conditions as he or she determines.

- (3) No person shall be or remain a member of the board—
  - (a) if he or she is convicted of an offence involving fraud, dishonesty or moral turpitude;
  - (b) if he or she is adjudged or otherwise declared to be an insolvent or bankrupt under any law in force in Uganda or elsewhere and has not been discharged.

#### **4. Tenure of office of members of the board.**

(1) The appointed members of the board shall hold office for three years and are eligible for reappointment.

(2) An appointed member may at any time resign his or her office by writing signed by him or her addressed to the Minister or may be removed from office by the Minister due to inability to perform the functions of his or

her office.

(3) Subject to subsection (2), where an appointed member dies, resigns, is removed from office or for any other reason ceases to hold office before the expiration of his or her term of office, the Minister may appoint another person qualified to be appointed to take his or her place; and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he or she is appointed.

(4) For the avoidance of doubt, a person appointed under subsection (3) is eligible for reappointment as a member of the board.

## **5. Secretary of the board.**

(1) There shall be a secretary to the board who shall be appointed by the board on such terms and conditions as the board may determine.

(2) The secretary shall, subject to the policy direction of the board, be responsible for keeping the common seal of the board and recording and keeping the minutes of meetings of the board and shall have such other functions as the general manager may assign to him or her.

## **6. Meetings, common seal, etc. regulated in Schedule.**

(1) The common seal of the board shall be in such form as the board may determine.

(2) The application of the common seal on any document shall be authenticated by the signature of the chairperson and one other member of the board; and in the absence of the chairperson, any two members of the board authorised by the board shall authenticate the application of the seal on his or her behalf.

(3) The signature of the chairperson and the other members of the board shall be independent of the signing by any other person who may sign any such document as a witness.

(4) A document purporting to be an instrument issued by the board and to be sealed by the common seal of the board authenticated in the manner prescribed by subsection (2) shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(5) The provisions of the Schedule to this Act shall have effect with regard to the meetings and other matters of the board to which they relate.

### PART III—OBJECTS AND FUNCTIONS OF THE BOARD.

#### **7. Objects of the board.**

The objects of the board are—

- (a) to promote the tourist industry of Uganda both within and outside Uganda;
- (b) to carry on such activities as are incidental or conducive to the attainment of the object specified in paragraph (a) of this section.

#### **8. Functions of the board.**

Without prejudice to the general effect of section 7, the board shall, for the purpose of the attainment of its objects, have the following functions—

- (a) to promote, market and popularise Uganda as a tourist destination;
- (b) to encourage investment in tourism in Uganda and for that purpose to liaise with the Uganda Investment Authority and other relevant organisations;
- (c) to promote and sponsor educational programmes in the tourist industry;
- (d) to provide or coordinate the provision of consultancy services within the tourist industry;
- (e) to set, enforce and monitor standards in the tourist industry;
- (f) to be responsible for Uganda's liaison with the World Tourism Organisation and other international organisations;
- (g) to carry out research and mobilisation in the field of appropriate tourism suitable for Uganda; and
- (h) to carry out any other function prescribed by or under this Act or directed by the Minister.

#### **9. Committees of the board.**

(1) For the effective discharge of its objects and functions, the board may appoint one or more committees comprising members of the board or persons who are not members of the board or both.

(2) The board may assign to a committee appointed under this section such functions and with such limitations and conditions as the board may prescribe.

#### PART IV—MANAGEMENT AND STAFF OF THE BOARD.

### **10. General manager.**

(1) There shall be a general manager of the board.

(2) The general manager shall be appointed by the Minister on the recommendation of the board and shall hold office for such period and upon such terms and conditions as the board may, in consultation with the Minister, determine.

(3) The general manager shall devote his or her full time to the affairs of the board.

(4) Subject to any regulations made by the Minister under section 19 and also to the control of the board on matters of general policy, the general manager shall be charged with the day-to-day management of the business of the board and with its administration and organisation and the control of its staff.

(5) In the absence of the general manager, the board may appoint another person to perform the functions of general manager until any vacancy in that office is filled or, as the case may be, until the general manager resumes the performance of the functions of his or her office.

### **11. Other staff.**

(1) Subject to this Act, the board may appoint such other officers and other employees as may be necessary for the proper and efficient conduct of its objects and functions.

(2) The staff of the board appointed under this section shall hold office upon such terms and conditions as the board may determine.

(3) The board may grant pensions, gratuities or other retirement benefits to the officers and other employees of the board and may require them to contribute to any pension, provident fund or superannuation scheme.

PART V—FINANCE.

**12. Funds of the board.**

- (1) The funds of the board are—
  - (a) grants from the Government;
  - (b) any money accruing to the board as a tourism promotion levy;
  - (c) money accruing to the board in carrying out its objects and functions;
  - (d) interest earnings;
  - (e) monies borrowed by the board.

(2) All monies received by the board shall be deposited to the credit of the board in a bank approved by the board.

**13. Tourism promotion levy.**

(1) For the purposes of section 12(1)(b), the Minister may, after consultation with the Minister responsible for finance, by statutory order, impose a tourism promotion levy.

(2) A levy imposed under this section shall be paid, collected and accounted for in accordance with regulations made under section 19 in consultation with the Minister responsible for finance.

(3) Any statutory order or regulation made under or for the purposes of this section shall be laid before Parliament within thirty days after it has been published in the Gazette if Parliament is then sitting, or if it is not sitting, within thirty days after it has commenced sitting.

(4) Parliament may, within either of the periods prescribed under subsection (3), by resolution, annul the statutory order or regulation; but the annulment shall not invalidate any action taken under the statutory order or regulation before the annulment.

**14. Borrowing powers of the board.**

(1) The board shall, in consultation with the Minister, borrow sums of money required by it for meeting its obligations or for carrying out any of its objects and functions under this Act.



(2) An approval given under subsection (1) may be general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

#### **15. Estimates.**

The board shall, within three months before the end of each financial year, cause to be prepared and submitted to the Minister for approval, estimates of the income and expenditure of the board for the next financial year; but if by the 1st day of the financial year the estimates have not been approved, they shall be deemed to have been approved.

#### **16. Accounts of the board.**

(1) The board shall prepare proper books of account and proper records in relation to them.

(2) Subject to such directions as the Minister may give, the board shall prepare in respect of each financial year a financial statement of accounts comprising a statement of income and expenditure sheet, a balance sheet and such information in respect of the financial affairs of the board as the board may require.

#### **17. Audit.**

(1) The books and accounts of the board prepared as required by section 16 shall be submitted within three months after the end of each financial year to the Auditor General to be audited by him or her or by an auditor appointed by him or her.

(2) The Auditor General shall report annually to the Minister, as soon as practicable after auditing the accounts of the board, the results of his or her examination; and the report shall state whether, in his or her opinion—

- (a) proper books of account have been kept by the board; and
- (b) the financial statement of account referred to in section 16—
  - (i) was prepared on a basis consistent with that of the preceding financial year and is in agreement with accounting principles; (ii) in the case of revenue or expenditure of the board, gives a true and fair view of the income and expenditure and the

profit and loss account of the board for the financial year.

(3) The Auditor General shall, in his or her report under subsection (1), call the attention of the Minister to any other matter falling within the scope of his or her examination which in his or her opinion should be brought to the attention of Parliament.

#### PART VI—GENERAL.

### **18. Contracts of the board.**

(1) Contracts by or on behalf of the board may be made in the following manner—

- (a) a contract which if made between private persons is required to be in writing, and if made according to any law for the time being in force in Uganda is required to be under seal, may be made on behalf of the board under its common seal;
- (b) a contract which if made between private persons would by law be required to be in writing signed by the parties to be bound by the contract, may be made on behalf of the board in writing, signed by any person acting under its authority, express or implied.

(2) A contract made in accordance with this section shall be effectual in law and shall bind the board and its successors and all other parties to the contract according to its terms.

(3) A contract made in accordance with this section may be varied or discharged in the same manner in which it is authorised to be made under this section.

### **19. Regulations.**

(1) The Minister may, by statutory instrument, make regulations for better carrying into effect the provisions of this Act.

(2) In particular, but without prejudice to the general effect of subsection (1), regulations made under it may—

- (a) prescribe the rate of any tourism promotion levy imposed under this Act and the mode of payment, collection of and accounting for the levy;

- (b) the terms and conditions and discipline of the staff of the board; and
- (c) make any other provision which appears to the Minister to be reasonably necessary for ensuring the effective implementation of this Act.

**20. Protection of members of the board and staff from personal liability.**

A member of the board, an employee of the board or other person on behalf of the board shall not be personally liable for an act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

**21. Allowances to board members.**

A member of the board may be paid such allowances, if any, in respect of attendance at meetings of the board as the Minister may approve in relation to that member.

**22. Reports to Minister.**

(1) The board shall, not later than six months after the end of each financial year, present to the Minister a report dealing generally with the activities and operations of the board during the preceding financial year, and in particular—

- (a) containing such information with regard to the proceedings and policy of the board as the board considers may be given without detriment to the interest of any undertaking of the board;
- (b) a copy of the financial statement of account referred to in section 16, together with the Auditor General's report on it.

(2) The Minister shall, not later than one month after receiving the audited report, cause the report to be laid before Parliament.

**Meetings of the board.**

**1. Meetings of the board.**

(1) The board shall meet for the dispatch of business at least once in every two months at such place and time as the chairperson may appoint.

(2) A meeting shall also be called upon the request in writing by not less than one-half of all the members of the board specifying the subject intended to be discussed at the meeting.

(3) The chairperson shall preside at every meeting of the board; and if he or she is absent from any meeting, a member elected by the members present at the meeting from their number shall preside.

(4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a casting vote.

(5) The quorum at any meeting of the board shall be five.

(6) No proceedings of the board shall be invalidated by reason of any vacancy in the membership of the board or by reason of any default in the appointment of any member or by reason that a person not entitled to be present or to vote at any meeting of the board was present or voted at the meeting.

**2. Disclosure of interest.**

(1) A member of the board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the board shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose to the board the nature of his or her interest.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the board, and the member making the disclosure shall not, unless the board otherwise directs in respect of the matter—

(a) be present during any deliberation on the matter by the board; or

(b) take part in any decision of the board on the matter.

**3. Minutes of meetings of the board.**

The board shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes shall be confirmed by the board at the next meeting and signed by the chairperson or other person presiding at the meeting.

**4. Board to regulate its proceedings, etc.**

Subject to this Schedule, the board may regulate its own proceedings and the proceedings of committees appointed by the board.

**History:** Statute 15/1994; S.I. 54/2000.