Uganda

Succession Act

Chapter 162

Legislation as at 31 December 2023

There may have been updates since this file was created.

PDF created on 28 November 2024 at 15:21.

Collection last checked for updates: 31 December 2023.

View online

About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

www.laws.africa
info@laws.africa

FRBR URI: /akn/ug/act/ord/1906/1/eng@2023-12-31

Succession Act (Chapter 162)
Contents

Uganda

Succession Act
Chapter 162

Commenced on 15 February 1906

[This is the version of this document at 31 December 2023.]

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

[Amended by Succession (Amendment) Act, 2022 (Act 3 of 2022) on 31 May 2022]
[Amended by Law Revision (Miscellaneous Amendments) Act, 2023 (Act 17 of 2023) on 28 July 2023]

An Act relating to succession.

[Cap. 139 (Revised Edition, 1964); S.I. 135/1968; Decree 22/1972; Cap. 162 (Revised Edition, 2000); Act 3/2022; Act 17/2023]

Part I – Preliminary

1. Act to constitute law of Uganda in cases of succession

Except as provided by this Act, or by any other law for the time being in force, the provisions in this Act shall constitute the law of Uganda applicable to all cases of intestate or testamentary succession.

2. Interpretation

In this Act, unless the context otherwise requires—

"**administrator**" means a person appointed by a court to administer the estate of a deceased person when there is no executor or executrix;

"**child**", "**children**", "**issue**" and "**lineal descendant**" include adopted children;

"**codicil**" means an instrument explaining, altering or adding to a will and which is considered as being part of the will;

"**court**" means the High Court or a magistrate's court other than a magistrate's court presided over by a magistrate grade II;

"**currency point**" has the value assigned to it in Schedule 1 to this Act;

"**customary heir or heiress**" means a person recognised under the rites and customs of a particular tribe or community of a deceased person as being the customary successor of that person;

"**daughter**" includes a daughter adopted in a manner recognised under the laws of Uganda;

"**dependent relative**" includes parent, brother, sister, niece, nephew, grandparent or grandchild of the deceased, who on the date of death of the deceased, was wholly dependent on the deceased for the provision of the ordinary necessities of life suitable to a person of his or her station;

"**disability**" has the meaning assigned to it under the Persons with Disabilities Act;

"**executor**" or "**executrix**" means a person appointed in the last will of a deceased person to execute the terms of the will;

"**grandchild**" means a son or daughter of a son or daughter;

"**grandparent**" means a parent of a parent;

"**guardian**" means a person having legal and parental responsibility for a minor child and includes a customary guardian;

"**immovable property**" includes land, incorporeal tenements and things attached to the earth or permanently fastened to things attached to the earth;

"**lineal descendant**" means a person who is descended in a direct line from the deceased and includes a child and a grandchild of the deceased and any other person related to the deceased in a direct descending line up to six degrees descending;

"**minor**" means any person who has not attained the age of eighteen years, and "minority" means the status of such person;

"**movable property**" means property of every description except "immovable property";

"**parent**" includes a stepparent and an adoptive parent;

"**personal representative**" means the person appointed by law to administer the estate or any part of the estate of a deceased person;

"**probate**" means the grant by a court of competent jurisdiction authorising the executor or executrix named in the last will of testator or testatrix to administer the estate of the testator or testatrix;

"**son**" includes a son adopted in a manner recognised under the laws of Uganda;

"**spouse**" means a husband or wife married in accordance with the laws of Uganda or in accordance with the laws of another country and recognised in Uganda as a valid marriage;

Part II – Domicile

3. Succession to deceased person's immovable and movable property

(1) Succession to the immovable property in Uganda of a person deceased is regulated by the law of Uganda, wherever that person may have had his or her domicile at the time of his or her death.

(2) Succession to the movable property of a person deceased is regulated by the law of the country in which that person had his or her domicile at the time of his or her death.

(3) For the purposes of subsection (2), a person dying intestate shall be deemed to have had his or her domicile in Uganda if—

(a) for a period of not less than two years preceding his or her death that person was ordinarily resident in Uganda; and

(b) he or she was survived by a spouse or child who was, at the time of his or her death, ordinarily resident in Uganda.

4. Domicile in respect of succession to movables

A person can have one domicile only for the purpose of succession to his or her movable property.

5. Continuance of domicile of origin

The domicile of origin prevails until a new domicile has been acquired.

6. Acquisition of new domicile

A person acquires a new domicile by taking up his or her fixed habitation in a country which is not that of his or her domicile of origin, except that a person is not to be considered as having taken up his or her

fixed habitation in Uganda merely by reason of his or her residing there in the exercise of any profession or calling.

7. Special mode of acquiring domicile in Uganda

A person may acquire a domicile in Uganda by making and depositing in some office in Uganda to be appointed by the Attorney General a declaration in writing under his or her hand of his or her desire to acquire such domicile, provided that he or she has been resident in Uganda for one year immediately preceding the time he or she makes the declaration.

8. Domicile not acquired by residence as representative of foreign Government, etc.

A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country does not acquire a domicile in the latter country by reason only of residing there in pursuance of the appointment, nor does any other person acquire such domicile by reason only of residing with that person as part of his or her family or as a servant.

9. Continuance of new domicile

A new domicile continues until the former domicile has been resumed or another has been acquired.

10. Domicile of origin of child

(1) The domicile of a child follows the domicile of the parent of the child or the guardian of the child from whom the child derives his or her domicile of origin.

(2) Where the parents of a child have different domicile, the domicile of the child shall follow the domicile of the parent who has custody of the child.

11. Domicile of choice

(1) A person may upon marriage, acquire the domicile of his or her spouse.

(2) A spouse may upon dissolution of a marriage or upon judicial separation or any other separation recognised under the laws of Uganda, acquire any other domicile.

12. Acquisition of new domicile by minor

Except as provided in section 13, a person cannot during minority acquire a new domicile.

13. Acquisition of new domicile by mentally impaired person

A mentally impaired person cannot acquire a new domicile in any other way than by his or her domicile following the domicile of another person.

14. Succession to movable property in Uganda

Where a deceased leaves movable property in Uganda, succession to the property shall, in the absence of proof of any domicile elsewhere, be regulated by the laws of Uganda.

Part III – Consanguinity

15. Kindred or consanguinity

Kindred or consanguinity is the connection or relation of persons descended from the same stock or common ancestor.

16. Lineal consanguinity

(1) Lineal consanguinity is that which subsists between two persons, one of whom is descended in a direct line from the other.

(2) For avoidance of doubt, every generation constitutes a degree, either ascending or descending.

17. Collateral consanguinity

(1) Collateral consanguinity is that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in a direct line from the other.

(2) For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is proper to reckon upwards from the person deceased, to the common stock, and then downwards to the collateral relative, allowing a degree for each person, both ascending and descending.

18. Persons held for purpose of succession to be similarly related to deceased

For the purposes of succession, there is no distinction between—

(a) those who are related to the deceased by the full blood and those who are related to the deceased by the half blood;

(b) those who are born during the deceased's lifetime and those who are conceived in the womb at the date of death and subsequently born alive; or

(c) the male or female relatives of the deceased person.

19. Mode of computing degrees of kindred

(1) In the table of kindred in Schedule 2 to this Act, the degrees are computed as far as the sixth, and are marked by numeral figures.

(2) The person whose relatives are to be reckoned and his or her cousin-german or first cousin are, as shown in the table, related in the fourth degree, there being one degree of ascent to the father or mother, and another to the common ancestor, the grandfather or grandmother, and from him or her one of descent to the uncle or aunt, and another to the cousin-german, making in all four degrees.

(3) A grandson or granddaughter of the brother or sister and a son or daughter of the uncle or aunt, that is, a great-nephew or great-niece and cousin-german, are in equal degree, being each four degrees removed.

(4) A grandson or granddaughter of a cousin-german is in the same degree as the grandson or granddaughter of a great-uncle or great-aunt, for they are both in the sixth degree of kindred.

Part IV – Intestacy

20. Property of deceased dying intestate

A person dies intestate in respect of all property which has not been disposed of by a valid testamentary disposition.

21. Devolution of property of deceased dying intestate

All property in an intestate estate devolves upon the personal representative of the deceased upon trust for those persons entitled to the property under this Act.

Part V – Distribution of intestate's property

22. Devolution of residential holdings

(1) The residential holding normally occupied by a person dying intestate prior to his or her death as his or her principal residence or owned by him or her as a principal residential holding, including the house chattels in the principal residential holding, shall be held by his or her personal representative upon trust for his or her spouse and lineal descendants subject to the rights of occupation and terms and conditions set out in Schedule 3 to this Act.

(2) Any other residential holding possessed by the intestate at his or her death shall be held by his or her personal representative upon trust and, subject to the rights of occupation and terms and conditions set out in Schedule 3 to this Act, shall be dealt with in accordance with the remaining provisions of this Part.

(3) Upon the death of a surviving spouse, the principal residential holding and any other residential holding shall devolve to the lineal descendants equally, who shall occupy it subject to terms and conditions set out in Schedule 3 to this Act.

(4) A person who evicts or attempts to evict a surviving spouse or a lineal descendant who is entitled to occupy the principal residential holding or any other residential holding commits an offence and is liable, on conviction, to a fine not exceeding one hundred sixty eight currency points or to imprisonment for a term not exceeding seven years, or both.

(5) Where the principal residential holding or any other residential holding devolves to the lineal descendants under subsection (3), the lineal descendants shall be deemed to be entitled to the residential holding or any other residential holding as tenants in common.

(6) Any dispute arising as to the exact area of any portion of land subject to this section or as to what person has the right to occupy the land or any part of it shall be settled by the personal representative.

(7) Any person who is aggrieved by any decision of the personal representative under subsection (3) may appeal from the decision to a court of competent jurisdiction.

23. Distribution of property on death of intestate

(1) Subject to sections 25 and 26 the estate of an intestate, except for his or her principal residential holding or other residential holding, shall be divided among the following classes in the following manner—

(a) where the intestate is survived by a spouse, a lineal descendant, a dependent relative and a customary heir or heiress—

(i) the spouse shall receive twenty percent;

(ii) the dependent relatives shall receive four percent;

(iii) the lineal descendants shall receive seventy-five percent; and

(iv) the customary heir or heiress shall receive one percent, of the whole of the property of the intestate;

(b) where the intestate leaves no surviving spouse or dependent relative specified in paragraph (a)(i) or (ii) capable of taking a proportion of his or her property—

(i) the lineal descendants shall receive ninety-nine percent; and

(ii) the customary heir or heiress shall receive one percent, of the whole of the property of the intestate;

(c) where the intestate is survived by a spouse, a dependent relative and a customary heir or heiress but no lineal descendant—

(i) the spouse shall receive fifty percent;

(ii) the dependent relative shall receive forty-nine percent; and

(iii) the customary heir or heiress shall receive one percent, of the whole of the property of the intestate;

(d) where the intestate is survived by a customary heir or heiress, a spouse or a dependent relative but no lineal descendant—

(i) the customary heir or heiress shall receive one percent; and

(ii) the surviving spouse or the dependent relative, as the case may be, shall receive ninety-nine percent, of the whole of the property of the intestate;

(e) where the intestate leaves no person surviving him or her other than a customary heir or heiress capable of taking a proportion of his or her property specified in paragraph (a), (b), (c) or (d), the estate shall be divided equally between the relatives nearest in kinship to the intestate.

(2) Notwithstanding subsection (1), twenty percent of the estate shall not be distributed, but shall be held in trust for the education, maintenance and welfare of the following categories of lineal descendants until they cease to qualify as such—

(a) a minor child of the intestate and where he or she attains eighteen years of age until he or she ceases to qualify under paragraph (b) or (c);

(b) a lineal descendant of the deceased who is above eighteen years of age but below twenty five years of age if, at the time of the death of the intestate, was undertaking studies and was not married; and

(c) a lineal descendant of the intestate, who has a disability if, at the time of the death of the intestate was not married and was wholly dependent on the intestate for his or her livelihood.

(3) Where an estate produces an income by way of periodical payments, the percentage referred to in subsection (2) shall be derived from that income.

(4) For the avoidance of doubt, the percentage specified in subsection (2) shall be deducted from the gross estate before the distribution of the estate under subsection (1).

(5) Where the lineal descendants specified in subsection (2) do not require all the twenty percent that is held in trust for their education, maintenance and welfare, the balance of that percentage that is not required, shall form part of the estate to be distributed to all the beneficiaries under subsection (1).

(6) A lump sum settlement may be made for the maintenance and welfare of a lineal descendant who has a disability, specified in subsection (2)(c).

(7) A spouse who remarries before the estate of the deceased is distributed shall be entitled to the share he or she would be entitled to under subsection (1).

(8) Where the customary heir or heiress is also a lineal descendant of the intestate, the customary heir or heiress shall in addition to his or her share as a customary heir or heiress, be entitled to share as a lineal descendant.

24. Distribution of property between members of same class

(1) All lineal descendants, spouses and dependent relatives of an intestate shall share their proportion of a deceased intestate's property referred to in section 23(1), in equal share.

(2) Where a lineal descendant entitled to benefit under the estate of a deceased intestate predeceased the intestate person, the portion of the estate that would have accrued to the deceased lineal descendant shall be granted to the lineal descendant of the deceased lineal descendant, if any.

(3) A person aggrieved by the distribution of property under this section may challenge the decision of the administrator or administratrix in a court of competent jurisdiction.

25. Reservation of principal and other residential property

A spouse or lineal descendant of an intestate occupying a principal residential property or any other residential property under section 22 shall not be required to bring that occupation into account in assessing any share in the property of an intestate to which the spouse, lineal descendant or child may be entitled under section 23.

26. Separation of spouses

(1) A surviving spouse of an intestate shall not take any interest in the estate of the intestate if, at the death of the intestate the surviving spouse was separated from the intestate as a member of the same household.

(2) Subsection (1) shall not apply where—

(a) the surviving spouse has been absent on an approved course of study in an educational institution;

(b) the intestate was, at the time of his or her death, the one who had separated from the surviving spouse as a member of the same household; or

(c) the intestate is the one who caused the separation.

(3) Notwithstanding subsection (1), a court may for good cause, on application made within six months after the death of the intestate, by or on behalf of a surviving spouse, declare that subsection (1) shall not apply to the surviving spouse.

(4) The declaration made under subsection (3) shall authorise the surviving spouse to take no more than—

(a) a proportion of the property of the intestate that he or she is entitled to under section 23; or

(b) a proportion of the property that was acquired before the surviving spouse separated from the intestate as a member of the same household.

(5) For the avoidance of doubt, a child or lineal descendant bom of the surviving spouse and the intestate shall be entitled to benefit from the estate of the intestate, notwithstanding the separation of the surviving spouse from the intestate as a member of the same household.

27. Interest of State on default

(1) If, under sections 22, 23, 24, 25 and 26, there is no person existing or reasonably ascertainable entitled to take any part of the property of an intestate, that part or the whole, as the case may be, shall belong to the State.

(2) If, at any time after such property or part of the property has been made over to the State, a person entitled to take it as his or her share pursuant to section 23 is ascertained, the Attorney General may return that property or the proceeds of the property to that person in such manner as the Attorney General may think fit.

28. Children's advancement

Where a share in the property of an intestate is due to a child or any lineal descendant of a child of the intestate, no money or other property which the intestate may, during his or her life, have paid, given or

settled to, or for the advancement of, the child to whom or to whose descendant the share is due shall be taken into account in estimating the share.

Part VI – Wills and codicils

29. Persons capable of making wills

(1) Every person of sound mind and not a minor may by will dispose of his or her property.

(2) A spouse may during the subsistence of a marriage hold property in his or her name and may by will, dispose of such property.

(3) A person who has a hearing impairment, physical impairment, speech impairment or visual impairment is capable of making a will if he or she is able to do so.

(4) A person who ordinarily has a mental illness may make a will during an interval in which he or she does not have the mental illness.

(5) No person can make a will while he or she is in such a state of mind, whether arising from drunkenness or from illness or from any other cause, that the person does not know what he or she is doing.

30. Maintenance of spouse, children, lineal descendants and dependent relatives to be made in will

(1) A testator or testatrix shall make reasonable provision for the maintenance of his or her spouse, child, lineal descendant who is suffering a mental or physical disability and a dependent relative.

(2) Where a testator or testatrix is married or has children, the residential hplding normally occupied by that person as a principal residence or owned by him or her as a principal residential holding and any other residential holding possessed by that person, including the chattels in the residential holding, shall not form part of the property to be disposed of in the will and shall be held by his or her personal representative upon trust for his or her spouses and lineal descendants subject to the rights of occupation and terms and conditions set out in Schedule 3 to this Act.

(3) Subsection (2) shall not apply where the testator or testatrix has made reasonable provision for the accommodation of the surviving spouse, lineal descendants or dependent relatives who are entitled to occupy his or her residential holding.

(4) A person who evicts or attempts to evict a surviving spouse, lineal descendant or dependent relative who is entitled to occupy the principal residential holding or any other residential holding commits an offence and is liable, on conviction, to a fine not exceeding one hundred sixty eight currency points or to imprisonment for a term not exceeding seven years, or both.

(5) Where the principal residential holding or any other residential holding devolves to the lineal descendants under this section, the lineal descendants shall be deemed to be entitled to the principal residential holding or any other residential holding as tenants in common.

(6) Section 31 shall apply where a testator or testatrix, by his or her will, disposes of all his or her property without making reasonable provision for the maintenance of his or her spouse, lineal descendant or dependent relative.

31. Power of court to order maintenance

(1) Where a person dies domiciled in Uganda and by his or her will, disposes of all his or her property without making reasonable provision for the maintenance of his or her spouse, lineal descendant or dependent relative, court may on application, order that such reasonable provision be made out of the estate of the deceased person for the maintenance of the spouse, lineal descendant or dependent relative.

(2) The provision for maintenance to be made by an order under subsection (1) shall—

(a) where the estate of the deceased person produces an income by way of periodical payments, provide for their termination not later than—

(i) in case of a spouse, until he or she remarries;

(ii) in case of a child, until the child completes his or her education or attains the age of twenty five years, whichever first occurs;

(iii) in the case of a lineal descendant who is, by reason of mental or physical disability, incapable of maintaining himself or herself, upon the cessation of the disability or marriage of that lineal descendant whichever first occurs; or

(iv) in the case of any other dependent relative, as the court may determine; and

(b) where the estate of the deceased person does not produce any income, authorise the spouse, lineal descendant or dependent relatives to receive such share as he or she would be entitled to in the distribution of the estate of an intestate under section 23.

(3) The court may, if it sees fit, make an order providing for maintenance, in whole or in part, by way of a lump sum payment.

(4) In determining whether, and in what way, and as from what date, provision for maintenance ought to be made by an order, the court shall have regard to the nature of the property representing the deceased's estate and shall not order any provision to be made as would necessitate a realisation that would be improvident having regard to the interests of the deceased's spouse, lineal descendant or dependent relatives and of the persons who, apart from the order, would be entitled to that property.

(5) The court shall, on any application made under this section—

(a) have regard—

(i) to any past, present or future capital or income from any source of the spouse, lineal descendant or dependent relatives of the deceased to whom the application relates;

(ii) to the conduct of that spouse, lineal descendant or dependent relatives in relation to the deceased and otherwise; and

(iii) to any other matter or thing which in the circumstances of the case the court may consider relevant or material in relation to that spouse, lineal descendant or dependent relatives, to persons interested in the estate of the deceased, or otherwise;

(b) have regard to the deceased's reasons, so far as ascertainable—

(i) for making the dispositions made by his or her will, if any;

(ii) for refraining from disposing by will of his or her estate; or

(iii) for not making any provision, or any further provision, as the case may be, for a spouse, lineal descendant or dependent relatives,

and the court may accept such evidence of those reasons as it considers sufficient, including any statement in writing signed by the deceased and dated, so, however, that in estimating the weight, if any, to be attached to any such statement the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement.

32. Time within which application must be made

(1) Except as provided by section 35, an application under section 31 shall not, without the permission of the court, be made after the end of the period of six months from the date on which

representation in regard to the estate of the deceased is first taken out; except that where letters of administration are revoked and probate is granted, time begins to run from the date of the grant of probate.

(2) Sections 31 and 35 shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the period of six months on the ground that they ought to have taken into account the possibility that the court might permit an application under this Act after the end of that period, but this subsection shall be without prejudice to any power to recover any part of the estate so distributed arising by virtue of the making of an order under this Act.

33. Effect and form of order for maintenance

(1) Where an order is made under section 31, then, for all purposes, the will shall have effect, and shall be deemed to have had effect, as from the deceased's death, subject to such variations as may be specified in the order for the purpose of giving effect to the provision for maintenance made in the order.

(2) Any order under section 31 providing for maintenance by way of periodical payments may provide for payments of a specified amount, or for payments equal to the whole or part of the income of the net estate or of the income of any part to be set aside or appropriated under this Act of the net estate, or may provide for the amount of the payments or any of them to be determined in any other way the court thinks fit.

(3) The court may give such consequential directions as it thinks fit for the purpose of giving effect to an order made under this Act, but no larger part of the net estate shall be set aside or appropriated to answer by its income the provision for maintenance made by the order than such a part as, at the date of the order, is sufficient to produce by its income the amount of the provision.

34. Variation of orders

(1) On an application made at a date after the expiration of the period pecified in section 32(1), the court may make an order as provided in this subsection, but only as respects property the income of which is at the date applicable for the maintenance of a dependent of the deceased, that is to say—

(a) an order for varying the previous order on the ground that any material fact was not disclosed to the court when the order was made, or that any substantial change has taken place in the circumstances of the dependent or of a person beneficially interested in the property under the will; or

(b) an order for making provision for the maintenance of another dependent of the deceased.

(2) An application to the court for an order under subsection (1)(a) may be made by or on behalf of a dependent of the deceased or by the trustees of the property or by or on behalf of a person beneficially interested in the property under the will.

35. Interim orders

(1) Where, on application for maintenance under this Act, it appears to the court—

(a) that the applicant is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application for the provision of maintenance for the applicant; and

(b) that property forming part of the estate of the deceased is or can be made available to meet the need of the applicant, the court may order that, subject to such conditions or restrictions, if any, as the court may impose and to any further order of the court, there shall be paid to or for the benefit of the applicant out of the deceased's estate such sum or sums and (if more than one) at such intervals as the court thinks reasonable.

(2) In determining what order should be made under this section, the court shall, so far as the urgency of the case admits, take account of the same considerations as would be relevant in determining what order should be made on the application for the provision of maintenance for the applicant; and any subsequent order for the provision of maintenance may provide that sums paid to or for the benefit of the applicant by virtue of this section shall be treated to such extent, if any, and in such manner as may be provided by that order as having been paid on account of the maintenance provided for by that order.

(3) Subject to subsection (2), section 33 shall apply in relation to an order under this section as it applies in relation to an order providing for maintenance.

(4) Where the deceased's personal representative pays any sum directed by an order under this section to be paid out of the deceased's net estate, he or she shall not be under any liability by reason of that estate not being sufficient to make the payment, unless, at the time of making the payment, he or she has reasonable cause to believe that the estate is not sufficient.

36. Will obtained by fraud, undue influence, duress, coercion, mistake of fact or abuse of position of trust or vulnerability

A will or any part of a will, the making of which has been obtained by fraud, undue influence, duress, coercion, mistake of fact or by abuse of position of trust or vulnerability, which takes away the free will of the testator or testatrix, is void.

37. Will may be revoked or altered

A will is liable to be revoked or altered by its maker at any time when he or she is competent to dispose of his or her property by will.

38. Form of will

A testator or testatrix may, at his or her discretion, adopt for use the form of the will set out in Schedule 4 to this Act.

Part VII – Guardianship

39. Testamentary guardian

(1) A parent may by will appoint a guardian for his or her child during minority.

(2) A parent shall not by will, deprive another parent of parental ights, except where the parental rights where removed by court.

40. Statutory guardian

(1) Upon the death of either the father or the mother or both parents of a minor, where no guardian has been appointed by the will of the father or mother of the minor or if the guardian appointed by the will of either the mother or father is dead or refuses to act the following persons shall, in the following order of priority, be the guardian or guardians of the minor of the deceased person—

(a) the father or mother of the deceased parent of the minor;

(b) the brothers and sisters of the deceased parent of the minor; and

(c) the brothers and sisters of the father or mother of the deceased parent of the minor.

(2) Where there is no person willing or entitled to be a guardian under subsection (1), the court may, on the application of any person interested in the welfare of the minor, appoint a guardian.

(3) For avoidance of doubt, a person shall not be eligible for appointment as a guardian under this section unless that person is a citizen of Uganda.

41. Customary guardian

(1) The family members of a minor may appoint a customary guardian for the minor in accordance with the customs, culture and tradition of the family, where—

(a) both parents of the minor are dead or cannot be found;

(b) the surviving parent of the minor is incapable of being a guardian or is not eligible to be appointed as a guardian; or

(c) the minor has no guardian or other person having parental responsibility over him or her.

(2) For the purpose of this section, "customary guardian" shall be a Ugandan citizen, resident in Uganda and shall have parental responsibility of the minor in accordance with the customs, culture or tradition of the family of the minor.

42. Relationship between surviving parent and appointed guardian

(1) A guardian shall act jointly with the surviving parent of the minor unless the court directs otherwise.

(2) A guardian of a minor may, by will, appoint another person as the guardian of the minor upon his or her death.

(3) A person is eligible for appointment as a guardian under subsection (2) if he or she is above eighteen years of age and is a citizen of Uganda.

(4) A person appointed under subsection (2) shall, before taking up the guardianship of the minor, apply to court and the court may confirm or reject the guardianship.

(5) Where more than one guardian is appointed or each parent appoints different guardians, the guardians appointed shall act jointly, after the death of the last surviving parent.

(6) Where the surviving parent objects to joint guardianship, or where the appointed guardian considers that the surviving parent is not fit to act as a guardian of the minor, the guardian or the parent of the minor may apply to court and court may—

(a) reject the application and direct both the parent and guardian to continue acting jointly; or

(b) order that the parent or guardian is not fit to act as a guardian and appoint a relative of the minor or a person who is willing to act as a guardian of the minor to act jointly with the parent or guardian or both of them.

43. Power of court to remove guardian

(1) A person may apply to the High Court to remove a guardian appointed under this Act.

(2) The court may only remove a guardian where court is satisfied that—

(a) the guardian has failed, refused or neglected to act as guardian;

(b) the guardian has neglected his or her responsibilities as a guardian;

(c) the guardian has not complied with the conditions of the guardianship order;

(d) the guardianship order was obtained by fraud or misrepresentation; or

(e) it is in the best interest of the minor to remove the guardian.

(3) The court shall, upon issuing an order for the removal of a guardian, appoint another person to act as a guardian of the minor.

44. Powers and duties of guardian

(1) A guardian appointed under this Act shall be the personal representative of the minor for purposes of managing the share of the minor in the estate of a deceased person.

(2) A guardian shall apply to court to exercise any of the following powers and duties—

(a) to have custody of the minor; or

(b) to dispose of the property of the minor.

(3) A guardian shall take all reasonable steps to safeguard the property of the minor from loss or damage and shall annually account, in respect of the property of the minor, to the surviving parent, court or custodian of the minor or to any other person as the court may direct.

(4) A guardian who misappropriates the property of a minor commits an offence and is liable, on conviction, to a fine not exceeding one hundred fifty currency points or to imprisonment for a term not exceeding five years.

(5) A guardian who misappropriates the property of a minor shall, in addition to the punishment in subsection (4), make good the loss occasioned to the minor.

45. Termination of guardianship

(1) The guardianship of a minor shall automatically terminate upon the occurrence of any of the following circumstances, whichever first occurs—

(a) the death of the minor;

(b) the death of the guardian; or

(c) upon the minor attaining eighteen years of age.

(2) Where the guardianship of a minor terminates, all the property which the guardian managed on behalf of the minor shall—

(a) in case of termination under subsection (1)(a), vest in the surviving parent of the minor, if any or in the administrator or administratrix of the estate of the deceased minor;

(b) in case of termination under subsection (1)(b), vest in the surviving parent of the minor, if any, or the minor until a new guardian is appointed for the minor; or

(c) in the case of termination under subsection (1)(c), vest in the minor.

46. Application of Children Act to guardianship under this Act

(1) Part VIII of the Children Act shall apply to the grant, revocation and exercise of the powers of a guardian appointed under this Act.

(2) Where a provision of this Act conflicts with a provision in the Children Act in regard to the appointment, revocation or exercise of powers of a guardian under this Act, the provisions of the Children Act shall apply.

Part VIII – Execution of unprivileged wills

47. Execution of unprivileged wills

(1) Except as provided by this Act or other law for the time being in force, every testator or testatrix not being a member of the Defence Forces employed in an expedition or engaged in actual warfare, or a mariner at sea, must execute his or her will according to the following provisions—

(a) the testator or testatrix shall sign or affix his or her mark to the will, or it shall be signed by some other person in his or her presence and by his or her direction;

(b) the signature or mark of the testator or testatrix or the signature of the person signing for him or her shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will;

(c) the will shall be attested by two or more witnesses, each of whom must have seen the testator or testatrix sign or affix his or her mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator or testatrix, or have received from the testator or testatrix a personal acknowledgment of his or her signature or mark, or of the signature of that other person; and each of the witnesses must in the presence of the testator or testatrix, sign and write his or her name and address on every page of the will except that it shall not be necessary that more than one witness be present at the same time.

(2) Where a person attesting a will does not write his or her name or address on a page of a will as required in subsection (1)(c), the will shall be valid except that the page of the will which does not bear the name or address of the witness shall, unless otherwise directed by court, be void.

48. Incorporation of papers by reference

If a testator or testatrix, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his or her intentions, that document shall be considered as forming a part of the will or codicil in which it is referred to.

Part IX – Privileged wills

49. Privileged wills

Any member of the Defence Forces being employed in an expedition or engaged in actual warfare, or any mariner being at sea, may, if he or she has completed the age of eighteen years, dispose of his or her property by a will made as is provided in section 53, hereafter referred to as a "privileged will".

50. Mode of making privileged wills

(1) Privileged wills may be in writing or may be made by word of mouth.

(2) The execution of a privileged will shall be governed by the following provisions—

(a) the will may be written wholly by the testator or testatrix with his or her own hand, and in that case it need not be signed nor attested;

(b) the will may be written wholly or in part by another person, and signed by the testator or testatrix, and in that case it need not be attested;

(c) if the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator or testatrix, it shall be considered to be his or her will if it is shown that it was written by the directions of the testator or testatrix, or that he or she recognised it as his or her will; but if it appears on the face of the instrument that the

execution of it in the manner intended by the testator or testatrix was not completed, the instrument shall not, by reason of that circumstance, be invalid, if his or her nonexecution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument;

(d) if the testator or testatrix has written instructions for the preparation of his or her will, but has died before it could be prepared and executed, such instructions shall be considered to constitute his or her will;

(e) if the testator or testatrix has, in the presence of two witnesses, given verbal instructions for the preparation of his or her will, and they have been reduced into writing in his or her lifetime, but he or she has died before the instrument could be prepared and executed, such instructions shall be considered to constitute his or her will, although they may not have been reduced into writing in his or her presence, nor read over to him or her;

(f) a testator or testatrix may make a will by word of mouth by declaring his or her intentions before two witnesses present at the same time;

(g) a will made by word of mouth shall be null at the expiration of one month after the testator or testatrix has ceased to be entitled to make a privileged will.

Part X – Attestation, revocation, alteration and revival of wills

51. Effect of gift to attesting witnesses

(1) A will shall not be considered as insufficiently attested by reason of any benefit given by the will, either by way of bequest or by way of appointment, to any person attesting it, or to his or her spouse, but the bequest or appointment shall be void so far as concerns the person so attesting, or the spouse of that person, or any person claiming under either of them.

(2) A legatee under a will shall not lose his or her legacy by attesting a codicil which confirms the will.

52. Witness not disqualified by interest or by being executor or executrix

(1) A person shall not by reason of interest in, or by his or her being an executor or executrix of a will be disqualified as a witness to prove the execution of a will or to prove the validity or invalidity of a will.

(2) Except in the case of an advocate, a person referred to in subsection (1) shall not participate in writing or preparing the will.

53. Revocation of will by marriage of testator or testatrix

(1) Every will shall be revoked by the marriage of the maker, except a will made in exercise of a power of appointment, when the property over which the power of appointment is exercised would not, in default of the appointment, pass to his or her executor or executrix or administrator or administratrix or to the person entitled in case of intestacy.

(2) Where a person is invested with power to determine the disposition of property of which he or she is not the owner, he or she is said to have power to appoint that property.

54. Revocation of unprivileged will or codicil

No unprivileged will or codicil, or any part thereof, shall be revoked otherwise than by marriage, or by another will or codicil or by some writing declaring an intention to revoke the unprivileged will or codicil, and executed in the manner in which an unprivileged will is in this Act required to be executed, or by the burning, tearing or otherwise destroying of the will or codicil by the testator or testatrix, or by some person in his or her presence and by his or her direction, with the intention of revoking it.

55. Effect of alteration in unprivileged will

No obliteration, interlineation or other alteration made in any unprivileged will after the execution of the will shall have any effect, except so far as the words or meaning of the will have been thereby rendered illegible or undiscernible, unless the alteration is executed in like manner as is in this Act required for the execution of the will; except that the will, as so altered, shall be deemed to be duly executed if the signature of the testator or testatrix and the subscription of the witnesses are made in the margin or on some other part of the will opposite or near to the alteration or at the foot or end of, or opposite to, a memorandum referring to the alteration, and written at the end or some other part of the will.

56. Revocation of privileged will or codicil

(1) A privileged will or codicil may be revoked by the testator or testatrix, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying of the privileged will or codicil by the testator or testatrix, or by some person in his or her presence, and by his or her direction, with the intention of revoking it.

(2) In order to effect the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator or testatrix should, at the time of doing that act, be in a situation which entitles him or her to make a privileged will.

57. Revival of unprivileged will

(1) No unprivileged will or codicil, or any part thereof, which has been in any manner revoked, shall be revived otherwise than by the re-execution of the unprivileged will or codicil, or by a codicil executed in the manner hereinbefore required, and showing an intention to revive it.

(2) When any will or codicil which has been partly revoked, and afterwards wholly revoked, is revived, the revival shall not extend to so much of it as was revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

Part XI – Construction of wills

58. Wording of will

It is not necessary that any technical words or terms of art shall be used in a will, but only that the wording shall be such that the intentions of the testator or testatrix can be known from the wording.

59. Inquiries to determine questions as to object or subject of will

For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a court shall inquire into every material fact relating to the persons who claim to be interested under the will, the property which is claimed as the subject of disposition, the circumstances of the testator or testatrix and of his or her family, and into every fact a knowledge of which may conduce to the right application of the words which the testator or testatrix has used.

60. Misnomer or misdescription of object

(1) Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

(2) A mistake in the name of a legatee may be corrected by a description of him or her, and a mistake in the description of a legatee may be corrected by the name.

61. When words may be supplied

Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

62. Rejection of erroneous particulars in description of subject

If the thing which the testator or testatrix intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous and the bequest shall take effect.

63. When part of description may not be rejected as erroneous

(1) If the will mentions several circumstances as descriptive of the thing which the testator or testatrix intends to bequeath, and there is any property of his or hers in respect of which all those circumstances exist, the bequest shall be considered as limited to that property, and it shall not be lawful to reject any part of the description as erroneous, because the testator or testatrix had other property to which such part of the description does not apply.

(2) In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under section 62 are to be considered as struck out of the will.

64. Extrinsic evidence admissible in case of latent ambiguity

Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications, one only of which can have been intended by the testator or testatrix, extrinsic evidence may be taken to show which of these applications was intended.

65. Extrinsic evidence inadmissible in case of patent ambiguity or deficiency

Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator or testatrix shall be admitted.

66. Meaning of clause to be collected from entire will

The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other, and for this purpose a codicil is to be considered as part of the will.

67. When words may be understood in restricted sense, and when in sense wider than usual

General words may be understood in a restricted sense where it may be collected from the will that the testator or testatrix meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator or testatrix meant to use them in the wider sense.

68. Which of two possible constructions preferred

Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

69. No part rejected if reasonable construction possible

No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

70. Interpretation of words repeated in different parts of will

If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

71. Intention of testator or testatrix to be effected as far as possible

The intention of the testator or testatrix is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

72. Last of two inconsistent clauses prevails

Where two clauses or gifts in a will are irreconcilable, so that they cannot possibly stand together, the last shall prevail.

73. Will or bequest void for uncertainty

A will or bequest not expressive of any definite intention is void for uncertainty.

74. Words describing subject refer to property answering description at death of testator or testatrix

The description contained in a will of property the subject of gift, shall, unless a contrary intention appears by the will, be deemed to refer to and comprise the property answering that description at the death of the testator or testatrix.

75. Power of appointment executed by general bequest

Unless a contrary intention appears by the will, a bequest of the estate of the testator or testatrix shall be construed to include any property which he or she may have power to appoint by will to any object he or she may think proper, and shall operate as an execution of that power; and a bequest of property described in a general manner shall be construed to include any property to which the description may extend, which he or she may have power to appoint by will to any object he or she may think proper, and shall operate as an execution of that power.

76. Implied gift to objects of power in default of appointment

Where property is bequeathed to or for the benefit of such of certain objects as a specified person shall appoint, or for the benefit of certain objects in such proportions as a specified person shall appoint, and the will does not provide for the event of no appointment being made, if the power given by the will is not exercised the property belongs to all the objects of the power in equal shares.

77. Bequest to “heirs”, etc. of particular person without qualifying terms

Where a bequest is made to the “heirs” or “right heirs” or “relations” or “nearest relations” or “family” or “kindred” or “nearest of kin” or “next of kin” of a particular person, without any qualifying terms and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he or she had died intestate in respect of it, leaving assets for the payment of his or her debts independently of that property.

78. Bequest to “representatives”, etc. of particular person

Where a bequest is made to the “representatives” or “legal representatives” or “personal representatives” or “executors or executrixes or administrators or administratrices” of a particular person and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he or she had died intestate in respect of it.

79. Bequest without words of limitation

Where property is bequeathed to any person, he or she is entitled to the whole interest of the testator or testatrix in the property, unless it appears from the will that only a restricted interest was intended for him or her.

80. Bequest in alternative

Where property is bequeathed to a person, with a bequest in the alternative to another person or to a class of persons, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he or she is alive at the time when it takes effect; but, if he or she is then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

81. Effect of words describing class added to bequest to person

Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such a person is entitled to the whole interest of the testator or testatrix in the property, unless a contrary intention appears by the will.

82. Bequest to class of persons under general description only

Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

83. Construction of terms

(1) In a will—

"child" applies only to a son or daughter of a deceased person; "grandchild" applies only to the child of the lineal descendant;

"descendants" applies to all lineal descendants of the person whose descendants are spoken of; and

"nephew" and "niece" apply only to a child of a brother or a sister.

(2) Words in a will expressive of a relationship shall be taken to include—

(a) a person who is related to the deceased by full blood or half-blood;

(b) a person born during the lifetime of the deceased person and one who is already conceived in the womb on the date of death of the deceased person and subsequently born alive; and

(c) male and female relatives of the deceased person.

84. Construction where will purports to make two bequests to same person

(1) Where a will purports to make two bequests to the same person, and a question arises whether the testator or testatrix intended to make the second bequest instead of, or in addition to, the first, if there is nothing in the will to show what he or she intended, the following provisions shall prevail in determining the construction to be put upon the will—

(a) if the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he or she is entitled to receive that specific thing only;

(b) where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he or she shall be entitled to one such legacy only;

(c) where two legacies of unequal amount are given to the same person in the same will or in the same codicil, the legatee is entitled to both such legacies;

(d) where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will, and the other by a codicil, or each by a different codicil, the legatee is entitled to both such legacies.

(2) In subsection (1)(a), (b), (c) and (d), "will" does not include a codicil.

85. Constitution of residuary legatee

A residuary legatee may be constituted by any words that show an intention on the part of the testator or testatrix that the person designated shall take the surplus or residue of his or her property.

86. Property to which residuary legatee entitled

Under a residuary bequest, the legatee is entitled to all property belonging to the testator or testatrix at the time of his or her death of which he or she has not made any other testamentary disposition which is capable of taking effect.

87. Time of vesting of legacy in general terms

If a legacy is given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator or testatrix, and if he or she dies without having received it, it shall pass to his or her representatives.

88. In what case legacy lapses

(1) If the legatee does not survive the testator or testatrix, the legacy cannot take effect, but shall lapse and form part of the residue of the property of the testator or testatrix, unless it appears by the will that the testator or testatrix intended that it should go to some other person.

(2) In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he or she survived the testator or testatrix.

89. One of two joint legatees dying before testator or testatrix

If a legacy is given to two persons jointly, and one of them dies before the testator or testatrix, the other legatee takes the whole.

90. Words showing intention of testator or testatrix to give distinct shares

Where a legacy is given to legatees in words which show that the testator or testatrix intended to give them distinct shares of it, then, if any legatee dies before the testator or testatrix, so much of the legacy as was intended for him or her shall fall into the residue of the property of the testator or testatrix.

91. Lapsed share

Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

92. When bequest to child or lineal descendant of testator or testatrix does not lapse on his or her death in lifetime of testator or testatrix

Where a bequest has been made to any child or other lineal descendant of the testator or testatrix, and the legatee dies in the lifetime of the testator or testatrix, but any lineal descendant of his or hers survives the testator or testatrix, the bequest shall not lapse, but shall take effect as if the death of the legatee had happened immediately after the death of the testator or testatrix, unless a contrary intention appears by the will.

93. Bequest to legatee for benefit of another does not lapse by legatee's death

Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the lifetime of the testator or testatrix, of the person to whom the bequest is made.

94. Survivorship in case of bequest to described class

Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such of them as are alive at the death of the testator or testatrix; except that if property is bequeathed to a class of persons described as standing in a particular degree of kindred to a specified individual, but their possession of it is deferred until a time later than the death of the testator or testatrix by reason of a prior bequest or otherwise, the property shall at that time go to such of them as are then alive, and to the representatives of any of them who have died since the death of the testator or testatrix.

Part XII – Void bequests

95. Bequest to person who is not in existence at death of testator or testatrix

Where a bequest is made to a person by a particular description, and there is no person in existence at the death of the testator or testatrix who answers the description, the bequest is void; except that if property is bequeathed to a person described as standing in a particular degree of kindred to a specified individual, but his or her possession of it is deferred until a time later than the death of the testator or testatrix by reason of a prior bequest or otherwise, and if a person answering to the description is alive at the death of the testator or testatrix, or comes into existence between that event and such later time, the property shall, at such later time, go to that person, or, if he or she is dead, to his or her representatives.

96. Bequest to person not in existence at death of testator or testatrix, subject to prior bequest

Where a bequest is made to a person not in existence at the time of the death of the testator or testatrix subject to a prior bequest contained in the will, the later bequest shall be void, unless it comprises the whole of the remaining interest of the testator or testatrix in the thing bequeathed.

97. Rule against perpetuity

No bequest is valid by which the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the death of the testator or testatrix, and the minority of some person who is in existence at the expiration of that period, and to whom, if he or she attains full age, the thing bequeathed is to belong.

98. Bequest to class, some of whom may come under section 96 or 97

If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of sections 96 and 97 or either of them, the bequest shall be wholly void.

99. Bequest to take effect on failure of bequest void under section 96, 97 or 98

Where a bequest is void by reason of any of the provisions of section 96, 97 or 98, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.

100. Effect of direction for accumulation

A direction to accumulate the income arising from any property shall be void, and the property shall be disposed of as if no accumulation had been directed; except that where the property is immovable, or where accumulation is directed to be made from the death of the testator or testatrix, the direction

shall be valid in respect only of the income arising from the property within one year next following the death of the testator or testatrix, and at the end of the year the property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

101. Bequest to religious or charitable causes

A person having a nephew or niece or any nearer relative shall not have power to bequeath any property to religious or charitable uses except by a will executed not less than twelve months before his or her death and deposited within six months from its execution in some place provided by law for the safe custody of the wills of living persons.

Part XIII – Vesting of legacies

102. Vesting of legacy when payment or possession postponed

(1) Where, by the terms of a bequest, the legatee is not entitled to immediate possession of the thing bequeathed, right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the death of the testator or testatrix, and shall pass to the legatee's representatives if he or she dies before that time and without having received the legacy; and in such cases the legacy is, from the death of the testator or testatrix, said to be vested in interest.

(2) An intention that a legacy to any person shall not become vested in interest in him or her is not to be inferred merely from a provision by which the payment or possession of the thing bequeathed is postponed, or by which a prior interest in the legacy is bequeathed to some other person, or by which the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

103. Vesting when legacy contingent upon specified uncertain event

(1) A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.

(2) A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.

(3) In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.

(4) Notwithstanding subsections (1) and (2), where a fund is bequeathed to any person upon his or her attaining a particular age, and the will also gives to him or her absolutely the income to arise from the fund before he or she reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his or her benefit, the bequest of the fund is not contingent.

104. Vesting of bequest to members of class attaining particular age

Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Part XIV – Onerous bequests

105. Onerous bequest

Where a bequest imposes an obligation on the legatee, he or she can take nothing by it unless he or she accepts it fully.

106. One of two separate and independent bequests to same person may be accepted

Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them, and refuse the other, although the former may be beneficial and the latter onerous.

Part XV – Contingent bequests

107. Bequest contingent upon specified uncertain event

Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless the event happens before the period when the fund bequeathed is payable or distributable.

108. Bequest to persons surviving at some period not specified

Where a bequest is made to such of certain persons as shall be surviving at some period, but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appears by the will.

Part XVI – Conditional bequests

109. Bequest upon impossible condition

A bequest upon an impossible condition is void.

110. Bequest upon illegal, etc. condition

A bequest upon a condition the fulfilment of which would be contrary to law or to morality is void.

111. Fulfilment of condition precedent to vesting of legacy

Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

112. Bequest to one person and, on failure of prior bequest, to another

Where there is a bequest to one person, and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest although the failure may not have occurred in the manner contemplated by the testator or testatrix.

113. When second bequest not to take effect on failure of first

Where a will shows an intention that a second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

114. Bequest over, conditional upon happening of specified uncertain event

(1) A bequest may be made to any person with the condition superadded that, in case a specified uncertain event shall happen, the thing bequeathed shall go to another person, or that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

(2) In each case the ulterior bequest is subject to sections 103, 104, 105, 106, 107, 108, 109, 110, 111 and 112.

115. Condition must be strictly fulfilled

An ulterior bequest of the kind contemplated by section 114 cannot take effect unless the condition is strictly fulfilled.

116. Original bequest not affected by invalidity of second

If the ulterior bequest is not valid, the original bequest is not affected by it.

117. Bequest conditioned that it shall cease to have effect in certain cases

A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen or in case a specified uncertain event shall not happen.

118. Condition must not be invalid under section 103

In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates is one which could legally constitute the condition of a bequest as contemplated by section 103.

119. Result of legatee rendering impossible or indefinitely postponing act for which no time specified

Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing the act.

120. Performance of condition, precedent or subsequent

Where a will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified unless the performance of it is prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by the fraud.

Part XVII – Bequests with directions as to application or enjoyment

121. Direction that fund be employed in particular manner

Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

122. Direction that mode of enjoyment of absolute bequest is to be restricted

Where a testator or testatrix absolutely bequeaths a fund, so as to sever it from his or her own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee, if that benefit cannot be obtained for the legatee, the fund belongs to the legatee as if the will had contained no such direction.

123. Bequest of fund for certain purposes, some of which cannot be fulfilled

Where a testator or testatrix does not absolutely bequeath a fund so as to sever it from his or her own estate but gives it for certain purposes and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator or testatrix.

Part XVIII – Bequests to an executor or executrix

124. Legacy to executor or executrix

If a legacy is bequeathed to a person who is named an executor or executrix of the will, he or she shall not take the legacy unless he or she proves the will, or otherwise manifests an intention to act as executor or executrix.

125. Specific legacy defined

Where a testator or testatrix bequeaths to any person a specified part of his or her property which is distinguished from all other parts of his or her property, the legacy is said to be specific.

126. Bequest of sum certain where stocks, etc. in which invested are described

Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds or securities in which it is invested are described in the will.

127. Bequest of stock where testator or testatrix had equal or greater amount of stock of same kind

Where a bequest is made, in general terms, of a certain amount of any kind of stock, the legacy is not specific merely because the testator or testatrix was, at the date of his or her will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

128. Bequest of money where payment postponed in certain way

A money legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator or testatrix shall have been reduced to a certain form, or remitted to a certain place.

129. When enumerated articles not deemed specifically bequeathed

Where a will contains a bequest of the residue of the property of the testator or testatrix along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

130. Retention of specific bequest to several persons in succession

Where property is specifically bequeathed to two or more persons in succession, it shall be retained in the form in which the testator or testatrix left it, although it may be of such a nature that its value is continually decreasing.

131. Sale and investment of proceeds of property bequeathed to two or more persons in succession

Where property comprised in a bequest to two or more persons in succession is not specifically bequeathed, it shall, in the absence of any direction to the contrary, be sold, and the proceeds of the

sale shall be invested in such securities as the High Court may, by any general rule to be made from time to time, authorise or direct; and the fund thus constituted shall be enjoyed by the successive legatees according to the terms of the will.

132. Non-abatement of specific legacies

If there is a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

Part XX – Demonstrative legacies

133. Demonstrative legacies

(1) Where a testator or testatrix bequeaths a certain sum of money or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute that fund or stock the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.

(2) The distinction between a specific legacy and a demonstrative legacy is that—

(a) where specified property is given to the legatee, the legacy is specific; and

(b) where the legacy is directed to be paid out of a specified property, it is demonstrative.

134. Order of payment when legacy directed to be paid out of fund specifically bequeathed

Where a portion of a fund is specifically bequeathed, and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and so far as the residue shall be deficient, out of the general assets of the testator or testatrix.

Part XXI – Ademption of legacies

135. Ademption defined

If anything which has been specifically bequeathed does not belong to the testator or testatrix at the time of his or her death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject matter having been withdrawn from the operation of the will.

136. Non-ademption of demonstrative legacy

A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator or testatrix or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator or testatrix.

137. Ademption of specific bequest of right to receive something from third party

Where the thing specifically bequeathed is the right to receive something of value from a third party and the testator or testatrix himself or herself receives it, the bequest is adeemed.

138. Ademption *pro tanto* by testator's or testatrix's receipt of part of entire thing specifically bequeathed

The receipt by the testator or testatrix of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum so received.

139. Ademption *pro tanto* by testator's or testatrix's receipt of portion of entire fund or stock of which portion has been specifically bequeathed

If a portion of an entire fund or stock is specifically bequeathed, the receipt by the testator or testatrix of a portion of the fund or stock shall operate as an ademption only to the extent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

140. Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and remainder insufficient to pay both legacies

Where a portion of the fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator or testatrix receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue, if any, of the fund shall be applied, so far as it will extend, in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator or testatrix.

141. Ademption where stock, specifically bequeathed, does not exist

Where stock which has been specifically bequeathed does not exist at the death of the testator or testatrix, the legacy is adeemed.

142. Ademption *pro tanto* where stock, specifically bequeathed, exists in part only

Where stock which has been specifically bequeathed exists only in part at the death of the testator or testatrix, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

143. Non-ademption of bequest of goods described as connected with certain place

A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from that place from any temporary cause, or by fraud, or without knowledge or sanction of the testator or testatrix.

144. When removal of thing bequeathed does not constitute ademption

The removal of a thing bequeathed from the place in which it is stated in the will to be situate does not constitute an ademption, where the place is only referred to in order to complete the description of what the testator or testatrix meant to bequeath.

145. When thing bequeathed is valuable to be received by testator or testatrix from third person and testator or testatrix or his or her representative receives it

Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator or testatrix himself or herself or by his or her representatives, the receipt of the sum of money or other commodity by the testator or testatrix shall not constitute an ademption; but, if he or she mixes it with the general mass of his or her property, the legacy is adeemed.

146. Change by operation of law of subject of specific bequest between date of will and death of testator or testatrix

Where a thing specifically bequeathed undergoes a change between the date of the will and the death of the testator or testatrix, and the change takes place by operation of law, or in the course of execution

of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of that change.

147. Change without knowledge of testator or testatrix

Where a thing specifically bequeathed undergoes a change between the date of the will and the death of the testator or testatrix, and the change takes place without the knowledge or sanction of the testator or testatrix, the legacy is not adeemed.

148. Stock specifically bequeathed lent to third party

Where stock, which has been specifically bequeathed, is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

149. Stock specifically bequeathed sold but replaced

Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased, and belongs to the testator or testatrix at his or her death, the legacy is not adeemed.

Part XXII – Payment of liabilities in respect of subsect of bequest

150. Non-liability of executor or executrix to exonerate specific legatees

(1) Where property specifically bequeathed is subject, at the death of the testator or testatrix, to any pledge, lien or encumbrance, created by the testator or testatrix himself or herself, or by any person under whom he or she claims, then, unless a contrary intention appears by the will, the legatee, if he or she accepts the bequest, shall accept it subject to such pledge or encumbrance, and shall, as between himself or herself and the estate of the testator or testatrix, be liable to make good the amount of the pledge or encumbrance.

(2) A contrary intention shall not be inferred from any direction which the will may contain for the payment of the debts of the testator or testatrix generally.

(3) A periodical payment in the nature of land revenue or in the pature of rent is not such an encumbrance as is contemplated by this section.

151. Completion of title of testator or testatrix

Where anything is to be done to complete the title of the testator or testatrix to the thing bequeathed, it is to be done at the cost of the estate of the testator or testatrix.

152. Immovable property for which rent payable periodically

Where there is a bequest of any interest in immovable property, in respect of which payment in the nature of land revenue, or in the nature of rent, has to be made periodically, the estate of the testator or testatrix shall, as between the estate and the legatee, make good such payments or a proportion of them up to the day of his or her death.

153. Stock in joint stock company

In the absence of any direction in the will where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator or testatrix at the time of his or her death in respect of the stock, the call or payment shall, as between the estate of the testator or testatrix and the legatee, be borne by the estate; but, if any call or other payment shall, after the death of the testator or testatrix, become due in respect of the stock, the call or payment shall, as between the estate of the testator or testatrix and the legatee, be bome by the legatee if he or she accepts the bequest.

Part XXIII – Bequest of things described in general terms

154. Bequest of things in general terms

If there is a bequest of something described in general terms, the executor or executrix must purchase for the legatee what may reasonably be considered to answer the description.

Part XXIV – Bequest of interest or produce of fund

155. Bequest of interest or produce of fund

Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Part XXV – Bequest of annuities

156. Annuity created by will payable for life only

Where an annuity is created by will, the legatee is entitled to receive it for his or her life only, unless a contrary intention appears by the will; and this provision shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally or that a sum of money is bequeathed to be invested in the purchase of it.

157. Period of vesting where will directs that annuity be provided out of proceeds of property, etc.

Where a will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of an annuity for any person, on the death of the testator or testatrix the legacy vests in interest in the legatee, and he or she is entitled, at his or her option, to have an annuity purchased for him or her, or to receive the money appropriated for that purpose by the will.

158. Abatement of annuity

Where an annuity is bequeathed, but the assets of the testator or testatrix are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

159. Gift of annuity and residuary gift

Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the estate of the testator or testatrix shall be applied for that purpose.

Part XXVI – Legacies to creditors and portioners

160. Legacy to creditor

Where a debtor bequeaths a legacy to his or her creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

161. Child prima facie entitled to legacy as well as portion

Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his or her will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

162. No ademption by subsequent provision for legatee

A bequest shall not be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Part XXVII – Election

163. Circumstances in which election takes place

Where a person, by his or her will, professes to dispose of something of which he or she has no right to dispose, the person to whom the thing belongs shall elect either to confirm the disposition or to dissent from it, and, in the latter case, he or she shall relinquish any benefits which may have been provided for him or her by the will.

164. Devolution of interest relinquished by owner

An interest relinquished under section 163 shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the legatee the amount or value of the gift attempted to be given to him or her by the will.

165. Belief of testator or testatrix as to his or her ownership immaterial

Sections 162 and 164 shall apply whether the testator or testatrix does or does not believe that which he or she professes to dispose of by his or her will to be his or her own.

166. Bequest for person's benefit

A bequest for the benefit of a person is, for the purpose of election, the same thing as a bequest made to him or her.

167. Benefit derived indirectly

A person taking no benefit directly under a will, but deriving a benefit under it indirectly, is not put to his or her election.

168. Person taking in individual capacity under will may, in other character, elect to take in opposition

A person who, in his or her individual capacity, takes a benefit under the will may, in another character, elect to take in opposition to the will.

169. Exception to preceding sections

Notwithstanding sections 163, 164, 165, 166, 167 and 168, where a particular gift is expressed in a will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the will, if the legatee claims that thing, he or she must relinquish the particular gift, but he or she is not bound to relinquish any other benefit given to him or her by the will.

170. When acceptance of benefit given by will constitutes election to take under will

Acceptance of a benefit given by a will constitutes an election by the legatee to take under the will, if he or she has knowledge of his or her right to elect, and of those circumstances which would influence the judgment of a reasonable person in making an election, or if he or she waives inquiry into the circumstances.

171. Presumption arising from enjoyment by legatee for two years

For the purposes of section 170, knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him or her by the will without doing any act to express dissent.

172. Confirmation of bequest by act of legatee

For the purposes of section 170, knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject matter of the bequest in the same condition as if the act had not been done.

173. When legatee may be called upon to elect

If a legatee does not, within one year after the death of the testator or testatrix, signify to the representatives of the testator or testatrix his or her intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him or her to make his or her election; and if he or she does not comply with the requisition within a reasonable time after he or she has received it, he or she shall be deemed to have elected to confirm the will.

174. Postponement of election in case of disability

In case of disability, an election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Part XXVIII – Gifts in contemplation of death

175. Property transferable by gift made in contemplation of death

(1) Subject to sections 22, 25 and 30(2), a person may dispose, by gift made in contemplation of death, any movable property which he or she could dispose of by will.

(2) A gift is said to be made in contemplation of death where a person who is ill and expects to die shortly of his or her illness delivers to another person the possession of any movable property to keep as a gift in case the donor dies.

(3) A gift made in contemplation of death may within six months of recovery of the donor, be repossessed by the donor.

(4) Notwithstanding subsection (1), every donation of a gift made under this section, the value of which exceeds twenty-five currency points, shall be in writing.

Part XXIX – Grant of probate and letters of administration

176. Character and property of executor or executrix or administrator or administratrix

The executor or executrix or administrator or administratrix, as the case may be, of a deceased person is his or her legal representative for all purposes, and all the property of the deceased person vests in him or her as such.

177. Administration with copy annexed of authenticated copy of will proved abroad

When a will has been proved and deposited in a court of competent jurisdiction, situate beyond the limits of Uganda, whether in the Commonwealth or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

178. Probate only to appointed executor or executrix

Probate can be granted only to an executor or executrix appointed by the will.

179. Appointment of executor or executrix

(1) The appointment of an executor or executrix may be express or by necessary implication.

(2) Where a testator is survived by a child only and does not expressly appoint an executor or executrix but appoints a guardian for the child, the guardian so appointed shall be the executor or executrix of the will of the deceased person.

180. Persons to whom probate cannot be granted

(1) Probate shall not be granted to any person who is a minor or who has a mental illness.

(2) Notwithstanding anything in this Act, court shall have the discretion to determine whether a person who is otherwise qualified to be granted probate, is fit and proper and court may defer the appointment of an executor or executrix to a later date or refuse to grant probate where an applicant is not fit and proper.

181. Grant of probate to several executors or executrixes

When several executors or executrixes are appointed, probate may be granted to them all simultaneously, or at different times.

182. Probate of codicil discovered after grant of probate

If a codicil is discovered after the grant of probate, a separate probate of that codicil may be granted to the executor or executrix, if it in no way revokes the appointment of executors or executrixes made by the will; but if different executors or executrixes are appointed by the codicil, the probate of the will shall be revoked, and a new probate granted of the will and the codicil together.

183. Surviving executor or executrix

When probate has been granted to several executors or executrixes, and one of them dies, the entire representation of the testator or testatrix accrues to the surviving executor or executrix or executors or executrixes.

184. Right as executor or executrix or legatee, when established

No right as executor or executrix or legatee shall be established in any court of justice, unless a court of competent jurisdiction within Uganda has granted probate of the will under which the right is claimed, or has granted letters of administration under section 177.

185. Effect of probate

Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor or executrix, as such.

186. To whom administration may not be granted

(1) Letters of administration shall not be granted to any person who is a minor or who has a mental illness.

(2) Notwithstanding anything in this Act, court shall have the discretion to determine whether a person who is otherwise qualified to administer an estate under this Act, is fit and proper to do so and the court may defer the appointment of an administrator or administratrix to a later date or refuse to grant letters of administration where an applicant is not suitable.

187. Right to intestate's property, when established

Except as provided in this section, but subject to section 4 of the Administrator General's Act, no right to any part of the property of a person who has died intestate shall be established in any court of justice, unless letters of administration have first been granted by a court of competent jurisdiction.

188. Effect of letters of administration

Letters of administration entitle the administrator or administratrix to all rights belonging to the intestate as effectually as if the administration has been granted at the moment after his or her death.

189. Acts not validated by administration

Letters of administration do not render valid any intermediate acts of the administrator or administratrix tending to the diminution or damage of the intestate's estate.

190. Grant of administration where executor or executrix has not renounced

(1) When a person appointed an executor or executrix has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued, calling upon the executor or executrix to accept or renounce his or her executorship.

(2) When one or more of several executors or executrixes have proved a will, the court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

191. Form and effect of renunciation

A renunciation may be made orally in the presence of a magistrate, commissioner for oaths or justice of the peace or by writing signed by the person renouncing, and, when made, shall preclude him or her from ever thereafter applying for probate of the will appointing him or her executor or executrix.

192. Procedure where executor or executrix renounces or fails to accept within time limited

If an executor or executrix renounces, or fails to accept, the executorship within the time limited for the acceptance or refusal of the executorship, the will may be proved, and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

193. Grant of administration to universal or residuary legatee

Subject to section 4 of the Administrator General's Act, when the deceased has made a will—

(a) but has not appointed an executor or executrix;

(b) when he or she has appointed an executor or executrix who is legally incapable, or refuses to act, or has died before the testator or testatrix, or before he or she has proved the will; or

(c) when the executor or executrix dies after having proved the will, but before he or she has administered all the estate of the deceased,

a universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him or her of the whole estate, or of so much of the estate as may be unadministered.

194. Administration by representative of deceased residuary legatee

When a residuary legatee who has a beneficial interest survives the testator or testatrix, but dies before the estate has been fully administered, his or her representative has the same right to administration with the will annexed as the residuary legatee.

195. Grant of administration where no executor or executrix nor residuary legatee, nor representative of such legatee

When there is no executor or executrix, and no residuary legatee or representative of a residuary legatee, or he or she declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he or she had died intestate, or any other legatee having a beneficial interest, or the Administrator General, may be admitted to prove the will, and letters of administration may be granted to him or her or them accordingly.

196. Citation before grant of administration to legatee other than universal or residuary

Letters of administration with the will annexed shall not be granted to any legatee other than a universal or a residuary legatee, until a citation calling on the spouse and lineal descendants of the deceased person to accept or refuse letters of administration has been issued and published.

197. Order in which connections entitled to administer

When the deceased has died intestate, those who are connected with the deceased either by marriage or by consanguinity are entitled to obtain letters of administration of his or her estate and effects in the order and according to the provisions hereafter contained.

198. Entitlement to administration

Subject to section 4 of the Administrator General's Act and section 199 of this Act, administration shall be granted to the person entitled to the greatest proportion of the estate under section 23.

199. Surviving spouse to have priority to administer estate of deceased spouse

(1) The surviving spouse shall have preference over any other person in the administration of the estate of a deceased intestate.

(2) The preference of the surviving spouse under subsection (1) may be disregarded by the Administrator General under section 4 of the Administrator General's Act where—

(a) the Administrator General determines that the surviving spouse is not a fit and proper person to administer the estate of the deceased spouse; or

(b) the Administrator General finds it necessary, in the circumstances of the estate, that court grants the administration of the estate to another person.

200. Citation of persons entitled in priority to administer

Administration shall not be granted to any relative if there is some other relative or an appointed customary heir or heiress entitled to a greater proportion of the estate until a citation has been issued and

published in the manner hereafter provided calling on that other relative or heir or heiress to accept or refuse letters of administration.

201. Entitlement between members of same class

Where two or more persons are entitled to the same proportion of the estate, they shall be equally entitled to administration, and a grant may be made to one or some of them jointly after a citation has been issued and published in the manner prescribed in this Act.

202. Title of kindred to administration

Those who stand in equal degree of kindred to the deceased are equally entitled to administration.

203. Grant of administration to creditor

When there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration and willing to act, administration may be granted to a creditor.

204. Administration where property left in Uganda

Where the deceased has left property in Uganda, letters of administration shall be granted according to the foregoing provisions, although he or she may have been a domiciled inhabitant of a country in which the law relating to testate and intestate succession differs from the law of Uganda.

Part XXX – Limited grants

Grants limited in duration

205. Probate of copy of lost will

When a will has been lost or mislaid since the death of the testator or testatrix, or has been destroyed by wrong or accident, and not by any act of the testator or testatrix, and a copy or the draft of the will has been preserved, probate may be granted of the copy or draft, limited until the original or a properly authenticated copy of it is produced.

206. Probate of contents of lost or destroyed will

When a will has been lost or destroyed, and no copy has been made, nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

207. Probate of copy where original exists

When a will is in the possession of a person residing out of Uganda, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor or executrix, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will, or an authenticated copy of it, is produced.

208. Administration until will produced

Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will, or an authenticated copy of it, is produced.

Grants for use and benefit of others having right

209. Administration with will annexed to attorney of absent executor or executrix

When any executor or executrix is absent from Uganda and there is no executor or executrix within Uganda willing to act, letters of administration with the will annexed may be granted to the attorney of the absent executor or executrix, for the use and benefit of his or her principal, limited until he or she shall obtain probate or letters of administration granted to himself or herself.

210. Administration with will annexed to attorney of absent person

When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from Uganda, letters of administration with the will annexed may be granted to his or her attorney limited as mentioned in section 209.

211. Administration to attorney of absent person

When a person entitled to administration in case of intestacy is absent from Uganda, and no person equally entitled is willing to act, letters of administration may be granted to the attorney of the absent person, limited as mentioned in section 209.

212. Administration where child is sole beneficiary or residuary legatee

(1) Where a child is the sole beneficiary or sole residuary legatee, letters of administration with the will annexed may be granted to the guardian of the child or to such other person as court determines appropriate, until the child attains the age of majority.

(2) Notwithstanding subsection (1), where the sole beneficiary or sole residuary legatee is eighteen years or more, court may on the application of the sole beneficiary or sole residuary legatee grant the sole beneficiary or sole residuary legatee letters of administration or probate where court considers the sole beneficiary or sole residuary legatee a fit and proper person.

213. Administration for use and benefit of person with mental illness *jus habens*

If a sole executor or executrix or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rules for the distribution of intestates' estates, is a person with mental illness, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his or her estate has been committed by competent authority, or, if there is no such person, to such other person as the court may think fit to appoint, for the use and benefit of the person with mental illness until he or she shall have become of sound mind.

214. Administration *pendente lite*

The court may, pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, appoint an administrator or administratrix of the estate of the deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing the estate, and every such administrator shall be subject to the immediate control of the court, and shall act under its direction.

Grants for special purposes

215. Probate limited to purpose specified in will

If an executor or executrix is appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and, if he or she should appoint an attorney to take administration on his or her behalf, the letters of administration with the will annexed shall accordingly be limited.

216. Administration with will annexed limited to particular purpose

If an executor or executrix appointed generally gives an authority to an attorney to prove a will on his or her behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

217. Administration limited to property in which person has beneficial interest

Where a person dies, leaving property of which he or she was the sole or surviving trustee, or in which he or she had no beneficial interest on his or her account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to that property, may be granted to the person beneficially interested in the property, or to some other person on his or her behalf.

218. Administration limited to suit

When it is necessary that the representative of a person deceased is made a party to a pending suit, and the executor or executrix or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in the suit, limited for the purpose of representing the deceased in that suit or in any other cause or suit which may be commenced in the same or in any other court between the parties, or any other parties, touching the matters at issue in that cause or suit, and until a final decree shall be made in it, and carried into complete execution.

219. Administration limited to purpose of becoming party to suit against administrator

If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or executrix or administrator or administratrix to whom the same has been granted is absent from Uganda, the court may grant, to any person whom it may think fit, letters of administration, limited to the purpose of becoming and being made a party to a suit to be brought against the executor or executrix or administrator or administratrix, and carrying the decree which may be made in the suit into effect.

220. Appointment of person other than one normally entitled to administration

When a person has died intestate, or leaving a will of which there is no executor or executrix willing and competent to act, or where the executor or executrix, at the time of the death of the person, is resident out of Uganda, and it appears to the court to be necessary or convenient to appoint some person to administer the estate or any part of it, other than the person who, under ordinary circumstances, would be entitled to a grant of administration, the judge may, in his or her discretion, having regard to consanguinity, the amount of interest, the safety of the estate, and the probability that it will be properly administered, appoint such person as he or she shall think fit to be administrator; and in every such case letters of administration may be limited or not as the judge shall think fit.

Grants with exception

221. Probate, etc. subject to exception

Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to that exception.

222. Administration with exception

Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to that exception.

223. Exception for land subject to consents

(1) Where any part of an estate in respect of which a person applied for a grant of probate or letters of administration consists of land which could not have been transferred to the person by the deceased during his or her lifetime without first obtaining the consent of some person or body under any written law for the time being in force, the person may only be granted probate or letters of administration subject to the exception of that land from the grant.

(2) Letters of administration limited to land excepted under subsection (1) shall, on the application of the Administrator General or any person beneficially interested, or his or her guardian, be granted to the Administrator General, and no consent under any written law shall be required to that grant.

Grants of rest

224. Probate or administration of rest

Whenever a grant, with exception, of probate, or letters of administration with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

Grants of effects unadministered

225. Grants of effects unadministered

If an executor or executrix to whom probate has been granted has died, leaving a part of the estate of the testator or testatrix unadministered, a new representative may be appointed for the purpose of administering that part of the estate.

226. Provisions as to grants of effects unadministered

In granting letters of administration of an estate not fully administered, the court shall be guided by the same provisions as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

When a limited grant has expired by effluxion of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

Alteration in grants

228. Errors may be rectified by court

Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the court, and the grant of probate or letters of administration may be altered and amended accordingly.

229. Procedure where codicil discovered after grant

If, after the grant of letters of administration with the will annexed, a codicil is discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

Revocation of grants

230. Revocation or annulment for just cause

(1) The grant of probate or letters of administration may be revoked or annulled for just cause.

(2) In this section, "just cause" means—

(a) that the proceedings to obtain the grant were defective in substance;

(b) that the grant was obtained fraudulently by making a false suggestion, or by concealing from the court something material to the case;

(c) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though the allegation was made in ignorance or inadvertently;

(d) that the grant has become useless and inoperative through circumstances;

(e) that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with Part XXXIV of this Act, or has exhibited under that Part an inventory or account which is untrue in a material respect; or

(f) that the person to whom the grant was made has mismanaged the estate.

(3) Where a grant of probate or letters of administration is revoked under subsection (2)(b) or (f), the executor, executrix or person to whom letters of administration were granted, as the case may be, commits an offence and is liable, on conviction, to a fine not exceeding seventy-two currency points or to imprisonment for a term of three years, or both.

(4) In addition to the penalty prescribed under subsection (3), a person convicted under subsection (3) shall be liable to make good to the estate and the beneficiaries of the estate, the loss or damage so occasioned.

(5) The court may on revocation of probate or letters of administration, grant probate or letters of administration to another person where court determines that such a person is a fit and proper person to be granted probate or letters of administration under this Act.

Part XXXI – Practice in granting and revoking probates and letters of administration

231. Jurisdiction to grant probate and letters of administration

Jurisdiction to grant probate and letters of administration under this Act shall be exercised by the High Court and a magistrate's court in accordance with the Administration of Estates (Small Estates) (Special Provisions) Act.

232. General powers of chief magistrate and magistrate

A chief magistrate and a magistrate shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected with the granting of probate and letters of administration, as are by law vested in him or her in relation to any civil suit or proceeding pending in court.

233. A chief magistrate and a magistrate may order person to produce testamentary papers

A chief magistrate and a magistrate may order any person to produce and bring into court any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession or under the control of that person and—

(a) if it is not shown that any such paper or writing is in the possession or under the control of that person, but there is reason to believe that he or she has the knowledge of any such paper or writing, the court may direct that person to attend for the purpose of being examined respecting the paper or writing;

(b) that person shall be bound to answer such questions as may be put to him or her by the court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under section 94 of the Penal Code Act, in case of default in not answering the questions, or not bringing in the paper or writing, as he or she would have been subject to in case he or she had been a party to a suit and had made such default; and

(c) the costs of the proceeding shall be in the discretion of the court.

234. Proceedings in relation to probate and administration

The proceedings of the court of the Chief Magistrate or the Magistrate in relation to the granting of probate and letters of administration shall, except as hereafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the law relating to civil procedure.

235. When and how Chief Magistrate or Magistrate to interfere for protection of property

Until probate is granted of the will of a deceased person, or an administrator or administratrix of his or her estate is constituted, the Chief Magistrate or Magistrate, within whose jurisdiction any part of the property of the deceased person is situate, is authorised and required to interfere for the protection of that property at the instance of any person claiming to be interested in it, and in all other cases where the delegate considers that the property incurs any risk of loss or damage; and for that purpose, if he or she sees fit, to appoint an officer to take and keep possession of the property.

236. When probate or administration may be granted by Chief Magistrate or Magistrate

Probate of the will or letters of administration to the estate of a deceas person may be granted by the Chief Magistrate or Magistrate under the st of his or her court, if it appears by a petition, verified as hereafter provide of the person applying for the probate or letters of administration, that t testator or testatrix or

intestate, as the case may be, at the time of his or li decease, had a fixed place of abode, or any property, movable or immovab within the jurisdiction of the delegate.

237. Disposal of application made to Chief Magistrate or Magistrate place where deceased had no fixed abode

When an application is made to Chief Magistrate or Magistrate in a district area in which the deceased had no fixed abode at the time of his or her deal it shall be in the discretion of the delegate to refuse the application, if, in his her judgment, it could be disposed of more justly or conveniently in another district or area, or, where the application is for letters of administration to grant them absolutely or limited to the property within his or her own jurisdiction.

238. Conclusiveness of probate or letters of administration

(1) Probate or letters of administration shall have effect over all the property and estate, movable or immovable, of the deceased, throughout Uganda, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs him or her.

(2) Probate or letters of administration shall afford full indemnity all debtors paying their debts, and all persons delivering up such property the person to whom the probate or letters of administration shall have bet granted.

239. Conclusiveness of application for probate or administration

An application for probate or letters of administration, if made and verifit in the manner hereafter provided, shall be conclusive for the purpose (authorising the grant of probate or administration, and no such grant shall be impeached by reason that the testator or testatrix or intestate had no fixed place of abode, or no property within the district or area at the time of his or her death, unless by a proceeding to revoke the grant if obtained by a fraud upon the court.

240. Petition for probate

(1) An application for probate shall be made by a petition distinctly written in the English language with the will annexed, and stating—

(a) the time of the death of the testator or testatrix;

(b) that the writing annexed is the last will and testament of the testator or testatrix and that it was duly executed;

(c) the amount of assets which are likely to come to the petitioner's hands; and

(d) that the petitioner is the executor or executrix named in the will, and in addition to such particulars, when the application is to Chief Magistrate or Magistrate, the petition shall further state that the deceased, at the time of his or her death, had his or her fixed place of abode, or had some property, movable or immovable, situate within the jurisdiction of the delegate.

(2) The application referred to in subsection (1) shall be made within one year from the date of death of the testator.

(3) Where a person named as executor or executrix in a will does not apply for probate within the time prescribed in subsection (2), a beneficiary under the will may, with the will annexed, apply for letters of administration.

241. Translation of will to be annexed to petition

In cases where the will is written in any language other than English, there shall be a translation of it annexed to the petition by a translator of the court, if the language is one for which a translator is

appointed, or, if the will is in any other language, then by any person competent to translate it, in which case the translation shall be verified by that person in the following manner—

"I,_____, do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation of it.".

242. Petition for letters of administration

An application for letters of administration shall be made by petition distinctly written in the English language, and stating—

(a) the time and place of the deceased's death;

(b) the family or other relatives of the deceased, and their respective residences;

(c) the right in which the petitioner claims;

(d) that the deceased left some property within the jurisdiction of the High Court or Chief Magistrate or Magistrate to whom the application is made; and

(e) the amount of assets which are likely to come to the petitioner's hands, and, when the application is to Chief Magistrate or Magistrate, the petition shall further state whether the deceased, at the time of his or her death, resided within the jurisdiction of the delegate.

243. Petition to be signed and verified

A petition for probate or letters of administration shall, in all cases, be subscribed by the petitioner and his or her advocate, if any, and shall be verified by the petitioner in the following manner or to the like effect—

"I,_____, the petitioner in the above petition, declare that what is stated in it is true to the best of my information and belief".

244. Verification of petition for probate by one witness to will

Where the application is for probate, the petition shall also be verified by at least one of the witnesses to the will, when procurable, in the following manner or to the following effect—

"I,_____, one of the witnesses to the last will and testament of the testator or testatrix mentioned in the above petition, declare that I was present, and saw the testator or testatrix affix his or her signature (or mark) to it (or that the testator or testatrix acknowledged the writing annexed to the above petition to be his or her last will and testament in my presence).".

245. Punishment for false statement in petition or declaration

Where any petition or declaration which is required to be verified contains any statement which the person making the statement, or the verification knows or believes to be false, that person commits an offence and is liable, on conviction, to a fine not exceeding one hundred sixty-eight currency points or to imprisonment for a term not exceeding seven years, or both.

246. High Court or Chief Magistrate or Magistrate may examine petitioner in person and require further evidence, etc.

(1) In all cases a judge or Chief Magistrate or Magistrate may, if he or she thinks proper—

(a) examine the petitioner in person, upon oath or solemn affirmation;

(b) require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be; and

(c) issue citations calling upon all persons claiming to have any interest in the estate of the deceased to appear before the court or the Chief Magistrate or the Magistrate before the grant of probate or letters of administration.

(2) A citation issued under subsection (1) shall be fixed up in some conspicuous part of the courthouse, and also in the office of the district commissioner, and otherwise published or made known in such manner as the judge or Chief Magistrate or Magistrate issuing it may direct.

247. Administrator General not precluded from grant

Nothing in this Part shall be deemed to preclude—

(a) the Administrator General from applying to the court for letters of administration;

(b) the court from granting letters of administration to the Administrator General,

in any case where the court is empowered under this or any other Part of this Act to grant letters of administration to any person other than an executor or executrix appointed under the will of the testator or testatrix.

248. No probate or letters of administration to be granted except on production of certificate from assistant estate duty commissioner

Except in the case of an application by the Administrator General, no probate or letters of administration or resealing of probate or letters of administration shall be granted by the High Court or Chief Magistrate or Magistrate unless the certificate of an assistant estate duty commissioner is produced to the High Court or Chief Magistrate or Magistrate, as the case may be, to the effect that he or she is satisfied that the requirements of any written law relating to estate duty in regard to the payment of duty have been or will be complied with.

249. Caveats against grant of probate or administration

Caveats against the grant of probate or administration may be lodged with the High Court or Chief Magistrates Court or Magistrates Court; and immediately on any caveat being lodged with any Chief Magistrates Court or Magistrates Court, the Chief Magistrate or the Magistrate shall send a copy of the caveat to the High Court.

250. Form of caveat

A caveat under section 249 shall be to the following effect—

"Let nothing be done in the matter of the estate of _____, late of _____, deceased, who died on the day of _____20 __, at _____, without notice to _____, of _____".

251. Proceedings suspended if caveat is received

(1) A person who lodges a caveat under section 249 shall, within fourteen days of lodging the caveat, serve a copy of the caveat to the petitioner for probate or letters of administration.

(2) Where a caveat is lodged under section 249, court shall suspend the proceedings in the matter until the caveat has been withdrawn or has lapsed or a suit for the removal of the caveat has been filed and determined by court.

252. Caveat and petition to lapse

(1) A petitioner for probate or letters of administration in respect of which a caveat has been lodged shall, within six months from the date the caveat was lodged, file a suit for removal of the caveat.

(2) Notwithstanding subsection (1), a person who lodges a caveat in respect of a petition for probate or letters of administration shall, within six months from the date the caveat was lodged, commence proceedings to prove the objections contained in the caveat.

(3) Where a person who lodges a caveat or a petitioner for probate or letters of administration does not comply with the provisions of subsection (1) or (2), the caveat and the petition for probate or letters of administration shall lapse.

(4) Where a caveat lodged under subsection (2) lapses, the person who lodged the caveat shall not lodge another caveat in respect of the same estate.

253. Power to transmit statement to High Court in doubtful cases where no contention

In every case in which there is no contention, but it appears to the Chief Magistrate or the Magistrate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the Chief Magistrate or the Magistrate may, if he or she thinks proper, transmit a statement of the matter in question to the High Court which may direct the Chief Magistrate or the Magistrate to proceed in the matter of the application, according to such instructions as to the High Court may seem necessary, or may forbid any further proceeding by the chief magistrate and the magistrate in relation to the matter of the application, leaving the party applying for the grant in question to make application to the High Court.

254. Procedure where there is contention, or chief magistrate and magistrate thinks probate, etc. should be refused in his or her court

In every case in which there is contention, or the Chief Magistrate or the Magistrate is of opinion that the probate or letters of administration should be refused in his or her court, the petition, and any documents that may have been filed with it, shall be returned to the person by whom the application was made in order that they may be presented to the High Court, unless the Chief Magistrate or the Magistrate thinks it necessary, for the purposes of justice, to impound them, which he or she is authorised to do; and in that case he or she shall send them to the High Court.

255. Grant of probate to be under seal of court

(1) Where it appears to a judge of the High Court or Chief Magistrate or Magistrate that probate of a will should be granted, he or she shall grant probate under the seal of his or her court in the following manner—

"I,_____, judge of the High Court (*or Chief Magistrate or Magistrate*) appointed for granting probate or letters of administration in _____, (*here insert the limits of the delegate's jurisdiction*) make known that on the _____ day of _____, in the year___, the last will of _____, late of _____, a copy of which is annexed, was proved and registered before me, and that administration of the property and credits of the deceased, and in any way concerning his or her will, was granted to _____, the executor or executrix named in the will, he (or she) having undertaken to administer the will, and to make a full and true inventory of the property and credits, and exhibit it in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.".

(2) The grant of probate under subsection (1) shall be valid for a period not exceeding two years.

(3) Court may on application extend the period prescribed in subsection (2) for a further period of two years or any other reasonable time as determined by court if the court is satisfied that—

(a) it is in the best interest of the beneficiaries to extend the period; and

(b) the person to whom the grant of probate was made has—

(i) complied with the provisions of this Act or any condition on which probate was granted; and

(ii) obtained the consent of all the beneficiaries in the estate for which probate was made.

(4) Subsections (2) and (3) shall not apply to—

(a) letters of administration granted under section 212; or

(b) pension forming part of the estate.

256. Grant of letters of administration to be under seal of court

(1) Where it appears to a judge of the High Court or Chief Magistrate or Magistrate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he or she shall grant the letters of administration under the seal of his or her court in the following manner—

"I_____, judge of the High Court (*or Chief Magistrate or Magistrate*) appointed for granting probate or letters of administration in, (*here insert the limits of the delegate's jurisdiction*) make known that on the day of_____, letters of administration (with or without the will annexed, as the case may be) of the property and credits of _____, late of_____, deceased, were granted to_____, the parent (*or as the case may be*) of the deceased, he (*or she*) having undertaken to administer the property and credits, and to make a full and true inventory of them, and to exhibit it in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.".

(2) The grant of letters of administration under subsection (1) shall be valid for a period not exceeding two years.

(3) The court may on application extend the period prescribed in subsection (2) for a further period of two years or any other reasonable time as determined by court where the court is satisfied that—

(a) it is in the best interest of the beneficiaries to extend the period; and

(b) the person to whom letters of administration were granted has—

(i) complied with the provisions of this Act or any condition to which the grant of letters of administration is subject to; and

(ii) obtained the consent to apply for the extension of the letters of administration from all the beneficiaries of the estate to which the letters of administration apply.

(4) Subsections (2) and (3) shall not apply to letters of administration granted to—

(a) letters of administration granted under section 212;

(b) the portion of the estate administered under section 23(2); or

(c) pension forming part of the estate.

257. Administration bond

The court may before committing a grant of letters of administration to any person require that person to give a bond to a judge of the High Court or Chief Magistrate or Magistrate to enure for the benefit of the judge or delegate for the time being, with one or more surety or sureties, engaging for the due collection, getting in and administering the estate of the deceased, which bond shall be in such form as the High Court shall, from time to time, by any general or special order, direct.

258. Assignment of administration bond

The court may, on application made by petition, and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security or providing that the money received be paid into court, or otherwise as the court may think fit, assign the bond to some person, his or her executors or executrixes, or administrators or administratrices, who shall thereupon be entitled to sue on the bond in his or her own name as if the bond had been originally given to him or her instead of to a judge of the High Court or Chief Magistrate or Magistrate, and shall be entitled to recover on it, as trustee for all persons interested, the full amount recoverable in respect of any breach of the bond.

259. Time for grant of probate and administration

No probate of a will shall be granted until after the expiration of seven clear days, and letters of administration shall not be granted until after the expiration of fourteen clear days, from the day of the death of the testator or testatrix or intestate.

260. Filing of original wills of which probate or administration with will annexed granted

A judge of the High Court or Chief Magistrate or Magistrate shall file and preserve all original wills of which probate or letters of administration with the will annexed may be granted by him or her among the records of his or her court, until some public registry for wills is established; and the Attorney General shall make regulations for the preservation and inspection of the wills so filed.

261. Grantee of probate or administration alone to sue, etc. until grant revoked

After any grant of probate or letters of administration, no person other than the person to whom the same has been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, until the probate or letters of administration has or have been recalled or revoked.

262. Procedure in contentious cases

(1) In any case before the High Court in which there is contention, the proceedings shall take, as nearly as may be, the form of a regular suit according to the provisions of the law relating to civil procedure.

(2) The High Court may refer the parties to a suit under this section to the Administrator General, where the party whose application is the cause of the suit was not required to and therefore, did not give the Administrator General notice of the application for a grant under section 5 of the Administrator General's Act.

(3) The High Court shall in all matters before the court under this section, issue summons to all the persons mentioned in the application for probate or letters of administration to appear before the court as witnesses.

263. Payment to executor or executrix or administrator or administratrix before probate or administration revoked

Where any probate is or letters of administration are revoked, all payments *bona fide* made to any executor or executrix or administrator or administratrix under the probate or administration before its revocation shall, notwithstanding the revocation, be a legal discharge to the person making the payments; and an executor or executrix or administrator or administratrix who has acted under any revoked probate or administration may retain and reimburse himself or herself in respect of any payments he or she made, which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

264. Appeals from orders of Chief Magistrate or Magistrate

Every order made by Chief Magistrate or Magistrate by virtue of the powers hereby conferred upon him or her shall be subject to appeal to the High Court under the civil procedure rules applicable to appeals.

Part XXXII – Executors or executrixes of their own wrong

265. Intermeddling and other acts

(1) A person who intermeddles in the estate of a deceased person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding ten years, or both and shall in addition to the penalty make good the loss occasioned to the estate.

(2) A person is taken to intermeddle with the estate of a deceased person where that person, while not being the Administrator General, an agent of the Administrator General or a person to whom probate or letters of administration have been granted to by court—

(a) takes possession or disposes of the property of a deceased person; or

(b) does any other act which belongs to the office of the executor or executrix, or administrator or administratrix.

(3) Notwithstanding subsection (1) a person may before grant of letters of administration or probate, take possession of the property of the deceased person for the purpose of—

(a) preserving the estate of a deceased person;

(b) providing for the funeral of the deceased person;

(c) providing for the immediate necessities of the family of the deceased person;

(d) preserving and ensuring the prudent management of the business of the deceased person, including preserving the goods of trade of the deceased person; or

(e) receiving money or other funds belonging to the deceased person, and any action done under this subsection shall not amount to intermeddling.

(4) The duration for which a person referred to in subsection (3) may take possession of the estate of the deceased person, is three months from the date of death of the deceased person or until the grant of letters of administration or probate, whichever first occurs.

(5) A person who takes possession of the estate of the deceased person under subsection (3) shall immediately report the particulars of the property and the action taken regarding that property to the Administrator General or the agent of the Administrator General.

(6) A person who has reason to believe that the person who has taken possession of the estate of a deceased person under subsection (3) has caused loss or damage to the estate may seek redress from the Administrator General or his or her agent.

(7) A person who takes possession of the property of the deceased person under subsection (3) and causes loss or damage to the property shall be personally liable for any loss occasioned to the estate and shall make good the loss occasioned to the estate.

(8) A person who takes possession of property of a deceased person beyond the time prescribed under subsection (4) commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term not exceeding ten years, or both.

(9) An executor or executrix who, before the grant of probate, misapplies the estate of the deceased person or subjects the estate to loss or damage, commits an offence and is liable, on conviction, to

a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

(10) In addition to the penalty prescribed under subsection (9), the person convicted under that subsection shall be liable to make good the loss occasioned to the estate.

(11) A person who has applied for grant of letters of administration under Part XXXI, who before the grant of letters of administration, misapplies the estate of the deceased or subjects it to loss or damage commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

(12) In addition to the penalty prescribed under subsection (11), the person convicted shall be liable to make good the loss occasioned to the estate.

266. Liability of executor or executrix of his or her own wrong

When a person has so acted as to become an executor or executrix of his or her own wrong, he or she is answerable to the rightful executor or executrix or administrator or administratrix, or to any creditor or legatee of the deceased, to the extent of the assets which may have come to his or her hands, after deducting payments made to the rightful executor or executrix or administrator or administratrix, and payments made in due course of administration.

Part XXXIII – Powers of executor or executrix or administrator or administratrix

267. Disposal of property

(1) Subject to sections 23 and 30(2), an executor, executrix or administrator or administratrix as may be applicable, may with the written consent of the surviving spouse and all the lineal descendants of the deceased person, dispose of the property of the deceased either wholly or in part.

(2) Where a beneficiary of the estate is a minor, the consent required in subsection (1) shall be given by the guardian of the minor and where the guardian of the minor is the executor or executrix or administrator or administratrix, the consent shall be granted by court.

(3) Where a surviving spouse, lineal descendant or a guardian of a minor withholds his or her consent to the disposal of the property belonging to a deceased person, the executor or executrix or administrator or administratrix, as the case may be, may apply to a court of competent jurisdiction for direction.

(4) For the purposes of subsection (3), court may, if satisfied that the disposal of the property is beneficial to the estate or to a beneficiary of the estate, authorise the sale of the property, with or without conditions.

(5) The executor, executrix or administrator or administratrix shall account for the proceeds of sale—

(a) in the case of a sale under subsection (1) or (4), to the beneficiaries; and

(b) in the case of a sale under subsection (2), to court.

(6) In disposing of property under this section, the first option shall be given to a beneficiary of the estate to purchase the property.

(7) An executor, executrix or administrator or administratrix shall not be eligible to purchase property of the estate, except were such executor, executrix or administrator or administratrix is a surviving spouse or lineal descendant, and has obtained the consent to purchase the property from the spouse or lineal descendant as the case may be.

(8) Any disposal of the property belonging to the estate of a deceased person in contravention of this section shall be void.

268. Powers of several executors or executrixes, etc. exercisable by one

(1) When there are several executors or executrixes or administrators or administratrices, the powers of all may, in the absence of any direction to the contrary, be exercised by any one of them who has proved the will or taken out administration.

(2) Notwithstanding subsection (1), where there is more than one executor or executrix, probate may, with the consent of all the other executors or executrixes, be granted to a sole executor or executrix or any other number of executors or executrixes as the case may be.

(3) Where in an estate with more than one executor or executrix or administrator or administratrix, a dispute arises between the executors or executrixes or administrators or administratrices or between the executor or executrix or an administrator or administratrix and a beneficiary of the estate, the dispute shall be referred for arbitration to the Registrar of the High Court or a Chief Magistrate.

(4) A person aggrieved by the decision of the Registrar or Chief Magistrate under this section may appeal against the decision in accordance with the law.

(5) The Chief Justice shall issue practice directives to regulate arbitration proceedings undertaken by a Registrar or Chief Magistrate under this section.

269. Survival of executors or executrixes or administrators or administratrices

Upon the death of one or more of several executors or executrixes or administrators or administratrices, all the powers of the office become vested in the survivors or survivor.

270. Administrator or administratrix of effects unadministered

The administrator or administratrix of effects unadministered has, with respect to those effects, the same powers as the original executor or executrix or administrator or administratrix.

271. Administrator or administratrix during minority

An administrator or administratrix during minority has all the powers of an ordinary administrator.

Part XXXIV – Duties of executor or executrix or administrator or administratrix

272. Deceased's funeral

It is the duty of an executor or executrix to perform the funeral of the deceased in a manner suitable to his or her condition, if the deceased has left property sufficient for the purpose.

273. Inventory and account

(1) An executor or executrix or administrator or administratrix shall, within six months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may from time to time appoint, exhibit in that court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or executrix or administrator or administratrix is entitled in that character; and shall in like manner within one year from the grant, or within such further time as the court may from time to time appoint, exhibit an account of the estate, showing the assets which have come to his or her hands, and the manner in which they have been applied or disposed of.

(2) On the completion of the administration of an estate, other than an estate administered under the Administration of Estates (Small Estates) (Special Provisions) Act, an executor or executrix or an

administrator or administratrix shall file in court the final accounts relating to the estate verified by an affidavit two copies of which shall be transmitted by the court to the Administrator General.

(3) The Chief Justice may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

(4) If an executor or executrix or administrator or administratrix, on being required by the court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he or she shall be deemed to have committed an offence under section 104 of the Penal Code Act.

(5) The exhibition by an executor or executrix or administrator or administratrix of an intentionally false inventory or account under this section shall be deemed to be an offence under section 81 of the Penal Code Act.

274. Property of deceased person

(1) An executor, executrix or administrator or administratrix shall manage, with reasonable diligence, the property of the deceased, and collect the debts that were due to the deceased at the time of his or her death.

(2) Debts incurred by the deceased against the principal residential property or any other residential property during marriage without the written consent of the spouse who prior to the death of the deceased person shared that principal residential property or any other residential property with the deceased, shall be void and shall be excluded from payment from the estate of the deceased person.

275. Expenses to be paid in priority

Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and deathbed charges, including fees for medical attendance, and board and lodging for one month previous to his or her death, are to be paid before all debts.

276. Expenses to be paid next after such expenses

The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and deathbed charges.

277. Wages and other debts

Wages due for services rendered to the deceased within three months preceding his or her death by any labourer, artisan or domestic servant are next to be paid, and then the other debts of the deceased.

278. All other debts to be paid equally and rateably

Except as provided in sections 275, 276 and 277, no creditor is to have a right of priority over another by reason that his or her debt is secured by an instrument under seal, or on any other account; but the executor or executrix or administrator or administratrix shall pay all such debts as he or she knows of, including his or her own, equally and rateably, as far as the assets of the deceased will extend.

279. Payment of debts where domicile not in Uganda

If the domicile of the deceased was not in Uganda, the application of his or her movable property to the payment of his or her debts is to be regulated by the law of Uganda.

280. Creditor paid in part to bring payment into account

A creditor who has received payment of a part of his or her debt by virtue of section 279 shall not be entitled to share in the proceeds of the immovable estate of the deceased unless he or she brings that payment into account for the benefit of the other creditors.

281. Debts to be paid before legacies

Debts of every description shall be paid before any legacy.

282. Executor or executrix, etc. not bound to pay legacies without indemnity

If the estate of the deceased is subject to any contingent liabilities, an executor or executrix or administrator or administratrix is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

283. Abatement of general legacies

If the assets, afterpayment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions; and the executor or executrix has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or herself or to any person for whom he or she is a trustee.

284. Non-abatement of specific legacy

Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

285. Demonstrative legacy when assets sufficient to pay debts and necessary expenses

Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, and the legatee has a preferential claim for payment of his or her legacy out of the fund from which the legacy is directed to be paid until the fund is exhausted, and, if, after the fund is exhausted, part of the legacy still remains unpaid, he or she is entitled to rank for the remainder against the general assets as for a legacy of the amount of the unpaid remainder.

286. Abatement of specific legacies

If the assets are not sufficient to answer the debts and specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

287. Legacies treated as general for purpose of abatement

For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity and the value of an annuity when no sum has been appropriated to produce it shall be treated as general legacies.

Part XXXV – Executor’s or executrix’s assent to legacy

288. Assent necessary to complete legatee’s title

The assent of the executor or executrix is necessary to complete a legatee’s title to his or her legacy.

289. Effect of executor's or executrix's assent to specific legacy

(1) The assent of the executor or executrix to a specific bequest shall be sufficient to divest his or her interest as executor or executrix in it, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

(2) The assent of the executor or executrix may be verbal, and it may be either express or implied from the conduct of the executor or executrix.

290. Conditional assent

The assent of an executor or executrix to a legacy may be conditional, and if the condition is one which he or she has a right to enforce and it is not performed, there is no assent.

291. Assent of executor or executrix to his or her own legacy

(1) When the executor or executrix is a legatee, the executor's or executrix's assent to his or her own legacy is necessary to complete his or her title to it, in the same way as it is required when the bequest is to another person, and that assent may in like manner be express or implied.

(2) Assent shall be implied, if, in his or her manner of administering the property, the executor or executrix does any act which is referable to his or her character of legatee, and is not referable to his or her character of executor or executrix.

292. Effect of executor's or executrix's assent

The assent of the executor or executrix to a legacy gives effect to it from the death of the testator or testatrix.

293. Payment of legacy, etc.

An executor or executrix is not bound to pay or deliver any legacy until the expiration of one year from the death of the testator or testatrix.

294. Partition

(1) A person beneficially interested in any immovable property vested in a personal representative may apply by petition to the court for a partition of it; and the court, if satisfied that the partition would be beneficial to all persons interested and would not be economically undesirable, may appoint one or more arbitrators to effect the partition.

(2) The report and final award of the arbitrators, setting forth the particulars of the immovable property allotted to each of the parties interested, shall, subject to any law or laws for the time being in force, when signed by them and confirmed by order of the court, be effectual to vest in each allottee the immovable property so allotted; and, if the allotment is made subject to the charge of any money payable to any other party interested for equalising the partition, the charge shall take effect according to the terms and conditions in regard to time and mode of payment and otherwise which shall be expressed in the award.

Part XXXVI – Payment and apportionment of annuities

295. Commencement of annuity when no time fixed by will

Where an annuity is given by a will, and no time is fixed for its commencement, it shall commence from the death of the testator or testatrix, and the first payment shall be made at the expiration of one year after that event.

296. When annuity to be paid periodically first falls due

Where there is a direction that an annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the death of the testator or testatrix, and shall, if the executor or executrix thinks fit, be paid when due; but the executor or executrix shall not be bound to pay it till the end of the year.

297. Successive payments when first payment directed to be made within given time

Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator or testatrix, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorises the first payment to be made; and, if the annuitant should die in the interval between the times of payment, an apportioned share of the annuity shall be paid to his or her representative.

Part XXXVII – Investment of funds to provide for legacies

298. Investment of sum bequeathed where legacy given for life

Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as are authorised by law, and the proceeds of the investment shall be paid to the legatee as the proceeds shall accrue due.

299. Investment of general legacy to be paid at future time

(1) Where a general legacy is given to be paid at a future time, the executor or executrix shall invest a sum sufficient to meet it in securities of the kind mentioned in section 298.

(2) The intermediate interest shall form part of the residue of the estate of the testator or testatrix.

300. Procedure when no fund charged with annuity

Where an annuity is given, and no fund is charged with its payment or appropriated by the will to answer it, a Government annuity of the specified amount shall be purchased; or if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as are authorised by law.

301. Transfer to residuary legatee of contingent bequest

Where a bequest is contingent, the executor or executrix is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee on his or her giving sufficient security for the payment of the legacy if it shall become due.

302. Investment of residue bequeathed for life

Where the testator or testatrix has bequeathed the residue of his or her estate to a person for life without any direction to invest it in any particular securities, so much of it as is not at the time of the death of the

testator or testatrix invested in such securities as are authorised by law shall be converted into money, and invested in those securities.

303. Investment in specified securities of residue bequeathed for life

Where the testator or testatrix has bequeathed the residue of his or her estate to a person for life, with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his or her death invested in securities of the specified kind shall be converted into money and invested in those securities.

304. Conversion and investment

The conversion and investment contemplated by sections 302 and 303 shall be made at such times and in such manner as the executor or executrix in his or her discretion thinks fit; and, until the conversion and investment are completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of four percent per year upon the market value, to be computed as at the date of the death of the testator or testatrix, of such part of the fund as has not yet been so invested.

305. Procedure when minor entitled to immediate payment or possession of bequest

(1) Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed but is a minor, and there is no direction in the will to pay it to any person on his or her behalf, the executor or executrix or administrator or administratrix shall pay or deliver it into the High Court or to the Chief Magistrate or the Magistrate, by whom the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, and that payment shall be a sufficient discharge for the money so paid.

(2) Such money, when paid in, may be invested as the judge or the Chief Magistrate or the Magistrate shall direct.

306. Procedure in respect of share of minor in estate of deceased

(1) Where a person entitled to a share under the will of the deceased or in the distribution of the estate of an intestate person is a minor, the executor or executrix or administrator or administratrix shall transfer and deliver the share of the minor to the guardian of the minor.

(2) The guardian of the minor shall manage the property delivered to him or her under subsection (1) in a prudent manner and shall—

(a) apply the property for the benefit of the minor;

(b) take steps to safeguard the property of the minor from loss or damage; and

(c) make an account for the property of the minor, every year to the surviving parent if any, court or any other person as court may direct.

(3) Except where there is an order of court to the contrary, the guardian shall within six months of the minor attaining the age of eighteen years, transfer all the property in his or her custody to the minor.

(4) Notwithstanding subsection (3), a guardian or any other person who considers that a person to whom property is to be transferred under the subsection is not fit to administer his or her property, the guardian or such other person may apply to court to determine the suitability of the person to manage his or her property.

Part XXXVIII – Produce and interest of legacies

307. Legatee's title to produce of specific legacy

(1) Subject to subsection (2), the legatee of a specific legacy is entitled to the clear produce of it, if any, from the death of the testator or testatrix.

(2) A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator or testatrix and the vesting of the legacy, and that produce forms part of the residue of the estate of the testator or testatrix.

308. Residuary legatee's title to produce of residuary fund

(1) Subject to subsection (2), the legatee under a general residuary bequest is entitled to the produce of the residuary fund from the death of the testator or testatrix.

(2) A general residuary bequest, contingent in its terms, does not comprise the income which may accrue upon the fund bequeathed between the death of the testator or testatrix and the vesting of the legacy, and that income goes as undisposed of.

309. Interest

Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the death of the testator or testatrix; except that where—

(a) that legacy is bequeathed in satisfaction of a debt;

(b) the testator or testatrix was a parent or a more remote ancestor of the legatee of such legacy, or has put himself or herself in the place of a parent of such legatee; or

(c) a sum is bequeathed to a minor with a direction to pay for his or her maintenance out of it,

interest is payable from the death of the testator or testatrix.

310. Interest when time fixed for payment

Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed, and the interest up to that time forms part of the residue of the estate of the testator or testatrix; except that where the testator or testatrix was a parent or a more remote ancestor of the legatee, or has put himself or herself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator or testatrix, unless a specific sum is given by the will for maintenance.

311. Rate of interest

The rate of interest shall be four percent per year.

312. No interest on arrears of annuity within first year

No interest is payable on the arrears of an annuity within the first year from the death of the testator or testatrix, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

313. Interest on sum invested to produce annuity

Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator or testatrix.

Part XXXIX – Refunding of legacies

314. Refund of legacy paid under judge's orders

Where an executor or executrix has paid a legacy under the order of a judge, he or she is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

315. No refund if paid voluntarily

Where an executor or executrix has voluntarily paid a legacy, he or she cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

316. Refund when legacy has become due on performance of condition

When the time prescribed by a will for the performance of a condition has elapsed without the condition having been performed and the executor or executrix has thereupon, without fraud, distributed the assets, in such case, if further time has been allowed under section 120 for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor or executrix, but those to whom he or she has paid it are liable to refund the amount.

317. When each legatee compellable to refund in proportion

When the executor or executrix has paid away the assets in legacies, and he or she is afterwards obliged to discharge a debt of which he or she had no previous notice, he or she is entitled to call upon each legatee to refund in proportion.

318. Distribution of assets

Where an executor or executrix or administrator or administratrix has given such notices as would have been given by the High Court in an administration suit for creditors and others to send into him or her their claims against the estate of the deceased, he or she shall, at the expiration of the time named in the notices for sending in claims, be at liberty to distribute the assets, or any part of them, in discharge of such lawful claims as he or she knows of, and shall not be liable for the assets so distributed to any person of whose claim he or she shall not have had notice at the time of the distribution; but nothing in this section shall prejudice the right of any creditor or claimant to follow the assets, or any part of them, in the hands of the persons who may have received them.

319. Creditor may call upon legatee to refund

A creditor who has not received payment of his or her debt may call upon a legatee who has received payment of his or her legacy to refund, whether the assets of the estate of the testator or testatrix were or were not sufficient at the time of the death of the testator or testatrix to pay both debts and legacies, and whether the payment of the legacy by the executor or executrix was voluntary or not.

320. When legatee not satisfied, or compelled to refund, cannot oblige one paid in full to refund

If the assets were sufficient to satisfy all the legacies at the time of the death of the testator or testatrix, a legatee who has not received payment of his or her legacy, or who has been compelled to refund under section 319, cannot oblige one who has received payment in full to refund, whether the legacy was paid to him or her with or without suit, although the assets have subsequently become deficient by the wasting of the executor or executrix.

321. When unsatisfied legatee must first proceed against executor or executrix, if solvent

If the assets were not sufficient to satisfy all the legacies at the time of the death of the testator or testatrix, a legatee who has not received payment of his or her legacy must, before he or she can call on a satisfied legatee to refund, first proceed against the executor or executrix, if he or she is solvent; but, if the executor or executrix is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

322. Limit of refunding of one legatee to another

The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

323. Refunding without interest

The refunding shall, in all cases, be without interest.

324. Residue to be paid to residuary legatee

The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

325. Transfer of assets from Uganda to executor or executrix or administrator or administratrix in country of domicile for distribution

Where a person not having his or her domicile in Uganda has died leaving assets both in Uganda and in the country in which he or she had his or her domicile at the time of his or her death, and there has been a grant of probate or letters of administration in Uganda with respect to the assets there, and a grant of administration in the country of domicile with respect to the assets in that country, the executor or executrix or administrator or administratrix, as the case may be, in Uganda, after having given such notices as are mentioned in section 318, and after having discharged, at the expiration of the time named in the notices, such lawful claims as he or she knows of, may, instead of himself or herself distributing any surplus or residue of the deceased's property to persons residing out of Uganda who are entitled to it, transfer, with the consent of the executor or executrix or administrator or administratrix, as the case may be, in the country of domicile, the surplus or residue to that executor or executrix or administrator or administratrix for distribution to those persons.

326. Procedure where deceased has left property in a court of a country other than Uganda

(1) A person applying to the High Court for a grant of probate or letters of administration shall, if at that time or at any time after he or she has reason to believe that the deceased has left property in a court of a country other than Uganda, notify the court to that effect.

(2) The court may, at the time of granting probate or letters of administration, or at any time after that, on being notified of the existence of property belonging to the deceased in either a country other than Uganda, order that no claims other than claims entitled to priority be paid until the expiration of a period not exceeding eighteen months from the making of the order.

(3) A statement duly certified by a court of a country other than Uganda, and filed in the High Court of Uganda within the period ordered under subsection (2), showing the assets and liabilities of the estate of a deceased person within the respective jurisdictions of those courts, may be taken into account by an executor or executrix or administrator or administratrix in Uganda, and the court may order that the assets be distributed in such manner as to secure the payment of all claims, other than those entitled to priority, rateably with those certified by a court of a country other than Uganda as under this subsection.

(4) The court may order that any balance remaining in the hands of an executor or executrix or administrator or administratrix after payment of claims in Uganda, whether in full or rateably under the provisions of this section, may be transmitted in whole or in part to an executor or executrix or administrator or administratrix of the estate in a country other than Uganda.

(5) An executor or executrix or administrator or administratrix or administratrix acting in good faith under an order of the court as aforesaid shall not be liable to be sued in respect of that action.

Part XL – Liability of executor or executrix or administrator or administratrix for devastation

327. Liability of executor, executrix, administrator or administratrix for damage or loss to estate

(1) An executor, executrix, administrator or administratrix who—

(a) misapplies the estate of the deceased person;

(b) misappropriates or fails to account for the proceeds accruing to the estate of a deceased person or to a beneficiary of the estate; or

(c) subjects the estate or a beneficiary to loss or damage, commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term of three years, or both.

(2) The court shall in addition to the penalty under subsection (1) order the person to make good the loss or damage occasioned to the estate or the beneficiary.

328. Liability of executor or executrix or administrator or administratrix for neglect

(1) An executor, executrix or administrator or administratrix who occasions loss to the estate by neglecting to do an act or omission which causes loss to the estate of a deceased person or to a beneficiary under the estate of a deceased person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or to imprisonment for a term of three years, or both.

(2) The court may in addition to any penalty imposed under subsection (1), order the person to make good the loss or damage occasioned to the estate or beneficiaries.

329. Beneficiary's estate not to form part of payment

(1) A person who acts on behalf of a beneficiary of an estate in any matter shall not acquire any part of the interest of the beneficiary in the estate as payment for the services rendered.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one hundred twenty currency points or to imprisonment for a term not exceeding five years, or both.

Part XLI – Miscellaneous

330. Power of Attorney General to exempt any class of persons from operation of Act

(1) The Attorney General shall have power from time to time, by statutory order, either retrospectively from the passing of this Act, or prospectively, to exempt from the operation of the whole or any part of this Act, any class or classes of persons, in Uganda, or any part or parts of any such class or classes to whom he or she may consider it impossible or inexpedient to apply the provisions of this Act, or of the part of the Act mentioned in the order.

(2) The Attorney General shall also have power from time to time by statutory order to revoke any order made under subsection (1), but not so that the revocation shall have any retrospective effect.

331. Surrender of revoked probate or letters of administration

(1) When a grant of probate or letters of administration is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up the probate or letters to the court which made the grant.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seventy two currency points or to imprisonment for a term of three years, or both.

(3) The court may in addition to any penalty imposed under subsection (2), order the person to make good any loss or damage occasioned to the estate or to the beneficiary under this section.

332. Application of Act to Defence Forces

Nothing in this Act shall in any way affect any provisions as to distribution or intestacy contained in regulations made under the Uganda Peoples' Defence Forces Act.

333. Places appointed for custody of wills of living persons

(1) The offices of the Chief Registrar and Deputy Registrar of the High Court are appointed places for the safe custody of the wills of living persons.

(2) The Attorney General may, by statutory instrument, appoint any other place or places for the same purpose.

334. Power to make rules prescribing fees and other matters

The Chief Justice shall have power with the approval of the Attorney General to make rules concerning the following matters—

(a) prescribing the fees to be paid on the deposit or withdrawal of a will;

(b) the formalities to be observed on deposit or withdrawal of a will;

(c) generally for better carrying into effect the provisions of this Act.

335. Application of sections 30 to 33

Sections 30, 31, 32 and 33 shall apply to every will made on or after the 26th day of January, 1971.

336. Power to amend Schedule 1

The Minister may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

337. Application of Act to actions taken before the 31st day of May, 2022

(1) Sections 22 and 23 shall apply to the estate of a deceased person who died on or after 5th April 2007, where the estate of that deceased person is not distributed by the 31st day of May, 2022.

(2) A grant of probate or letters of administration issued by a court of competent jurisdiction before the 31st day of May, 2022, shall remain in force for a period of three years from the 31st day of May, 2022.

(3) A grant of probate or letters of administration issued to the Administrator General before the 31st day of May, 2022, shall remain in force for a period of five years from the 31 st day of May, 2022.

(4) The duration of a grant of probate or letters of administration referred to in subsections (2) and (3) may, on application to court by the executor or executrix or an administrator or administratrix of an estate, be extended for a reasonable period determined by court.

(5) Section 47(1)(c) shall not apply to a will made before the 31st day of May, 2022.

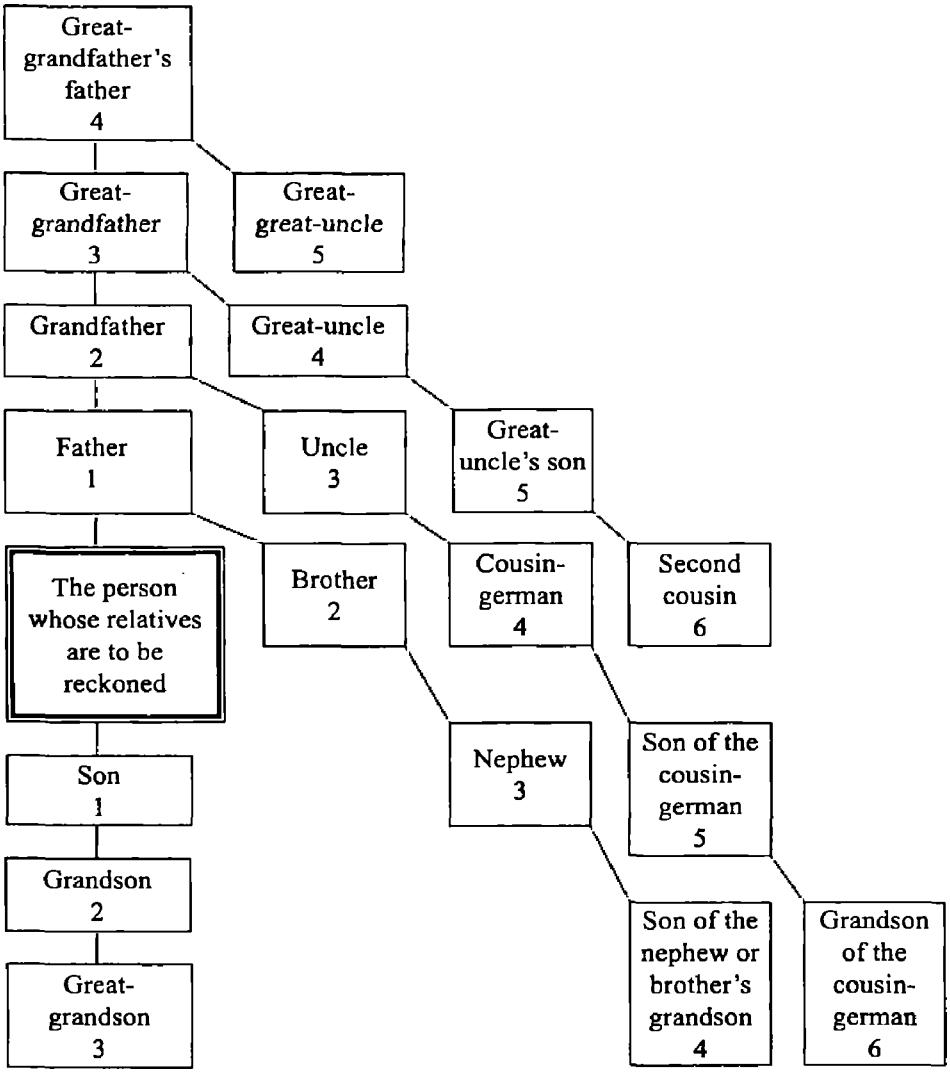
Schedule 1 (Sections 2, 336)

Currency point

A currency point is equivalent to twenty thousand shillings

Schedule 2 (Section 19(1))

Table of Consanguinity



Schedule 3 (Sections 22(3), 30(2))

Rules relating to occupation of residential holdings

1. **Persons entitled to occupation**

In the case of a residential holding occupied by an intestate prior to his or her death as his or her principal residence, the following categories of persons, who were normally resident in the residential holding shall be entitled to occupy it—

(a) the spouse of the intestate person;

(b) a minor child of the intestate person, and where the child attains eighteen years of age he or she shall be eligible under paragraphs (c) or (d) as may be applicable;

(c) a lineal descendant who is above eighteen years of age, who is undertaking studies; and

(d) a lineal descendant who is by reason of mental or physical disability, incapable of maintaining himself or herself, until the cessation of the disability.

2. **Rights of cultivation, etc.**

A spouse or child who normally cultivated, farmed or tilled any land adjoining a residential holding owned by an intestate prior to his or her death shall have the right to cultivate, farm and till the land as long as he or she continues to be resident.

3. **Procedure where minor entitled**

Where a child or children are entitled to occupation under paragraph 1 and in fact occupy a residential holding, the person legally entitled to the custody of the child or of the majority of the children shall either himself or herself occupy or appoint some other suitable adult person or persons to occupy the residential holding for so long as any such child or any of such children continue to do so and the person so occupying shall be subject to the duties and liabilities of an occupier hereunder; except that in default of occupation by the person entitled to custody or his or her appointee, a magistrate may, on application of the personal representative or any person interested or on his or her own motion, appoint a person or persons to occupy as aforesaid.

4. **Certificate of occupancy**

Upon being satisfied by affidavit or otherwise that the person, if any, properly entitled to occupation hereunder has taken occupation of the residential holding with a *bona fide* intention to continue the occupation or that there is no person entitled to occupation, the court shall issue a certificate in the Form specified in Schedule 5 to this Act to the personal representative and a duplicate of the certificate to the occupant, if any.

5. **Assent**

The personal representative may assent in writing to the vesting of the residential holding or part of it in such person or persons as may be entitled to it under this Act subject if appropriate to occupancy of the residential holding in accordance with these Rules, but any writing purporting to effect the assent shall be void unless the certificate issued under paragraph 4 of this Schedule is recited in the writing and the certificate or a certified copy of it is annexed to the writing; except that a purchaser for value from the personal representative without notice shall not be concerned to see whether the certificate has been issued or not.

6. **Registration**

(1) Occupancy of a residential holding hereunder shall be deemed to be an interest in land capable of protection by a caveat under the Registration of Titles Act, and the interest of any other person in the residential holding shall be subject to that interest and shall be incapable of alteration subject to that interest; but the occupancy shall not be a tenancy.

(2) The occupancy referred to in subparagraph (1) shall not prevail against a mortgagee under a mortgage created before the death of the intestate.

7. **Residential holding subject to covenants, etc.**

The occupant of a residential holding shall be bound by all covenants, conditions and encumbrances to which the residential holding or any part of it was subject at the death of the intestate and, in addition, shall perform and observe the following stipulations and conditions—

(a) the occupant shall pay and discharge all existing and future rates, taxes, charges, duties, assessments and outgoings rated, charged, imposed or assessed upon the residential holding or upon its owner or occupier and shall pay the rent and other payments reserved by the lease, if any, under which the residential holding is held;

(b) the occupant shall keep all buildings at any time situated on the residential holding and all sewers and drains and the hedges, fences and walls of the residential holding in good and tenantable repair and condition and decoration, fair wear and tear only excepted; except that the occupant shall be under no obligation to put the buildings in a better condition they were in at the death of the intestate;

(c) the occupant shall not assign, let, charge or part with or share possession of the residential holding or any part of it;

(d) the occupant shall permit the person entitled to the legal estate in the residential holding subject to the occupancy or his or her duly authorised agent with or without workers and others at reasonable times to enter upon and examine the condition of the residential holding, and thereupon such person may serve upon the occupant notice in writing specifying any repairs necessary to be done and require the occupant forthwith to execute the repairs; and if the occupant shall not within two months after service of the notice proceed diligently with the execution of the repairs, then the occupant shall permit such person to enter upon the residential holding and execute the repairs and the cost of the repairs shall, if the occupant continues to occupy the residential holding, be a debt due from the occupant to such person and be forthwith recoverable by action;

(e) the occupant shall farm any land on the residential holding which is usually so farmed in a good and husbandlike manner and so as not to impoverish or deteriorate the land and shall keep and leave the land in good heart and condition;

(f) the occupant shall not cut or fell any timber on the residential holding without the consent of the person entitled to the legal estate subject to the occupancy except such as may be reasonably required for domestic purposes by the occupant;

(g) the occupant shall not build or permit or suffer to be built or erected any building on the residential holding nor make any additions or alterations to any buildings on the residential holding without the consent of the person entitled thereto subject to the occupancy;

(h) upon the receipt of any notice, order, direction or other thing from any competent authority affecting or likely to affect the residential holding or any part of it, whether the same shall be served directly on the occupant or the original or a copy of it be received from any other person, the occupant will so far as the notice, order, direction or other thing or the Act, regulations or other instrument under or by virtue of which it is issued or the provisions of this paragraph require him or her so to do, comply therewith at his or her own expense and will forthwith deliver to the person entitled to the legal estate subject to the occupancy a copy of the notice, order, direction or other thing;

(i) the occupant shall not do or permit or suffer to be done anything in or upon the residential holding or any part of it which may be or become a nuisance or annoyance or cause damage or inconvenience to the person entitled to the legal estate subject to the occupancy or to the neighbourhood or by which any insurance for the time being effected on the residential holding may be rendered void or voidable or by which the rate of premium on it may be increased;

(j) the occupant shall not without consent of the person entitled to the legal estate subject to the occupancy use the residential holding or any part of it for any other purposes than the purpose for which it was used immediately prior to the death of the intestate;

(k) upon the termination of the occupancy the occupant shall yield up the residential holding and all additions to it and all fittings and fixtures on it in good and tenantable repair in accordance with the stipulation in that behalf set out in this section.

8. **Termination by events**

(1) The occupancy of a residential holding hereunder shall be terminated automatically on the happening of any of the following events—

(a) where the occupant is a spouse, upon remarriage or upon the spouse voluntarily leaving the principal residence or misusing it and putting it in disrepute;

(b) upon the death of the occupant or all the occupants;

(c) where the occupant is a minor of the intestate person, upon the attainment of eighteen years of age and on attainment of eighteen years of age, where applicable, subparagraph (1)(d) or paragraph 8(2) shall apply, as the case may be;

(d) where the occupant is a lineal descendant of the intestate person and is above eighteen years of age but below twenty five years of age at the time of the death of the intestate person, upon the attainment of twenty five years of age ceasing to undertake studies or on becoming married, whichever first occurs;

(e) upon the occupant or occupants ceasing to occupy the residential holding for a continuous period of six months;

(f) upon surrender in writing signed by the occupant if adult or endorsed by the court if the occupancy is by a minor or minors; except that where any child or children of the description contained in paragraph 1 was or were resident with and dependent upon the occupant at the residential holding immediately before such event, the occupancy shall not terminate but the child or children shall succeed to it.

(2) Where the intestate person is survived by a lineal descendant who has a disability specified in paragraph 1 (1)(d) and who is dependent on the intestate person for his or her livelihood, the lineal descendant who has a disability shall be entitled to occupy the principal residential holding for the duration of his or her lifetime, except where provision for the accommodation of that lineal descendant, at the same station in life, is made.

9. **Termination by court order**

(1) Any court having jurisdiction over the residential holding, having regard to its value upon application by the registered proprietor for the time being of the holding or any part of it, may order the termination of the occupancy of the residential holding or any part of it upon proof of existence of any one or more of the following grounds—

(a) that the occupant has persistently failed to comply with one or more of the provisions of paragraph 7;

(b) that suitable alternative accommodation is available for the occupant and any persons resident with and dependent on the occupant who would suffer no hardship by occupying the alternative accommodation instead of the residential holding;

(c) that no hardship would be occasioned to the occupant or any person resident with and dependent upon the occupant if the occupant is paid a sum of money to be assessed by the court instead of being permitted to occupy the residential holding or part of it as the case may be and the applicant will immediately pay that sum to the occupant.

(2) The court shall not be bound to order the termination even where someone or more grounds as above exist.

(3) Where such application is made within one year from the death of the intestate and where there is any other person or persons who would have been entitled to occupancy but for the existence of the occupant, such person or persons shall be made party to the suit and the court may, after hearing such evidence in the matter as may be presented, order that the occupancy shall pass from the occupant to such person or one or more of such persons.

(4) A person entitled to occupancy under this paragraph who is aggrieved by the decision of the court may within thirty days appeal against the court's order.

10. **Offences**

Any person who, prior to the issuance of a certificate under paragraph 4, evicts or attempts to evict from or does any act calculated to persuade or force any spouse or child of the intestate to quit a residential holding, who normally resided there at the date of death of the intestate, commits an offence and is liable, on conviction to a fine not exceeding seventy two currency points or to imprisonment for a term not exceeding three years, or both.

Schedule 4 (Section 38)

Statutory Will Form

The Succession Act

<table>
<tr><td rowspan="2">1.</td><td rowspan="2">Name of person making will</td><td colspan="2">Name</td></tr>
<tr><td colspan="2">Address</td></tr>
<tr><td>2.</td><td>Names of executors or executrixes</td><td colspan="2"></td></tr>
<tr><td>3.</td><td>Appointment of heir or heiress</td><td colspan="2"></td></tr>
<tr><td>4.</td><td>Name of guardian or guardian of young children</td><td colspan="2"></td></tr>
<tr><td rowspan="2">5.</td><td rowspan="2">Names of persons who are given specific gifts in this will (which can be money, land or other property)</td><td>Names</td><td>Property given</td></tr>
<tr><td></td><td></td></tr>
</table>

6.	Names of persons who are given a share in the will maker's property or if gifts have been given in paragraph 5 the property left after the gifts have been given	Names	Share given
7.	Signature or mark of will maker		
8.	Signatures or marks of two witnesses and their names, addresses and occupations	Witness 1	
		Signature or mark	
		Name	
		Address	
		Occupation	
		Witness 2	
		Signature or mark	
		Name	
		Address	
		Occupation	

Schedule 5

Form

[Edditorial note: The form has not been reproduced.]