

Uganda

Administration of Estates of Persons of Unsound Mind Act, 1951 Chapter 155

Legislation as at 31 December 2000

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Administration of Estates of Persons of Unsound Mind Act, 1951

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Administration of Estates of Persons of Unsound Mind Act, 1951

Chapter 155

Commenced on 13 September 1951

[This is the version of this document at 31 December 2000.]

[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]

An Act to make provision for the administration of the estates of persons of unsound mind.

1. Interpretation

For the purposes of this Act, unless the context otherwise requires—

- (a) “**court**” means the High Court;
- (b) “**estate**” includes all the movable or immovable property of any person;
- (c) “**person of unsound mind**” means any person adjudged to be of unsound mind under section 4 of the Mental Treatment Act or any person detained under section 113 or 117 of the Magistrates Courts Act;
- (d) “**relative**” includes a member of a clan or other customary organisation.

2. Management of estates of persons of unsound mind

The court may appoint a manager of the estate of a person of unsound mind on the application of a superintendent or other person in charge of a mental hospital, the commissioner of prisons or a relative of any such person of unsound mind.

3. Inquiries by the court

- (1) On application being made under [section 2](#) for the appointment of a manager of the estate of a person of unsound mind, the court shall inquire of the applicant or any other person whom it may summon whether or not the person of unsound mind has any suitable relative who is willing to manage that person’s estate.
- (2) If as a result of inquiries made under subsection (1), the court is satisfied that a relative of a person of unsound mind is a suitable person to act as manager of the estate of the person of unsound mind and that he or she is willing so to act, the court shall appoint him or her to be the manager of that estate if it is of the opinion that a manager should be so appointed.
- (3) If as a result of the inquiries made under subsection (1), the court is of the opinion that there is no suitable relative of a person of unsound mind who is willing to act as the manager of that person’s estate, then if the court is of the opinion that a manager should be appointed it shall appoint the Administrator General as manager.

4. Power of manager in respect of estate

- (1) Where a manager has been appointed under [section 3](#), the court may direct by the order of appointment, or by any subsequent order, that the manager shall have such general or special powers for the management of the estate as to the court may seem necessary and proper, regard

being had to the nature of the property, whether movable or immovable, of which the estate may consist; except that—

- (a) a manager so appointed shall not, without the special permission of the court—
 - (i) mortgage, charge or transfer by sale, gift, surrender, exchange or otherwise, any immovable property of which the estate may consist;
 - (ii) lease any such property for a term exceeding five years; or
 - (iii) invest in any securities other than those authorised by the Trustees Act; and
 - (b) no manager may invest any funds belonging to the estate of which he or she is manager, in any company or undertaking in which he or she himself or herself has an interest nor shall he or she invest any such funds on the purchase of immovable property, without the prior consent of the court.
- (2) If the person appointed to be manager of an estate under [section 3](#) is unwilling to act gratuitously, the court may fix such fees or allowances to be paid out of the estate of the person in respect of whom the manager has been appointed as, in the circumstances of the case, the court may think fit.

5. Inventory, statement and annual accounts

- (1) Every person appointed by the court to be the manager of the estate of a person of unsound mind shall within six months of the date of his or her appointment or such other time as the court may order, deliver to the court an inventory of the property belonging to the person of whose estate he or she has been appointed manager and of all such sums of money, goods and effects as he or she shall receive on account of the estate together with a statement of all debts due by or to such person, and every such manager shall furnish to the court annually or at such other periods as the court may order within three months of the close of the year or such other period, an account of the property in his or her charge, showing the sums received and disbursed on account of the estate during that year and the balance then remaining in his or her hands.
- (2) The inventory, statement and account shall be in such form as the court shall direct.
- (3) Any person may, on payment of such fee as may be prescribed, inspect and obtain a copy of any inventory, statement or account delivered to the court under subsection (1).
- (4) Where any person, by petition to the court, impugns the accuracy of any inventory or statement, or of any account prepared under this section, the court may summon the manager and inquire summarily into the matter and make such order on the matter as it thinks proper, or the court, in its discretion, may refer any such petition to a magistrate having jurisdiction in the place in which the property belonging to the estate concerned is situate for inquiry and report, and upon receipt of the report the court may make such order as it thinks fit.

6. Removal of managers

The court may, for any cause which seems to it sufficient, remove any manager appointed by it under [section 3](#) and may appoint any other fit person in his or her place, and may make such order as it considers necessary to ensure that the person so removed makes over the property in his or her hands, and of which he or she was manager, to his or her successor and accounts to that successor for all money received or disbursed by him or her in connection with the property.

7. Termination of appointment of manager

On the termination of the appointment of any manager for any reason whatsoever, the manager shall deliver an account, in such form as the court shall direct, of the property of which he or she was manager, to the court.

8. Procedure on a person ceasing to be of unsound mind

Where any person who has been of unsound mind ceases to be of unsound mind and that person's estate or any part of it has been administered by a manager, the manager shall deliver an account in such form as the court shall direct of the property of which he or she was manager both to the person who was of unsound mind and to the court, and shall take such steps as the court shall order to ensure that the person who was of unsound mind is given full control of his or her estate or such part of his or her estate as he or she managed.

9. Powers of court in regard to property of person where no manager is appointed

- (1) Where the court has appointed no manager of the estate of a person of unsound mind and is of the opinion that the appointment of a manager is not necessary in the circumstances of the case, it may if it appears to be just or for the benefit of the person of unsound mind order that any property, whether movable or immovable, of that person and whether in possession, reversion, remainder or contingency, be sold, charged, mortgaged, dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with or without interest money to be applied, or which has been applied, to all or any of the following purposes—
 - (a) the payment of the debts or engagements of the person;
 - (b) the discharge of any incumbrance on his or her property;
 - (c) the payment of any debt or expenditure incurred for the maintenance of the person or otherwise for his or her benefit;
 - (d) the payment of or provision for the expenses of his or her future maintenance and the maintenance of such members of his or her family as are dependent upon him or her for maintenance, including the expenses of his or her removal from Uganda if he or she is so removed, and all expenses incidental thereto;
 - (e) the payment of the costs of any inquiry under the provisions of this Act or the Mental Treatment Act, and of any costs incurred by order or under the authority of the court.
- (2) Any order made under subsection (1) shall be carried out by the chief registrar of the High Court, the Administrator General or some other suitable person appointed by the court, and that person shall render such account to the court as the court shall think fit to order.
- (3) The court may, if it sees fit, order that any person appointed under subsection (2) shall be paid such fees as it thinks just out of the estate of the person of unsound mind.

10. Pension of person of unsound mind when no manager appointed

- (1) Where any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person of unsound mind and no proceedings for the appointment of a manager of his or her estate have been instituted, the person by whom that sum is payable shall apply to the court for directions as to the manner in which the sum shall be paid.
- (2) On any application being made under subsection (1), the court may direct that any part of the sum shall be used for the maintenance of the person of unsound mind or of any of his or her relatives and may order that any surplus shall accumulate to the credit of the person of unsound mind.

11. Power to make orders concerning affairs of persons of unsound mind

Notwithstanding the other provisions in this Act, the court may upon application made to it by a petition concerning any matter whatsoever connected with the estate of a person of unsound mind make such order, subject to the provisions of this Act, regarding the application as in the circumstances of the case the court may think fit.

12. Execution of conveyances and powers by manager or other person under order of court

A manager, or such other person as the court may appoint for the purpose, shall in the name and on behalf of a person of unsound mind execute all such conveyances and instruments relative to any sale, mortgage or other disposition of such person's estate as the court may order, and any conveyance or other instrument executed by the manager, or any other such person, with the sanction of the court, shall be as valid and effectual in all respects as if it had been executed by the person of unsound mind while he or she was of sound mind.

13. Power to order transfer of property of person of unsound mind residing out of Uganda

Where any movable or immovable property is standing in the name of or vested in any person residing out of Uganda, the court may, upon being satisfied that such person is of unsound mind and that a manager has been appointed for his or her estate according to the law of the place where he or she is residing, order some fit person to pay, deliver or transfer the property, or any part of it, to the name of the person so appointed, as the court may think fit.

14. Power of Chief Justice to delegate power to magistrates

The Chief Justice may, by statutory instrument, confer upon any magistrate, either generally or in respect of a particular person or class of persons, all or any of the powers conferred upon or vested in the court under this Act.

15. Power to make rules

The Chief Justice may make rules prescribing—

- (a) the procedure to be adopted in any proceedings;
- (b) the forms to be used in any proceedings; and
- (c) the fees to be paid in respect of any application or proceedings, under this Act.