

## **CHAPTER 200**

### **THE UGANDA WILDLIFE ACT.**

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## CHAPTER 200

### THE UGANDA WILDLIFE ACT.

*Commencement:* 1 August, 1996.

**An Act to provide for sustainable management of wildlife; to consolidate the law relating to wildlife management; to establish a coordinating, monitoring and supervisory body for that purpose and for other matters incidental to or connected with the foregoing.**

#### PART I—PRELIMINARY.

##### 1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “aircraft” includes all flying machines, whether or not powered by engines of any sort, whether captive, navigable or free, and whether or not controlled by human agency, and all ground effect machines or hovercraft;
- (b) “alien species” means any species of a plant or animal whose natural range does not now or did not in the past include a specific part of Uganda or the whole of Uganda;
- (c) “amend” includes repeal, revoke, rescind, cancel, replace, add to or vary and the doing of any two or more of those things simultaneously or in the same written law;
- (d) “animal” includes any member of the animal kingdom but excludes human beings;
- (e) “authority” means the Uganda Wildlife Authority established under section 4;
- (f) “board” means the board of trustees established under section 7;
- (g) “community” means an assemblage of human beings living in a defined geographic area and identified by common history, common culture or common residence in that area;
- (h) “community wildlife area” means an area described as a community wildlife area under section 18;
- (i) “conservation areas” includes wildlife protected areas and wildlife management areas as provided for under section 18;
- (j) “dangerous animal” includes the hyena, lion, leopard, hippopotamus, elephant, rhinoceros, buffalo, crocodile, gorilla or

- any other animal which the board, by notice in the Gazette, determines to be a dangerous animal;
- (k) “dependent young” means any juvenile animal patently depending on an adult of the same species for sustenance and protection;
  - (l) “developer” includes a person who or an institution which carries out any business related to wildlife management or one which has an impact on wildlife management or conservation areas;
  - (m) “domestic animal” means any animal which is sufficiently tame to serve some purpose for the use of human beings, whether or not the use is utilitarian, and includes individual animals which were once tamed or which are in the process of being so tamed;
  - (n) “executive director” means the executive director appointed under section 9;
  - (o) “firearm” has the same meaning as under section 1 of the Firearms Act;
  - (p) “fund” means the Wildlife Fund established under section 68;
  - (q) “hours of darkness” means the period between a half-hour after sunset and a half-hour before sunrise;
  - (r) “hunt” includes the doing of any act immediately directed at killing, wounding, injuring or capturing any animal and the taking or wilful molestation of any nest, lair or other place where dependent young are born, hatched or reared;
  - (s) “in transit” means, in relation to international trade of species of animals or plants or their derivatives, those animals, plants or derivatives which have not reached their country of destination but are temporarily lawfully in Uganda for the purpose of continuing their journey to their final destination;
  - (t) “junior staff” means a person appointed as a junior staff member under section 10;
  - (u) “lead agency” means any Ministry, department, parastatal agency or public officer in which or whom any law vests functions related to the management of wildlife or wildlife conservation areas and, for the avoidance of doubt, includes any local government council established under the Local Governments Act;
  - (v) “national park” means any area of international or national importance which because of its biological diversity, landscape or natural heritage has been described as a national park under section 18;
  - (w) “officer” includes the executive director and any other officer

appointed under section 9 or 10 and includes honorary wildlife officers appointed under section 11;

- (x) “prescribed” means prescribed by statutory instrument made under this Act or continued in operation by this Act or under regulations, standards and guidelines made under this Act;
- (y) “problem animal” includes any animal which poses a danger to human life or property;
- (z) “professional hunter” means any person who for reward directly assists any other person in hunting wild animals;
- (aa) “professional trapper” means any person who captures any wild animal for the purpose of offering it for sale;
- (bb) “protected species” means any plant or animal declared a protected species under section 27;
- (cc) “reexport”, in relation to specimens, means to export a specimen previously imported into Uganda;
- (dd) “senior staff” means an officer appointed as a senior staff member under section 10;
- (ee) “specimen” means any wild plant or animal, alive or dead, whether or not native to Uganda, and any readily recognisable part or derivative of such plant or animal;
- (ff) “sustainable yield level” means the highest rate of harvesting a specified wildlife population which can be maintained indefinitely without reducing the capacity of the population to continue providing that rate of harvesting;
- (gg) “take” includes—
  - (i) in relation to an animal, drug, catch, capture, trap and kill;
  - (ii) in relation to a plant specimen or any part of a plant specimen, pick, gather, cut and uproot;
- (hh) “vermin” means any animal declared to be a vermin under section 57;
- (ii) “wild animal” means any animal which is *rerae naturae*, but does not include any domestic animal;
- (jj) “wildlife” means any wild plant or wild animal of a species native to Uganda and includes wild animals which migrate through Uganda;
- (kk) “wildlife conservation area” includes a national park, wildlife reserve, wildlife sanctuaries, community wildlife areas or any other area provided for under sections 17 and 18;
- (ll) “wildlife management area” means an area which is provided for under sections 17 and 18 and which area is protected for the sustainable management of wildlife in that area;

- (mm) “wildlife protected area” includes an area which is provided for as a national park or a wildlife sanctuary under sections 17 and 18;
- (nn) “wildlife reserve” means any area of national or local importance which because of its biological diversity, landscape, or natural heritage is provided for as a wildlife reserve under sections 17 and 18;
- (oo) “wildlife sanctuary” means any area which is provided for as a wildlife sanctuary under sections 17 and 18 for the purpose of protecting a species of animal or plant or a class of such species;
- (pp) “wildlife use right” means a right granted to a person, community or organisation to make some extractive utilisation of wildlife in accordance with a grant under Part VI of this Act.

## **2. Purposes of the Act.**

- (1) The purposes of this Act are to promote—
  - (a) the conservation of wildlife throughout Uganda so that the abundance and diversity of their species are maintained at optimum levels commensurate with other forms of land use, in order to support sustainable utilisation of wildlife for the benefit of the people of Uganda;
  - (b) the sustainable management of wildlife conservation areas;
  - (c) the conservation of selected examples of wildlife communities in Uganda;
  - (d) the protection of rare, endangered and endemic species of wild plants and animals;
  - (e) ecologically acceptable control of problem animals;
  - (f) the enhancement of economic and social benefits from wildlife management by establishing wildlife use rights and the promoting of tourism;
  - (g) the control of import, export and reexport of wildlife species and specimens;
  - (h) the implementation of relevant international treaties, conventions, agreements or other arrangement to which Uganda is a party; and
  - (i) public participation in wildlife management.

(2) For the better achievement of the purposes of this Act, the authority and every other person responsible for the administration of this Act shall ensure that any measures taken or instituted under this Act are based on the results of scientific investigation, insofar as it is economical,



including the monitoring of species status and habitat condition, as well as taking into account the views of affected communities.

(3) This Act shall not be construed as authorising the introduction of alien species of plants or animals into wild habitats within Uganda.

### **3. Ownership of wildlife.**

(1) The ownership of every wild animal and wild plant existing in its wild habitat in Uganda is vested in the Government on behalf of, and for the benefit of, the people of Uganda.

(2) Where any wild plant or wild animal is lawfully taken by any person, the ownership of that plant or animal shall, subject to this Act, vest in that person.

(3) If any protected species is lawfully taken under a permit or a licence issued or wildlife use right granted or issued under this Act, the ownership of that animal or plant shall, subject to this Act and to the terms and conditions of the licence, vest in the licensee or right holder.

(4) If before the commencement of this Act, any wild plant or animal is lawfully vested in any person, that plant or animal shall, subject to this Act, vest or continue to be vested in that person.

(5) Except in accordance with any licence or wildlife use right, nothing in this section shall be deemed to transfer to any person the ownership of any protected animal found dead or dying, or a protected plant that has been cut down.

(6) If any person unlawfully takes any protected animal or protected plant in contravention of this Act, the ownership of the animal or plant shall not be transferred to that person.

(7) The Minister may, on the advice of the board, by regulations prescribe measures for the registration and management of the specimens used for cultural purposes by any community.

PART II—INSTITUTIONAL ARRANGEMENTS.

**4. Establishment of the authority.**

(1) There is established a body to be called the Uganda Wildlife Authority.

(2) The authority shall be a body corporate with perpetual succession and a common seal and shall, in its own name, be capable of—

- (a) acquiring and holding property;
- (b) suing and being sued; and
- (c) doing all acts and things that corporate bodies may lawfully do or suffer.

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

**5. Functions of the authority.**

The functions of the authority are—

- (a) to ensure the sustainable management of wildlife conservation areas;
- (b) to develop and recommend policies on wildlife management to the Government;
- (c) to coordinate the implementation of Government policies in the field of wildlife management;
- (d) to identify and recommend areas for declaration as wildlife conservation areas and for the revocation of such declaration;
- (e) to develop, implement and monitor collaborative arrangements for the management of wildlife;
- (f) to establish management plans for wildlife conservation areas and for wildlife populations outside wildlife conservation areas;
- (g) to establish policies and procedures for the sustainable utilisation of wildlife by and for the benefit of the communities living in proximity to wildlife;
- (h) to control and monitor industrial and mining developments in wildlife protected areas;
- (i) to monitor and control problem animals and provide technical advice on the control of vermin;
- (j) to control internal and external trade in specimens of wildlife;
- (k) in consultation with other lead agencies, to control, develop or

license the development of tourist facilities in wildlife protected areas;

- (l) to consider reports from district wildlife committees and make necessary comments and decisions;
- (m) to promote the conservation of biological diversity *ex situ* and to contribute to the establishment of standards and regulations for that purpose;
- (n) to promote scientific research and knowledge of wildlife and wildlife conservation areas;
- (o) to disseminate information and promote public education and awareness of wildlife conservation and management;
- (p) to prepare an annual report on the state of wildlife and such other reports as may be prescribed;
- (q) to encourage training in wildlife management;
- (r) to charge fees for such services as it provides and for the licences, rights and other permission that it may grant;
- (s) to perform such other functions as are specifically provided for in this Act or as may be delegated to it by the Government or by a local government.

## **6. Delegation and coordination of functions and duties.**

(1) The authority may, in the performance of its functions under this Act, delegate, in writing, any of its functions to a lead agency, a committee or any public officer.

(2) The authority in the performance of its duties shall coordinate with any lead agencies involved in the field of wildlife management.

(3) In the exercise by the authority of its functions under section 5, a lead agency shall not be released from performing its duties as prescribed by law.

(4) Where the authority delegates any of its functions in accordance with subsection (1), it shall make the necessary arrangements with the lead agency to facilitate the performance of the delegated functions.

## **7. The board.**

(1) The governing body of the authority shall be the board of trustees which shall be appointed by the Minister.

(2) Any member of the board other than the executive director may be removed from office by the Minister for—

- (a) inability to discharge the functions of his or her office by reason of infirmity of body or mind;
- (b) incompetence; or
- (c) misconduct or misbehaviour.

(3) The board shall be composed in accordance with and follow the procedure prescribed in the Schedule.

(4) The Minister may with the prior approval of Parliament signified by its resolution, by statutory instrument, amend the Schedule.

(5) Subject to this Act, the board may regulate its own proceedings.

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

(1) The board shall be responsible for the discharge of the business and functions of the authority.

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

- (a) be the trustee for wildlife and wildlife protected areas in Uganda;
- (b) examine and recommend proposals for developing wildlife policy;
- (c) review and approve management and strategic plans;
- (d) recommend the declaration of wildlife conservation areas and the revocation of such declaration;
- (e) make byelaws for the management of wildlife and wildlife conservation;
- (f) solicit and receive grants, gifts, donations, fees, subscriptions and any other contributions to the fund;
- (g) manage the funds and the business of the authority in accordance with generally accepted principles of business management;
- (h) encourage education, training and public awareness of wildlife and public participation in management; and
- (i) review and approve annual plans, budgets, reports and audited financial statements.

(3) The board may appoint a technical committee to advise it on

subjects relating to wildlife management.

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

## **9. The executive director.**

(1) There shall be an executive director appointed by the Minister on the recommendation of the board.

(2) The executive director shall be the chief executive officer of the authority and shall be responsible to the board for the day-to-day operations of the authority and the administration of this Act.

(3) Without prejudice to the generality of subsection (2), the executive director shall be responsible for—

- (a) the development of strategic plans to guide the authority in achieving its objectives;
- (b) the development of management plans for conservation areas or for species and classes of species of wildlife populations;
- (c) the development of economic, efficient and cost-effective internal management structures and processes;
- (d) any other function the board may assign.

(4) The executive director shall, where so directed by the board, delegate any of the functions vested in him or her by this Act or any other law to such of his or her senior officers as will enable the functions of the authority to be discharged in accordance with the principles set out in subsection (3)(c).

(5) Subject to the direction of the board, the executive director shall be responsible for the administration and control of the staff of the authority.

(6) The executive director shall at all times keep the board informed of the business and activities of the authority and shall prepare quarterly and annual reports for the board.

(7) The executive director shall be a member of the board.

(8) The executive director shall serve for a period of five years and shall be eligible for reappointment.

- (9) The executive director shall cease to hold office if—
  - (a) he or she resigns;
  - (b) he or she is removed from office by the Minister upon the recommendation of the board for—
    - (i) gross misconduct;
    - (ii) inability to discharge the functions of his or her office; or
  - (c) he or she dies.

**10. Other staff of the authority.**

- (1) The board shall appoint the senior staff of the authority.
- (2) The executive director shall, subject to section 9(4), appoint the junior staff of the authority.
- (3) The board, on the advice of the executive director, shall from time to time establish or review staff positions and determine their terms and conditions of service.
- (4) Where the terms and conditions of service of the staff member as determined under subsection (3) authorise him or her to possess firearms in the course of his or her duties, the member of the staff shall, in addition to any other terms and conditions the authority may impose under this section, be governed by regulations made by the Minister in consultation with the Inspector General of Police regarding—
  - (a) powers of search and arrest;
  - (b) training;
  - (c) discipline; and
  - (d) use of firearms.
- (5) Subject to article 120(3) and (4)(a) of the Constitution and subject to the directions of the Director of Public Prosecutions, in any prosecution under this Act an officer shall exercise all the powers of a public prosecutor appointed under any law in force.
- (6) The staff positions to which subsection (4) applies shall, on being established, be notified by notice in the Gazette.

## **11. Honorary wildlife officers.**

(1) The board may, on the advice of the executive director, appoint honorary wildlife officers to assist in the implementation of this Act.

(2) The appointment under subsection (1) shall be on such terms and conditions as the board may determine.

(3) The appointment of an honorary wildlife officer may be effective for such area or function as the board may determine and shall be notified by notice in the Gazette.

## **12. Local government wildlife committees.**

(1) A local government council may, on such terms and conditions as it considers necessary, appoint a committee to advise the authority on the management and utilisation of wildlife within the local jurisdiction.

(2) A committee appointed by a district council under subsection (1) shall submit an annual report to the board on its activities and other matters relating to wildlife management in its area.

(3) Any other committee, other than a committee to which subsection (2) applies, shall submit its report through the respective district council.

### **PART III—GENERAL MANAGEMENT MEASURES.**

## **13. Management plans.**

(1) The executive director shall, with the approval of the board, as soon as practicable after the establishment of a wildlife protected area, prepare or cause to be prepared a comprehensive management plan for each wildlife protected area.

(2) A management plan shall include such information as may be prescribed.

(3) The executive director shall publish in a daily newspaper and in any other appropriate forms of media a notice of his or her intention to prepare a management plan and invite suggestions from all interested parties of what matters should be in the plan.

(4) The executive director shall request the district council within whose area the wildlife protected area falls in whole or in part to forward to him or her within a reasonable time, which time shall not be less than twenty-one days, any proposals for inclusion in the plan.

(5) In the performance of his or her duties under this section, the executive director shall hold public meetings and attend meetings of the district council referred to in subsection (4) to explain the proposals in the plan and to consider suggestions put forward by those attending the meeting.

(6) The executive director shall take into account any proposals or suggestions received under subsections (3), (4) and (5) and prepare a draft management plan.

(7) The executive director shall submit the draft management plan to the board for its comments and approval.

(8) The executive director shall publish the approved plan.

(9) A plan under subsection (8) shall be reviewed and published after any such review.

#### **14. Commercial arrangements to manage conservation areas.**

(1) The executive director may with the approval of the board enter into any suitable commercial or collaborative arrangements with any person for—

- (a) the management of a protected area or a portion of the protected area;
- (b) the provision of services and infrastructure in a protected area; or
- (c) the management of a species or a class of species of animals or plants.

(2) Any person entering into an arrangement with the authority under subsection (1) shall submit a management plan in the prescribed form and manner.

#### **15. Environmental impact assessment.**

- (1) Any developer desiring to undertake any project which may have



a significant effect on any wildlife species or community shall undertake an environmental impact assessment in accordance with the National Environment Act.

(2) The authority shall perform all the functions required of a lead agency for purposes of an environmental impact assessment under the National Environment Act, and any regulations made under the National Environment Act, unless the authority is the developer.

#### **16. Environmental audits and monitoring.**

The authority shall in consultation with the National Environment Management Authority carry out audits and monitoring or cause audits and monitoring of projects to be carried out in accordance with sections 22 and 23 of the National Environment Act and any regulations made under the National Environment Act.

### PART IV—WILDLIFE CONSERVATION AREAS.

#### **17. Procedure for the declaration of wildlife conservation areas.**

(1) The Minister may, after consultation with the local government council in whose area a proposed wildlife conservation area falls and with the approval Parliament signified by its resolution, by statutory instrument, declare an area of land or water to be a wildlife conservation area.

(2) Before making a declaration under subsection (1), the Minister shall also ensure that an environmental impact study in accordance with the National Environment Act and such other study as may be prescribed has been conducted.

(3) A study made under subsection (2) shall investigate and make a report on the social and ecological consequences of the declaration of the proposed wildlife conservation area.

(4) The report under subsection (3) shall be submitted to the Minister, together with the recommendation of the board on the proposed declaration, within ninety days of the study being undertaken or such other longer period as the Minister may in writing specify.

(5) The Minister shall not amend a statutory instrument made under

subsection (1) unless his or her decision is based on the study made under subsection (2) and the report under subsection (3) and unless he or she has the approval of Parliament signified by its resolution.

#### **18. Description of wildlife conservation areas.**

- (1) A declaration under section 17(1) shall state—
  - (a) whether the wildlife conservation area is to be a wildlife protected area or a wildlife management area;
  - (b) the name and detailed boundary description of the protected area under this section.

- (2) A wildlife protected area under subsection (1) shall be—
  - (a) a national park;
  - (b) a wildlife reserve;
  - (c) any other area the Minister may declare as a wildlife protected area.

- (3) A wildlife management area under subsection (1) shall be—
  - (a) a wildlife sanctuary;
  - (b) a community wildlife area;
  - (c) any other area the Minister may declare as a wildlife management area.

(4) The Minister may, by statutory instrument made with the approval of Parliament signified by its resolution, declare any other area, other than the areas to which subsections (2) and (3) apply, to be a conservation area.

(5) A national park declared under subsection (2)(a) shall be an area of international and national importance because of its biological diversity, landscape or national heritage and in which the following activities may be permitted—

- (a) biodiversity conservation;
- (b) recreation;
- (c) scenic viewing;
- (d) scientific research; and
- (e) any other economic activity.

(6) A wildlife reserve declared under subsection (2)(b) shall be an area of importance for wildlife conservation and management and in which

the following activities are permitted—

- (a) conservation of biological diversity;
- (b) scenic viewing;
- (c) recreation;
- (d) scientific research; and
- (e) regulated extractive utilisation of natural resources.

(7) A wildlife sanctuary declared under subsection (3)(a) shall be an area which has been identified as being essential for the protection of a species of wild animal or wild plant in which activities which are not going to be destructive to the protected species or its habitat may be permitted.

(8) A community wildlife area declared under subsection (3)(b) shall be an area in which individuals who have property rights in land may carry out activities for the sustainable management and utilisation of wildlife if the activities do not adversely affect wildlife and in which area the State may prescribe land use measures.

#### **19. Purposes of wildlife conservation areas.**

(1) The purposes of a wildlife protected area under section 18(2) shall be—

- (a) to preserve selected examples of the biotic communities of Uganda and their physical environments;
- (b) to protect areas of aesthetic beauty and of special interest;
- (c) to preserve populations of rare, endemic and endangered species of wild plants and animals;
- (d) to assist in water catchment conservation;
- (e) to generate economic benefits from wildlife conservation for the people of Uganda;
- (f) without prejudice to the purposes listed in paragraphs (a) to (d), and within any limitations imposed by them, to provide facilities for studying the phenomena in the wildlife conservation area for the advancement of science and understanding; and
- (g) without prejudice to the purposes listed in paragraphs (a) to (e), and within any limitations imposed by them, to provide facilities for public use and enjoyment of the resources in the wildlife conservation area.

(2) The purposes of a wildlife management area under section 18(3) shall be—

- (a) to so manage and control the uses of land by the persons and communities living in the area that it is possible for wildlife and those persons and communities to coexist and for wildlife to be protected;
- (b) to enable wildlife to have full protection in wildlife sanctuaries notwithstanding the continued use of the land in the area by people and communities ordinarily residing there;
- (c) to facilitate the sustainable exploitation of wildlife resources by and for the benefit of the people and communities living in the area;
- (d) to permit the sustainable exploitation of the natural resources of the area, by mining and other like methods in a manner which is compatible with the continued presence in the area of wildlife;
- (e) to carry out such of the purposes of a wildlife conservation area set out in section 2 as are compatible with the continued residence of people and communities in the wildlife management area and the purposes under paragraphs (a) and (b) of this subsection.

## **20. Temporary management measures.**

(1) Where it is intended that an area be declared as a wildlife conservation area under section 17 and any action to do so in accordance with this Act has been started, the Minister may, after seeking and taking account of the views of each local government system having jurisdiction in the area and on the recommendation of the board, make administrative arrangements for the management of the area by imposing temporary management measures effective for a period not exceeding six months pending declaration of the area as a wildlife conservation area and shall cause notice of the institution of those arrangements to be published in the Gazette.

(2) An area to which temporary management measures apply under subsection (1) shall be managed by the executive director in accordance with the administrative arrangements made under subsection (1).

(3) A person who fails to comply with any directive or instruction by the executive director or any officer duly authorised by the executive director in the management of an area under this section commits an offence.

## **21. General offences in wildlife conservation areas.**

Unless provided for by this Act, any person who in any wildlife conservation area unlawfully—

- (a) hunts, takes, kills, injures or disturbs any wild plant or animal or any domestic animal;
- (b) takes, destroys, damages or defaces any object of geomorphological, archaeological, historical, cultural or scientific interest, or any structure lawfully placed or constructed;
- (c) prepares land for cultivation, prospects for minerals or mines or attempts any of these operations;
- (d) drives, conveys or introduces any wild animal into a wildlife conservation area;
- (e) wilfully drives, conveys or introduces any domestic animal into a national park or negligently permits any domestic animal, of which he or she is for the time being in charge, to stray into a wildlife conservation area;
- (f) starts or maintains a fire without lawful authority, commits an offence.

## **22. Entering wildlife protected areas without authority.**

(1) Any person who, except in accordance with this Act, enters into or resides in, or attempts to enter into or reside in, any national park, wildlife reserve or any other protected area declared under section 18(2) commits an offence.

- (2) Subsection (1) shall not apply to—
  - (a) the Minister, the executive director, a member of the board or any officer appointed for the purposes of this Act;
  - (b) any member of the staff of the authority or any police officer on official duties requiring his or her presence in a national park or wildlife reserve; or
  - (c) any person in possession of a permit, issued under subsection (3), to enter or reside in the national park or wildlife reserve.

(3) The executive director may issue to any person a permit, in the prescribed form, to enter or reside in any national park or wildlife reserve subject to payment by that person of the prescribed fee, if any.

**23. Use of resources in wildlife protected areas.**

Where it is intended to harvest a resource within a wildlife protected area—

- (a) the executive director may, subject to this Act, issue a permit to any person, in the prescribed form, absolving him or her from compliance with section 22(1) to the extent specified in the permit; and
- (b) the executive director shall be responsible for regulating and controlling harvesting in the wildlife protected area and, in exercising his or her responsibility under this paragraph, the executive director shall ensure that the annual harvest does not exceed the sustainable yield level unless it is judged desirable by the board to exceed temporarily the sustainable yield level for the purposes of management.

**24. Authority to carry out an otherwise unlawful act in a wildlife conservation area.**

(1) If the executive director is satisfied that an otherwise unlawful act specified by this Act should be carried out in any wildlife conservation area in the interests of better wildlife management, he or she shall require an environmental impact assessment to be carried out on the subject and shall submit the results of the environmental impact assessment to and request the opinion of the board.

(2) If the board, having considered any matter submitted by the executive director under subsection (1), is of the opinion that an otherwise unlawful act should be carried out in the interest of better wildlife management, it shall issue written instructions to any officer or person authorising him or her to undertake the otherwise unlawful act.

(3) The board may, at any time delegate, in writing, to the executive director, power to permit certain acts covered by this section which are determined by the board to be of a minor character.

**25. Historic rights of individuals in conservation areas.**

(1) The provisions of this Part shall not affect those persons whose rights have, until the coming into force of this Act, been preserved by—

- (a) the Game (Preservation and Control) Act, namely—
  - (i) persons, their wives and children actually residing in game

- reserves on the 1st July, 1959;
- (ii) any persons actually residing in game reserves at the date of their declaration, for those game reserves declared after the 1st September, 1959;
- (b) the National Parks Act, namely, those persons who lawfully acquired rights in national parks before the 3rd April 1952;
- (c) the Forests Act, namely, those persons residing in forests whom the Minister may have exempted from the provisions of that Act and which forests have since been declared national parks under the National Parks Act.

(2) The authority may establish guidelines for access of communities neighbouring conservation areas to resources which are crucial to the survival of those communities.

(3) The authority may study, identify and protect historical or cultural interests of any individual or class of persons resident in a wildlife conservation area not protected by any other law.

(4) The authority may recommend to the Minister that any rights to land protected under this section should be acquired in the public interest under article 237(2)(a) of the Constitution if the continued private ownership or control of those interests is contrary to the needs of the sustainable management of wildlife.

(5) The authority may, in accordance with any procedures or policies in force, resettle any persons resident in a wildlife conservation area or in a specific area of the wildlife conservation area or outside it and, where resettlement is done within a wildlife conservation area, prescribe the permitted measures of land use.

## **26. Regulations governing wildlife conservation areas.**

(1) Subject to section 6, the Minister may, on the advice of the board, make regulations regulating acts or omissions within a wildlife conservation area declared under section 17.

- (2) The regulations under subsection (1) may include—
  - (a) regulations on the use of weapons, traps, firearms, explosives or any other like device;
  - (b) the conditions under which any person, vehicle, boat or aircraft

may enter, travel through, reside or be in a wildlife conservation area;

- (c) regulations on lighting picnic fires, on the use of lamps or fires or a general prohibition on the use of fire in a wildlife conservation area;
- (d) control of the disposal of litter or waste;
- (e) the keeping of domestic animals in a wildlife conservation area;
- (f) control of the introduction of alien species of animals or plants;
- (g) control of the use of wildlife resources;
- (h) prohibition or control of commercial enterprises within a wildlife conservation area.

(3) A person who commits a breach of the regulations made under subsection (1) commits an offence and is liable on conviction to the penalty prescribed in the regulation.

(4) The regulations made under subsection (1) may prescribe corrective measures to be undertaken as a result of a breach or a prohibition and the penalty, including the payment of fines, terms of imprisonment, restitution or compensation, to be imposed for breach of any prohibition in the regulations.

#### PART V—PROTECTED SPECIES.

### **27. Declaration of protected species.**

(1) The Minister may, on the recommendation of the board, by statutory order, declare any species of wild plant or wild animal specified in the order to be classified as a protected species under this Act.

(2) Species which migrate to or through Uganda which are protected under any international convention or treaty to which Uganda is party and to which section 90 applies shall be protected species under this Act.

(3) Any order made under subsection (1) may apply to an individual species throughout Uganda, or to all or some species in a specified area or to varieties of a species, including sex and age groups.

(4) An order made under subsection (1) shall state whether a species of wild animal or plant shall be—

- (a) a fully protected species which may not be subject to wildlife use



- rights; or
- (b) a partially protected species to be utilised only subject to a grant of a wildlife use right.

## **28. Other plants and animals.**

Subject to section 6, wild plants and animals other than protected species shall not be subject to the restrictions on hunting or taking under the provisions of this Act but shall be subject to all other provisions of this Act and to regulations made under this Act.

### PART VI—WILDLIFE USE RIGHTS.

## **29. Types of wildlife use rights.**

- (1) The following wildlife use rights are established under this Act—
  - (a) hunting: class A wildlife use right;
  - (b) farming: class B wildlife use right;
  - (c) ranching: class C wildlife use right;
  - (d) trading in wildlife and wildlife products: class D wildlife use right;
  - (e) using wildlife for educational or scientific purposes including medical experiments and developments: class E wildlife use right;
  - (f) general extraction: class F wildlife use right.
- (2) The Minister may, on the advice of the board, by statutory instrument vary, revoke or create additional wildlife use rights.
- (3) A statutory instrument made under subsection (2) shall not be published unless the consent of Parliament, signified by its resolution, has been obtained.

## **30. Prohibition of utilisation of wildlife without a wildlife use right.**

No person may engage in any of the activities under section 29 or any other activities of a like nature which involve the utilisation of wildlife and wildlife products without first obtaining a grant of a wildlife use right.

**31. Application for the grant of a wildlife use right.**

(1) A person, community or lead agency may apply to the authority for one or more wildlife use rights to be granted to them.

(2) An application for a wildlife use right under subsection (1) shall be made in the prescribed form and in the prescribed manner and shall be accompanied by the prescribed fee and shall contain such information as may be prescribed.

(3) Where the applicant is a community or part of a community, a statement of the procedures used to explain the proposals to and obtain the support of the community or that part of the community which is involved in the application and of the structure, organisation and proposed powers of the body which, on behalf of the community or part of the community, is going to manage the activity for which a grant of a wildlife use right is being applied for shall be submitted with the application.

(4) An application for a wildlife use right under subsection (1) shall be accompanied by a certificate which shall state—

- (a) that the applicant has informed all adjacent owners and occupiers of land of his or her application;
- (b) the nature of the representations received from all those to whom information about the application was sent;
- (c) the changes, if any, made to the application as a result of the representations made;
- (d) such other matters as may be prescribed or as are relevant to the application.

(5) Where the adjacent owners and occupiers of land are a community or part of a community, it shall be sufficient, to meet the requirements of subsection (3), to send information about the application to the body which is recognised as representing that community or part of that community.

(6) Where it is not possible to determine what body represents the community or part of the community referred to in subsection (3), an applicant shall send information about the application to the district council having jurisdiction in the area covered by the application.

**32. Consideration of an application for a wildlife use right.**

- (1) On receiving the application under section 31, the authority—
  - (a) shall satisfy itself that the provisions of section 31(3), (4) and (5) have been complied with by the applicant and may, in order to so satisfy itself, make such inquiries of such persons as it thinks fit;
  - (b) shall send a copy of the application to the district council having jurisdiction in the area of the application, requesting the district council to comment on the application within twenty-one days of the receipt of the copy of the application;
  - (c) may require the applicant to supply further information about his or her application;
  - (d) may seek such advice about the application and the applicant from such persons as it thinks likely to assist it to determine the application and for this purpose may send a copy of the application to those persons.
  
- (2) The authority shall not be under any obligation to—
  - (a) send any comments it receives under subsection (1)(d) to the applicant for the applicant to comment on;
  - (b) consider and determine an application until the applicant has submitted an application in accordance with section 31 and has submitted such further information as the authority has required of him or her under subsection (1).
  
- (3) Within sixty days of the receipt of an application or, where further information is requested of the applicant, within sixty days of the receipt of that further information, the authority shall—
  - (a) grant;
  - (b) grant subject to conditions; or
  - (c) refuse,the application.
  
- (4) In determining whether to grant, grant subject to conditions or refuse an application under subsection (3), the authority shall take into account—
  - (a) the information contained in the application and any further information submitted by the applicant;
  - (b) all the information and advice obtained under subsection (1)(a), (b) and (d);
  - (c) any management plan for the area within which the application

falls which is relevant to that particular application.

(5) Unless otherwise provided for in this Act or by regulations made by the Minister, the authority shall charge an initial and thereafter an annual fee in respect of every wildlife use right which it grants, and the fee charged may be based on a percentage of the income to be derived by the right holder from the exercise of the wildlife use right.

(6) Every grant of a wildlife use right shall be made subject to the condition that the right to which the grant refers shall be commenced within two years of the grant; and any grant which is not so commenced shall, unless the grant holder applies for and receives an extension of the time limit from the authority, automatically lapse and cease to be of any effect.

(7) The conditions subject to which a wildlife use right may be granted may deal with all or any of the following—

- (a) the persons within a community or organisation who may exercise the wildlife use right;
- (b) the use of the land over which the wildlife use right is to be exercised, including any fencing or buildings which are to be placed on the land;
- (c) the manner of the exercise of the wildlife use right;
- (d) the form, manner and organisation of the management of the wildlife use right;
- (e) the actions to be taken by the right holder in respect of adjacent landowners and occupiers in connection with the exercise of the wildlife use right;
- (f) the length of time for which the wildlife use right may be granted;
- (g) the amounts or quotas of wildlife resources which may be utilised over specified periods;
- (h) the information which the right holder may be required to supply on a regular basis to the authority as to the exercise of the wildlife use right or rights granted;
- (i) the powers of the authority or any of its officers to enter and inspect the land of the right holder to ensure that the conditions of the grant and all other provisions of the Act are being complied with;
- (j) the giving of a performance bond by the right holder to guarantee compliance with the conditions of the grant;
- (k) such other matters as may be provided for by regulations made by

the Minister or as are considered necessary by the authority.

(8) The authority may impose conditions for any of the above purposes on land owned or occupied by the applicant which is not the subject of the application if in the opinion of the authority it is necessary to do so for the better management of the wildlife use right applied for.

(9) A grant, grant with conditions or refusal of an application shall be made in writing in a specified form, signed by a designated officer and shall be sent to the applicant at a place or address specified by the applicant, and no oral statement or other form of written communication which purports to be a grant, grant with conditions or refusal of an application from whomsoever it comes shall have any validity.

### **33. Compliance.**

(1) Where it appears to the authority that a grant holder is not complying with the terms of a grant of a wildlife use right or any conditions subject to which the grant of a wildlife use right has been made, the authority may take one of the following actions—

- (a) request the right holder to attend a meeting with officers of the authority to discuss the matter of compliance and—
  - (i) where there is an admission of noncompliance, to agree upon a programme and timetable to rectify the noncompliance;
  - (ii) where there is no admission of noncompliance but the authority is of the opinion that there has been noncompliance, the authority may inform the right holder that unless specified actions are taken in a specified time, the authority will serve a compliance notice on the right holder;
  - (iii) where the authority and the right holder agree that there has been compliance, the matter shall end there;
- (b) issue a compliance notice and serve a copy on the right holder and such other persons as are required to be served with a copy;
- (c) issue a stop notice and serve a copy on the right holder and such other persons as are required to be served with a copy; or
- (d) revoke the wildlife use right.

(2) The authority may inspect or cause to be inspected any activity being undertaken with respect to a wildlife use right to determine whether

that activity represents a noncompliance within the terms of the grant of that wildlife use right or the conditions subject to which it was granted and may take into account the evidence obtained from that inspection in any decision as to whether to take any of the actions specified in this section.

(3) It shall not be necessary for the authority in exercising its powers under subsection (2) to give the right holder or any person involved in the activity the subject of the inspection or any other person residing or working on the land or in the building where an inspection is taking place, an opportunity of being heard by or making representations to the person making the inspection.

#### **34. Service of a compliance notice.**

(1) Where it appears to the authority that a grant holder is not complying with the terms of a grant of a wildlife use right or any of the conditions subject to which the grant was made or has failed to comply with the agreement referred to in section 33(1)(a)(i), the authority may issue a compliance notice and serve a copy on the right holder and on such other persons as the authority considers necessary to serve or as regulations made by the Minister specify shall be served.

(2) A compliance notice shall specify clearly and in a manner which may easily be understood—

- (a) the wildlife use right to which it refers;
- (b) the action or nonaction in relation to that wildlife use right which it is alleged constitutes noncompliance with the terms of the grant or with the conditions subject to which the grant was made;
- (c) the persons to whom it is addressed;
- (d) the action which must be taken to rectify the noncompliance and the time, being not less than thirty days, or such further period as may be specified in the notice, within which the action must be taken;
- (e) the powers of the authority to take such action as may be necessary, including entering on land and buildings and taking possession of specimens, books, papers and other possessions of the right holder and all other persons involved in the exercise of the wildlife use right in order to prevent or bring to an end the continued noncompliance;
- (f) the penalties which may be imposed and the forfeitures which may be claimed if the action specified in paragraph (d) is not

- undertaken;
- (g) the right of the person served with a compliance notice to appeal against that notice.

(3) A compliance notice shall continue to apply to the activity in respect of which it has been served notwithstanding that it has been complied with.

(4) A person served with a compliance notice shall, subject to this Act, comply with all the terms and conditions of the notice that has been served on him or her.

### **35. Reconsideration of a compliance notice.**

(1) At any time within twenty-one days of the service of a compliance notice, a person on whom the notice has been served may, giving reasons in writing, request the authority to reconsider that notice.

(2) Where a request has been made under subsection (1), the authority shall, within twenty-one days after receipt of that request, reconsider the notice and notify in writing the person who made the request of its decision on that notice.

(3) Where a written request has been made under subsection (1), the compliance notice shall continue in effect until varied, suspended or withdrawn under subsection (4) and if varied, shall thereafter apply to the activity in respect of which it was served as so varied.

(4) The authority may, after reconsidering the compliance notice and the activity to which it refers, confirm, vary, suspend or withdraw that notice.

(5) The authority shall give a person who has requested a reconsideration of a compliance notice the opportunity to be heard orally before a decision is made.

### **36. Activity by the authority on compliance notices.**

(1) Where a person on whom a compliance notice has been served fails, neglects or refuses to take the action required by the notice, the authority may, with all necessary officers and other persons authorised by it, enter or authorise the entry by those officers and other persons on to any land

under the control of the person on whom the compliance notice has been served and take all necessary action, whether of the kind specified in the compliance notice under section 34(2)(e) or otherwise in relation to the activity to which the compliance order relates so as to ensure compliance with the notice as may seem fit.

(2) Where the authority has exercised the powers under subsection (1), it may recover as a civil debt in any court of competent jurisdiction from the person referred to in subsection (1) the expenses necessarily incurred by it in the exercise of that power.

### **37. Stop notices.**

(1) Where the authority has served a compliance notice but considers it expedient to prevent the continuation of any activity to which that notice refers before the expiry of the period within which that notice must be complied with, it may, when serving a copy of the compliance notice, or afterwards, serve a stop notice prohibiting all or part of the activity referred to in the compliance notice.

(2) A stop notice must refer to the compliance notice to which it relates and have a copy of that notice annexed to it.

(3) A stop notice must be served on every person on whom a compliance notice has been served and, in addition, may be served on any other person who appears to the authority to be involved in the activity to which the compliance notice relates.

(4) A stop notice shall not take effect until such date as may be specified in the notice, which shall be not earlier than two nor later than fourteen days after the date on which the notice was first served on any person.

(5) A stop notice shall cease to have effect in relation to the activities to which it refers where the compliance notice to which it refers is withdrawn, or quashed on appeal, or the compliance notice is varied so that the activities referred to in the stop notice cease to be activities to which the compliance notice refers, or the period allowed for compliance with the notice has expired.

(6) A stop notice may be withdrawn at any time in relation to any



person by serving a notice to that effect on the person served with the stop notice.

(7) Any person who fails to comply with a stop notice or any part of the stop notice commits an offence and is liable on conviction to imprisonment for a term not exceeding twelve months or to a fine of not less than one hundred and twenty thousand shillings nor more than twelve million shillings or to both and, in addition, is liable to forfeit any specimens and up to three times the value of the specimens that the court is satisfied have been obtained as a result of the activities prohibited in the compliance notice and stop notice.

### **38. Variation of a wildlife use right.**

(1) Where the authority is satisfied, after making such investigations as it thinks fit, or after receiving such information and advice as appear to it to be well-founded or as a result of a natural disaster or any other reason that appears to it to be relevant, that it is necessary to vary any grant of a wildlife use right or the conditions subject to which a wildlife use right was granted, it may, subject to this section, issue a notice of variation and serve a copy of that notice on every right holder of a wildlife use right which is being varied.

(2) Where a right holder has been served with a notice of variation for reasons which are applicable to that right holder personally, he or she may request the authority to reconsider the variation; and on such a request being made to the authority, section 35 shall apply to this reconsideration as it does to the reconsideration provided for by that section.

(3) Where one or more right holders have been served with notices of variation for reasons which are applicable on a general basis, the authority shall not consider any individual request from any right holder for a reconsideration but shall, of its own motion, reconsider the variation not less than once every six months and in so doing may seek and take into account such information and advice as appears to it to be well-founded to assist it to reach a satisfactory decision on the matter.

(4) Any right holder who has been served with a notice of variation shall forthwith comply with that notice, notwithstanding that he or she has requested the authority to reconsider that notice.

(5) For the avoidance of doubt, a variation of a wildlife use right may

include a temporary suspension of any of the activities for which the wildlife use right has been granted.

### **39. Revocation of a wildlife use right.**

(1) Where the authority is satisfied after making such investigations as it thinks fit or after receiving such information and advice as appears to it to be well-founded or as a result of a natural disaster or for any other reason that appears to it to be relevant, including, in particular, the noncompliance by a right holder with the terms of the grant or with the conditions subject to which the grant of a wildlife use right was made, that it is expedient that a grant of a wildlife use right be revoked, it may, subject to this section, issue a notice of revocation and serve a copy of the notice on every right holder whose wildlife use right is being revoked.

(2) Where a right holder has been served with a notice of revocation for reasons which are applicable to that right holder personally, or where a right holder can show clearly that he or she will suffer disproportionately more from a revocation made for general reasons than the generality of right holders, he or she may request the authority to reconsider that revocation; and on such a request being made to the authority, section 35 shall apply to this reconsideration as it does to a reconsideration provided for by that section.

(3) Where one or more right holders have been served with a notice of revocation for reasons which are applicable on a general basis, the authority shall not, subject to subsection (2), consider any individual request from a right holder for a reconsideration, but shall, of its own motion, reconsider the revocation not less than once every six months and, in so doing, may seek and take into account such information and advice as appear to it to be well-founded to assist it to reach a satisfactory decision on the matter.

(4) Any right holder who has been served with a notice of revocation shall immediately comply with that notice, notwithstanding that he or she has requested the authority to reconsider that notice.

(5) Where a grant of a wildlife use right has been revoked for reasons other than that the right holder has not complied with the terms of the grant or the conditions subject to which the grant of a wildlife use right has been made, the grant holder whose wildlife use right has been revoked shall be

entitled—

- (a) to a remission of the yearly fee paid, equal in proportion to that part of the year in respect of which the grant has been revoked;
- (b) to claim compensation from the authority in respect of such losses directly attributable to the revocation as may be provided for by this Act or any regulations made by the Minister under this Act.

#### **40. Surrender of a wildlife use right.**

(1) A right holder may, by a written communication addressed to the authority, at any time surrender his or her wildlife use right to the authority.

(2) The surrender of a wildlife use right shall not absolve the right holder who has surrendered that right from any civil or criminal liabilities, or any liabilities, including liabilities arising from noncompliance with the terms of a grant or the conditions subject to which a grant of a wildlife use right was made or incurred under this Act, or any regulations made under this Act, which have arisen before the surrender of the right or which, as a result of any actions taken by the right holder while he or she was exercising his or her powers under the wildlife use right, may arise in the future.

(3) A right holder who has surrendered his or her wildlife use right shall not be entitled to any remission of fees paid in connection with that right, nor, where he or she has surrendered that right after it has been revoked, shall he or she be entitled to claim compensation in respect of losses directly attributable to the revocation.

#### **41. Transferability of wildlife use rights.**

- (1) Wildlife use rights shall be transferable as follows—
  - (a) a class A and class E wildlife use right shall be transferable only with the permission of the authority;
  - (b) a class B, class C, class D and class F wildlife use right shall be transferable as a private property right subject to this Act;
  - (c) other classes of wildlife use rights created by regulations made by the Minister under this Act shall be transferable to the extent and in accordance with procedures prescribed in those regulations.

(2) A transfer of a class A and a class E wildlife use right shall be termed a permitted transfer.

(3) A transfer of a class B, C, D and F wildlife use right shall be termed a market transfer.

(4) Section 40(2) shall apply to the transferor of a transferred wildlife use right in the same manner and to the same extent as it applies to a right holder who has surrendered his or her wildlife use right.

(5) A transferor of a wildlife use right shall be under a duty to ensure that his or her name and all relevant and prescribed details are deleted or removed from the certificate of the transferred wildlife use right; and until these matters have been completed, a transferor shall remain liable in respect of that wildlife use right under section 40(2).

(6) A transferee of a wildlife use right shall be under a duty to ensure that his or her name and all relevant and prescribed details are entered on or attached to the certificate of the transferred wildlife use right; and until these matters have been completed, a transferee shall have no legal authority to exercise any of the functions of that wildlife use right.

(7) The Minister may, by statutory instrument, on the advice of the authority, provide—

- (a) for wildlife use rights, the transfer of which are required by this section to be permitted transfers, to be reclassified as market transfers;
- (b) for wildlife use rights, the transfer of which are required by this section to be market transfers, to be reclassified as being required to be permitted transfers.

(8) A statutory instrument made under subsection (7) shall not be published unless the consent of Parliament, signified by its resolution, has been obtained.

#### **42. Permitted transfer.**

(1) An application for a grant of a permitted transfer shall be made in the prescribed form and manner and shall be accompanied by the prescribed fee and shall contain such information as may be prescribed.

(2) An application for a grant of a permitted transfer shall be signed by the proposed transferee and the proposed transferor.

(3) Sections 31(3) to (5) and 32(1) to (4) shall apply to an application for and the consideration and determination of a grant of a permitted transfer as they apply to the matters provided for by those subsections.

(4) The authority may, in granting a permitted transfer, add to, vary, modify or delete any condition subject to which the wildlife use right was first granted or, as the case may be, was transferred by a prior grant.

(5) When the authority has granted a permitted transfer, it shall take all such steps as are necessary to assist the transferor and transferee to comply with their duties as set out in section 41(5) and (6) as expeditiously as possible.

#### **43. Market transfer.**

(1) A market transfer of a wildlife use right shall be undertaken and shall only be valid and lawful if it is undertaken using the prescribed forms, in the prescribed manner and paying the prescribed fee to the authority.

(2) Prior to undertaking a market transfer, the proposed transferor and transferee shall inform the authority of their intention to transfer a wildlife use right and may request the authority to inform them as to whether it intends to object to the transfer and what, if any, additions, variations, modifications to or deletions from the existing grant or conditions subject to which the existing grant of a wildlife use right is being exercised the authority will be likely to make to the wildlife use right on its transfer.

(3) The authority shall, within thirty days of the receipt of the information and request referred to in subsection (1) or such longer period as may be agreed upon between the authority and the parties, reply to the request giving the information sought by the parties.

(4) Where the authority informs the parties that it intends to object to the market transfer, the parties may, if they wish to continue to undertake a transfer, submit an application for a permitted transfer to the authority, and the procedures in section 42 will thereafter apply to such an application.

(5) Where the authority informs the parties that it proposes to make one or more variations, modifications, additions to and deletions from the grant or conditions subject to which the grant of the wildlife use right, which

it is proposed to transfer, is at present exercised by the transferor, the parties may request the authority to reconsider its proposals; and any such reconsideration shall follow, as near as may be, the provisions of section 35(2), (3) and (5).

(6) Where, after a reconsideration requested under subsection (5), the parties are still dissatisfied with the proposals of the authority, they may require that the matter be referred to arbitration, and the arbitration shall be conducted in accordance with the Arbitration and Conciliation Act.

(7) A market transfer shall, within sixty days of the signing of any documents by the transferor and the transferee, the purpose of which is to transfer a wildlife use right from the transferor to the transferee, be registered by the authority in a register maintained specifically for this purpose by the authority.

(8) Until a market transfer is registered in accordance with subsection (7), it shall have no legal or other validity; and the rights and liabilities of the parties to the transfer in respect of the wildlife use right, the subject of the market transfer, shall remain unaltered by any document that the parties have signed and shall be governed by section 41(5) and (6).

(9) Where the parties to a market transfer have signed documents, the purpose of which is to transfer a wildlife use right from the transferor to the transferee, and within fourteen days of the signing of the documents have submitted all necessary forms and fees to the authority for the purpose of obtaining the registration of the transfer, the authority shall take all such steps as are necessary and are required to enable the parties to register the transfer within the time required.

(10) Where the parties to a market transfer have submitted all necessary forms and fees in accordance with the time frame set out in subsection (9) but, through the negligence or other fault of the authority or any of its officers, the transfer is not registered within the required period and the parties or any of them suffer losses thereby, the authority shall be liable for those losses as a result of the failure to register within the required period, and shall, accordingly, compensate the concerned parties.

#### **44. Management of a wildlife use right.**

(1) Every right holder shall be under a duty to manage the land and

buildings in, on, under and over which a wildlife use right may, in accordance with the terms of a grant and the conditions subject to which the right has been granted, be exercised so as to ensure that those terms and conditions are at all times complied with.

(2) Where a right holder employs any person to carry out any of the functions which are permitted to be carried out under the grant of the wildlife use right or are necessary and desirable to carry out so as to ensure that the terms and conditions of the grant of that wildlife use right are complied with, it shall be the responsibility of the right holder to—

- (a) ensure that all such persons are aware of the terms and conditions of the grant of the wildlife use right and of the relevant provisions of this Act and of any regulations made under this Act, and of their obligation to comply with them;
- (b) obtain all necessary permissions from all necessary authorities and persons to enable all such persons as are referred to in this subsection to carry out their functions in accordance with their obligations as referred to in paragraph (a);
- (c) indemnify any person who or whose property suffers injury or damage as a result of the malicious or negligent exercise or purported exercise by such persons as are referred to in this subsection of their functions.

(3) The Minister may, by regulations, and in consultation with the authority and other relevant authorities, provide for the circumstances and the conditions under which a right holder and persons employed by him or her may hire officers of the authority, or exercise the powers of officers of the authority, to guard the wildlife, the subject of the wildlife use right, and apprehend and temporarily detain those persons suspected of attempting to steal, destroy, kill, hunt or otherwise interfere with that wildlife or any specimen.

#### PART VII—PROFESSIONAL HUNTERS AND TRAPPERS.

### **45. Professional hunters and trappers.**

- (1) The board may, on such terms and conditions as it thinks necessary, including the payment of a prescribed fee, issue to any person—
- (a) a professional hunters licence;
  - (b) a professional trappers licence.

- (2) The board may, under subsection (1), prescribe—
  - (a) the form and manner of application;
  - (b) the procedure to be followed in considering and granting the application;
  - (c) the penalty for noncompliance;
  - (d) any other matter the board considers necessary.

**46. Prohibition of persons who are not licensed under this Part regarding certain acts.**

A person who is not a licensee under this Part who—

- (a) conducts business as a professional hunter or professional trapper;
- (b) advertises himself or herself as a professional hunter or professional trapper;
- (c) solicits any contract or commission under which or for which he or she is to act in the capacity of a professional hunter or a professional trapper;
- (d) for gain or reward, assists any other person to hunt any protected animal except as a guide, tracker, porter or in some other like capacity,

commits an offence.

**47. Suspension or cancellation of a licence.**

(1) The board may, on the recommendation of the executive director, cancel any licence under this Part, if the licensee—

- (a) is convicted of an offence under this Act;
- (b) fails to comply with any condition of the licence;
- (c) is not, in the opinion of the executive director, conducting the business for which the licence is used in a fit and proper manner,

and the executive director shall immediately suspend the licence pending consideration of the cancellation under this subsection.

(2) The executive director shall notify the licensee in writing of any decision to suspend or cancel the licence and shall state the reasons for the decision.

**48. Restrictions on a licensee under this Part.**

- (1) A professional hunters licence shall not authorise the licensee to



hunt any protected animal except as may be necessary in defence of human life or property as provided by this Act or to prevent the escape of an animal wounded by his or her client, that client being himself or herself a licensee under a licence valid for that animal.

(2) A professional trappers licence shall not entitle the licensee to use any snare, poison or poisoned weapon for capturing any animal or to shoot at any animal except when that act is immediately and absolutely necessary in defence of himself or herself and any other person.

PART VIII—METHODS OF HUNTING AND TAKING; RESPONSIBILITIES OF HUNTERS.

**49. Prohibitions against acts affecting protected species.**

(1) Except as may be authorised by the conditions contained in any licence issued under Part VI, any person who—

- (a) for the purpose of or in connection with hunting or taking of protected species, possesses, prepares, makes, buys, sells or uses any poison, birdlime, trap, net, snare or similar substance or device capable of killing, capturing or wounding any protected species;
- (b) makes, prepares or uses any excavation, fence, enclosure or any device fixed to the ground or upon plants, capable of killing, capturing or wounding any protected species,

commits an offence.

(2) The onus of proving that an act under this section was done lawfully shall lie on the accused person.

**50. Prohibition on the use of fire.**

Any person who, for the purpose of hunting, taking or assisting another to hunt or take any wild animal or plant, causes any fire commits an offence.

**51. Prohibition of hunting of dependent young.**

Except as may be authorised under a wildlife use right issued under Part VI, or under section 59, any person who hunts any dependent young or any female accompanied by a dependent young of any protected species commits an offence.

**52. Regulation of weapons used in hunting.**

(1) The board may, from time to time, on the recommendation of the executive director, make regulations specifying the types, sizes and calibre of weapons which may lawfully be used for hunting any protected species.

(2) A person who contravenes any regulation made under this section commits an offence.

**53. Prohibition of hunting after darkness.**

Except as may be authorised by the conditions contained in any licence issued or wildlife use right granted under this Act, any person who, during the hours of darkness, hunts or assists in hunting any protected species commits an offence.

**54. Prohibition of use of motor vehicles, aircraft and other equipment.**

(1) Except as provided by subsection (2) or as may be authorised by the conditions contained in any licence under this Act, any person who unlawfully—

- (a) discharges any weapon at any protected species from or within fifty metres of any motor vehicle, aircraft or boat;
- (b) uses any motor vehicle, aircraft or boat to drive or stampede any protected species; or
- (c) uses any aircraft or radio communication system to locate any protected species for the purpose of hunting it,

commits an offence.

(2) Nothing in subsection (1) shall prohibit the use of a motor vehicle, aircraft or boat for the purpose of driving off any wild animal from the land or water upon which an aircraft is about to land or take off.

**55. Regulations on the use of domestic animals as an aid.**

(1) The board may, on the recommendations of the executive director, make regulations—

- (a) prohibiting the use of any domestic animal as an aid to hunting any protected species; or
- (b) specifying the conditions under which any domestic animal may

be used to hunt any protected species.

(2) Any person who contravenes any regulation made under this section commits an offence.

**56. Regulations on the use of baits, devices, etc.**

(1) The board may from time to time, on the recommendations of the executive director, make regulations—

- (a) prohibiting or controlling the use of baits, decoys, calling devices, hides, blinds, stands or any other substances or devices to bring protected species into closer range of hunters;
- (b) specifying the conditions under which any substance or device may be used to hunt any protected species;
- (c) prohibiting or controlling hunting in the vicinity of salt licks, water holes or isolated watering places used by wild animals;
- (d) specifying procedures which any hunter may be required to follow after killing any protected species.

(2) Any person who contravenes any regulation made under this section commits an offence.

PART IX—MANAGEMENT OF PROBLEM ANIMALS.

**57. Declaration of vermin.**

(1) The board may, on the advice of the executive director, declare any animal or class of animals to be vermin.

(2) The declaration under subsection (1) may be effective for the whole of Uganda or for such part or parts of Uganda as may be specified in the notice.

(3) The declaration of vermin shall be published in the Gazette and local newspapers having wide circulation in the areas affected.

**58. Hunting of vermin.**

(1) Where the animal or a class of animals declared to be vermin under section 57 is gazetted as a dangerous animal or a class of dangerous animals, the executive director may engage the services of a professional

hunter or professional trapper to hunt the animals or deploy duly qualified officers of the authority for the purpose.

(2) Where the vermin animals are of value, the executive director shall, at all times, advise the local communities of the value of the animals and recommend the appropriate methods for taking the animals.

#### **59. Killing a protected animal in self-defence.**

(1) Any person may kill or attempt to kill any protected animal in defence of himself or herself or of another person if immediately and absolutely necessary, except that nothing in this section shall absolve from liability of an offence under this Act any person who at the time of the attempted killing was committing any offence under this Act.

(2) It shall be the duty of any person who kills a protected animal under subsection (1) to prove that the act was in self-defence or the defence of another person.

#### **60. Ownership of a carcass.**

(1) Except as otherwise provided by this Act or by the conditions of any licence issued under this Part, the killing of any protected animal under section 59 shall not be deemed to transfer ownership of the carcass of the animal to any person.

(2) Any person who kills a protected animal under section 59 shall, as soon as practicable, report the facts to any officer and shall, unless otherwise entitled to retain the carcass under the conditions of any licence issued under Part VI of this Act, hand over the carcass or such parts of the carcass as the officer may direct.

(3) A person who contravenes this section commits an offence.

#### **61. Reports of damage by protected animals.**

(1) Subject to this Act, any person having reason to believe that any protected animal is causing or may cause material damage to any land, crop, domestic animal, building, equipment or other property may report the facts to an officer.

(2) An officer who receives a report under subsection (1) shall, as soon as practicable, assess the extent of the threat posed by the animal and take any necessary action he or she considers fit in the circumstances.

(3) In deciding what action should be taken to minimize damage to property caused by a protected animal, an officer shall carefully consider the status of the species; and if he or she decides to kill or attempts to kill the animal, he or she shall do so only as a last resort and only if he or she has reasonable ground to believe that this course of action will not endanger survival of the species.

## **62. Accidental killing of a protected animal.**

(1) If any person kills any protected animal through accident or error, he or she shall as soon as may be practicable report the facts to an officer and shall hand over the carcass or such parts of the carcass as the officer may direct.

(2) Nothing in subsection (1) shall apply to any person if the person is entitled under any wildlife use right or permit issued under this Act to hunt a protected or game animal of that species and sort in the circumstances under which he or she killed the animal, and no offence under this Act shall have been committed in relation to the killing of the animal.

(3) A person who contravenes this section commits an offence.

## **63. Wounded protected animals.**

(1) Any person who in any circumstances wounds any protected animal and fails without reasonable cause to use all reasonable endeavour to kill the animal or report to an officer at the earliest opportunity commits an offence.

(2) Subsection (1) shall not be construed as authorising any person to follow any wounded animal—

- (a) into a conservation area unless the person holds a wildlife use right, a licence or a permit authorising him or her to hunt the animal in the area; or
- (b) onto private land on which the person has no permission to enter.

(3) Any person who believes that he or she has wounded any

protected animal which in that wounded condition has entered a conservation area shall immediately report the facts to an officer who shall as he or she sees fit decide whether or not the animal should be killed, and the officer shall issue instructions accordingly.

(4) Any person who believes that he or she has wounded any protected animal which in that wounded condition has entered private land upon which he or she has no permission to enter shall immediately report the facts to the owner of the land.

(5) The owner of land who receives a report under subsection (1) shall decide whether or not the person making the report is to be permitted to enter his or her land for the purpose of hunting the animal, and the landowner's decision in this regard shall be final.

#### **64. Wounded dangerous animals.**

(1) Any person who, in any circumstances, wounds any dangerous animal and fails to kill or capture it within 24 hours after its wounding shall immediately report the facts to an officer.

(2) Any officer who receives a report under subsection (1) shall take immediate steps to locate the wounded animal, assess its condition and decide, as he or she sees fit, whether or not to kill it and shall either carry out the act himself or herself or give instructions accordingly.

(3) Where the wounded dangerous animal under subsection (1) enters a conservation area, section 63(2) or (3) shall apply.

(4) Section 63(4), in respect of private land, shall not apply to a person entering that land in pursuit of a dangerous animal wounded by him or her, except that he or she shall report the facts to the owner of the land as soon as practicable.

(5) Where an officer receives a request under subsection (1), he or she shall, as soon as practicable, take steps to minimize or prevent the threat, and those steps may include killing the animal.

(6) Any person who contravenes this section commits an offence.

(7) If the wounded animal is a protected animal, the killing of the

animal shall only be undertaken subject to section 59.

PART X—INTERNATIONAL TRADE IN SPECIES AND SPECIMENS.

**65. Import, export or reexport permits.**

The executive director may, subject to section 67, issue to any person a permit in the prescribed form to import, export or reexport any specimen.

**66. Importation, exportation and reexportation to comply with customs laws.**

Any person who imports, exports or reexports or attempts to import or reexport any specimen—

- (a) except through a customs post or port;
- (b) without producing to a customs officer a valid permit to import, export or reexport the specimen,

commits an offence.

**67. Additional restrictions on imports, exports, transit or reexports of specimen.**

(1) The Minister may, after consulting the Minister responsible for trade, make regulations imposing additional restrictions on imports, exports, reexports or transit of specimen; and for the purposes of those regulations, the Minister may incorporate the requirements under any convention or treaty.

(2) Any person who contravenes the regulations made under subsection (1) commits an offence.

PART XI—THE WILDLIFE FUND.

**68. Establishment of the fund.**

- (1) There is established a fund to be known as the Wildlife Fund.
- (2) The sources of funds for the fund shall be—
  - (a) such sums as shall be appropriated by Parliament for the purposes of the fund;
  - (b) monies borrowed by the board under section 70;

- (c) such sums as may be received for the purposes of the fund by way of voluntary contributions;
- (d) payments made into the fund under section 84;
- (e) such sums or other assets as may be donated for the purposes of the fund by any foreign government, international agency or foreign institution or body;
- (f) payments from fees and charges receivable under this Act;
- (g) any other sums received by the authority in the performance of its functions under this Act.

**69. Administration of the fund.**

- (1) The board shall be responsible for the administration of the fund.
- (2) The day-to-day management of the fund shall be performed by the executive director.
- (3) The board may authorise the executive director to make such withdrawals as necessary to fulfill the functions of the authority.
- (4) The board shall, subject to section 22(3), pay 20 percent of the park entry fees collected from a wildlife protected area to the local government of the area surrounding the wildlife protected area from which the fees were collected.

**70. Duty to operate on sound financial principles; investment and borrowing powers.**

- (1) The board in discharging its duties in relation to the fund shall perform its functions in accordance with sound financial and commercial practice and shall ensure that as far as possible revenue is sufficient to meet expenditure.
- (2) The board may invest monies from the fund in conformity with good commercial practice.
- (3) The board may borrow monies for the purposes of the fund.

**71. Budget of the authority.**

- (1) The executive director shall prepare and submit to the board for



approval estimates of the income and expenditure of the authority for the next year, three months before the beginning of the year.

(2) The executive director may prepare estimates supplementary to the current estimates under subsection (1) and submit them to the board for approval.

(3) No expenditure shall be made out of funds of the authority unless that expenditure is part of the approved annual estimates or estimates supplementary to those estimates.

## **72. Accounts of the fund.**

(1) The board shall cause to be kept proper books and other records of account in respect of receipts and expenditures of the fund.

(2) The accounts of the fund shall be audited by the Auditor General.

(3) The board shall cause to be prepared, as soon as practicable, but not later than ninety days after the end of the financial year, an annual report on all the financial transactions of the fund.

(4) The report under subsection (3) shall include a balance sheet, an income and expenditure account and the annual report of the Auditor General and shall be laid by the Minister before Parliament.

## **73. Financial year.**

The financial year of the fund shall be the period of twelve months ending on the 30th June in each year.

### **PART XII—PENALTIES, FORFEITURES AND OTHER LEGAL PROCEEDINGS.**

## **74. General penalty.**

Subject to this Act, a person convicted of an offence under this Act for which no other penalty is provided is liable—

- (a) in the case of a first offence, to a fine of not less than thirty thousand shillings but not exceeding three million shillings or to imprisonment for a term of not less than three months or to both such fine and imprisonment;

- (b) in the case of a second or subsequent offence, to a fine of not less than three hundred thousand shillings but not exceeding six million shillings or to imprisonment for a term of not less than six months or to both such fine and imprisonment.

**75. Offences relating to protected species.**

Any person who is convicted of an offence involving—

- (a) taking, hunting, molesting or reducing into possession any protected species;
- (b) possession of, selling, buying, transferring or accepting in transfer specimen of protected species;
- (c) contravention of the provisions of this Act which provide for the conduct of a licensee under a professional hunter's licence or a professional trapper's licence; or
- (d) contravention of section 26,

is liable to a fine of not less than one million shillings or to imprisonment for a term of not more than five years or to both; and in any case, the fine shall not be less than the value of the specimen involved in the commission of the offence.

**76. Offences relating to import, export or reexport of specimen of protected species.**

Any person who is convicted of an offence under section 66 or 67 or under regulations made under section 67 is liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than seven years, and in any case the fine shall not be less than the value of the specimen involved in the commission of the offence.

**77. Offences relating to devices.**

If any person is convicted of an offence under this Act in respect of any excavation, fence, enclosure or any other device fixed in or on the ground or upon vegetation, which the person has made, used or had in his or her possession for the purpose of hunting in contravention of this Act, the court shall, in addition to any other penalty imposed, order the device to be destroyed or obliterated in such manner as the court may specify, and any expenditure incurred shall be recoverable from the person as a civil debt.

**78. Forfeiture as an additional penalty.**

(1) On the conviction of any person of an offence under this Act where the court considers forfeiture to be necessary, the court shall, notwithstanding any other written law and subject to section 74 and in addition to any other penalty imposed, declare any specimen, domestic animal or any firearm or other weapon, trap, net, poison, material or any motor vehicle, aircraft, boat, or any other article taken by or used in connection with the commission of the offence to be forfeited to the Government.

(2) Upon the conviction of any person of an offence referred to in section 66, the court may, in addition to any other penalty imposed, declare any specimen, domestic animal or article as specified under subsection (1) to be forfeited to the Government.

(3) The disposal of any specimen, domestic animal or article forfeited to the Government under this section shall be subject to sections 82 to 84.

**79. Conditional order of forfeiture.**

(1) When a court is required under section 78(1) and (2) to make a declaration of forfeiture in respect of any article the ownership of which requires registration under any written law, the court shall make a conditional order of forfeiture in the prescribed form.

(2) Upon the making of a conditional order of forfeiture under subsection (1), the executive director shall, within thirty days thereafter, cause to be published in the Gazette and in two consecutive issues of a local newspaper having wide circulation, a notice of the order.

(3) If ownership of the article is registered in the names of any person other than the convicted person, the executive director shall, within seven days after publication of the notice in the Gazette, cause a copy of the notice to be sent to the person concerned.

(4) Any person who wishes to claim a right of ownership in the article may, within sixty days of the last publication of the conditional order, lodge with the court a written application for discharging of the order, setting out his or her claim of ownership in the article.

(5) Upon an application made under subsection (4), the court shall set a date for a hearing of the application and serve notice of the hearing on the applicant and on the Government.

(6) In any hearing of any application made under subsection (4), the burden of proof shall be upon the applicant to prove that he or she was not privy to the offence and that the article was, at the time that the offence was committed, being used for that purpose without his or her knowledge or consent.

(7) If an application made under subsection (4) fails to win discharge of a conditional order, the court shall declare the article absolutely forfeited to the Government.

(8) Where upon any application made under subsection (4), a court is satisfied that an article is owned jointly by, or is the subject of a rental agreement between the applicant and the convicted person, and the applicant has discharged the burden of proof in accordance with subsection (6), the court shall declare as forfeited all of the estate, interest or rights of the convicted person in the article and shall order them to be disposed of as it deems fit.

(9) Any right of any claimant under any rental agreement to repossess any article which is subject to a conditional order of forfeiture made under subsection (1) shall be suspended pending determination of any application made under subsection (4).

## **80. Seized goods may be subject to forfeiture order.**

(1) If any article the ownership of which requires registration under any written law is seized as a result of an offence under this Act and the person responsible is unknown and cannot be found for the purpose of charging him or her with the offence or, having been charged, fails to appear to answer the charge, the executive director may apply to the court for a declaration of forfeiture.

(2) Upon receipt of an application from the executive director under subsection (1), the court shall make a conditional order of forfeiture in the prescribed form, and the provisions of section 79(2) to (9) shall apply.

## **81. Forfeiture of profits from illegal trade.**

(1) Where a person has been convicted of any offence involving illegal trading in wildlife or wildlife specimens, including the killing of wild animals, the removal of protected plants from their natural habitat and the removal of eggs from their nest or other natural habitat as a part of a process of illegal trading, the court may, in addition to any penalty imposed by way of punishment and any order for forfeiture under this Act, if it is satisfied by evidence given in court that the convicted person is, and has been for some time, notwithstanding that he or she has not been convicted thereof, a person who habitually or on a continuing basis engages in the illegal trading of wildlife and wildlife specimens—

- (a) order the convicted person to disclose his or her assets to the court;
- (b) cause a valuation of those assets to be made by a valuer appointed by the court;
- (c) determine and declare what proportion of those assets are to be taken as obtained through illegal trading of wildlife and wildlife specimens;
- (d) order that the proportion so determined and declared under paragraph (c)—
  - (i) if it is money, be forfeited to the authority; or
  - (ii) if it is any other form of asset, be sold and the proceeds of the sale be forfeited to the authority.

(2) Where a person ordered by the court under subsection (1) to disclose his or her assets—

- (a) fails to do so within the time required or at all;
- (b) makes a false declaration of disclosure;
- (c) obstructs or causes some other person to obstruct—
  - (i) the making of a valuation of the assets so declared or otherwise;
  - (ii) the gathering in of the assets for their disposal through sale or otherwise;
  - (iii) the sale or other disposal of the assets;
  - (iv) the handing over of the proceeds of the sale of the assets or forfeited monies to the authority,

he or she commits an offence.

(3) An offence under subsection (2) shall be punished by a term of imprisonment of—

(a) not less than the term of imprisonment to which he or she has been sentenced for the offence of or in connection with illegal trading in wildlife or wildlife specimens; or  
(b) not less than three years,  
whichever is the longer period.

(4) A sentence of imprisonment imposed by the court under subsection (3) shall not discharge any obligation imposed by this section on a convicted person to disclose his or her assets.

(5) Any assets transferred by a person to which this section applies, after or at the time of the arrest of that person, to, or which are held on behalf of that person by, a member of the family of or a business associate of that person, shall be taken to continue to be the assets of that person; and this section shall apply to those assets as if they remained under the control of that person.

(6) All persons and organisations holding or in possession of or having any form of control or authority over any assets to which this section applies shall cooperate with and assist the court and any persons and authorities acting under the directions of the court to implement this section.

(7) Any person to whom subsection (6) applies, including any person in authority in an organisation to which subsection (6) applies, who fails or wilfully neglects to comply with or obstructs the application of subsection (6) commits an offence.

(8) The provisions of any legislation applicable to banks and other financial organisations relating to the confidentiality of clients' accounts and other business shall not apply to any assets to which this section applies.

## **82. Surrender of licence, permit or certificate in the event of conviction.**

If any right holder, licensee or the holder of any permit or certificate issued under this Act is convicted of an offence under this Act which involves the licence or a wildlife use right, permit or certificate, the court shall, in addition to any other penalty imposed, order the person to surrender it immediately to the executive director to be dealt with by him or her in accordance with this Act.

**83. Disposal of specimens by the executive director.**

(1) Whenever the executive director takes possession of any confiscated specimen, domestic animal or article, he or she shall cause receipt of the confiscated specimen, domestic animal or article to be recorded in the prescribed register and shall safeguard it until such time as it may be disposed of under section 84.

(2) Where the executive director takes possession of a dead specimen of a protected species, he or she may either—

- (a) destroy the specimen;
- (b) donate the specimen, with or without requiring payment, to a recognised scientific or educational institution;
- (c) sell it in whole or in parts; or
- (d) retain the specimen in his or her official custody either permanently or pending disposal in accordance with paragraph (a), (b) or (c) of this subsection.

(3) Where the executive director takes possession of a live specimen of any protected species and the specimen is, in his or her opinion, capable of normal survival in its natural habitat, he or she shall cause the specimen to be returned to that habitat, except that if the specimen, in the opinion of the executive director, requires to be withheld temporarily from the wild for the purpose of better ensuring its eventual survival, the executive director may direct that the specimen be so withheld.

(4) Where the executive director takes possession of any live specimen of any protected species and the specimen is, in his or her opinion, incapable of normal survival in its natural habitat, he or she may—

- (a) donate the specimen, with or without requiring payment, to a recognised educational, zoological, botanical or scientific institution;
- (b) retain the specimen in his or her official custody either permanently or pending disposal in accordance with paragraph (a); or
- (c) order the destruction of the specimen.

(5) Where the executive director takes possession of—

- (a) any live protected animal which is, in his or her opinion, incapable of normal survival in its natural habitat;
- (b) the specimen of any protected plant or animal; or

(c) any live domestic animal,  
he or she shall dispose of the specimen as he or she considers fit, except that if disposal is by sale, any sums received shall be payable in accordance with Part XI.

**84. Money from sale of specimens or articles to be paid to the fund.**

Whenever the disposal of specimens or articles under this section is by sale, all monies realised shall be payable only to the fund established under this Act.

**85. Specimens or articles to be held by the executive director.**

Any specimen, domestic animal or article held in the custody of the executive director under this Act shall be held by him or her solely in his or her official capacity, and nothing in this Act shall be construed as giving the person holding the office of executive director any private right of ownership over any specimen, domestic animal or article.

PART XIII—APPEALS.

**86. Appeals under this Act.**

(1) An applicant for a grant of a wildlife use right who has been refused a grant or who is aggrieved by all or any conditions subject to which he or she has been granted a wildlife use right may appeal to the wildlife appeal tribunal against that refusal or those conditions.

(2) A right holder may, if he or she is aggrieved by a reconsidered decision, appeal to the tribunal against—

- (a) a compliance order or any actions which he or she is required to take by a compliance order;
- (b) a notice of revocation to which section 39(2) applies.

(3) A right holder may appeal to the tribunal against a refusal to award or an award of compensation made by the authority under section 39(5)(b).

(4) A transferor and a transferee may appeal to the tribunal against a refusal of the authority to grant a permitted transfer and against any of the terms and conditions subject to which the authority has granted a permitted



transfer.

(5) An applicant for any licence or permit under this Act may appeal to the tribunal against a refusal by the board to grant a licence or against any of the terms and conditions subject to which a licence has been granted.

(6) A licensee or permit holder may appeal to the tribunal against any decision of the board or the executive director to revoke or suspend his or her licence.

(7) A person—

- (a) who has been refused a licence, permit or other grant of a permission to undertake any activity;
- (b) who objects to any condition subject to which the licence, permit or other grant of a permission to undertake any activity has been granted; or
- (c) whose licence, permit or other grant of a permission to undertake some activity has been revoked, suspended or varied to his or her disadvantage,

by the Minister, the executive director or other staff of the authority in the exercise of any powers conferred upon him or her or it by this Act or regulations made under the Act may appeal against that refusal, revocation, suspension or disadvantageous variation or those conditions to the tribunal.

(8) Where any regulations made under the Act empower or provide for the Minister, the executive director or the authority to grant any licence, permit or other permission to undertake any activity, an appeal shall lie to the tribunal against any decision to refuse, revoke, suspend or disadvantageously vary or against any conditions subject to which that licence, permit or other permission to undertake any activity has been granted.

## **87. The wildlife appeal tribunal.**

(1) The Chief Justice shall appoint up to seven persons to constitute the wildlife appeal tribunal.

(2) The persons appointed under subsection (1) shall consist of—

- (a) a person who has been or is qualified to be appointed to be a judge of the High Court who shall be chairperson of the tribunal;
- (b) advocates of not less than ten years' standing and of proven integrity, who shall be appointed as deputy chairperson of the

- tribunal;
- (c) persons with knowledge of or experience in the management of wildlife or the operation and management of activities connected with wildlife, of which at least one person must be from the private sector.
- (3) A member of the tribunal shall be appointed to serve for three years and shall be eligible to be reappointed for one further term of three years.
- (4) The members of the tribunal shall be paid such fee as shall be determined by the Minister for and in connection with their work as members of the tribunal.
- (5) The Chief Justice shall appoint a public officer to act as the registrar of the tribunal, and the officer shall, when appointed, administer the affairs and keep the records of the tribunal.

#### **88. Hearings by the tribunal.**

- (1) For the purposes of hearing an appeal under this Part of the Act, the tribunal shall be constituted by—
- (a) the chairperson or a deputy chairperson;
  - (b) two members drawn from those persons appointed under section 87(2)(c).
- (2) The parties to an appeal shall be—
- (a) the person appealing against the decision of the authority;
  - (b) the person representing the authority;
  - (c) such other persons as the tribunal shall permit to appear and make representations or as are permitted by the Chief Justice.
- (3) Any person wishing to appeal against a decision of the authority in respect of which an appeal may, under section 86 be made, shall, within sixty days of that decision being made, submit a notice of appeal in the prescribed form, containing the prescribed information to the registrar.
- (4) The tribunal shall, in consultation with the Chief Justice, determine its own procedures for the hearing and determining an appeal and shall at all times be guided by the highest and best principles of natural justice.

(5) The parties to an appeal may appear in person or may be represented by persons of their choice.

(6) The Chief Justice may, by regulations, make further provision for procedures in connection with appeals to the tribunal.

(7) An appeal shall lie from a decision of the tribunal to the High Court, which shall, in dealing with the appeal, hear the matter as if it were an appeal on a civil matter.

#### PART XIV—MISCELLANEOUS.

### **89. General indemnity.**

(1) No action shall lie against the authority for the recovery of any damage caused to any person or property by any animal in a national park or wildlife reserve.

(2) The executive director or any other officer shall not be held liable in damages or otherwise to any person by reason of his or her exercise or nonexercise in good faith and without negligence of the powers vested in him or her under this Act.

### **90. Conventions and treaties on wildlife management.**

(1) Where Uganda is a party to any convention or treaty concerning wildlife, or in a case where such convention or treaty is required by the Constitution to be ratified, after it has been ratified in accordance with the Constitution, the Minister may, by statutory order, and with the approval of Parliament signified by its resolution—

- (a) set out the provisions of the convention or treaty;
- (b) give the force of law in Uganda to the convention or treaty or any part of the convention or treaty required to be given the force of law in Uganda;
- (c) amend any enactment other than the Constitution for the purpose of giving effect to the convention or the treaty;
- (d) make such other provision as may be necessary for giving effect to the convention or treaty in Uganda or for enabling Uganda to perform its obligations or exercise its rights under the convention or treaty.

(2) This section applies to any convention or treaty whether adopted before or after the coming into force of this Act and whether Uganda became a party to it before, or becomes a party to it after, the coming into force of this Act.

(3) Without prejudice to the general effect of the foregoing provisions, a statutory order under this section may make provision for the imposition of penalties not exceeding such fine or imprisonment or both as may be prescribed by the Minister and may prescribe the payment of such fees or charges as the Minister thinks necessary in respect of any service or other things to be done or given under the statutory order.

(4) The provisions of any convention or treaty set out in any order made under this section shall be evidence of the contents of the convention or treaty in any proceedings or matter in which the provisions of the convention or treaty came into question.

## **91. Regulations.**

(1) The board may make regulations for carrying into effect the provisions of this Act and, without prejudice to the generality of the power, the regulations may—

- (a) provide for returns to be furnished to the board or the executive director by holders of licences, permits, certificates or wildlife use rights holders of records issued or maintained under this Act;
- (b) prescribe forms to be used under this Act;
- (c) prescribe fines and fees payable under this Act;
- (d) provide for the remission in special cases of any fees payable under this Act;
- (e) provide for the furtherance of public knowledge concerning the management of wildlife by such means as may be considered appropriate; and
- (f) prescribe anything required to be prescribed under this Act.

(2) A regulation made under subsection (1) shall be laid by the Minister before Parliament for Parliament's approval signified by its resolution.

**92. Controlled hunting areas.**

(1) Subject to subsection (2), any area which was declared a controlled hunting area under any law in force before the coming into force of this Act shall remain as such, and the provisions of any law in relation to those areas shall remain in force for those areas.

(2) The Minister shall, with the prior approval of Parliament signified by its resolution, by statutory instrument, within twenty-four months of the coming into force of this Act determine which controlled hunting areas under subsection (1) shall—

- (a) be declared as national parks, wildlife reserves, wildlife sanctuaries, community wildlife areas or any other area described in section 18; or
- (b) cease to exist as a controlled hunting area.

(3) For the avoidance of doubt, 17(2) to (5) shall not apply to any statutory instrument made under subsection (2).

**93. Amendment of Schedules to the Game (Preservation and Control) Act.**

(1) The Minister may, with prior approval of Parliament signified by its resolution, by statutory instrument, amend or revoke any of the Schedules to the Game (Preservation and Control) Act.

(2) For the avoidance of any doubt, section 17(2) to (4) shall not apply to any statutory instrument made under this section.

**94. Management of crocodiles.**

For the avoidance of doubt, the management of crocodiles shall be under the provisions of this Act.

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**Composition and proceedings of the board.**

**1. Composition of the board.**

The board shall consist of—

- (a) not more than fifteen members to be appointed from the following sectors—
  - (i) five representatives of local communities residing in areas with wildlife;
  - (ii) two representatives of the private sector with specific reference to those involved in activities related to wildlife;
  - (iii) three representatives of the tourism industry;
  - (iv) two representatives of the scientific community;
  - (v) two other individuals, representing a community, institution or on being selected to serve in their personal capacity on the recommendation of the board;
  - (vi) the executive director; and
- (b) the following ex officio members to be appointed from the Ministry or institution responsible for—
  - (i) wildlife;
  - (ii) tourism;
  - (iii) economic development;
  - (iv) forestry;
  - (v) local government;
  - (vi) the National Environment Management Authority.

**2. Tenure.**

(1) A member, other than the executive director or a member appointed under paragraph 1(b), shall hold office for three years or until his or her appointment is revoked by the nominating or appointing authority.

(2) A member of the board referred to in subparagraph (1) of this paragraph is eligible for reappointment upon ceasing to hold office under that paragraph; except that where the member has held office for two consecutive terms, he or she shall not be reappointed to the board unless two years have passed since his or her last term of office expired.

### **3. Meetings.**

(1) The Minister shall appoint a member of the board appointed under section 7(1) of the Act to be the chairperson of the board.

(2) The board shall meet at least four times a year for the transaction of its business at such time and place as the chairperson may determine.

(3) The executive director shall keep minutes of each meeting of the board.

(4) The minutes kept under subparagraph (3) shall be confirmed by the board at the next meeting and signed by the chairperson of that meeting.

### **4. Quorum, voting and power to co-opt.**

(1) Five members of the board shall form a quorum.

(2) Questions proposed at a meeting of the board shall be determined by a simple majority vote of members present and voting.

(3) Where there is an equality of votes under subparagraph (2), the chairperson shall have a casting vote.

(4) The board may co-opt a person to attend its meetings, and a person so co-opted may participate in the deliberations of the board but shall have no right to vote.

### **5. Disclosure of interest.**

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

(2) A disclosure of interest 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 determines in respect of that matter—

- (a) be present during any deliberation on the matter by the board;
- (b) take part in the decision of the board.

(3) When there is no quorum for the continuation of a meeting only because of the exclusion of a member from the deliberation on a matter in which he or she has disclosed a personal interest, the other members present may postpone the consideration of that matter until a quorum, without that member, is realised.

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**History:** Statute 14/1996; S.I. 37/1996.

### **Cross References**

Arbitration and Conciliation Act, Cap. 4.  
Constitution of 1995.  
Firearms Act, Cap. 299.  
Forests Act, Cap. 146.  
Game (Preservation and Control) Act, Cap. 198.  
Local Governments Act, Cap. 243.  
National Environment Act, Cap. 153.  
National Parks Act, 1964 Revision, Cap. 227.

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