

LEGAL ALERT

Key Updates on the Expiration of Grants of Probate and Letters of Administration under Uganda's Revised Succession Act.

(Issued in light of the High Court Family Division Notice dated 21st August 2023)

1.0 Background

The Succession (Amendment) Act, 2022 (Cap. 268) came into force on 31st May 2022, introducing significant changes to the validity periods of grants of probate and letters of administration. The High Court Family Division has issued an amended notice clarifying timelines for expiration and renewal. Below are the key updates:

2.0 Grants Issued After 31st May 2022

Validity Period: 2 years from the date of issuance (Sections 255(2) and 256(2) of the Succession Act).

First Expiry Date: Grants issued immediately after 31st May 2022 will begin expiring in May 2024.

Extension: Applications for extension may be filed in court if the executor/administrator demonstrates compliance with the Act and obtains beneficiary consent (Sections 255(3) and 256(3)).

2. Grants Issued Before 31st May 2022

Validity Period: 3 years from the date of commencement of the 2022 Amendment (i.e., until 31st May 2025) (Section 337(2)).

Extension: Courts may extend validity upon application, subject to justification (Section 337(4)).

3. Grants Issued to the Administrator General Before 31st May 2022

Validity Period: 5 years from the Act's commencement (i.e., until 31st May 2027) (Section 337(3)).

Extension: Similar provisions apply for court-approved extensions.

4. Recommendations

(a) Executors and administrators should confirm issuance dates and mark expiration dates.

(b) Executors, administrators, and beneficiaries must ensure estate administration is finalized within the stipulated timelines.

(c) Acting on an expired grant may invalidate transactions (Section 261).

(d) Executors and Administrators should apply to court before expiry, demonstrating progress in estate administration, consent of beneficiaries (where applicable) or valid reasons for delay (e.g., complex asset distribution).

(e) For the applications to extend grants or address any disputes that may arise thereunder, lawyers should be consulted.

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Please feel free to reach out to KTA Advocates at corporate@ktaadvocates.com to discuss your specific needs.

