

To: All Registrars
All Magistrates

Cc : The Hon. The Ag. Chief Justice
The Hon. The Principal Judge
Permanent Secretary, Ministry of Defense
Permanent Secretary, Ministry of Public Service
The Chief Registrar

Date: 8th October, 2014

Re: Recommendations/Action Plan for the Fast Tracking of Letters of Administration/ Probate for 4,239 Survivors of Deceased UPDF Soldiers.

On the 3rd of October, 2014, a Sensitization workshop attended by among others, Chief Administrative Officers (CAOs), Town Clerks, UPDF Officers, Chief Magistrates and other Magistrates, took place at Silver Springs Hotel, Kampala.

The purpose of the Workshop was to discuss and find a way forward in fast tracking the processing of Letters of Administration/Probate of 4,239 beneficiaries of deceased UPDF Soldiers, who had been struck off the Pensions/Benefits payroll because the Auditor General raised a query on the basis that they did not possess Letters of Administration or Probate.

A special Statutory Instrument has accordingly been issued to address their case. During the Workshop, a plan of action was charted.

I would like to highlight the role that the Judicial Officer is expected to play in this exercise:-

1. Receive the applications and cause them to be placed on the Court Notice Board for duration of 7 days after which Letters of Administration/Probate shall be issued. The CAO shall issue a letter of recommendation to the applicant detailing how the benefits are to be shared among the beneficiaries.
2. The application does not attract a Court Fee.

3. Work closely with all the Stakeholders, that is to say the CAO, UPDF Officers on ground, in situations where it is called for.
4. Adhere to the timelines set out in the Plan of Action accompanying this communication.
5. Where the workload appears to be too heavy for the Judicial Officer, please contact the Office of the Chief Registrar for the necessary manpower support.

The UPDF is working out a modest operational fund for this activity.

For any inquiries, please contact the following numbers; Mr. Tom Chemutai on 0782-678820 and Mr. Muhereza Allan on 0772-621661.

Tom Chemutai,
For Chief Registrar.

Recommendations/Resolutions made during the sensitization on the fast tracking of Letters of Administration, Probate for the survivors of UPDF soldiers, held on the 3rd October, 2014

The following were the recommendations/resolutions of the meeting:

I. Claimants who were ahead of the process and had already filed applications for letters of administration would continue with the normal process for obtaining these letters. It was clarified that the new procedure was temporary and its purpose was to fast-track the process for those who had not yet applied for letters of administration.

II. There would be no fees charged for the obtaining of probate/letters of administration and all fees except commissioning fees had been waived.

III In view of the timeframe for reinstating suspended payments to the claimants, the Ministry of Defence should liaise with the Ministry of Education and Sports to allow affected students to sit for their examinations and their payments made later after they have been processed.

IV. Applications for probate/letters of administration for survivors of fallen combatants will be made only in the home district of the deceased soldier to avoid multiple applications being filed concurrently in several districts at the same time. Information recorded in the deceased's files will be used to determine their home districts.

V. Information should be widely disseminated by the UPDF Officers and Zonal Pensions Officers through the local government structures so that legitimate claimants are sensitized.

VI. Revocation of letters of Administration will be on the advice of the Magistrate after consideration of the cases brought before court.

VII. Chief Administrative Officers will convene family meetings with a view to enable family members reach resolutions on how benefits are to be shared. Children in school will be appropriately represented in family meetings they are unable to attend. UPDF Zonal Pensions Officers will ensure that family meetings are held.

VIII. UPDF will bear the cost of printing all forms.

IX. Magistrates should verify applications on their own merit before granting probate/letters of administration. Magistrates shall advise claimants to withdraw applications made in the old system only if they are incurably defective and thereafter advise claimants to reapply following the new procedure.

X. Probate/letters of administration will be issued in triplicate and a copy will be provided to the UPDF Zonal Pensions Officer for forwarding to the center to avoid further delays.

XI. The UPDF would carry out verification of all claims using information in its database prior to any payments.

XII. Probate/ letters of administration shall be limited to “Death benefits, Pensions and Gratuities” of deceased soldiers. Existing probate/letters of administration in respect of the estate of a deceased soldier will take priority over letters granted during this exercise.

XIII. To obtain letters of administration for the entire estate of the deceased, the normal procedure for obtaining these letters will be followed.

XIV. Magistrates should find a way to prevail on their attendants and clerks to desist from engaging in malpractices that give the Judiciary a bad name. Magistrates should display at court notice boards notices that their services are free of charge to the public. Magistrates should also be proactive and available to know what is happening around the courts.

XV. The action plan for fast-tracking the processing of probate/letters of administration was adopted. The action-plan is attached overleaf.

ACTION PLAN

Major Activity	Action	Objective	Responsibility	Time frame	Remarks
Field work	Hold family meetings Reach resolution	To nominate administrator(s) and assist the nominated representative of the estate to complete the documentation required by the magistrate and reach a memorandum of understanding in respect of the distribution of the death gratuity and pension payments	The CAO and the family members .	6 th – 13 th October 2014	
	File applications with Magistrates courts	To apply for probate/letters of administration.	Nominated applicant	7 th – 14 th October 2014	
	Notice of applications.	To inform the public about application for probate/LOA	Magistrate.	7 th -21 st October	
	Presentation/Identification of the applicant(s)	To ensure that probate/letters of administration are issued to the right person(s)	Magistrate	13 th – 24 th October 2014	
Granting of probate/letters of administration	Signing and sealing of probate/letters of administration	To issue probate/letters of administration	Magistrate	14th - 28th October 2014	
Transmission of copy of probate/letters of administration to MOD.	Delivery of letters of probate/ letters of administration from respective magistrates courts	To build a database of administrators of estates	UPDF Zonal officers	31st Oct 2014	