

Uganda

Uganda National Cultural Centre Act Chapter 50

Legislation as at 31 December 2000

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PDF created on 17 March 2026 at 10:15.

Collection last checked for updates: 31 December 2000.

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FRBR URI: /akn/ug/act/ord/1959/17/eng@2000-12-31

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Uganda National Cultural Centre Act Chapter 50

[Published](#)

Commenced on 8 October 1959

[This is the version of this document at 31 December 2000.]

[Note: This legislation was revised and consolidated as at 31 December 2000 and 31 December 2023 by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]

An Act to establish a trust for the Uganda National Theatre and Cultural Centre and to incorporate the trustees thereof.

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**board**" means the board of trustees established under [section 4](#);
- (b) "**committee**" means the executive committee established under [section 11](#);
- (c) "**former trustees**" means the persons appointed by or in pursuance of the trust deed dated the 26th day of March, 1956, to be the trustees of the fund;
- (d) "**fund**" means the sums of money raised by public subscription for the National Theatre and Cultural Centre and includes any money contributed by the Government to the fund;
- (e) "**trust**" means the Uganda National Cultural Centre Trust established under this Act;
- (f) "**trust property**" means the lands, buildings, rights, monies, securities, credits, effects, and all other property whatsoever vested in the board, or of or to which the board is seised, possessed or entitled, and includes the fund.

2. Extinguishment of existing trust

From and after the 8th October, 1959, the trust existing prior to that date relating to the fund shall be extinguished.

3. Establishment of trust

There is established a trust, to be known as the Uganda National Cultural Centre Trust, for the purpose of administering, controlling and managing the trust property in accordance with this Act, and, without prejudice to the generality of the foregoing—

- (a) to provide and establish theatres and cultural centres;
- (b) to encourage and develop cultural and artistic activities; and
- (c) subject to such directions as may be given to it by the Minister from time to time, to provide accommodation for societies, institutions or organisations of a cultural, artistic, academic, philanthropic or educational nature.

4. Board of trustees

- (1) The trust shall be administered, controlled and managed by a board of trustees to be known as the Trustees of the National Cultural Centre and appointed by the Minister.

- (2) The board shall be a body corporate with perpetual succession and a common seal and may, subject to [section 7](#), acquire, purchase, take, hold and enjoy movable and immovable property of any description and may sell, convey, assign, exchange, surrender, yield up, mortgage, demise, transfer or otherwise howsoever, property which is part of the trust property upon such terms as to the trustees seem fit.
- (3) The board shall consist of not less than six nor more than eight trustees one of whom shall be the chairperson who shall be appointed by the Minister.
- (4) Each trustee shall hold office for a period of three years but shall be eligible for reappointment.
- (5) If any trustee—
 - (a) dies;
 - (b) resigns;
 - (c) is absent from Uganda for a continuous period exceeding one year;
 - (d) is declared a bankrupt or enters into any composition with his or her creditors;
 - (e) is convicted of any crime involving moral turpitude; or
 - (f) is unable by reason of any infirmity of mind or body, in the opinion of the Minister, to perform the duties of a trustee,the Minister may appoint a person to the board in place of that trustee, and that person shall hold office for the unexpired portion of the period for which the trustee was appointed.
- (6) The common seal of the board shall be authenticated by the signatures of two trustees.

5. Proceedings of board of trustees

- (1) At all meetings of the board, the chairperson if present shall preside, and in the absence of the chairperson the trustees present shall elect a chairperson from among those trustees present.
- (2) At any meeting of the board three members shall constitute a quorum for the transaction of business.
- (3) A decision of the majority of the members present at any meeting of the board shall be deemed to be the decision of the board.
- (4) The chairperson of the meeting shall have a deliberative vote in common with the other members of the board, and if upon any question the voting shall be equal he or she shall in addition have a casting vote.
- (5) The board may appoint from among the trustees any committee for any special purpose that it may deem expedient.
- (6) The board may from time to time make rules for the transaction of the business of the board or of any committee of the board.

6. Board of trustees to keep accounts

- (1) The board shall keep a full and correct account of all monies vested, received and expended in and by it or on its authority and shall at the conclusion of every twelve months submit to the Minister a report of its operations.
- (2) The accounts of the board shall be audited annually by an auditor approved by the Minister and after being audited shall be submitted to the Minister and published in the *Gazette*.

7. Powers of board of trustees

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

- (a) sue and be sued in its corporate name;
- (b) pay and discharge all its costs, charges and expenses;
- (c) acquire by purchase, gift or otherwise or hold lands and rights, easements or interests in or over lands and any other property; but no lands or interest in lands shall be purchased without the prior approval of the Minister;
- (d) with the prior approval of the Minister, erect or enlarge any building upon any part of the trust property;
- (e) with the prior approval of the Minister, borrow and raise money upon such terms and conditions as may be approved by the Minister;
- (f) with the prior approval of the Minister, sell or dispose of immovable property being part of the trust property;
- (g) invest any monies not immediately required in and upon any investment for the time being authorised by law for the investment of trust monies or in and upon any other investment approved by the Minister and vary any such investment;
- (h) plant, drain, level and otherwise improve and alter any land forming part of the trust property;
- (i) employ on such terms and conditions as it may determine a secretary and treasurer as it may consider desirable;
- (j) employ, from time to time, and upon such terms as the board may determine, such other officers, servants or agents as it thinks fit;
- (k) subject to such directions as may be given to it by the Minister from time to time, let, hire or permit the use of the trust property or any part of it to or by any society, institution or organisation of a cultural, artistic, academic, philanthropic or educational nature, and charge rent or fees for that letting, hire or use;
- (l) from time to time let, hire or permit the use of the trust property or any part of it to or by any person or body of persons for the purpose of holding any function for which the trust property is or becomes suitable and, if it sees fit, charge fees for that letting, hiring or use;
- (m) use the trust property or any part of it for the purpose of holding any function;
- (n) make charges for admission to the trust property or any part of it, or, in its discretion, permit any person or body of persons to whom the trust property or any part of it has been let, hired or permitted to be used under the provisions of paragraphs (k) and (l) of this section to make such charges;
- (o) organise and conduct instructional classes in theatrical or musical subjects; levy fees for such instructions and pay salaries or allowances to instructors, as the board thinks fit;
- (p) do all such acts, matters and things as may be necessary for carrying out the provisions and purposes of this Act.

8. Vesting of property in board of trustees

- (1) All lands, buildings, rights, monies, securities, credits, effects and all property whatsoever of or to which prior to the coming into operation of this Act the former trustees were seised, possessed or entitled and the benefit of all contracts entered into by the former trustees shall be and the same are vested in and imposed on the board to the same extent and for the same estate or interest

as they were previously held by the former trustees to be held and enjoyed, sued for, recovered, maintained, dealt with and disposed of in accordance with this Act.

- (2) All the rights, duties and obligations of Peter Edwin Winch under a lease made on the 26th March, 1959, between the Governor and Peter Edwin Winch by which the Governor demised to Peter Edwin Winch all those two pieces of land in the municipality of Kampala known as Plots 2, 4 and 6, De Winton Road, for a term of ninety-nine years are vested in and imposed on the board, and the board shall be deemed to be, and at all times to have been the lessee of the two pieces of land.
- (3) Any lease, tenancy, or other right granted by Peter Edwin Winch on, over or in relation to all or any part of the two pieces of land referred to in subsection (2) shall be deemed to have been granted by the board.

9. Board of trustees to discharge liabilities of former trustees

From and after the 8th October, 1959, the board shall in all respects be subject to and shall discharge all obligations and liabilities to which the former trustees were subject and shall indemnify the former trustees from all such obligations and liabilities and from all costs and expenses in that behalf.

10. Application of trust property

The board shall apply the trust property and any income derived from it to and for the purposes of the trust.

11. Executive committee

- (1) For the purpose of assisting the board in the management and control of the trust property, there shall be established an executive committee which shall consist of not more than eight members.
- (2) The members of the committee shall be appointed by the board with the approval of the Minister.
- (3) The members of the committee shall hold office for such period as the board with the approval of the Minister shall decide in each case.
- (4) If any member of the committee—
 - (a) dies;
 - (b) resigns;
 - (c) is absent from Uganda for a continuous period exceeding one year;
 - (d) is declared bankrupt or enters into any composition with his or her creditors;
 - (e) is convicted of any crime involving moral turpitude; or
 - (f) is unable by reason of any infirmity of mind or body, in the opinion of the board, to perform the duties of a member of the committee,

the board may with the approval of the Minister appoint a person to the committee in place of that member, and that person shall hold office for the unexpired portion of the period for which the member was appointed.

- (5) The committee shall appoint from among its members a chairperson who shall preside at all meetings of the committee at which he or she is present.
- (6) In the absence of the chairperson the persons present at any meeting of the committee shall elect one of their number to be chairperson for the purposes of such meeting.
- (7) At any meeting of the committee four members shall constitute a quorum for the transaction of business.

- (8) A decision of the majority of the members present at any meeting of the committee shall be deemed to be the decision of the committee.
- (9) The chairperson or person elected to be chairperson under subsection (6) shall have a deliberative vote in common with other members of the committee, and if upon any question the voting shall be equal he or she shall, in addition, have a casting vote.
- (10) The committee may from among its members appoint a subcommittee for any special purpose that it may deem expedient.
- (11) Subject to this section, the committee shall have the power to regulate its own procedure.

12. Functions of executive committee

- (1) Subject to any general or special directions of the board, the committee may exercise the powers conferred upon the board by virtue of [section 7](#)(h), (j), (k), (l), (m), (n) and (o), and all acts done by the committee in exercise of the powers conferred shall be deemed to have been done by the board.
- (2) The committee shall submit to the board, either monthly or at such intervals as the board may direct, a report of the exercise of the powers specified in subsection (1) and at the same time account to the board for all monies received and expended in connection with the exercise of those powers.
- (3) The committee shall submit to the board, annual estimates of revenue and expenditure and, at such intervals as the board shall direct, a copy of all resolutions and other business of the committee.

13. District arts committee

- (1) The Minister may appoint for each district, a district arts committee for the purpose of encouraging and developing artistic and cultural activities in its area.
- (2) A district arts committee appointed under this section shall consist of such number of persons as the Minister may in each case determine.
- (3) The functions of a district arts committee shall be regulated by such directions and instructions as may be given to it, from time to time, by the committee, and subject to those directions and instructions, a district arts committee may regulate its own procedure.

14. Validation of previous acts of former trustees

All acts done prior to the 8th October, 1959, by the former trustees incidental to the trusts hitherto existing relating to the fund are declared to have been done in lawful exercise of powers in that behalf, and the former trustees are released and discharged from and against all legal proceedings in respect of any such acts.

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

No matter or thing done by the chairperson or any member, officer or employee of the board or by any member of the committee *bona fide* for the purpose of executing any of the provisions of this Act shall render the chairperson, member, officer or employee personally responsible to any action, liability, claim or demand.