

THE PROBATES (RESEALING) ACT.

Statutory Instrument 160—1.

The Probates (Resealing) Rules.

Arrangement of Rules.

Rule

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THE PROBATES (RESEALING) ACT.

Statutory Instrument 160—1.

The Probates (Resealing) Rules.
*(Under section 6 of the Act.)***1. Citation.**

These Rules may be cited as the Probates (Resealing) Rules.

2. Who may apply.

An application for the sealing of a grant of probate or letters of administration may be made by the person to whom the grant was made or the attorney of that person, either in person or by advocate.

3. Manner of applying.

The application shall be made by lodging with the chief registrar of the High Court at Kampala—

- (a) the grant required to be sealed, which shall include a copy of any will to which the grant relates or shall be accompanied by a copy thereof certified as correct by or under the authority of the court by which the grant was made;
- (b) a copy of that grant and of the will, if any;
- (c) a certificate as to payment of probate duty under the hand of the proper authority for the purposes of section 3(a) of the Act;
- (d) in the case of a grant of letters of administration, a bond for the purposes of section 3(b) of the Act, in Form A in the Schedule to these Rules; and
- (e) if the applicant is acting under a power of attorney, the instrument creating the power and, if the applicant requires the instrument to be returned with the grant, a copy of the instrument.

4. Advertisement and oath may be required.

If the registrar so requires, the application shall—

- (a) be advertised, in Form B in the Schedule to these Rules, in such manner as he or she may direct;
- (b) be supported by an oath in Form C in the Schedule to these Rules.

5. Fee.

A fee of forty-five shillings shall be paid upon making an application under these Rules.

6. Endorsement on grant.

When a grant is sealed under these Rules, the registrar shall endorse on it the following words—

“Sealed with the seal of the High Court of Uganda by order of
the court dated the _____ day of _____, 20____”,
and shall add his or her signature to it.

7. Grant to be returned.

A grant which has been sealed under these Rules shall, if all fees payable in respect of it have been paid, be returned to the applicant or his or her advocate.

*Schedule.***Forms.****Form A.**

Administration Bond on Application for Resealing of Grant.

The Probates (Resealing) Act.

rules 3, 4.

rule 3(d).

In the High Court of Uganda

Know all men by these presents that we _____
 _____¹ are jointly and severally bound unto
 _____², the Principal Judge of the High Court
 of Uganda, in the sum of _____³, to be paid to the
 Principal Judge or any judge of the High Court for the time being, for the
 payment of which we bind ourselves and each of us and our
 _____⁴.

Sealed with our seals.

Dated the _____ day of _____, 20 ____

The condition of this obligation is such that if _____⁵, the
 administrator(s) (with the will⁶ annexed⁷) acting by the authority of
 _____⁸, under letters of administration (with the will⁶ annexed⁷)
 issued at _____ on the _____ day of
 _____, 20 ____, and now about to be sealed in Uganda under the
 Probates (Resealing) Act, of the estate of _____⁹, deceased,

¹ Insert full names, addresses and descriptions of principals and sureties.

² Insert name of the Principal Judge for the time being.

³ Unless otherwise directed, the sum to be inserted should be the value of the property in Uganda.

⁴ Individuals bind themselves, their executors and administrators. Corporations bind themselves and their successors.

⁵ Insert full name, address and description of person to whom the grant was made.

⁶ Add "and codicils", if any.

⁷ Delete if deceased died intestate.

⁸ Description of court by which grant was made.

⁹ Name and address of the deceased.

who died on the _____ day of _____, 20_____, do when lawfully called on for that purpose make or cause to be made a true and perfect inventory of the estate of the deceased in Uganda which has or shall come to the hands, possession or knowledge of the administrator, and do exhibit the inventory or cause it to be exhibited in the High Court of Uganda whenever required by law so to do, then this obligation shall be void and of no effect, but shall otherwise remain in full force and effect.

Signed, sealed and delivered by the within-named _____
in the presence of _____, a commissioner of oaths (or other person authorised by law to administer oaths).

(The common seal of _____ was affixed to this bond in the presence of _____)

rule 4(a).

Form B. *The Probates (Resealing) Act.*
Advertisement.

In the High Court of Uganda

_____, deceased
Notice is given that after the expiration of fourteen days from the date of publication of this notice, application will be made to the High Court of Uganda for the sealing of the probate of the will (or letters of administration of the estate) of _____, late of _____, deceased, granted by the _____ court at _____ on the _____ day of _____, 20_____, to _____.

Advocates for _____

rule 4(b).

Form C.

Oath to Lead the Resealing of a Grant.

The Probates (Resealing) Act.

In the High Court of Uganda

_____, deceased

I, _____ of _____, make oath and say—

1. That a grant of probate of the will (or letters of administration of the estate) of _____, late of _____, deceased, who died on the _____ day of _____, 20_____, at _____, was granted to me (or _____) by the _____ court at _____, on the _____ day of _____, 20_____.
 (S) P. J. S. M.

2. That the deceased was at the time of his or her death domiciled in _____.

3. That the notice annexed to this oath was inserted in the _____ newspaper on the _____ day of _____, 20_____.¹

4. That I am the attorney lawfully appointed of _____ under his or her hand and seal, and am duly authorised to apply to this court for the sealing of the grant.²

5. That the estate in Uganda amounts in value to the sum of _____ shillings and no more, to the best of my knowledge, information and belief.

Sworn, etc.

¹ This paragraph is only necessary when advertisement has been directed by the registrar.

² Delete this paragraph if inapplicable.

History: S.I. 144-1; S.I. 135/1968.

THE PROBATE ACT, 1952

THE PROBATE ACT, 1952

AN ACT TO REPEAL THE PROBATE ACT, 1925, AND TO MAKE RELATED PROVISIONS.

WHEREAS it is expedient to make related provisions for the better administration of the law relating to the probate of wills;

IT IS ENACTED AS FOLLOWS:

1. This Act may be cited as the Probate Act, 1952.

2. This Act shall come into operation on the first day of January, one thousand nine hundred and fifty-three.

3. This Act shall not affect any will which has been admitted to probate before the date of its commencement.

4. This Act shall not affect any action or proceeding which has been commenced before the date of its commencement.

5. This Act shall not affect any power or right which has been exercised before the date of its commencement.

6. This Act shall not affect any power or right which has been exercised before the date of its commencement.

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18. This Act shall not affect any power or right which has been exercised before the date of its commencement.