

ACTS SUPPLEMENT

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Act 2

Uganda Tourism Act

2008

THE UGANDA TOURISM ACT, 2008.

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THE UGANDA TOURISM ACT, 2008.

An Act to reform, consolidate and streamline the law relating to tourism; to provide for licensing, regulating and controlling of the tourism sector; to give effect to the implementation of the tourism policy of Government; to reconstitute the Uganda Tourist Board to make it private sector driven; to establish a tourism development levy; to provide for the establishment and management of a tourism development fund; to repeal the Hotels Act, the Tourist Agents (Licensing) Act, and the Uganda Tourist Board Act; and to provide for related matters.

DATE OF ASSENT: 28th April, 2008.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Commencement**

This Act shall come into force on a date appointed by the Minister by statutory instrument; and different dates may be appointed for the commencement of different provisions.

2. Interpretation

In this Act, unless the content otherwise requires—

“board” means the Uganda Tourism Board continued in existence under section 3;

- “currency point” has the meaning assigned to it in the First Schedule;
- “designated tourist facility” means any service, premises, place or thing which the Minister has declared to be a designated tourist facility;
- “domestic tourism” means residents of Uganda traveling only within Uganda;
- “financial year” means in respect of an accounting period, a period of twelve months ending on 30th June of each calendar year;
- “Fund” means the Tourism Development Fund established by section 21;
- “levy” means a levy prescribed in accordance with section 20 and includes any surcharge;
- “licence” means a licence issued in accordance with this Act;
- “licensing” means issuing a licence to operate a designated tourist facility or for carrying on the business of travel agent, tour operator or tour guide under this Act;
- “Minister” means the Minister responsible for tourism;
- “Ministry” means the Ministry responsible for tourism;
- “prescribed” means prescribed by statutory instrument made under this Act or continued in operation by this Act or under standards and guidelines made under this Act;
- “tour guide” means a person registered and licensed to lead tour itineraries of persons;
- “tour operator” means a person licensed to sell or offer for sale, tour packages either directly or through a third party;

“tourism” means the activity of persons travelling to and staying in places outside their usual environment for not more than one year mainly for leisure, business and other purposes not related to the exercise of an activity remunerated from within the place visited;

“Tourism Development Fund” means the Fund established under section 21;

“tourism policy” means any policy intended to develop the tourism sector and approved by the Minister;

“tourist accommodation” means an apartment, guest-house, hotel, bungalow or lodge and any other type of tourist accommodation facilities designated by the Minister and providing accommodation to tourists for payment;

“tourism sector” includes all businesses, enterprises and activities which provide tourist facilities, including any such businesses, enterprises and activities carried on by the State, a statutory body or a local government;

“travel agent” means a business licensed to conduct the business of a travel agency;

PART II—UGANDA TOURIST BOARD

3. Continuation of the Uganda Tourist Board.

(1) The Uganda Tourist Board existing immediately before the coming into force of this Act under the Uganda Tourist Board Act shall continue in existence subject to this Act.

(2) The Board continued under subsection (1) shall be known as the Uganda Tourism Board.

(3) The Board shall be a body corporate with perpetual succession and a common seal and may—

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

- (b) sue and be sued in its corporate name;
- (c) do all other things as a body corporate may lawfully do.

4. Composition of the Board.

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

- (a) a senior official of the Ministry appointed by the Minister;
- (b) a representative of the Ministry responsible for finance;
- (c) a representative of the Civil Aviation Authority;
- (d) a representative of the Uganda Wildlife Authority;
- (e) the chief executive officer, who shall be an ex-officio member;
- (f) a representative of the National Planning Authority;
- (g) five other members with professional experience in tourism and who possess qualities likely to be beneficial to the Board, of whom at least—
 - (i) one person shall be appointed from a list of three names submitted by tour operators to be representative of their interests;
 - (ii) one person shall be appointed from a list of three names submitted by the accommodation owners, hoteliers and providers of catering services to be a representative of their interests;
 - (iii) one person shall be appointed from a list of three names submitted by an organization recognised as being representative of the tourism sector; and
 - (iv) one person shall be appointed from a list of three names submitted by an organization representative of the private aviation sector.

(2) The chief executive officer shall act as secretary to the Board and shall perform such functions in relation to the Board as the Board may direct.

(3) The Minister shall appoint a chairperson from among the members of the Board.

(4) The Minister shall appoint the members of the Board, on such terms and conditions as shall be specified in the instruments of appointment.

(5) In making the appointments to the Board the Minister may take into consideration gender equity.

(6) The members of the Board shall elect one person from among their number who shall be the vice-chairperson of the Board.

5. Tenure of office of members of the Board.

(1) The members of the Board shall hold office for a period of three years and shall be eligible for reappointment for one more term.

(2) A member appointed to the Board may at anytime before the expiry of his or her term, resign his or her office in writing signed by him or her addressed to the Minister or may be removed from office by the Minister only—

- (a) for inability to perform his or her functions;
- (b) if he or she is convicted of an offence involving fraud, dishonesty or moral turpitude;
- (c) 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;
- (d) for misbehaviour or misconduct; or
- (e) if he or she does not attend three or more consecutive meetings of the Board without showing in writing to the Chairperson, good cause for his or her absence.

(3) Where a member of the Board dies, resigns, or 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 appointed shall hold office until the expiration of the term of office of the member in whose place he or she is appointed.

(4) The Minister shall appoint new members or reappoint existing members to the Board at least three months before the end of the term of office of the current members.

6. Objects of the Board.

The objects of the Board are—

- (a) to promote and contribute to the development of the tourism sector both within and outside of Uganda;
- (b) to coordinate with the Ministry and the private sector in the implementation of the national tourism policy;
- (c) to carry out such activities as are incidental or conducive to the attainment of the objects specified in paragraphs (a) and (b).

7. Functions of the Board.

(1) Without prejudice to the general effect of section 6, the Board shall, for the attainment of its objects have the following functions—

- (a) to formulate, in cooperation and in consultation with the private sector and relevant entities, a marketing strategy for tourism in Uganda;
- (b) to implement the marketing strategy and to promote Uganda as an attractive and sustainable tourist destination;
- (c) to encourage and promote domestic tourism within Uganda;

- (d) to encourage investment in the tourism sector and wherever possible, to direct such investment to the less developed tourism areas;
- (e) to promote and sponsor educational programmes and training in the tourism sector including schools, in consultation and cooperation with appropriate entities;
- (f) to undertake and commission appropriate research in the field of tourism;
- (g) in consultation with or as directed by the Minister, to delegate to local governments the responsibilities related to tourism commensurate with their functions set out in the Local Governments Act;
- (h) to manage the tourism development levy in accordance with the best commercial practice and the objects of the Board;
- (i) to provide finance and any other assistance to strengthen the private entities in the tourist sector where necessary and appropriate;
- (j) to enforce, and monitor standards in the tourism sector;
- (k) to inspect, register, licence and classify tourist facilities and services; and
- (l) to undertake any other functions prescribed by or under this Act, any other law or as directed by the Minister.

(2) In the exercise of its power of inspection of tourist accommodation and facilities and services under subsection (1) (k), the Board may authorize any member of the Board or any person authorized by the Board to enter any tourist accommodation or facility and inspect, at any reasonable time.

8. Committees of the Board.

(1) The Board may appoint one or more committees from among themselves for the effective discharge of its objectives and functions.

(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.

(3) A committee appointed under this section shall have a minimum of three and a maximum of five members.

9. Procedure at Board meetings.

The Second Schedule to this Act shall have effect in relation to the procedure of meetings of the Board.

10. Allowances to Board members.

A member of the Board may be paid such allowances as may be determined by the Minister, on the recommendation of the Board in respect of attendance of meetings of the Board.

*Staff of the Board***11. Chief executive officer and deputy chief executive officer.**

(1) The Board shall have a chief executive officer.

(2) The chief executive officer and deputy chief executive officer 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 Minister on the recommendation of the Board may remove the chief executive officer or deputy chief executive officer from office for—

- (a) gross misconduct;
- (b) dishonesty;
- (c) incompetence;
- (d) inability to discharge the functions of his or her office.

(4) The Minister shall, within two months after receiving a recommendation under sub-section (3), communicate his or her decision on the recommendation to the Chief Executive Officer and the Board.

(5) If the Minister takes a decision to remove the Chief Executive Officer, the Chief Executive Officer, may, within thirty days after the decision is communicated to him or her, appeal to the High Court.

(6) Where the Minister fails to take a decision within the time prescribed by sub-section (4), the recommendation of the Board shall be taken to have been approved.

(7) The Chief Executive Officer shall be responsible for the day to day administration, organization and management of the Board and the implementation of this Act and shall be under the general direction and control of the Board.

(8) The period which the Chief Executive Officer will serve shall be three years, renewable on satisfactory performance.

12. Other staff.

(1) The Board may appoint such other employees as may be necessary for the proper and efficient discharge 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 with the approval of the Minister determine.

(3) The Board may grant pensions, gratuities or other relevant benefits to the officers and other employees of the Board and may require them to contribute to any pension, provident fund or super annuation scheme.

13. Tourist accommodation and other designated tourist facilities.

(1) A person shall not operate any accommodation or other designated tourist facility for the purpose of payment by tourists unless the accommodation or facility has been issued with a licence by the Board.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

(3) For the purposes of this section the Minister may by regulations made under section 34 designate facilities to be considered designated tourist facilities under this Act.

14. Travel agents, tour operators and tour guides.

(1) A person shall not carry on the business of travel agent, tour operator or tour guide unless he or she has in relation to that business, a valid licence issued by the Board.

(2) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding forty-eight currency points or imprisonment not exceeding two years or both.

15. Application for a licence.

(1) An application for the grant or renewal of a licence under this Part shall be made to the Board in the prescribed form by the applicant or by a person duly authorised by the applicant.

(2) The application shall be accompanied by such particulars and documents as may be prescribed.

(3) The applicant shall upon presentation of the application, pay to the Board a fee prescribed by the Board.

(4) Upon receipt of an application by the Board, the Board shall within fourteen days—

- (a) grant or renew a licence with or without conditions;
- (b) refuse to grant or renew a licence; or
- (c) require the applicant to meet specified conditions before granting or renewing the licence.

16. Cancellation of licence.

(1) The Board may cancel a licence granted by it under this Act—

- (a) if the holder of the licence is convicted of an offence under this Act or any other law involving fraud or dishonesty;
- (b) if the holder of the licence becomes bankrupt, or being a company or other corporate body, goes into liquidation;
- (c) if the licence holder fails to comply with a condition imposed on him or her in the licence;
- (d) if it is proved to the satisfaction of the Board that the licence was obtained by fraud or by misrepresentation or non-disclosure of particular material to the application.

(2) Before canceling a licence under this section the Board shall notify the licence holder in writing, stating the reasons for the intended cancellation and inviting the licence holder within fourteen days, to show cause why the licence should not be cancelled.

17. Appeals.

(1) A person aggrieved by a decision of the Board to refuse to grant or renew a licence under section 15 may within thirty days after being notified by the Board of the decision petition the Minister against the decision.

(2) The Minister shall consider the petition submitted to him or her under subsection (1) and may within thirty days after receipt of the petition, reverse or confirm the decision of the Board.

(3) The Minister shall cause his or her decision under subsection (2) to be communicated to the Board and to the petitioner.

(4) A person whose licence is cancelled under section 16 may within fourteen days after being notified of the decision of the Board, petition the Minister against the cancellation.

(5) The Minister shall consider the petition submitted to him or her under subsection (4) and may within thirty days after receipt of the petition, reverse or confirm the decision of the Board.

(6) The Minister shall cause his or her decision under subsection (5) to be communicated to the Board and to the petitioner.

PART IV—SUPERVISION, MONITORING AND COORDINATION OF TOURISM

18. Supervision, monitoring and coordination of tourism.

(1) The supervision, monitoring and coordination of tourism in Uganda shall be the responsibility of the Ministry.

(2) The Ministry may do all or any of the following—

- (a) by means of legal, institutional, financial and other initiatives to plan and develop a sustainable tourism sector with due regard to the economic, social, environmental and cultural consequences of such development;
- (b) to formulate, promote and monitor implementation of policies for sustainable growth of the tourism sector, in consultation with the private sector and line institutions of Government;
- (c) to supervise the tourism sector;
- (d) to ensure compliance with best environmental practices by tourists, tour operators and owners of tourist facilities;
- (e) to promote national and international investment in the tourist sector;

- (f) to liaise with international organizations and any other relevant entities involved in tourist development;
- (g) to initiate, develop and promote domestic, regional and international cooperation in the field of tourism;
- (h) to support and guide the Board in performing the tasks assigned to it under or by virtue of this Act; and
- (i) as appropriate and necessary, in conjunction with the Uganda Bureau of Statistics, collect, process and distribute tourism statistics.

PART V—FINANCE

19. Funds of the Board.

- (1) The funds of the Board shall consist of—
 - (a) monies appropriated by Parliament for the purposes of the Board;
 - (b) any money accruing to the Board from the tourism development levy;
 - (c) money accruing to the Board including fees, in the carrying out of its objects and functions;
 - (d) such sums as may be received for the purposes of the Fund by way of voluntary contribution;
 - (e) interest on earnings;
 - (f) money borrowed by the Board with the approval of the Minister;
 - (g) such funds or other assets which may be donated for the purposes of the Fund by any foreign government, international agency or foreign institution or body.
- (2) All revenues collected by or payable to the Board shall form part of the revenue of the Board and having regard to its capacity to generate income from its own operations and its annual business plans and budget, and shall remain the property of the Board.

20. Tourism development levy.

(1) The Minister may, after consultation with the Minister responsible for finance by statutory order, impose a tourism development levy.

(2) The levy imposed under this section shall be paid, collected and accounted for in accordance with regulations made under section 34.

21. Tourism development Fund.

(1) There is established a fund to be known as the Tourism Development Fund.

(2) All income and monies of the Board shall form part of the Fund and shall be deposited to the credit of the Board in a bank approved by the Minister and shall not be withdrawn, except in accordance with the manner approved by the Board.

(3) The fund shall only be used to further the objects and functions of the Board.

22. Management of the Fund.

(1) The chief executive officer shall be responsible for the management of the Fund with the approval of the Board.

(2) The Board in discharging its duties in relation to the Fund shall perform its functions in accordance with sound financial and commercial practices and shall ensure as far as possible that the revenue is sufficient to meet expenditure.

(3) The Board may in consultation with the Minister, invest monies from the Fund in conformity with good commercial practice.

23. Estimates.

(1) The Board shall, not less than three months before the end of each financial year, prepare and submit to the Minister for his or her approval, estimates of income and expenditure of the Fund for the next financial year, and may, at any time before the end of the financial year prepare and submit any estimates supplementary to the estimates of the current financial year.

(2) No expenditure shall be made out of the Fund unless that expenditure is part of the annual estimates or supplementary estimates approved under this section.

24. Accounts.

(1) The Board shall keep proper books of accounts of all its income and expenditure and proper records in relation to them in a form approved by the Auditor General.

(2) Subject to any directions given by the Minister, the Board shall cause to be prepared in respect of each financial year, a statement which shall include a report on the performance of the Board during that financial year and the statement shall comprise—

- (a) a balance sheet and a statement of income and expenditure of the Board in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Board as the Minister may require.

25. Audit.

(1) The Accounts of the Board shall, in respect of each financial year, be audited by the Auditor General or an auditor appointed by the Auditor General.

(2) The Board shall ensure that within two months after the close of each financial year, the statement of accounts described in section 24 is submitted for auditing.

(3) The Auditor General or an auditor appointed by the Auditor General shall have access to all books of accounts vouchers and other financial records of the Board and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

26. Liability of tourist accommodation or facility owner or operator for acts of agents, and others.

(1) Every owner or operator of tourist accommodation or facility shall be answerable for every act and omission of any agent, clerk, servant or other person employed in his or her accommodation or facility or on his or her behalf to the extent that the act or omission concerns the business of the owner or operator as such.

(2) If the agent, clerk, servant or other persons does any act or makes any omission which is an offence against any provision of this Act, or which would be an offence if done or made by that employer, the employer and his or her agent, clerk, servant or other person shall be jointly and severally liable to the penalties provided by this Act.

27. Limitation of liability.

(1) An owner or operator of tourist accommodation or facility shall not be liable to make good to any guest any loss of or injury to goods or property brought to his or her accommodation or facility to a greater amount than the prescribed amount, except in the following cases—

- (a) where the goods or property have been stolen, lost or injured through the willful act, default or neglect of the owner or operator or any servant in his or her employ; or
- (b) where the goods or property have been deposited expressly for safe custody with the owner or operator; but in the case of such deposit, the owner or operator may, if he or she thinks fit, require as a condition of his or her liability that the goods or property shall be deposited in a box or other receptacle fastened or sealed by the person depositing the goods or property.

(2) If any owner or operator of tourist accommodation or facility refuses to receive for safe custody, any goods or property of his or her guest, or if any guest is, through a default of the owner or operator, unable to deposit the goods or property as provided in subsection (1), the owner or operator shall not be entitled to the benefits of this section in respect of the goods or property.

(3) The limitation prescribed by this section only applies—

- (a) where the owner or operator has caused a copy of this section printed in plain type in the English language to be displayed in a conspicuous place in the accommodation or facility; and
- (b) in respect of goods or property brought to the accommodation or facility only while the copy is displayed.

28. Tourist accommodation or facility owner or operator's lien.

(1) An owner or operator of tourist accommodation or facility shall, in addition to the ordinary lien at common law of an innkeeper, have the right absolutely to sell and dispose by public auction of any goods or property deposited with him or her or left in his or her accommodation or facility or in any premises appurtenant or belonging to it, where the person depositing or leaving the goods or property is or becomes indebted to the owner or operator for any board or lodging; but—

- (a) no sale shall be made until after the goods or property have been for the space of six weeks in his or her charge or custody or in or upon his or her premises without the debt having been paid or satisfied;
- (b) the debt for the payment of which a sale is made under this section shall not be any other or greater debt than the debt for which the goods or other property could have been retained by the owner or operator under his or her lien at common law as an innkeeper; and

- (c) at least one month before any sale is effected, the owner or operator shall cause to be inserted in one newspaper circulating in the place where the goods or property have been deposited or left, an advertisement containing notice of the intended sale and giving shortly a description of the goods or property intended to be sold, together with the name, if known, of the owner or person who deposited or left the goods or property.

(2) The owner or operator shall out of the proceeds of sale of any goods or property sold under this section, after paying himself or herself the amount of his or her debt and the costs and expenses of the sale, pay on demand to the person depositing or leaving the goods or property any surplus money remaining.

29. Common seal of the Board.

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

(2) The chief executive officer shall be responsible for the custody of the common seal.

(3) The common seal shall not be affixed to any document except by order of the Board.

(4) The application of the common seal to 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.

(5) 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.

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

30. Annual report.

The Board shall, not later than three months after the beginning of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, indicating any particular problems experienced by it in that year in carrying out its objects and functions and making recommendations for solving those problems and containing such other information as the Minister may request.

31. Minister to submit statement of accounts and annual report to Parliament.

(1) The Minister shall, after receiving both the statement of accounts referred to in section 24 and the Auditor General's report on it, lay them before Parliament within a period not exceeding sixty days.

(2) The Minister shall, after receiving the annual report referred to in section 30, lay it before Parliament within a period not exceeding sixty days.

32. Guidelines by the Board.

The Board may issue guidelines in respect of any matter relating to its objects and functions under this Act.

33. Exemption from liability for acts done in good faith.

A member of the Board or a member of the staff of the Board shall not be liable for any act or omission done by him or her in good faith in the discharge of his or her functions under this Act.

34. Regulations.

(1) The Minister may, in consultation with the Board, by statutory instrument, make regulations for giving effect to this Act.

(2) Without prejudice to the general effect of subsection (1), regulations may be made under this section for all or any of the following matters—

- (a) the registration, licensing and classification of designated tourist facilities;
- (b) the registration, licensing and classification of travel agents, tour operators and tour guides;
- (c) qualifications of tourist agents, tour operators and tour guides;
- (d) prescribing standards to be maintained in the tourism sector;
- (e) the introduction of the tourism development levy;
- (f) designating which designated tourist facility or person shall be subject to the levy;
- (g) specifying the procedure for collecting the levy;
- (h) introducing a grievance procedure to consider relevant issues or disputes arising from the regulations;
- (i) regulating the operation of domestic tourism;
- (j) the fees to be prescribed for registration or licensing of tourist facilities;
- (k) prescribing minimum standards for different categories of tourist accommodation or facility.

(3) Regulations made under this section may prescribe in respect of the contravention of the regulations a penalty not exceeding a fine of twenty four currency points or imprisonment of twelve months or both.

35. Power of Minister to amend First Schedule.

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

36. Repeal and savings.

(1) The following enactments are repealed—

(a) The Hotels Act, Cap 90;

(b) The Tourist Agents (Licensing) Act, Cap. 100; and

(c) The Uganda Tourist Board Act, Cap 333;

(2) The assets, property, rights and obligations and liabilities of the Uganda Tourist Board at the commencement of this Act shall be deemed to be vested in the Board.

(3) Without prejudice to the provisions of the Interpretation Act, any statutory instruments made under the repealed Acts and in force immediately before the commencement of this Act, shall with the necessary modifications, and so far as consistent with this Act continue in force until revoked, replaced under this Act and may be amended under this Act.

(4) Any licence or other authorisation granted under the repealed Acts and anything done under those Acts may continue to take effect as if done under this Act.

(5) Any act done or approved before the enactment of this Act in connection with the establishment of the Uganda Tourism Board shall have the same effect and validity as if the act were done and the relevant expenses were incurred by the Board.

(6) The Board may continue any action or thing commenced by the Minister for the purposes of the Uganda Tourism Board and uncompleted at the commencement of this Act as if the action or thing had been initiated by the Board of Directors.

(7) Members of the Uganda Tourist Board under the repealed Uganda Tourist Board Act holding office immediately before the commencement of this Act may so far as consistent with this Act continue in office on the same terms as before but may be terminated under this Act.

(8) Any person who is in the employment of Uganda Tourist Board under the Uganda Tourist Board Act at the commencement of this Act may continue in the service of the Board under this Act on terms not less favourable than before.

SCHEDULES.

SECTION 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SECTION 9

PROCEDURE OF BOARD AT MEETINGS

1. Meetings of the Board.

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

(2) A meeting shall also be called, upon a 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 the vice chairperson or 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) Proceedings of the Board shall not be invalidated by reason of any vacancy in the membership of the Board or by reason of any defect in the appointment of any member or by reason that a person not entitled to be present or 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 the 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 chairman or other person presiding at the next meeting.

4. Board to regulate its proceedings etc.

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