

1.0. INTRODUCTION

On the 9th of November 2018, Hon. Kajungu Mutambi R.C. (Mbarara District Woman MP) introduced in Parliament, the Succession (Amendment) Bill, 2018 and the Bill was accordingly referred to the Committee on Legal and Parliamentary Affairs pursuant to Rule 128 of the Rules of Procedure of Parliament.

Later on, the Government, on the 12th August, 2019, introduced in Parliament, five Bills namely, the Succession (Amendment) Bill, 2019, the Administration Of Estates (Small Estates) (Special Provisions) (Amendment) Bill, 2019, the Probate Resealing (Amendment) Bill, 2019, the Estate Of Missing Persons (Management) (Amendment) Bill, 2019, the Administrator General's (Amendment) Bill, 2019. The above Bills were accordingly referred to the Committee on Legal and Parliamentary Affairs pursuant to Rule 128 of the Rules of Procedure of Parliament.

2.0. METHODOLOGY

In considering the the Succession (Amendment) Bill, 2018 and the Succession (Amendment) Bill, 2019, (herein after referred to as the Bills), the Committee was faced with having to consider two Bills that were both proposing to amend the succession Act Cap 162 variously.

The Committee's work was made difficult by the fact that the Rules of Procedure were silent on the procedure to be adopted by a committee that is faced with the scenario of having to consider and report back on two or more Bills proposing to amend a single piece of legislation.

The Committed adopted the following procedure in disposing of the Bills. The Committee carried out an analysis of the Bills to examine the extent to which each Bill proposed to amend the Succession Act. The analysis revealed that;-

(a) both Bills proposed to amend the succession Act by deletion, variation or addition by

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- Section 331: Procedure where deceased has left property in Tanzania or Kenya.
- Section 332: Liability of executor or administrator for devastation.
- Section 333: Liability of executor or administrator for neglect.
- Section 335: surrender of revoked probate or letters of administration;

(c) The Succession (Amendment) Bill, 2018 proposed the following unique amendments to the succession Act-

1. Section 9 on Acquisition of a new domicile;
2. Section 13 on Minor's domicile.
3. Section 14 on Domicile of a married woman.
4. Section 15 on a Wife's domicile during marriage.
5. Section 15 on Minor's acquisition of a new domicile.
6. Section 18 on Succession to movable property in Uganda.
7. Delete part III of the succession Act;
8. Section 29 on Reservation of a principal residential holding from distribution
9. Insertion of new section 44A on relationship between a surviving parent and appointed guardian.
10. Section 47 on a Will obtained by fraud, coercion or importunity.
11. Section 55 on witness not disqualified by interest or by being executor;
12. Section 86 on Construction of terms.
13. Section 202 on Entitlement to administration.
14. Section 203 on citation of persons entitled in priority to administer;
15. Section 204 on Entitlement between members of the same class.
16. Section 249 on punishment for false averment in petition or declaration;
17. Section 268 on Intermeddling
18. Section 273 on survival of executors or administrators.
19. Section 276 on Married executrix or administratrix,
20. Section 279 on Property of deceased.

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21. Section 311 on Procedure in respect of share of minor in intestacy.
22. Section 311 on Procedure in respect of share of minor in intestacy.
23. Insertion of new section 333A on beneficiary's estate not to form part of any payment
24. Repeal of the First schedule to the principal Act
25. Repeal of the second schedule to the principal Act
26. Insertion of Fifth schedule to the principal Act

(d) The Succession (Amendment) Bill, 2019 proposed the following unique amendments-

- Insertion of new section on the short title and commencement;
- Section 31 on Notice to be given by a customary heir.
- Section 34 on effect of marriage between persons only one of whom is domiciled in Uganda;
- Section 37 on Provision for the maintenance of dependents to be made in every will.
- Section 50 on execution of unprivileged will
- Section 54 on effect of gift to attesting witnesses.
- Section 183 on Appointment of executor.
- Section 184 on persons to whom probate cannot be granted.
- Section 189 on Effect of probate.
- Section 190 on to whom administration may not be granted.
- Section 192 on Effect of letters of administration
- Section 200 Citation before grant of administration to legatee other than universal or residuary.
- Section 216 on Administration during minority;
- Section 235 on jurisdiction to grant probate and letters of administration;
- Section 236 on general powers of district delegate.
- Section 265 on procedure in contentious cases.
- Insertion of a new schedule 1, on currency points
- Amendment of First Schedule.
- Amendment of schedule 2;

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- Amendment of schedule 3;
- Insertion of new section 340;
- Insertion of new section 341;
- Insertion of new section 342;

From the analysis and owing to the fact that the private member's Bill was first to be referred to the Committee, the Committee decided to use the Succession (Amendment) Bill, 2018 as the basis of the amendment to the Succession Act and to review and adopt proposals contained in the Succession (Amendment) Act 2019 to amend the 2018 Bill. The private member's Bill is also broader in scope comparatively, in its proposal. This means that the proposals in the Government Bill, which largely proposes similar amendments to that of the private member's Bill is incorporated in the Private Member's Bill, so that only one consolidated report and amendments are proposed to the House for consideration and adoption. The procedure adopted by the Committee in this instance was utilized and adopted by the Committee on Gender when it faced a similar scenario during the Committee's consideration of the Children (Amendment) Bill, 2015.

The Committee, guided by the provisions of Rule 128 of the Rules of Procedure examined the Bill in detail, made inquiries in relation to it and received views and memoranda from the following people;-

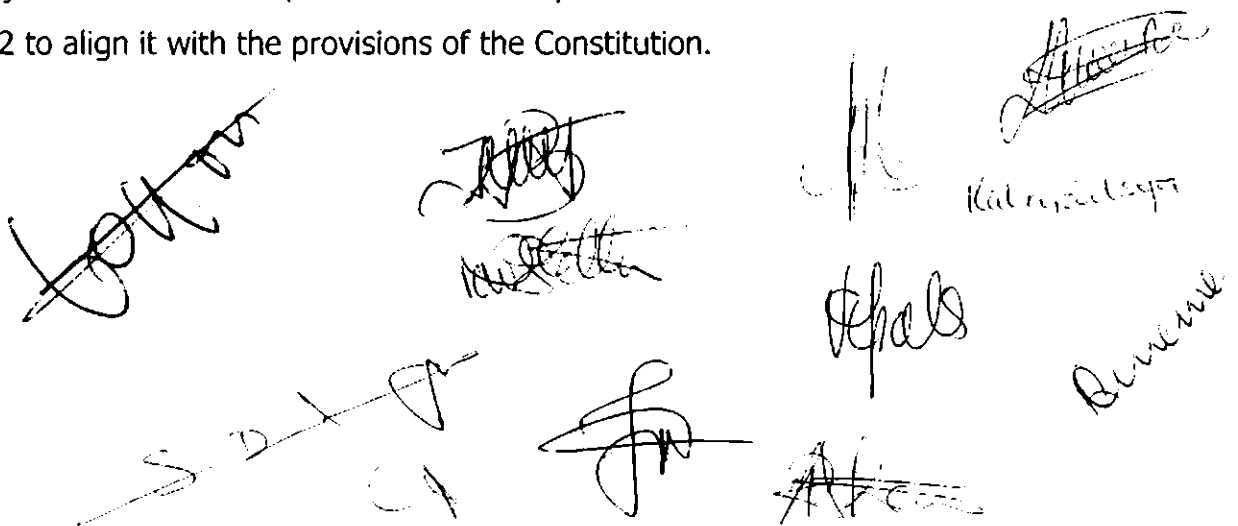
- The Mover of the Private Member's Bill, Hon. Kajungu Mutambi R.C
- The Minister of Justice and Constitutional Affairs
- The Attorney General
- Uganda Law Reform Commission
- Uganda Women Parliamentary Association
- The Equal Opportunity Commission
- Uganda Muslim Supreme Council
- The Justice Center Uganda
- Foundation for Human Rights Initiative
- Apio Byabazaire Musanese & Co. Advocates

3.0. OBJECTIVES OF THE BILLS

The objective of the Succession (Amendment) Bill, 2018 is to amend the Succession Act, Cap. 162 to bring it into conformity with the Constitution of the Republic of Uganda and internationally accepted human rights standards and provide for gender equality in accordance with Articles 21 and 33 of the Constitution; to repeal sections that were declared unconstitutional by the Constitutional Court; to streamline the definition of child to conform to Article 34 of the Constitution; to refine the definition of customary heir or heiress to eliminate discrimination; to clearly provide for the protection of principal residential property for the benefit of the surviving spouse and lineal dependents; to revise the percentages of distribution of the estate of an intestate; to provide for the appointment of a guardian for a child by either parent; to provide for the powers and duties of guardians; to repeal repugnant terms such as "lunatics" and "insane"; to provide for the lapse of probate or letters of administration; to enhance certain offences and penalties; and to provide for related matters.

On the other hand, the objective of the Succession (Amendment) Bill, 2019 is to amend the Succession Act, Cap. 162 to align it with the Constitution of the Republic of Uganda, to provide for distribution of the estate of intestate deceased person in accordance with Article 33 of the Constitution, to provide for guardianship of minor children of deceased persons, to provide for discretion of courts in the grant of probate and letters of administration, to provide for the expiry of letters of administration, to provide for spousal consent and lineal descendants prior to disposal of estate property and to repeal obsolete terms in Act in the Act and to provide for related matters.

From the objectives of both Bills, it is clear that they both seek to amend the Succession Act, CPA 162 to align it with the provisions of the Constitution.



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NEED FOR THE AMENDMENT TO THE SUCCESSION ACT

The Committee notes that the Succession Act, Cap 162, which is the current law on succession in Uganda commenced on 15th February 1906. Due to passage of time, some aspects of the Succession Act have become outdated, especially in light of the Constitution, Government policies, emerging international best practices and the legal environment. The Act therefore is in need of urgent modernization in order to guide the processes that accrue upon a person's death and to enhance the protection of the rights of children and women.

The Committee further notes that the Succession Act is a reflection of the colonial influence which largely continued to uphold the principles of English Law and as such failed to reflect the different customary and cultural practices of the people of Uganda which are central to their existence.

It should be noted that the last official review of the law of Succession was the Kalema Commission Review of 1965 that culminated into the 1972 Succession (Amendment) Decree. As such, the provisions in the current laws are outdated and do not reflect the contemporary social and economic changes of the day and the changes in other laws specifically the equality and non-discrimination guarantees enshrined in the 1995 Constitution of the Republic of Uganda.

Some of the provisions within the various enactments pertaining to succession are outdated. The fines in the laws are outdated in terms of the prevailing socio-economic circumstances and thereby require review to reflect the intended punitive aspects of the provisions at the time they were enacted.

There are also several court decisions that progressively interpreted the Succession Act, while taking into account values and trends in developments and aspirations of the Ugandan society. However, such comprehensive and well thought out jurisprudence has not been reflected in the provisions of the law to reflect the developing trends and interests of the people.

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The Committee notes that the Succession Act has been affected by recent Constitutional Court pronouncements which declared some of its provisions unconstitutional, thereby creating enforcement challenges and legal uncertainty.

For instance, in the case of *Law & Advocacy for Women in Uganda Vs. Attorney General of Uganda*, Constitutional Petition No. 13 of 2005, the Constitutional Court held that sections 2(n) that provides for legal heir, (L) (ii) that defines illegitimate child, 23 that provides for mode of computing degrees of Kindred, 26 that provides for devolution of residential holdings, 27 that provides for distribution on the death of a male intestate, 29 that provides for reservation of a principal residential holding from distribution, 43 that grants rights of appointment of testamentary guardianship to only the father, and 44 that provides for appointment of Statutory guardians only upon death of a father of the Succession Act are inconsistent with Articles 20,21,24,26,31 and 44 of the Constitution.

The Succession Act contains some gaps which need to be closed if the Act is to be efficacious. The Committee notes that one such gap was found by court in the case of *Administrator General Vs. Charles Acirer & Another. HCCS. 235/1994*, Court pointed out the fact that section 311 of the Succession Act which provides that, "where any person entitled to a share in the distribution of the estate of an intestate is a child, the Succession law does not make provisions specifying the duties of the person holding the property, manner of investing the property, provisions for account to the child when he or she becomes of age and does not provide penalties for breach of these duties.

Some provisions of the Succession Act were affected by the recent amendment to the Children Act, especially the provisions relating to the appointment of guardians, their removal, conduct and holding of property belonging to children. Part VIA of the Children Act specifically-

- Prohibits the grant of guardianship to a person other than the Citizen of Uganda (see section 43A);
- requires an application for legal guardianship to be made to the High Court, by a person above 18 years; (see section 43B)

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- Allows family members of a child to appoint a customary guardian for a child in accordance with their custom, culture or tradition. (see section 43C)
- provides for the appointment of a guardian by agreement or deed by the parents of a child;
- provides the conditions upon which guardianship may be granted by court;
- revocation of guardianship order;
- Registration of guardian order; and
- Grant of probate or letters of administration for estates of children where a guardian is already appointed;

The above changes mean that sections 43, 44, 45, 46, 183, and 270 are no longer good law as far as the appointment, powers and removal of a guardian of a Child are concerned.

The Committee is aware that Uganda Law Reform Commission carried out a study on the law of succession and produced a report titled, Uganda Law Reform Commission Study Report on the review of laws on Succession in Uganda, 2014 which established several challenges within the law and practices of succession including the discriminatory nature of the provisions of the Succession Act and obsolete fines and Penalties.

There is therefore need for radical change in the law to bring it in line with the Constitution, emerging international best practices and current Government Policy.

4.0. GENERAL ANALYSIS, OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

This part of the report examines the amendments proposed by the Succession (Amendment) Bills, 2018 and 2019, its legality, effect and effectiveness in light of the Constitution, existing public policy, court decisions, other laws and the mischief it intends to cure. The analysis is on the thematic areas touched on by both Bills, as well as new proposals made in each Bill. It also deals with the proposals that are similar in both Bills and considers the proposals that are unique to each Bill.

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PART A- PROPOSALS THAT ARE SIMILAR IN BOTH THE 2018 AND 2019 BILLS

4.1.1. Ownership of property before and during marriage

Clause 1 of the Succession (Amendment) Bill 2018 and clause 2 of 2019 Bill **both** propose to delete section 3 of the Succession Act. Section 3 of the Succession Act provides as follows-

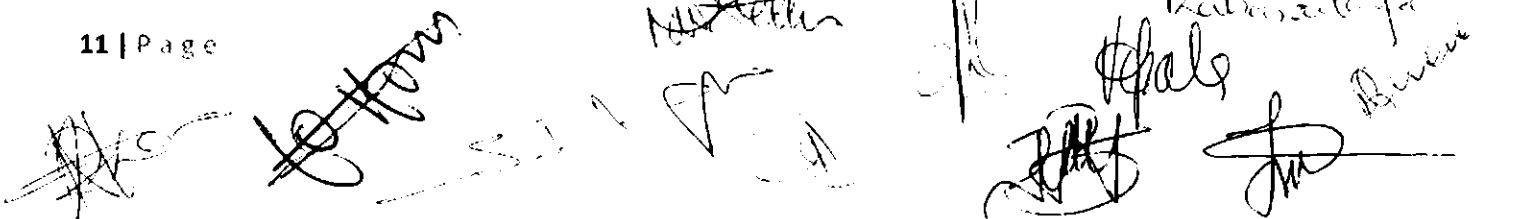
***"3. Interests and powers not acquired nor lost by marriage.
No person shall, by marriage, acquire any interest in the property of the person whom he or she marries, nor become incapable of doing any act in respect of his or her own property which he or she could have done if unmarried."***

The above provision prohibits a person from acquiring interest in property of a person he or she marries but at the same time empowers a married person to hold property exclusively during the substance of a marriage.

The effect of this provision is that property that married persons have acquired before marriage doesn't become matrimonial property. Furthermore, a married person may, during the substance of the marriage acquire and deal with property in his or her right without the same becoming matrimonial property.

The principle that a married person can, during the subsistence of a marriage, own property exclusively, without the same constituting matrimonial property was recognized in the decided case of ***Julius Rwabinumi Vs Hope Bahimbisomwe Civil Appeal No. 30/2007 wherein*** Justice Twinomujuni held that:

"Matrimonial property is joint property between husband and wife and should be shared equally on divorce, irrespective of who paid for what and how much was paid... However, the application of the principle may vary depending on the nature

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of the marriage contract the spouses agreed to contract. Like in all other contracts, parties to a marriage have a right to exclude any property from those to be deemed as matrimonial property. This can be made expressly or by implication before marriage or at the time of acquisition of the property by any spouse. Otherwise the joint trust principle will be deemed to apply to all property belonging to the parties to the marriage at the time of the marriage and during its subsistence.'

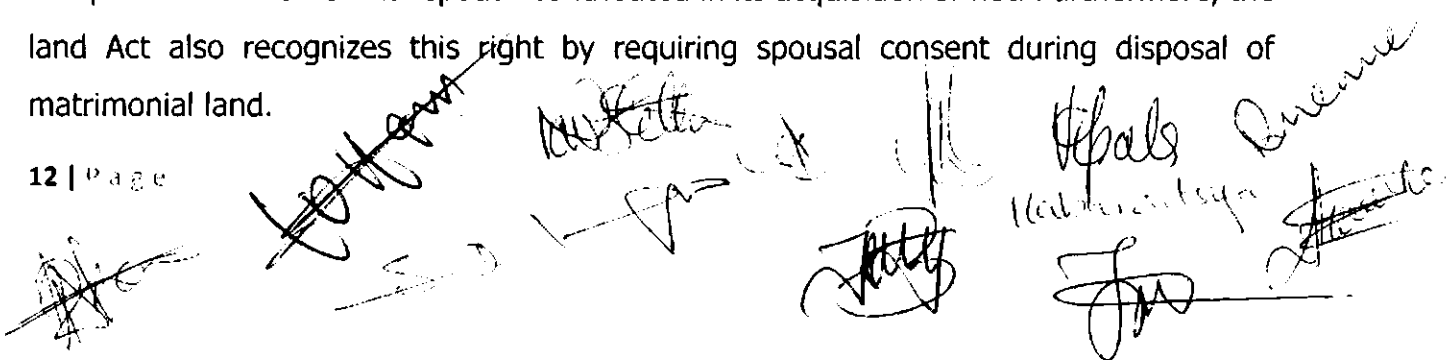
The deletion of the provision as proposed in both Bills will make every property acquired by married persons, before and during the substance of a marriage matrimonial property. It will also outlaw the individual holding of property during the substance of a marriage by either spouse.

The Committee notes that the justification for the proposed deletion of section 3, being that it is discriminatory, is not supported since the provision equally applies to both men and women and does not discriminate.

The Committee also observes that married people should be allowed to own property in their individual right during the substance of marriage. A spouse should not lose his or her proprietary rights granted under Article 26 of the Constitution merely because he or she is now married. It should be noted that Article 26 of the Constitution guarantees a person's right to own property individually or in association with others. The proposal to delete section 3 will therefore infringe Article 26 and might be challenged for being discriminatory in light of its application on married persons.

The Committee however notes that section 3 currently appears to exclude persons from acquiring interest in the property of the persons they marry contrary to legal principles on marriage and available laws.

It should be noted that upon marriage, property acquired by spouses is taken to be matrimonial property, thereby allowing a spouse to acquire interest in the property, irrespective of whether that spouse contributed in its acquisition or not. Furthermore, the land Act also recognizes this right by requiring spousal consent during disposal of matrimonial land.

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This principle that a spouse acquires interest in the property upon marriage was recognized in the case of **Julius Rwabinumi Vs Hope Bahimbisomwe Civil Appeal No. 30/2007** wherein court found that the joint trust principle will be deemed to apply to all property belonging to the parties to the marriage at the time of the marriage and during its subsistence.

Therefore, it appears to the Committee that, section 3 was intended to exclude a spouse from acquiring interest in the property owned by a spouse acquired before marriage and not to exclude a spouse from acquiring interest in the property as is currently prescribed in that section. The Committee is of the view that the provision should be amended to reflect that principal.

Recommendation:

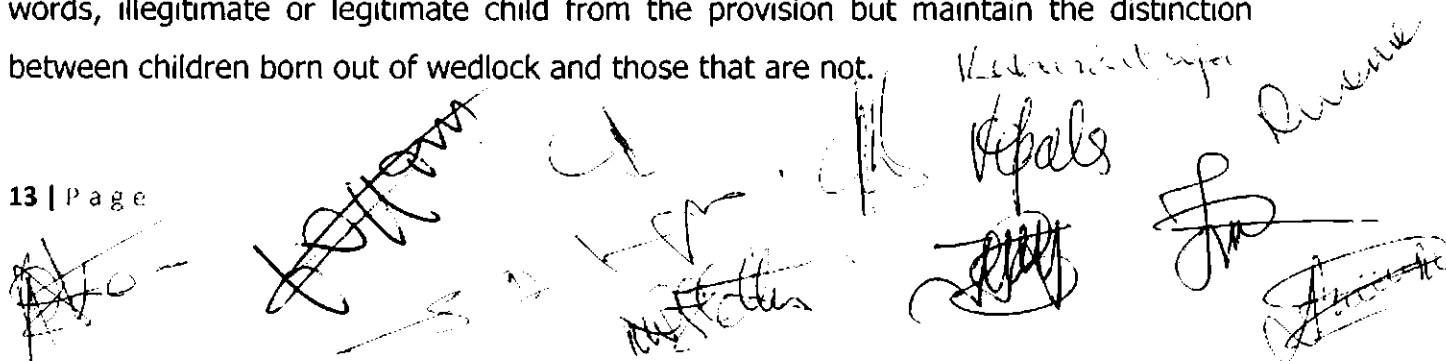
The Committee recommends that-

- (a) *the amendment to section 3 proposed in both the Succession (Amendment) Bills of 2018 and 2019 be rejected.*
- (b) *Section 3 as it stands now should be amended to preclude a spouse from acquiring interest in the property owned by the other spouse if the property is acquired prior to marriage.*

4.1.2. Domicile of origin of a person

Clauses 3 and 4 of the Succession (Amendment) Bill, 2018 and clause 4 and 5 of the Succession (Amendment) Bill, 2019 propose to amend sections 6 and 7 of the Succession Act.

The 2018 Bill proposes to delete sections 6 and 7 of the Succession Act while the 2019 Bill proposes to make amendments to the provisions of section 6 and 7 by removing the words, illegitimate or legitimate child from the provision but maintain the distinction between children born out of wedlock and those that are not.



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The Committee observes that the Succession Act provides for domicile for purposes of determining the law applicable in succession matters. In determining the domicile of origin, the Succession Act distinguishes between persons of legitimate birth and illegitimate birth whereby, the former acquire the domicile of their mothers while the latter acquire the domicile of their fathers.

The Bills make divergent proposals to sections 6 and 7 of the succession Act. On one part, the 2018 Bill proposes to delete sections 6 and 7 of the succession Act. Section 6 and 7 of the succession Act are reproduced below-

"6. Domicile of origin of a person of legitimate birth.

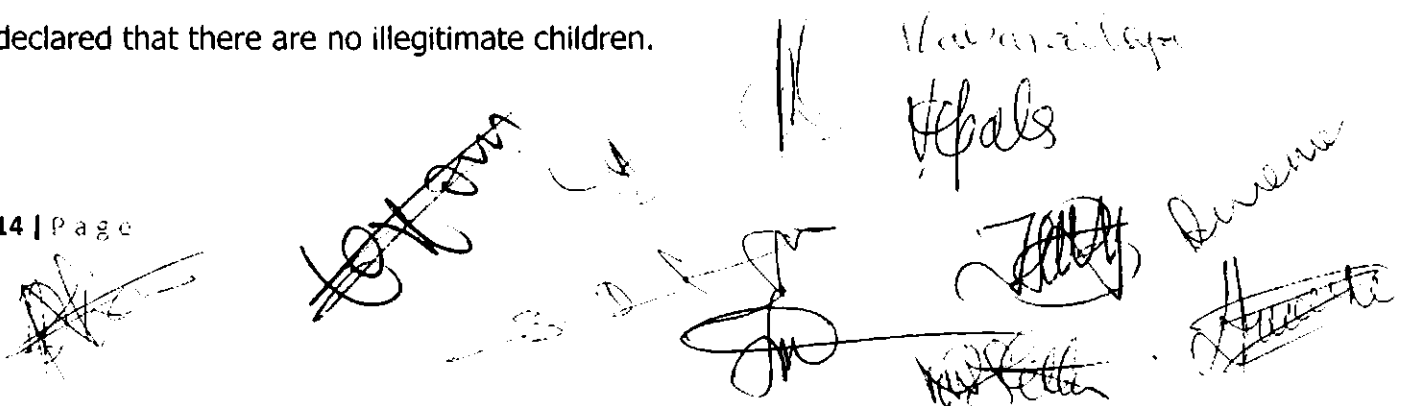
The domicile of origin of every person of legitimate birth is in the country in which, at the time of his or her birth, his or her father is domiciled, or, if he or she is a posthumous child, in the country in which his or her father was domiciled at the time of the father's death.

7. Domicile of origin of an illegitimate child.

The domicile of origin of an illegitimate child is in the country in which, at the time of his or her birth, his or her mother was domiciled."

On the other hand, the 2019 Bill proposes to change the reference to illegitimate or legitimate children but maintain the distinction between children born out of wedlock and those that are not when determining domicile.

The Committee notes that the amendment proposed in the 2018 Bill should be supported since it removes the distinction between children of legitimate and illegitimate birth when determining domicile, which had made the current provision discriminatory and contrary to the decision of court in the case of Kabali vs. Kajubi [1944] 11 EACA where court declared that there are no illegitimate children.



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The Committee does not support the amendment in the 2019 Bill since it will maintain a repugnant distinction between children in determining their domicile based on their parent's marital status. It should be noted that clause 5 requires that in determining the domicile of a child of legitimate birth, the father's domicile is taken and for the children borne out of wedlock in clause 6, then the mother's domicile prevails. This proposal creates a distinction between children borne out of wedlock and those that are not yet there is no distinction between such children under the laws of Uganda, especially as commanded by Article 21 (1) of the Constitution.

The Committee further notes that the amendments proposed in the 2019 Bill will maintain redundant provisions on the law book. The Committee observes that section 13 of the Succession Act already makes provision for the domicile of minors and it requires that the domicile of a minor is derived from the parent from whom the minor derived his or her domicile of origin. Section 13 is reproduced below-

"13. Minor's domicile.

(1) Subject to subsection (2), the domicile of a minor follows the domicile of the parent from whom the minor derived his or her domicile of origin.

(2) The domicile of a minor does not change with that of the minor's parent if the minor is married, or holds any office or employment in the service of the Government, or has set up, with the consent of the parent, in any distinct business."

The above provision generally deals with the domicile of a minor and it requires that minor takes the domicile of the parent from whom the minor derived his or her domicile of origin.

This provision broadly deals with domicile of minors, generally, irrespective of the marital status of the parents. This means that the removal of the distinction in section 6 and 7 as well as the amendment proposed to the definition of the word "minor" make the

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provisions similar to section 13, thereby making the provision in sections 6 and 7 redundant.

Recommendation

In light of the above, the Committee recommends that;

i. Clauses 3 and 4 of the Succession (Amendment) Bill, 2018 are adopted and stand part of the Bill, and

ii. clauses 4 and 5 of the Succession (Amendment) Bill, 2019 be rejected since they will maintain a repugnant distinction between children in determining their domicile based on their parent's marital status and is redundant in light of the provisions of section 13 of the Succession.

4.1.3. Devolution of residential holdings.

Clause 12 of the 2018 Bill and clause 6 of the 2019 Bill proposes to amend section 26 of the Succession Act by making provision for the devolution of residential holding.

The 2018 Bill proposes to reserve the principal residential property and any other residential property including the chattels therein to devolve to the surviving spouse and lineal descendants of the deceased.

On the other hand, the 2019 Bill proposes to reserve the residential property for the spouse and lineal descendants.

Section 26 of the succession Act deals with devolution of the residential holding and requires that the residential holding normally occupied by a person dying intestate prior to his or her death as his or her principal residence or owned by him or her as a principal residential holding, including the house chattels therein, shall be held by his or her personal representative upon trust for his or her legal heir subject to the rights of occupation and terms and conditions set out in the Second Schedule of the Act.

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By implication therefore, section 26 reserves the residential holding for the legal heir and relegates the Spouses, Children of the deceased and other persons who might stay there subject to the rights and authority of the heir.

The Committee notes that this provision should be amended since it is currently unfair to the surviving spouse and his or her children who lose interest in the residential holding upon the death of the other spouse. This means that a person's proprietary interest is lost, contrary to Article 26 of the Constitution. The Committee further notes that this provision has been abused to deprive surviving spouse, especially women, of their entitlement in what would otherwise be matrimonial property. This had led to the eviction of such spouses and children by the heir or the disposal of the residential holding without making provision for the spouse or children.

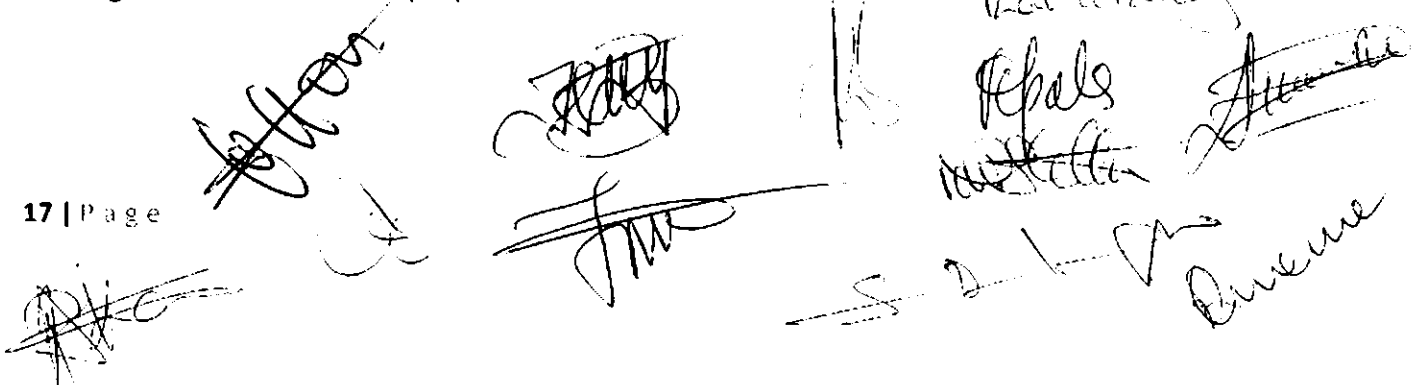
The Committee observes that both Bills propose to amend section 26 by reserving the residential holding for the spouse and lineal descendants. It also removes an absurdity in the law which empowered the legal heir to take the residential property instead of the deceased's spouse or children. It also recognises that the customary heir have been abusing this provision to exclusively occupy the principle holding and to indeed, exclude the surviving spouse and lineal descendants.

The Committee however notes that the proposal contained in the 2018 Bill is limited in scope since it proposes to entirely replace section 26 with a single provision. This will create a lacuna in the law as to-

- (a) what happens to their residential holding owned by the intestate;
- (b) How are the disputes that arise as to the occupancy of the residential holding resolved.

The Committee notes that the current section 26 extensively caters for the above thereby making the amendment as proposed in the 2018 Bill insufficient.

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The Committee observes that the proposed amendments as contained in the 2019 is more suitable to deal with the mischief at hand since it removes only the offending words rather than amending the provision beyond what is necessary.

Recommendation

The Committee therefore recommends that the proposal in the 2018 Bill be rejected.

Instead, the proposal in the 2019 be adopted with the justification that the proposal in clause 12 goes beyond what is necessary to deal with the mischief and therefore amending section 26 as proposed in the 2018 Bill will result in a lacuna in the law since it is not as broad as the provision it seeks to replace.

4.1.4. Distribution of property of an intestate

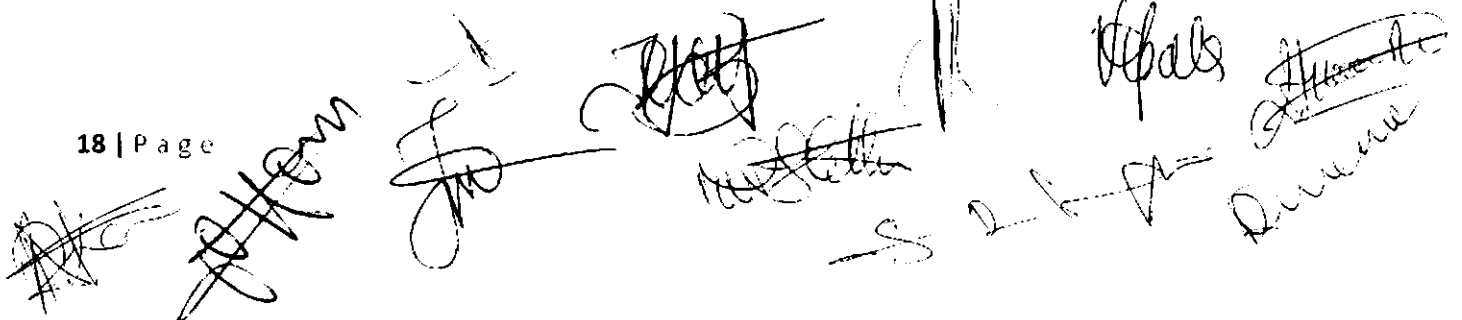
Clause 13 of the Succession (Amendment) Bill, 2018 and clause 7 of the Succession (Amendment) Bill, 2019 propose to amend section 27 to make changes to how the property of a deceased person who dies without leaving a will is to be distributed.

Clause 7 of the 2019 Bill proposes to amend section 27 of the Succession Act to-

- (a) Maintain the distribution scheme under section 27 as it is;
- (b) Expand the provision to apply to both male and female intestates as well as to spouses in a marriage;
- (c) reserve 20% of the estate to be held in trust for the education, maintenance and welfare of the lineal descendants and minor children.

The 2018 Bill on its part proposes to amend section 27 as follows-

- (a) where the intestate is survived by a spouse, a lineal descendant (children) and a dependent relative (other relatives)**



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Class	Percentage entitlement
Spouse	50
dependent relatives	9
Lineal descendants (Children)	41

(b) where the intestate leaves no surviving spouse or dependent relative (other relatives) capable of taking a proportion of his or her property,

Class	Percentage entitlement
Lineal descendants (Children)	100

(c) where the intestate is survived by a spouse and a dependent relative (other relatives) but no lineal descendants (children)

Class	Percentage entitlement
Spouse	80
dependent relatives	20

(d) where the intestate is survived by a spouse or a dependent relative (other relatives) but no lineal descendants (children)

Class	Percentage entitlement
Spouse	100

Class	Percentage entitlement
dependent relatives (Children)	100

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(e) where the intestate leaves no person surviving him or her, capable of taking a proportion of his or her property

Class	Percentage entitlement
relatives nearest in kinship to the intestate	100

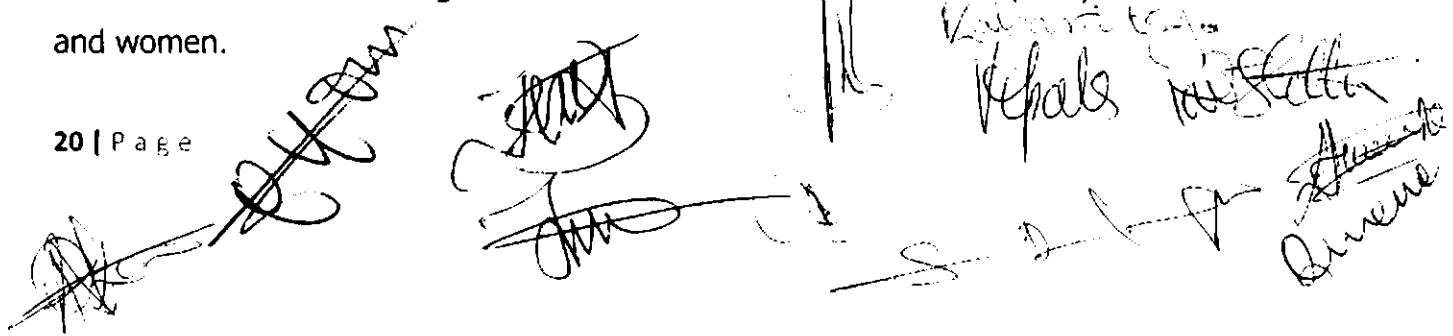
(f) where the intestate leaves no person surviving him or her, including any living relative capable of taking a proportion of his or her property

Class	Percentage entitlement
Administrator General	100

The Committee notes that intestacy occurs where a deceased person did not make a will or leave a valid will disposing of his property. Intestate succession can be either total or partial. Intestacy is said to be total where the deceased does not effectively dispose of any beneficial interest in any of his property by will while a partial intestacy exists where the deceased effectively disposes of some, but not all of the beneficial interest in his property by will.

The Committee observes that where this happens, the intestacy rules take effect subject to the provisions contained in the will. The law on intestacy in Uganda was contained under section 27 of the Act.

The Committee further observes that following the constitutional court pronouncement in the case of *Law and Advocacy for Women in Uganda vs. A.G*, the provisions on intestacy were pronounced null and void, leaving a lacuna in the law. Section 27 was challenged on the fact that it was discriminatory on the basis of sex since it made reference to distribution on the death of a male intestate and not to a female intestate. As such it fell short of the guaranteed Constitutional standard of equality between men and women.



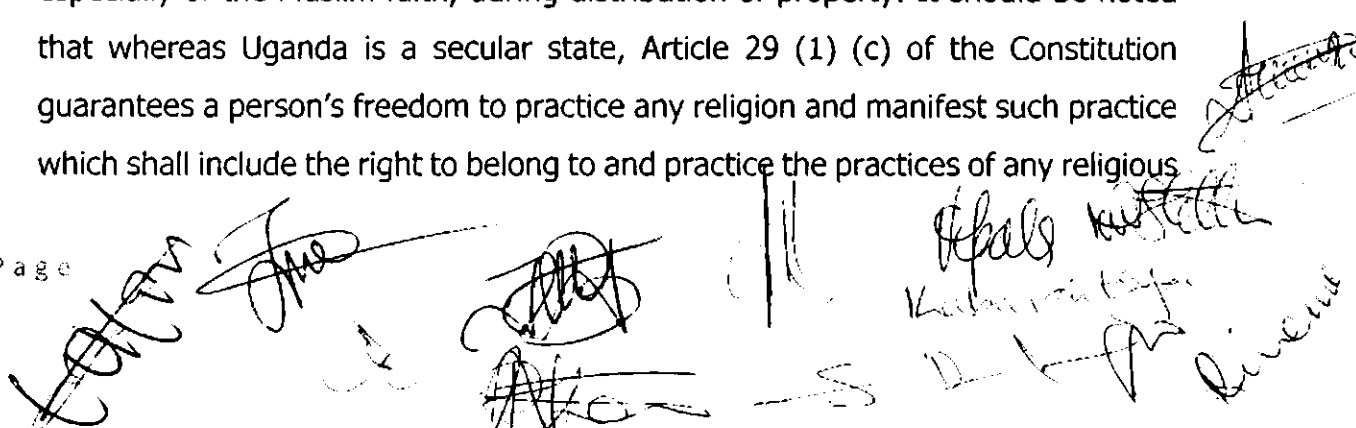
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The Committee has considered the proposed amendments contained in both Bills as well as the challenges in the current section 27 and reports as follows-

(a) the 2019 Bill makes reference to the phrases "minor child" and "lineal descendants"; phrases that are used interchangeably and ambiguously. These phrases are not defined in the Bill and the principal Act. The Committee agrees that the principal act defines minor to mean a person below 21 years of age. The Bill on its own proposes to amend this definition so that a minor means a person below 18 years. The principal Act already contains a definition of the word "child" to mean "children", "issue" and "lineal descendant" including legitimate, illegitimate and adopted children. This means that a child, according to the principal Act includes a lineal descendant although sub clause (1a) appears to suggest that there minor children are at the same time lineal descendant. This provision therefore is confusing as to who exactly is a minor child and lineal descendant and unless these people are clearly defined, the provision may not be effective.

(b) The 2018 and 2019 Bills further maintains a distribution scheme that stipulates percentage entitlements to beneficiaries instead of granting them a defined legacy or entitlement. This may be cumbersome in implementation since it requires the valuation of all of the property of the deceased and a total value sought before distributing the estate amongst the beneficiaries based on their percentage entitlement. This can only work where the deceased left property that can be quantified in value.

(c) The distribution scheme does not take into account religious requirements, especially of the Muslim faith, during distribution of property. It should be noted that whereas Uganda is a secular state, Article 29 (1) (c) of the Constitution guarantees a person's freedom to practice any religion and manifest such practice which shall include the right to belong to and practice the practices of any religious

The bottom of the page contains several handwritten signatures and scribbles in black ink. On the left, there is a large, stylized signature that appears to be 'L. O. O.'. To its right, there are several smaller, less legible signatures and scribbles, including one that looks like 'K. O. O.' and another that looks like 'D. O. O.'. The signatures are scattered across the bottom of the page, some overlapping the text of the third point.