

Uganda

## Probates (Resealing) Act

### Chapter 160

Legislation as at 31 December 2000

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## Probates (Resealing) Act

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# Uganda

## Probates (Resealing) Act

### Chapter 160

Commenced on 30 May 1936

*[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 relating to Commonwealth probates.**

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) “**British court in a foreign country**” means any British court having jurisdiction out of the Commonwealth in pursuance of an Order in Council, whether made under any Act of the United Kingdom or otherwise;
- (b) “**court of probate**” means any court or authority, by whatever name designated, having jurisdiction in matters of probate;
- (c) “**probate**” and “letters of administration” include confirmation in Scotland, and any instrument having in any other part of the Commonwealth the same effect which under English law is given to probate and letters of administration respectively;
- (d) “**probate duty**” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

#### 2. Sealing of probates and letters of administration granted outside Uganda

Where a court of probate in any part of the Commonwealth in any foreign country, or a British court in a foreign country, has either before or after the passing of this Act granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy deposited with, the High Court, be sealed with the seal of that court, and thereupon shall be of the like force and effect, and have the same operation in Uganda as if granted by that court.

#### 3. Conditions to be fulfilled before sealing

The court shall, before sealing a probate or letters of administration under this Act, be satisfied—

- (a) that probate duty has been paid in respect of so much, if any, of the estate as is liable to probate duty in Uganda; and
- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in Uganda to which the letters of administration relate,

and may require such evidence as it thinks fit as to the domicile of the deceased person.

#### 4. Security for payment of debts

The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in Uganda.

## **5. Duplicate or copy admissible**

For the purposes of this Act, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

## **6. Rules of court**

- (1) The Chief Justice may, with the approval of the Minister, make rules of court for regulating the procedure and practice, including fees and costs, in the High Court, on and incidental to an application for sealing a probate or letters of administration under this Act.
- (2) Subject to any exceptions or modifications made by such rules, and until such rules are made, the fees and probate duty prescribed by rules of court shall apply and be payable as if the person who applies for sealing under this Act were a person applying for probate or letters of administration.