



**LATEST LAWS AND AMENDMENTS ON ESTATES AND SUCCESSION  
MANAGEMENT IN UGANDA**

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## **INTRODUCTION**

The management of estates, especially after death, is essential in ensuring the orderly transfer of property and assets. In Uganda, the legal framework governing estate and succession management is contained primarily in the Succession Act, Cap. 162 which has undergone significant developments in recent years. These developments aim to enhance efficiency, fairness, and transparency in the process of succession management.

## **HISTORICAL DEVELOPMENT OF SUCCESSION LAWS IN UGANDA**

### ***Succession Ordinance 1906***

Uganda's law of Succession has its roots in the Succession Ordinance of 1906, which was originally derived from English Law. This Ordinance introduced British models of succession and inheritance into Uganda, governing all cases of intestate or testamentary succession. The Ordinance however excluded the estates of native Ugandans from its provisions, as well as the Estates of Mohammadans from Part V of the Ordinance, which dealt with the distribution of an intestate's property. Consequently, the Ordinance inadequately addressed testate succession and fell short in addressing the various interests in an intestate's property, leaving Ugandans to rely on customary and cultural practices of succession, despite their limitations. The Ordinance also discriminated against illegitimate children and relatives, placing them in a secondary position unless they had already acquired such a status at the time of the will's writing or the intestate's death.

The Succession Ordinance allowed for the application of religious and customary law by natives in matters of succession. Consequently, African religious (Muhammadan) and customary practices continued to influence decision-making in these matters. Those Africans who preferred the customary approach to succession continued to apply customary practices alongside the statutory law, laying the foundation for the legal pluralism that characterises Uganda's law of succession at the time.

Regarding testate succession, the Ordinance assumed that only husbands had the authority to make a Will and appoint a testamentary guardian for their children. The widow of an intestate was entitled to one-third (1/3) of the estate, while two-thirds went to lineal descendants.

The Succession Ordinance 1906 became the Succession Act, Cap. 139 in 1964 Edition of the Law of Uganda.

### **Succession (Amendment) Decree,1972**

In response to the deficiencies of the Succession Ordinance of 1906, the law underwent amendments in 1972 through the Succession (Amendment) Decree. The introduced changes aimed to address succession management in estates of individuals who died intestate and imposed restrictions on the disposal of property through wills. The amended law recognised the rights of both illegitimate and adopted children, expanding the definition of "child" to include all three categories: legitimate, illegitimate, and adopted.

The decree introduced the concept of dependant relatives as beneficiaries to a deceased person's estate and acknowledged polygamy, as well as the customary and legal Heir. In terms of selecting a legal heir, the decree emphasised a preference for males. Additionally, during intestacy, the matrimonial home received protection and was excluded from the estate for distribution. The widow's share was reduced to 15%, a decrease from the 30% stipulated in the Succession Ordinance of 1906. It further specified that each category of lineal descendant, wives, and dependant relatives were entitled to an equal share of the deceased's estate. If a child of the deceased survived, they would inherit the deceased lineal descendant's share.

The Decree's schedule set out that the widow's occupancy of the matrimonial home would be terminated upon remarriage, while the widower was allowed to remarry and maintain occupancy. Furthermore, preference was given to the father's side when appointing a statutory guardian for minor children.

It is important to note that many of these provisions exhibited significant gender-based discrimination, placing women in a subordinate position to men. These provisions later faced criticism for failing to align with the constitutional principle of equality between genders, necessitating reconciliation with the Constitution.

### **Succession Act, Cap. 162**

Cap. 162 (2000 Revision) consolidated the Succession (Amendment) Decree, 1972 and the Succession Act, Cap. 139 of 1964 Edition of the Laws of Uganda. Although Uganda's Succession Act, Cap. 162 was intended to align with the aspirations of the people, the Act still had similarities to the previous Succession (Amendment) Decree, which had its gaps and anomalies. Recognising the need to address these long-standing issues, the current Succession Act underwent a review. Various studies, such as the Kalema Commission of Inquiry<sup>1</sup>, Ministry of Gender and Community Development study<sup>2</sup>, Ministry of Women in Development, Culture, and Youth, and the Uganda Law Reform Commission

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<sup>1</sup> The Report of the Commission on Marriage, Divorce and Status of Women, 1965.

<sup>2</sup> A Study of Women and Inheritance in Bushenyi District, Project Paper No. 4 July 1994.

(ULRC) secondary study<sup>3</sup>, were conducted, highlighting the challenges within the law and practices of succession.

One of the key findings from these studies was that cultural and traditional practices were often favoured over the formal provisions of the law. The discriminatory nature of the law's provisions was also evident, and the implementation of the Act faced challenges due to a lack of awareness among members of communities. Additionally, concerns were raised about the centralisation of the office of the Administrator General, the inadequacy of penalties, and the complex and costly procedure for acquiring probate and letters of administration. In response to these concerns, the ULRC's Domestic Relations Study, 2003 recommended comprehensive reform of the law of succession in Uganda.

Uganda is committed to upholding international and regional legal instruments that promote equality and non-discrimination. As a signatory to the African Charter on Human and Peoples Rights (ACHPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the Universal Declaration on Human Rights (UDHR), Uganda has an obligation to eliminate discriminatory provisions from its laws. The CEDAW, in particular, requires state parties to not only prohibit discrimination but also take affirmative steps to achieve gender equality. The African Charter and the Women's Protocol to the African Charter also prohibit discrimination against women. It was recognised that the Succession Act as it was then, did not align with these international and regional obligations.

In light of these findings and commitments, it was imperative to reform the law of succession in Uganda to ensure equality, eliminate discrimination, and fulfill the country's obligations under international and regional legal instruments.

## **REFORM OF THE SUCCESSION ACT CAP. 162**

In 2014, the Uganda Law Reform Commission conducted studies on various succession related laws, including the Succession Act, Cap. 162, the Administrator Generals Act, Cap. 157, the Estates of Missing Persons (Management) Act, Cap. 159, the Administration of Estates (Small Estates) (Special Provisions) Act, Cap.156, the Local Council Courts Act, 2006, the Probate (Resealing) Act, Cap. 160, the Trustees Incorporation Act, Cap. 165, the Public Trustee Act, Cap. 161 and the Administration of Estates of Persons of Unsound Mind Act, Cap. 155.

The studies were informed by many factors, including, developments in the Constitutional Court case of **Law Advocacy for Women in Uganda Vs. Attorney General, Constitutional Petition No. 13 of 2005 and 05 of 2006** in which several provisions

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<sup>3</sup> Study on the Law Succession alongside the Study on Domestic Relations in Uganda, 2003.

(sections 2(n)(i), (ii), 14, 15, 26, 27, 29, 43, and 44 and Rules 1, 7, 8, 9, of the Second Schedule of the Succession Act) of the Succession Act were declared unconstitutional and discriminatory based on gender. These studies revealed that many of the succession related laws were outdated and not in line with the 1995 Constitution, human rights principles and Uganda's regional and international obligations.

The studies also delved into the cultural norms and customs surrounding succession, and highlighted the discrimination and limited access to family wealth that women in Uganda often faced. To address these issues, the Commission recommended amendments to the laws and public awareness campaigns to challenge non-constitutional aspects of cultural practices.

Based on these study findings and further stakeholder engagement and consensus, the proposals were enacted as the Succession (Amendment) Act in 2022. This amendment aims to modernise and update the laws governing succession in Uganda to facilitate ensuring fairness, protection, and efficiency in estate and succession management. The specific purpose of the Succession (Amendment) Act, 2022 was to: -

- a) repeal provisions of the Succession Act that were declared unconstitutional by the Constitutional Court in **Law Advocacy for Women in Uganda Vs. Attorney General, Constitutional Petition No. 13 of 2005 and 05 of 2006;**
- b) redefine the distribution of estates of persons who die without leaving behind a will; and
- c) provide for the duration of letters of probate and letters of administration.

### **Review of the Law of trusts in Uganda**

The Uganda Law Reform Commission is currently undertaking a review of the law of trusts in Uganda. The purpose of this review is to bring the law in line with contemporary trends and court decisions. The Commission is expected to make recommendations on the matter by the end of the current financial year. This review and potential amendments to the law on trusts will further contribute to overall improvement of estate and succession management in Uganda

### **Salient Features of the Succession Amendment Act 2022**

The Succession (Amendment) Act 2022 introduced changes to inheritance rights, the distribution of assets, and the process of estate administration. To appreciate these developments or reforms, it is important to highlight the salient reforms brought by the amendment.

- a) **Equality before the law:** The Act amended provisions and removed language that promoted discrimination on basis of sex (the law applies equally to men and women)<sup>4</sup> and between legitimate and illegitimate children<sup>5</sup>. All children, regardless of their parentage, are now treated equally, they have the same rights. The law was therefore made equal in application to both men and women.
- b) **Guardianship:** The 2022 amendment recognised the different forms of guardianship, that is testamentary guardianship,<sup>6</sup> customary guardianship,<sup>7</sup> and statutory guardianship.<sup>8</sup> If a testator appoints a guardian for minor children but does not appoint an executor or executrix, the guardian will assume the role of the executor or executrix.

Section 44 of Cap. 162 provided that on the death of a father of an infant where no guardian has been appointed by the will of the father, a list of persons in the order of priority to take up guardianship of the child of the deceased. This list gave priority to the minor's paternal relations and then their maternal relations before the mother's parental rights over the child. It also did not cater for statutory guardianship upon death of the mother of the child.

Section 25 of the Succession (Amendment) Act amended this to be in line with parental rights under Article 31(4) of the Constitution and granted priority in granting statutory guardianship to the child's surviving parent, including the mother.

The Amendment Act specifies the duties of the guardian, including the custody of the minor, management of their property and reasonable steps necessary to protect the property from loss or damage.

Additionally, the 2022 Act invoked checks on how a guardian may exercise his or her powers. In relation to a minor's property, a guardian has a duty under section 46(2) of the Act to annually account to the court, surviving parent, custodian of the guardian or any other person appointed by court.<sup>9</sup> Furthermore, in cases of

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<sup>4</sup> Sections 3, 4, 7, 9, 10, 15 of the Succession (Amendment) Act, 2022.

<sup>5</sup> Sections 1, 3, 7, and 34 of the Succession (Amendment) Act, 2022.

<sup>6</sup> Section 24 of the Succession (Amendment) Act, 2022.

<sup>7</sup> Section 26 of the Succession (Amendment) Act, 2022.

<sup>8</sup> Section 25 of the Succession (Amendment) Act, 2022.

<sup>9</sup> Section 28 of the Succession (amendment) Act.

misappropriation of a minor's property, a guardian commits an offence and is liable on conviction to five years' imprisonment or a fine of not more than UGX. 3million.<sup>10</sup>

- c) **Wills:** The Amendment Act strengthened protection of a testator's freedom to dispose of his or her property as desired. The law expanded the scope of actions that invalidate a will to include abuse of position of trust or vulnerability.

Section 50 of the Succession Act was amended by section 31 of the Succession (Amendment) Act to provide for every witness to a will to sign, write their name and address on each page of the will. Where a witness to a will does not sign as required by the Succession (Amendment) Act, then the page or pages of the will without his or her signature are void unless declared otherwise by the court. South Africa has similar provisions and has gone further to protect illiterate or incapacitated testators who may have another person sign on their behalf. The law requires that in such cases, the person appointed to sign on each page on behalf of the testator does so in the presence of a magistrate, justice of the peace or commissioner of oaths and a certificate attached.<sup>11</sup>

The 2022 Act also redefined the meaning of terms (and in turn relationships) often captured in a will. The replacements made the terms easier to understand and catered for equality of lineal descendants and between the sexes.

The Amendment Act requires individuals making a will to provide for their spouses, lineal descendants, and dependent relatives. Witnesses to a will must now write their names and addresses on each page of the Will in the presence of the testator (the person making the will).

The law also provides that if a will is handwritten or produced by someone other than the testator, and that person has a benefit in the will, the will becomes void if the benefit is claimed by the spouse or any other eligible person.

- d) **Property Disposal by married women and PWDs:** Section 21 of the Succession (Amendment) Act amended section 36 of the Principal Act firstly by eliminating gender insensitive language. By this amendment, a spouse (whether man or woman) may during the subsistence of a marriage hold property in his or her name and may dispose of it through a Will.

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<sup>10</sup> Section 46(4) of the Succession (Amendment) Act, 2022 introduced by section 28 of the same.

<sup>11</sup> See section 3 of the South African Law of Succession Amendment Act, 1992.

The Succession Act, Cap. 162 provided in section 36(3) that a deaf or dumb person is not incapacitated by that reason for making a will if he or she is able to know what he or she does by his or her actions. This provision did not fully provide protection to the testator or testatrix. Section 21(b) of the 2022 Act amended this section in line with Articles 21 & 35 of the Constitution. The law now declares a person who has a hearing, physical, speech or visual impairment capable of making a Will if he or she is able to do so. Regarding persons who ordinarily have a mental illness, the 2022 Act provides that they may make a will during an interval in which he or she does not have the mental illness.

Sections 21(b) & (c) of the Succession (Amendment) Act also replaced the use of derogatory language previously used in the Succession Act in reference to persons with visual and hearing impairment and persons with mental illness. This is in conformity with Articles 21 & 35 of the Constitution, the Mental Health Act No. 8 of 2018 and section 3 of the Persons with Disabilities Act No. 3 of 2020. These amendments advanced equality before the law in succession matters.

- e) **Resumption of Gifts Made in Contemplation of Death:** Gifts made to anyone in contemplation of death may be reclaimed by the donor within 6 months of their recovery. If the donor recovers from the illness during which the gift was made, it does not take effect.<sup>12</sup>
- f) **Minors as executors:** Section 215 of the Succession Act, Cap. 162 provided that where a minor is the sole executor or sole residuary legatee of an estate, letters of administration with a will attached could be granted to the minor's legal guardian or to such other person as the court may think fit until the minor attains the age of twenty-one after which the grant would be made. This was amended by section 35 of the Succession (Amendment) Act to reemphasise the requirement for an executor to be 18 years and above in line with section 184 of the Succession Act and the Children Act and Constitution of Uganda.

The law now provides that where a minor is the sole beneficiary or only residual legatee of an estate under a will, the guardian of the child may apply for letters of administration with a will annexed to enable the guardian, manage the minor's estate.

- g) **Caveats:** It is common for interested family members to lodge a caveat to halt the process of granting letters of administration or grant of probate until a dispute is

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<sup>12</sup> Section 35 of the Succession (Amendment) Act, 2022.



resolved. Previously section 255 of the Succession Act, Cap. 162 provided that no proceeding would be undertaken on a petition for probate or letters of administration after a caveat against the grant of the petition has been entered until notice is given to the person by whom the caveat was entered.

Section 52 of the Succession (Amendment) Act replaced this provision and now requires the person lodging the caveat to serve the petitioner with the caveat within 14 days of lodging it. Additionally, the court shall suspend the proceedings in the matter until the caveat has been withdrawn, lapsed or a suit for the removal of the caveat has been filed and determined by the court.

- h) **Court Powers:** The courts now have the power to remove or defer the appointment of someone granted probate or letters of administration if they are found unfit for the role.<sup>13</sup>
- i) **Misapplication of Estate:** It is now an offense punishable by imprisonment or a fine for an executor or executrix to misapply an estate, causing loss or damage before the grant of probate.<sup>14</sup> The penalty is imprisonment for a maximum of 2 years or a fine of UGX 960,000/= (Nine Hundred Sixty Thousand Shillings) or both may result.
- j) **Validity of Grant of Probate:** The validity of a grant of probate and letters of administration is now two years from the date of issuance.<sup>15</sup> An executor or administrator may apply to court before expiry of the grant for extension of the grant. This may be granted by court for good reason.<sup>16</sup> The Family Division of the High Court has notified all advocates and the general public of the above provision in a Notice issued on 21<sup>st</sup> August 2023 which provides a detailed outline on expiration of grant of probate and letters of administration in various instances pegged to the commencement date (10<sup>th</sup> April, 2022) of the Succession Amendment Act, 2022.<sup>17</sup>

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<sup>13</sup> Section 39(c) of the Succession (Amendment) Act, 2022

<sup>14</sup> Section 38(b) of the Succession (Amendment) Act.

<sup>15</sup> Sections 54 and 55 of the Succession (Amendment) Act, 2022

<sup>16</sup> Section 258(3) & 259(3) of the Succession Act as amended by the Succession (Amendment) Act.

<sup>17</sup> In the Notice

1. A grant of Probate or letters of administration issued after the 10<sup>th</sup> day of April 2022 will expire after two years.
2. A grant of Probate or letters of administration issued before the 10<sup>th</sup> day of April, 2022 shall remain valid for a period of three years after the coming into force of the Act.

- k) **Consent for Disposal:** No disposal of estate property can be done without the consent of a spouse and lineal descendants of a deceased and if the beneficiaries are minors, the consent of their guardian is required.<sup>18</sup>
- l) **Joint Exercise of Powers:** When there are multiple administrators and executors, they must exercise their powers jointly, and all necessary documents for estate administration must be signed by all parties.<sup>19</sup>
- m) **Offences against an executor or administrator:** A person who misapplies an estate,<sup>20</sup> causing loss or damage, or acts negligently resulting in loss,<sup>21</sup> commits an offense and is liable to imprisonment or a fine. The court may also order the person to compensate for the loss or damage caused to the estate.
- n) **Administration of residential property:** The rule is that the residential home of a deceased is to be occupied by those people who normally reside in it at the time of the deceased's death. These include:
- i. the surviving spouse as long as he or she remains unmarried and does not abuse the marital home in such a way that it brings shame to the residential house;
  - ii. a lineal descendant below eighteen years of age;
  - iii. a lineal descendant who is aged between eighteen and twenty-five years of age, who was undertaking studies at the time of death of the deceased person and is not married; and
  - iv. a lineal descendant who has a disability at the time of the death of the deceased person was not married and was wholly dependent on the deceased person for his or her livelihood.

When distributing a deceased's property (whether in testate and intestate succession), principal residential and other residential properties are excluded from the distribution.<sup>22</sup> In cases where the deceased died testate but distributed his or her

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3. A grant of probate or letters of administration issued to the Administrator General before the 10<sup>th</sup> day of April, 2022 shall remain valid for a period of five years after the coming into force of the Act.

This is in line with sections 54, 55,

<sup>18</sup> Section 58 of the Succession (Amendment) Act, 2022.

<sup>19</sup> Section 272 (3) of the Succession Act as amended by section 60 of the Succession (Amendment) Act, 2022.

<sup>20</sup> Section 65 of the Succession (Amendment) Act, 2022.

<sup>21</sup> Section 66 of the Succession (Amendment) Act, 2022

<sup>22</sup> Sections 13(a) and 21(d) of the Succession (Amendment) Act, 2022.

principal residential holding, that clause of the will only takes effect if he or she provided a residence of equivalent value or status for his or her surviving lineal descendants.

The 2022 Amendment provides that the residential property of a deceased person belongs to the surviving spouse(s), lineal descendants who are minors, lineal descendants who are above 18 years of age but below 25 years, unmarried and school going, lineal descendants with disabilities (mental or physical) who were totally dependent on the deceased person.

- o) **Entitlement of beneficiaries of an intestate:** The Succession (Amendment) Act 2022 introduces important provisions to ensure fairness, protection, and efficiency in estate management in Uganda, particularly in both testate and intestate succession. Section 29 of the Succession (Amendment) Act reserved the principal and other residential property from distribution in intestate succession.

A spouse or lineal descendant of an intestate occupying a principal residential property or any other residential property 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 27.

- p) **Rules of distribution:** Most prominent among the amendments introduced by the 2022 Act are the rules on the distribution of property under section 27, most of which were informed by case law that sought to enforce fairness in the distribution of property. Section 14 of the Succession (Amendment) Act outline the distribution of the deceased's property based on specific circumstances and relationships.

The rest of the estate is then distributed in the following manner depending on different circumstances: -

- ❖ *Where the deceased is survived by a spouse, lineal descendants, dependent relatives and customary heir or heiress.*

No.	Beneficiary	Percentage
1.	Surviving spouse(s)	20%
2.	Lineal descendants	75%
3.	Dependent relatives	4%
4.	Customary heir or heiress	1%

- ❖ *Where the deceased is survived by a spouse who has no children but the deceased person had children outside the marriage.*

In this case there is no discrimination against children born out of wedlock. Children born in or outside the marriage have the same entitlement under the law.

- ❖ *If the deceased leaves behind no spouse or dependent relatives, but there are surviving lineal descendants and a customary heir or heiress.*

No.	Beneficiary	Percentage
1.	Lineal descendants	99%
2.	Customary heir/heiress	1%

- ❖ *Where the deceased is survived only by a spouse, dependent relatives, and customary heir or heiress; and no lineal descendant*

No.	Beneficiary	Percentage
1.	Surviving spouse(s)	50%
2.	Dependent relatives	49%
3.	Customary heir/heiress	1%

- ❖ *Where the deceased is survived only by a customary heir or heiress and spouse*

No.	Beneficiary	Percentage
1.	Surviving spouse(s)	99%
2.	Customary heir/heiress	1%

- ❖ *Where the deceased is survived only by a customary heir or heiress and dependent relative*

No.	Beneficiary	Percentage
1.	Dependent relatives	99%
2.	Customary heir/heiress	1%

- ❖ *Where the deceased is survived by only a customary heir or heiress and there is no surviving spouse, lineal descendants nor dependent relatives.*

The property is divided equally amongst the deceased person's nearest relatives. These relatives may include the deceased person's mother, father, sister, brother, aunt, uncle, niece, nephew.

My lords, the Commission commends this amendment of the law for offering clarity on distribution of intestate estates in different circumstances. Other jurisdictions like Kenya make such clarifications and go even further to provide for the division of personal effects of the deceased.<sup>23</sup>

- q) **Remarriage of a surviving spouse:** A spouse who remarries before the distribution of a deceased's estate is entitled to the share they would have received under the law.<sup>24</sup> However, upon remarrying, a surviving spouse is required to leave the deceased's residential property.<sup>25</sup> This applies to both widows and widowers. This amendment was partly informed by cultural norms and practices, but influenced by Article 21 of the Constitution.<sup>26</sup>

Kenya has similar practices and through its the Law of Succession (Amendment) Bill, 2023 seeks to amend their law on succession. Section 35 (1) of the Law of Succession Act, Cap. 160 of Kenya provides that if the surviving spouse of an intestate is a widow, then their interest in the personal and household effects as well as net interest in the estate determines upon their remarriage. This provision is gender specific seeking to discriminate on the basis of sex. Clause 5(b) of the Law of Succession (Amendment) Bill, 2023 of Kenya seeks to change this by providing that upon remarriage of any surviving spouse (widow or widower), their interest determines.

- s) **Separation of a surviving Spouse:** A surviving spouse does not take any interest in the deceased's estate if they were separated at the time of death.<sup>27</sup> However, if the surviving spouse has been absent due to an approved course of study or the deceased

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<sup>23</sup> For example, section 35 (1) of the Law of Succession Act, Cap. 130 of Kenya provides that in instances where an intestate is survived by a spouse and a child or children, the child/children and surviving spouse shall be entitled to the intestate's personal and household effects as well as life interest in the whole residue of the net intestate estate.

<sup>24</sup> Section 27(7) of the Succession Act as amended.

<sup>25</sup> Second Schedule to the Succession Act as amended by Section 72(c) of the Succession (Amendment) Act

<sup>26</sup> Article 21 of the Constitution of Republic of Uganda prohibits gender discrimination generally and enshrines the principle of equality before the law, regardless of sex, race, color, ethnicity, tribe, religion, political belief, or social or economic standing.

<sup>27</sup> Section 17 of the Succession (Amendment) Act.

was the one who had separated from the surviving spouse while still living in the same household, the surviving spouse is entitled to their portion.

### **AMENDMENTS UNDER THE ADMINISTRATION OF ESTATES (SMALL ESTATES) (SPECIAL PROVISIONS) ACT, CAP.156**

This Act confers jurisdiction on a magistrate's court to grant probate or letters of administration in respect of small estates of deceased persons. The Act was amended by The Administration of Estates (Small Estates) (Special Provisions) (Amendment) Act No. 5 of 2022.

#### *a) Pecuniary jurisdiction of Magistrate's Courts.*

The 2022 Amendment Act revised the monetary jurisdiction of magistrates and brought them in line with the Magistrate Courts Act, Cap. 16 (as amended.) As a result, jurisdiction to grant probate or letters of administration in respect of small estates of deceased persons shall be exercised by:

- a) a Magistrate Grade I, where the total value of the estate does not exceed one thousand currency points i.e., Twenty Million (UGX. 20,000,000/=); and
- b) a Chief Magistrate, where the total value of the estate does not exceed two thousand five hundred currency points i.e., Fifty Million (UGX. 50,000,000/=).

#### *b) Revocation of grants made without jurisdiction*

Section 2(d) of the Administration of Estates (Small Estates) (Special Provisions) (Amendment) Act No. 5 of 2022 amended section 2(5) of the Administration of Estates (Small Estates) (Special Provisions) Act. The import of this is that a grant of probate or letters of administration shall be revoked or annulled for want of jurisdiction if it is found during the administration of the estate that the total value of the estate is greater than what was declared in the application. This is a challenge often faced by Magistrates and Office of the Administrator General. Such grant may only not be revoked if court is satisfied that to revoke the grant would prejudice the interests of the beneficiaries.

### **CHALLENGES FACED BY THE ADMINISTRATOR GENERAL**

The office of the Administrator General is the government department responsible for handling issues of inheritance and succession. This office also doubles as the public trustee. In the exercise of its functions, the office faces the following challenges:

- Fraud
- False identification and difficulty in identifying beneficiaries

- Some estates have numerous beneficiaries and arriving at a consensus of who should be appointed administrator is a tall order.
- Traditional and cultural practices that contradict the laws of Uganda.
- False declaration of estates as small estates.
- Delayed administration of estates by executors and administrators.

## **CONCLUSION**

These amendments contained in the Succession (Amendment) Act, 2022 ensure a fair and efficient distribution of the deceased's property in cases of intestate succession while protecting the rights and interests of the surviving spouse, lineal descendants, dependent relatives, and customary heirs. It is therefore important that individuals and families need to familiarise themselves with these provisions to navigate estate and succession management effectively.

The Uganda Law Reform Commission, in collaboration with the Administrator General's Department, prepared a User Guide to Succession in Uganda. This Guide was launched by the Minister of Justice and Constitutional Affairs, Hon. Norbert Mao, in June 2023. Hard copies of the User Guide are available at our secretariat at no charge. A soft copy is also available on our website:

[www.ulrc.go.ug/sites/default/files/ulrc\\_resources/USER%GUIDE%20TO%SUCCESSION%20IN%20UGANDA\\_0.pdf](http://www.ulrc.go.ug/sites/default/files/ulrc_resources/USER%GUIDE%20TO%SUCCESSION%20IN%20UGANDA_0.pdf)

Upon request from and in collaboration with the International Women Judges Association – Uganda Chapter, the Commission is preparing a resource book on Succession. The resource book examines the law on succession, case law and practice in Uganda as well as a comparative perspective.