

THE JUDICATURE ACT.

Statutory Instrument 13—7.

The Judicature (Administration of Estates) Rules.

Arrangement of Rules.

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THE JUDICATURE ACT.

Statutory Instrument 13—7.

The Judicature (Administration of Estates) Rules.¹

(Under sections 48(1)(d) of the Act.)

1. Citation.

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

2. Notice of intention to apply.

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

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

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

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

4. Proof of publication.

Publication of the notice of intention to apply shall be proved by production, at the time of the application to the court, of the relevant copies of the Gazette and newspaper, and of a copy of the notice or notices which have been posted, endorsed with a certificate of the date of posting by the registrar

¹See the footnote to S.I. 13-2.

or by the magistrate, as the case may be.

5. Form of notice.

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

6. Saving as to Administrator General.

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

7. Bond under section 260 of the Succession Act.

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

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

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

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

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

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

10. Investments authorised by High Court.

Where it is provided by the Succession Act that any sum or sums of money shall be invested in any such securities as the High Court may by special order or by any general rule to be made from time to time authorise or direct, such sum or sums shall, unless the court shall otherwise direct, be invested

in any security authorised by section 3 of the Trustees Act, or any statutory amendment of that Act or substitution for that Act, for the investments of trust funds.

11. Saving.

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

SCHEDULES

First Schedule.

rule 5.

Form of Notice.

In the High Court of Uganda at Kampala.

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

To All Whom It May Concern:

Take notice that an application has been lodged in this court by _____ of _____ District/Area, Uganda, for probate of the will/letters of administration² to the estate of the above-named deceased.

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

Dated at Kampala this _____ day of _____, 20 ____

Petitioner or Advocate

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

²Strike out if inapplicable.

Second Schedule.

rule 7.

Administration Bond with Surety.

In the High Court of Uganda at Kampala.

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

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

Sealed with our seals.

Dated the _____ day of _____, 20 ____

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

Signed, sealed and delivered by the
within named _____

In the presence of _____

Third Schedule.

rule 9.

Form of Account.

In the High Court of Uganda at Kampala.

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

Final account lodged by _____
of _____

Executor/Administrator of the Above
Estate

Assets.

Date _____, 20 ____

Item

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

Liabilities.

Date _____, 20 ____

Item

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

Distribution account.

History: S.I. 41-4.

Cross References

Administrator General's Act, Cap. 157.

Succession Act, Cap. 162.

Trustees Act, Cap. 164.
