

THE JUDICATURE ACT.

Statutory Instrument 13—7.

The Judicature (Administration of Estates) Rules.**Arrangement of Rules.****Rule**

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THE JUDICATURE ACT.

Statutory Instrument 13—7.

The Judicature (Administration of Estates) Rules.¹ (Under section 48(1)(d) of the Act.)

1. Citation.

These Rules may be cited as the Judicature (Administration of Estates) Rules.

2. Notice of intention to apply.

Prior to an application for probate or for letters of administration being made to the court, the applicant shall cause notice of his or her intention so to apply to be published as follows—

- (a) by advertisement in one issue of the Gazette;
- (b) by advertisement in one issue of any newspaper circulating in Uganda and approved by the registrar;
- (c) by posting a notice on the notice board of the High Court at Kampala and, when the deceased was resident at the time of his or her death in any district or area in Uganda other than Mengo, by posting a further copy of the notice on the notice board of the district or magistrate's court of that district or area.

3. No application until fourteen days after publication, etc.

No application for probate or for letters of administration shall be granted until fourteen clear days after the provisions of rule 2 of these Rules have all been complied with.

4. Proof of publication.

Publication of the notice of intention to apply shall be proved by production, at the time of the application to the court, of the relevant copies of the Gazette

¹ See the footnote to S.I. 13-2.

and newspaper, and of a copy of the notice or notices which have been posted, endorsed with a certificate of the date of posting by the registrar or by the magistrate, as the case may be.

5. Form of notice.

The notice to be advertised and posted as required by rule 2 of these Rules shall be in the form set out in the First Schedule to these Rules.

6. Saving as to Administrator General.

Nothing in these Rules shall be so construed as to require the Administrator General to publish notice of his or her intention to apply for a grant of letters of administration, except insofar as may be prescribed by the Administrator General's Act.

7. Bond under section 260 of the Succession Act.

The bond, to be given under section 260 of the Succession Act, shall be in the form set out in the Second Schedule to these Rules.

8. Inventory under section 278(1) of the Succession Act.

The inventory required to be exhibited under section 278(1) of the Succession Act shall, if a form is prescribed for a valuation and inventory for the purposes of any written law relating to estate duty, be in that form.

9. Account under section 278(1) of the Succession Act.

(1) The account, required to be exhibited under section 278(1) of the Succession Act, shall be in the form set out in the Third Schedule to these Rules.

(2) When the account is exhibited, all relevant books, papers, vouchers and documents shall be deposited with the registrar, who will return them when the account has been passed by the court.

10. Investments authorised by High Court.

Where it is provided by the Succession Act that any sum or sums of money shall be invested in any such securities as the High Court may by special order or by any general rule to be made from time to time authorise or direct, such sum or sums shall, unless the court shall otherwise direct, be invested in any security authorised by section 3 of the Trustees Act, or any statutory amendment of that Act or substitution for that Act, for the investments of trust funds.

11. Saving.

Nothing in these Rules shall affect the validity of any act legally done, otherwise than in strict accordance with these Rules, prior to the publication of these Rules in the Gazette.

SCHEDULES*First Schedule.*

rule 5.

Form of Notice.

In the High Court of Uganda at Kampala.

Administration Cause No. _____ of 20 _____
In the matter of the estate of _____ (deceased)

To All Whom It May Concern:

Take notice that an application has been lodged in this court by _____ of _____ District/Area, Uganda, for probate of the will/letters of administration¹ to the estate of the above-named deceased.

The court will proceed to grant the probate of the will/letters of administration¹, if no caveat is lodged with the registrar within fourteen days from the date of publication of this notice, unless cause is shown to the contrary.

Dated at Kampala this _____ day of _____, 20 _____

Petitioner or Advocate

N.B.—The will has been deposited and is open to inspection at the office of the registrar.

¹ Strike out if inapplicable.

10. Investments authoris. Second Schedule.

Administration Bond with Surety.

rule 7.

Where it is provided by or substituted for any law or sum of money
 where invested in the High Court may by special
 order or by any general rule to be made for the time to time authorise or direct,
 such Administration Cause No. _____ of 20 _____
 In the matter of the estate of _____ (deceased)

Know all men by these presents that we, _____
 _____, are bound unto _____, the
 Principal Judge/a judge of the High Court of Uganda, in the sum of _____
 shillings to be paid to _____,
 the Principal Judge of the High Court of Uganda, or to any judge of the above
 court for the time being, for which payment well and truly to be made we,
 _____, bind ourselves, our heirs, executors and
 administrators firmly by these presents.

Sealed with our seals.

Dated the _____ day of _____, 20 _____

The condition of this obligation is such that if _____ of
 _____, the intended administrator of all and singular
 the personal effects of _____, deceased, do, when lawfully
 called upon for that purpose, make a true and perfect inventory of the personal
 effects, and do well and truly administer them according to law, and do make a just
 and true account of that administration whenever required by law so to do, and do
 deliver and pay unto such person or persons as shall be entitled to them the rest and
 residue of the personal estate and effects; and if it shall hereafter appear that any will
 was made by the deceased, and the executor or executors or other persons named in
 the will do apply for probate of the will, if _____ being
 thereunto required, do deliver up the letters of administration (probate of the will
 being first granted) in the High Court of Uganda, then this obligation to be void and
 of no effect or else to remain in full force and virtue.

Signed, sealed and delivered
 by the within named

In the presence of

Third Schedule.

rule 9.

Form of Account.

In the High Court of Uganda at Kampala.

Administration Cause No. _____ of 20 ____

In the matter of the estate of _____
late of _____ (deceased)Final account lodged by _____
of _____Executor/Administrator of the Above
Estate

Assets.

Date _____, 20 _____

Item

1. Cash
2. Cash in bank—
 - Current account
 - Deposit account
3. Household goods
4. Jewellery and ornaments
5. Stock-in-trade (realised)
6. Debts recovered (per schedule annexed)
7. Rents (recovered)
8. Mortgages (realised)
9. Interest on mortgages (recovered)
10. Policies of insurance
11. Other movable property
12. Immovable property

Liabilities.

Date _____, 20 _____

Item

1. Funeral expenses
2. Estate duty paid
3. Debts paid (per schedule annexed)
4. Rents paid
5. Interest on mortgages
6. Mortgages
7. Administration expenses
Balance distributed among heirs or
carried to next account

Distribution account.

History: S.I. 41-4.

Cross References

Administrator General's Act, Cap. 157.

Succession Act, Cap. 162.

Trustees Act, Cap. 164.