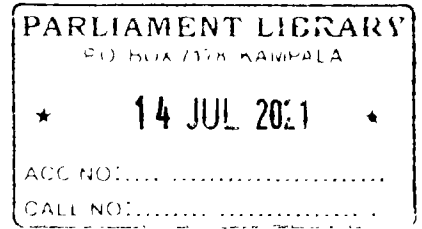


THE REPUBLIC OF UGANDA

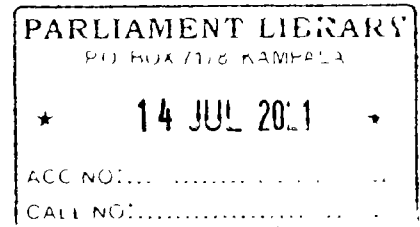


**THE ADMINISTRATOR GENERAL'S (AMENDMENT)
ACT, 2021.**



THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.



Yoweri Museveni

.....
President

Date of assent: *10th of July, 2021.*

Act *Administrator General (Amendment) Act* **2021**

THE ADMINISTRATOR GENERAL'S (AMENDMENT)
ACT, 2021

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 1 of the Administrator General's Act
2. Amendment of section 2 of principal Act
3. Amendment of section 4 of principal Act
4. Insertion of section 8A in principal Act
5. Repeal of section 9 of principal Act
6. Replacement of section 11 of principal Act
7. Amendment of section 12 of principal Act
8. Amendment of section 13 of principal Act
9. Replacement of section 16 of principal Act
10. Insertion of section 16A in principal Act
11. Amendment of section 17 of principal Act
12. Amendment of section 18 of principal Act
13. Amendment of section 19 of principal Act
14. Amendment of section 20 of principal Act
15. Amendment of section 24 of principal Act
16. Replacement of section 27 of principal Act

Act *Administrator General (Amendment) Act* **2021**

17. Amendment of section 30 of principal Act
18. Amendment of section 35 of principal Act
19. Replacement of section 37 of principal Act
20. Insertion of section 41 in principal Act
21. Insertion of Schedule in principal Act



THE REPUBLIC OF UGANDA

**THE ADMINISTRATOR GENERAL'S (AMENDMENT)
ACT, 2021**

An Act to amend the Administrator General's Act, Cap. 157, to align the Act to Articles 32 and 33 of the Constitution; to increase the jurisdiction of the Administrator General to seven hundred and fifty currency points; to prescribe a penalty for intermeddling in estates of deceased persons; to exempt the bank accounts of the Administrator General from attachment proceedings and for related matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows—

1. Amendment of section 1 of the Administrator General's Act
The Administrator General's Act, in this Act referred to as the principal Act, is amended in section 1 by—

- (a) substituting for the words "his or her heirs and next of kin" appearing in paragraph (c), the words "persons who are by law entitled to share the estate of a deceased person";

Act *Administrator General (Amendment) Act* **2021**

(b) inserting the following definition after paragraph (d)—

“(da) currency point” has the value assigned to it in the Schedule to this Act”; and

(c) repealing paragraph (h).

2. Amendment of section 2 of principal Act

Section 2 (5) of the principal Act is amended by substituting for the words “which does not appear to exceed two thousand shillings in gross value”, the words “where the property is in the form of cash, cash in the bank, death gratuity, household assets, vehicles or any other movable property and does not exceed seven hundred and fifty currency points”.

3. Amendment of section 4 of principal Act

Section 4 (5) (b) of the principal Act is amended by substituting for the words “does not exceed twenty thousand shillings”, the words “where the property is in the form of cash, cash in the bank, death gratuity, household assets, vehicles or any other movable property and does not exceed seven hundred and fifty currency points”.

4. Insertion of section 8A in principal Act

The principal Act is amended by inserting immediately after section 8, the following—

“8A. Duration of administration or execution

(1) Where the Administrator General or an agent of the Administrator General takes over and administers an estate with or without an order of court under this Act, the Administrator General or an agent of the Administrator General shall carry out the duties and functions authorised by this Act or by the grant of probate or letters of administration for a period not exceeding two years.

Act *Administrator General (Amendment) Act* **2021**

(2) Court may on application extend the duration prescribed in subsection (1) for a further period of two years if it is satisfied that—

- (a) it is in the best interest of the beneficiaries to extend the period; and
- (b) the Administrator General or the agent of the Administrator General has—
 - (i) complied with the provisions of this Act or any condition of grant of probate or letters of administration; and
 - (ii) obtained the consent of all the beneficiaries in the estate for which the grant was made.”

5. Repeal of section 9 of principal Act

Section 9 of the principal Act is repealed.

6. Replacement of section 11 of principal Act

The principal Act is amended by substituting for section 11, the following—

“11. Intermeddling with property of deceased

(1) A person who intermeddles with the estate of a deceased person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.

(2) A person is taken to intermeddle in the estate of a deceased person where that person, while not being the Administrator General, an agent of the Administrator General or a person to whom probate or letters of administration has been granted to by court—

Act

Administrator General (Amendment) Act **2021**

- (a) takes possession or disposes of a deceased person's property; or
- (b) does any other act which belongs to the office of executor or administrator.

(3) Subject to section 268 of the Succession Act, the Administrator General may intermeddle in the estate of a deceased person where it is urgently necessary for purposes of—

- (a) preserving the estate from abuse,
- (b) providing for the deceased's funeral;
- (c) providing immediate necessities of the deceased person's family;
- (d) preserving and prudent management of the deceased person's business, including preserving the deceased person's goods of trade; or
- (e) receiving money or other funds belonging to the deceased person.

(4) The duration for which the Administrator General may intermeddle in the estate of the deceased person pursuant to subsection (3) is six months from the date of the deceased person's death or until the grant of letters of administration or probate, whichever first occurs.

(5) For purpose of this section, the Administrator General or its agent may at any time before grant of letters of administration or probate take any action that is necessary for the preservation of the estate of the deceased person.

(6) A person aggrieved by the decision of the Administrator General or his or her agent may apply to the High Court for redress.

Act *Administrator General (Amendment) Act* **2021**

- (7) A person who—
 - (a) refuses or neglects to deliver any property to the Administrator General or his or her agent when called upon to do so; or
 - (b) lawfully intermeddles in the estate of the deceased person and fails or neglects to report to the Administrator General or his or her agents the particulars of the property and of the steps taken to preserve such property,

commits an offence and is liable, on conviction to imprisonment for three years or to a fine not exceeding seventy two currency points, or both.

7. Amendment of section 12 of principal Act

Section 12 of the principal Act is amended by substituting for “one thousand five hundred shillings” appearing in subsection (4), the words “twelve currency points”.

8. Amendment of section 13 of principal Act

Section 13 of the principal Act is amended by substituting for “two hundred shillings” appearing in subsection (2), the words “twelve currency points”.

9. Replacement of section 16 of principal Act

The principal Act is amended by substituting for section 16, the following—

“16. Power to dispose of property

(1) Subject to sections 27 and 36 of the Succession Act, the Administrator General may, with the written consent of the surviving spouse, lineal descendants and dependant relatives, dispose of the property of an estate under his or her administration either wholly or in part and either by public auction or private treaty as he or she in his or her discretion may deem to be in the best interests of the estate.

(2) Where a beneficiary of the estate is a minor, the consent required in subsection (1) shall be given by the guardian of the minor and where the guardian of the minor is the executor or administrator, the consent shall be granted by court.

(3) Notwithstanding subsection (1), the Administrator General shall dispose of the property of an estate under his or her administration only where—

- (a) the disposal is beneficial to the estate;
- (b) the disposal is beneficial to the beneficiaries in the estate;
- (c) the sale is necessary to cater for the basic needs of the surviving spouse and lineal descendants or any other person entitled to benefit under the estate; or
- (d) the disposal is necessary for settlement of the deceased person's debts, including settlement of the deceased person's tax obligations.

(4) The Administrator General shall account to the estate the proceeds of sale.

(5) In disposing of property under this section, the Administrator General shall give first option to a beneficiary of the estate to purchase the property.

(6) The Administrator General, the agent of the Administrator General or any other officer of the Administrator General office shall not be eligible to purchase property of the estate.

(7) Any disposal of the property belonging to the estate of a deceased person in contravention of this section shall be void.”

10. Insertion of section 16A in principal Act

The principal Act is amended by inserting immediately after section 16, the following—

“16A. Power to open and operate bank accounts

(1) The Administrator General shall, with the authority of the Accountant General, open and maintain such accounts as are necessary for the performance of the functions of the Administrator General or an agent of the Administrator General.

(2) The Administrator General or an agent of the Administrator General shall deposit all funds received on behalf of an estate administered by the Administrator General or an agent of the Administrator General under this Act into an account opened and maintained under subsection (1).”

11. Amendment of section 17 of principal Act

Section 17 of the principal Act is amended by substituting for the words “next of kin” appearing in the section, the words, “spouse and lineal descendants”.

12. Amendment of section 18 of principal Act

Section 18 of the principal Act is amended by substituting for the words “the Gazette, and also in one or more local newspapers” appearing in subsection (1), the words “in at least one newspaper of nationwide circulation and using any other means of communication as maybe appropriate for the particular estate”.

13. Amendment of section 19 of principal Act

Section 19 of the principal Act is amended by substituting for the words “the Gazette” appearing in subsection (1), the words “in at least one newspaper of nationwide circulation and using any other means of communication as may be appropriate for the particular estate”.

14. Amendment of section 20 of principal Act

Section 20 of the principal Act is amended—

- (a) by substituting for subsection (4) the following—

“(4) The fees, charges and reimbursements authorised by this Act shall be charged on the estate and paid after payment of funeral expenses and wages due for services rendered to the deceased within three months preceding his or her death by any laborer, artisan or domestic servant.”;

- (b) by inserting immediately after subsection (4), the following—

“(4a) The fees, charges and reimbursements referred to in subsection (4) shall be deducted from any monies received by the Administrator General in the course of the administration of the estate.”

15. Amendment of section 24 of principal Act

Section 24 of the principal Act is amended by substituting the reference to “in Kenya, Tanzania or Malawi” with “in a country other than Uganda”.

16. Replacement of section 27 of principal Act

The principal Act is amended by substituting for section 27, the following—

“27. Guardian to receive minor’s share

(1) Where a person entitled to share under the will of a deceased person or in the distribution of an estate under the administration of the Administrator General is a minor, the Administrator General shall transfer and deliver the share of the minor to the guardian of the minor.

Act *Administrator General (Amendment) Act* **2021**

(2) The guardian of the minor shall manage the property delivered to him or her under subsection (1) in a prudent manner and shall—

- (a) apply the property for the benefit of the minor;
- (b) take reasonable steps to safeguard the property of the minor from loss or damage; and
- (c) annually account in respect of the minor's property to the Administrator General, the surviving parent if any, court or any other person as court may direct.

17. Amendment of section 30 of principal Act

Section 30 of the principal Act is amended by substituting for “ten thousand shillings” appearing in the subsection (3), the words “seven hundred and fifty currency points”.

18. Amendment of section 35 of principal Act

Section 35 of the principal Act is amended by renumbering the provision as subsection (1) and inserting a new subsection as follows—

“(2) For the avoidance of doubt, the costs, damages, interest and any related expenses of litigation in any suit against the Administrator General shall be charged on the Consolidated Fund and for this purpose, the bank accounts of the Administrator General shall not be subject to any attachment proceedings or to any attachment.”

19. Replacement of section 37 of principal Act

The principal Act is amended by substituting for section 37, the following—

“37. Residue after distribution of estate

Act *Administrator General (Amendment) Act* **2021**

After completion of the administration of an estate by the Administrator General or his or her agents, the Administrator General or his or her agent shall distribute the balance among such persons as appear to be entitled to it and remit the amount due by bank transfer, bank draft, registered money order or postal order or any other method as the Administrator General or agent considers appropriate.”

20. Insertion of section 41 in principal Act

The principal Act is amended by inserting immediately after section 40, the following section—

“41. Amendment of Schedule

The Attorney General shall, by statutory instrument, with the approval of the Cabinet, amend the Schedule to this Act.”

21. Insertion of Schedule in principal Act

The principal Act is amended by inserting the following Schedule—

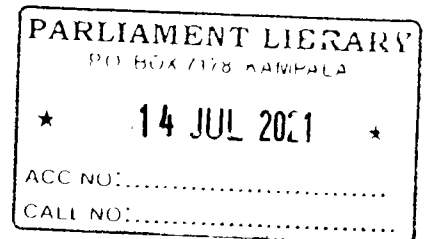
“Schedule

A currency point is equivalent to twenty thousand shillings.”



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.




.....
Clerk to Parliament

Date of authentication: 27th/05/2021