

CHAPTER 266

THE PROBATES (RESEALING) ACT

Arrangement of Sections

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CHAPTER 266**THE PROBATES (RESEALING) ACT***Commencement:* 30 May, 1936

An Act relating to resealing of probates granted by courts of any country other than Uganda.

1. Interpretation

In this Act, unless the context otherwise requires—

“court of probate” means any court or authority, by whatever name designated, having jurisdiction in matters of probate;

“probate” or “letters of administration” includes any instrument having in any country other than Uganda the same effect given to probate or letters of administration under the Succession Act, the Administration of Estates (Small Estates) (Special Provisions) Act and the Estate of Missing Persons (Management) Act;

“probate duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

2. Sealing of probates and letters of administration granted outside Uganda

Where a court of any country other than Uganda, grants probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy deposited with, the High Court, be sealed with the seal of that court, and thereupon shall be of the like force and effect, and have the same operation in Uganda as if granted by that court.

3. Conditions to be fulfilled before sealing

(1) Probate or letters of administration granted by a court of a country other than Uganda shall only be resealed in a court in Uganda where the relevant law under which the letters of administration or probate was granted is not contrary to the Succession Act, the Administration of Estates

(Small Estates) (Special Provisions) Act or the Estate of Missing Persons (Management) Act.

(2) Probate or letters of administration granted by a court of a county other than Uganda shall only be resealed in Uganda where the relevant laws of that country allow the enforcement, within that country, of letters of administration or probate obtained in courts of law in Uganda.

(3) Subsection (2) shall not apply to a Partner State of the East African Community.

(4) The court shall, before sealing a probate or letters of administration under this Act, be satisfied—

- (a) that probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in Uganda; and
 - (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in Uganda to which the letters of administration relate,
- and may require such evidence as it thinks fit as to the domicile of the deceased person.

(5) In this section, “Partner State” means a Partner State of the East African Community and any other country granted membership to the Community under Article 3 of the Treaty Establishing the East African Community.

4. Security for payment of debts

The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in Uganda.

5. Duplicate or copy admissible

For the purposes of this Act, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

6. Rules of court

(1) The Chief Justice may, with the approval of the Minister, make rules of court for regulating the procedure and practice, including fees and costs, in the High Court, on and incidental to an application for sealing a probate or letters of administration under this Act.

(2) Subject to any exceptions or modifications made by such rules, and until such rules are made, the fees and probate duty prescribed by rules of court shall apply and be payable as if the person who applies for sealing under this Act were a person applying for probate or letters of administration.

History: Cap. 144 (Revised Edition, 1964); Decree 22/1972, s.3; Cap. 160 (Revised Edition, 2000); Act 8/2022

Cross References

Administration of Estates (Small Estates) (Special Provisions) Act, Cap. 263
Estates of Missing Persons (Management) Act, Cap. 265
Succession Act, Cap. 268
Treaty Establishing the East African Community, 1999
