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Bill No. 23 *Administrator General's (Amendment) Bill* **2019**

**THE ADMINISTRATOR GENERAL'S (AMENDMENT) BILL,
2019**

MEMORANDUM

In the financial year 2018/19, as at March 2019, the Office of the Administrator General had opened 2,225 new files, granted 1,646 certificates of no objection authorizing applicants to apply to the High Court for power to administer estates of deceased persons, issued 113 certificates of transfer of land, conducted 511 family arbitrations and mediations, inspected 50 estates, filed 22 applications for winding up estates and made 7 applications to court for grant of letters of administration.

Due to the number of the reported deaths in a given year, the number of estates that are intermeddled with or that are misapplied by the administrators to the detriment of the beneficiaries especially the minor beneficiaries is also high. This has led to a rise in the cases that need the intervention of the Administrator General and yet the provisions that create the offence of intermeddling in the Administrator General's Act are very weak. Thus the need to amend the Administrator General's Act to address the challenges and shortcomings in the Act which was enacted in 1933.

Bill No. 23 *Administrator General's (Amendment) Bill* **2019**

The Bill therefore seeks to revise the mandate of the Administrator General's office for the estates that can be administered by the Administrator General without recourse to courts of laws. The Bill also scales upwards, the penalties for the offences committed under the Act for them to be meaningful and deterrent as a way of minimizing fraudulent activities by persons who have increasingly misled illiterate and desperate widows and orphans into disposing of their inheritance without full knowledge of the implications of their actions.

The objective of the Administrator General's (Amendment) Bill, 2019 is to—

- (a) align the Administrator General's Act to Article 32 (affirmative action in favour of marginalised groups) and Article 33 (Rights of women) of the Constitution of the Republic of Uganda;
- (b) increase the jurisdiction of the Administrator General from twenty thousand shillings to fifteen million shillings;
- (c) provide for the requirement for notice of application for letters of administration by widowers or widows to be given to the Administrator General before applying to the High Court for grants to administer their deceased spouses estates;
- (d) provide a penalty for intermeddling in estates of deceased persons; and
- (e) exempt the bank accounts of the Administrator General from attachment proceedings.

Key clauses of the Administrator General's (Amendment) Bill, 2019

Clauses 3 and 4 amend sections 2 and 4 of the Act to increase the value of estates over which agents appointed under the delegated powers of

the Administrator General may exercise summary powers and estates which the Administrator General may administer summarily without letters of administration, respectively, from twenty thousand shillings to a value of fifteen million shillings (in the form of cash, cash in the bank or death gratuity) or estates with only household assets, vehicles and other movable property.

Clause 5 amends the Act to remove widowers and widows and their attorneys from the category of persons who are exempt from giving the Administrator General notice of intention to apply to the High Court for letters of administration.

Clause 7 gives the Administrator General power to assume the administration of those estates where it is urgently necessary for the preservation of the estates or where intermeddling in the estates is reported.

Clauses 12 and 13 amend the Act in respect of the requirement to give notice to creditors of estates and to claimants who cannot be traced, by replacing the requirement to put the notices to the creditors in "the Gazette, and also in one or more local newspapers" to requiring the notice to be placed "in at least one newspaper of wide circulation in the area where the estate is situated, and using any other means of communication as may be appropriate for the particular estate".

Clause 17 amends section 35 to emphasise that the costs, damages, interest and any related expenses of litigation in any suit against the Administrator General shall be charged to the Consolidated Fund and that the bank accounts of the Administrator General shall not be subject to any attachment proceedings or to any attachment.

WILLIAM BYARUHANGA, SC
Attorney General.

THE ADMINISTRATOR GENERAL'S (AMENDMENT)
BILL, 2019

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Amendment of section 1 of the Administrator General's Act
3. Amendment of section 2 of the principal Act
4. Amendment of section 4 of the principal Act
5. Amendment of section 5 of the principal Act
6. Repeal of section 9 of principal Act
7. Amendment of section 11 of the principal Act
8. Amendment of section 12 of the principal Act
9. Amendment of section 13 of the principal Act
10. Amendment of section 16 of 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 24 of the principal Act
15. Amendment of section 27 of the principal Act
16. Amendment of section 30 of the principal Act
17. Amendment of section 35 of the principal Act
18. Repeal of section 37 of principal Act
19. Insertion of a new section 41 in the principal Act
20. Insertion of a Schedule in the principal Act

A BILL for an Act

Entitled

**THE ADMINISTRATOR GENERAL'S (AMENDMENT)
ACT, 2019**

An Act to amend the Administrator General's Act, Cap. 157, to align the Act to Articles 32 and 33 of the Constitution of the Republic of Uganda; to increase the jurisdiction of the Administrator General to ten million shillings; to provide for the requirement for notice of application for letters of administration by a widower or a widow, to be given to the Administrator General; to provide 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.

BE IT ENACTED by Parliament as follows—

1. Short title and commencement

(1) This Act may be cited as the Administrator General's (Amendment) Act, 2019.

(2) This Act shall come into force on the date of publication in the Gazette.

2. 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”;
- (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).

3. Amendment of section 2 of the principal Act

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

4. Amendment of section 4 of the principal Act

Section 4 (5) (b) of the principal Act is amended by substituting for the words “does not exceed twenty thousand shilling”, the words “the property is cash, cash in the bank or death gratuity and does not exceed fifteen million shillings or where the property is in the form of house hold assets, vehicles or any other movable property”.

5. Amendment of section 5 of the principal Act

Section 5 of the principal Act is amended by repealing the words “or the widower or widow of the deceased, or his or her attorney duly authorised in writing, authorising that person to administer the estate of a deceased person”.

6. Repeal of section 9 of principal Act

Section 9 of the principal Act is repealed.

7. Amendment of section 11 of the principal Act

Section 11 of the principal Act is amended by—

- (a) inserting a new subsection (1a) as follow—

“(1) The Administrator General shall, in so far as may be urgently necessary for the preservation of the property of a deceased person who dies intestate or who leave a will, or where a person causes to be moved or otherwise intermeddles with the property of a deceased person as specified in subsection (1), assume the administration of the estate until such time as the courts of laws grant probate or letters of administration in respect of the estate.”; and

- (b) substituting for “three months or to a fine not exceeding two hundred shillings” appearing in subsection (2), the words “three years or to a fine not exceeding seventy two currency points”.

8. Amendment of section 12 of the 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”.

9. Amendment of section 13 of the 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”.

10. Amendment of section 16 of principal Act

Section 16 of the principal Act is amended by substituting for “next of kin” the words “spouse, lineal descendants and dependant relatives”.

11. Amendment of section 17 of principal Act

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

12. Amendment of section 18 of principal Act

Section 18 of the principal Act is amended by repealing the words “the Gazette, and also in one or more local newspapers” appearing in subsection (1), with the words “in at least one newspaper with wide circulation in the area where the estate is situated, and using any other means of communication as may be appropriate for the particular estate”.

13. Amendment of section 19 of principal Act

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

14. Amendment of section 24 of the principal Act

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

15. Amendment of section 27 of the principal Act

Section 27 of the principal Act is amended by substituting for “ten thousand shillings” appearing in the section, the words “fifteen million shillings”.

16. Amendment of section 30 of the principal Act

Section 30 of the principal Act is amended by substituting for “ten thousand shillings” appearing in the subsection (3), the words “fifteen million shillings”.

17. Amendment of section 35 of the principal Act

Section 35 of the principal Act is amended by numbering the provision as subsection (1) and inserting a new subsection (2) 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 to 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.”

18. Repeal of section 37 of principal Act

Section 37 of the principal Act is repealed.

19. Insertion of a new section 41 in the 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.”


20. Insertion of a Schedule in the principal Act

The principal Act is amended by inserting the following Schedule—

“Schedule

A currency point is equivalent to twenty thousand shillings.”

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