

Join in online every Thur, 8-9pm

ProDev Hour

- CPD.
- Rights, Safety, Policies & Dialogue
- Innovation & Skill Development
- Social & Economic Empowerment
- Updates on Union Programs and Activities



**ProDev
Hour**



Today's Topic: "FAMILY LAW: MARRIAGE AND SUCCESSION"

17TH / JUL / 2025

Join in online every Thur, 8-9pm for:
✓CPD ✓ Empowerment ✓ Union Updates

SPEAKER:

Masika Sandra

PRINCIPLE ASSOCIATE,
DIAMOND ADVOCATES / LEGAL
DEPT, UPSTU SECRETARIAT

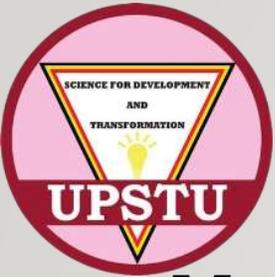


"Science for Development and Transformation."



Uganda Professional Science Teachers Union

Website: www.upstu.org



Why is this topic important?

- **Marriage** and **succession** are foundational aspects of family law that impact every individual. These areas of law ensure that our legal rights and responsibilities towards our families are protected.
- While many of us work tirelessly for the benefit of our families, **legal awareness** and the preparation of key documents such as **wills** and **marriage contracts** can make a crucial difference in safeguarding our legacies and ensuring the smooth transition of assets.

Key Focus Areas in Today's Session:

- The **laws surrounding succession**.
- Understanding the importance of **wills** and the implications of **dying intestate** (without a will).
- How to **prepare legal documents** to protect your loved ones and ensure your assets are distributed according to your wishes.

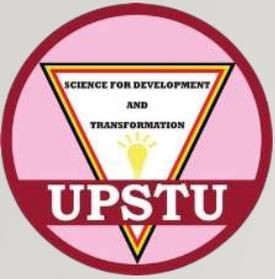




Overview of Succession Law

- **What is Succession Law?**
 - Governs the distribution of a person's property after their death.
 - Types:
 - **Testate Succession:** With a will
 - **Intestate Succession:** Without a will
- **Applicable Laws in Uganda**
 - 1995 Constitution of Uganda
 - Succession Act (Cap 268)
 - Administrator General's Act (Cap 264)





Testate Succession – What Is a Will?

- **Definition:** A legal document stating how a person’s property will be distributed after death.
- **Key Points:**
 - Must be written to be enforceable.
 - A will can be altered via a codicil.
 - Key contents: appointing executors, distribution of property, funeral arrangements, etc.





Formal Requirements of a Valid Will

- **Section 47, Succession Act:**
 - Written on any material.
 - Must be signed by the testator in the presence of a witness.
 - Witnesses must sign as well.
- **Factors That May Invalidate a Will:**
 - Coercion, forgery, undue influence, or mistakes.

Revocation, Alteration, and Revival of Wills

- **Process:**
 - Wills can be changed during a person's lifetime.
 - Alterations must follow legal processes.





WILL FORMAT

**THE SUCCESSION ACT CAP 162 AS AMENDED BY THE
SUCCESSION (AMENDMENT) ACT No.3, 2022**

LAST WILL OF (NAME)

I, (names) of (address)
this (day) of (month) 20..... year
make and declare this my last will (and revoke all former wills) (or) make this codicil in addition to
my former will.

1. I have the following children:-

2. My wife(s) / husband/I am unmarried;

3. I have the following dependants;

4. I possess the following properties (i.e. Land, Shares, Vehicles, Bank Accounts e.t.c):-

5. The following properties I give to my children;

(i) (description of property) for (names)

(ii) (description) for (names)

For my minor children (if applicable) I make the following provision:

(i) (description of property) for (names)

(ii) (description) for (names)

(a) I appoint (names) of (address)

to be the guardian(s) of my children. He/She shall be responsible for their proper education and
upbringing.

(b) I give my dependants/relatives the following property.... (description of the property).....

(c) My property at I give to my wife, (names).....

(d) I give my residential house to my wife/ husband until her/ his death.

6. I appoint (names) of (address)
..... to be the executor(s) of my will.

7. I direct that my remains be buried at (place)..... (Give Proper Guidance)

8. I owe people listed below the money mentioned and direct repayment from

Account No..... at (bank)....., that is to say:-

a) (names) of (address)..... (amount)

b) (names) of (address)..... (amount)

9. The following people owe me the money mentioned, and I direct collection of that money.

a) (names) of (address)..... (amount)

b) (names) of (address)..... (amount)

c) I however forgive the following who are indebted to me:-

1..... (names) of (address)..... (amount)

Dated at (place) the day (a month) 20.....
..... (Year) first -above mentioned.

Signed by the said (names)..... (testator)

(Signature or thumb mark)

Testator

ATTESTATION OF WITNESSES

1. In the presence of

Name signature

Address signature

2. In the presence of

Name signature

Address signature

NB:

1. The Testator and Witnesses must sign or thumb mark on each and every page of the Will as required by the new law.
2. The Testator shall not distribute in a Will the principal residential holding and other residential holdings.
3. The Testator shall provide for the spouse, lineal descendants and dependant relatives in the Will.

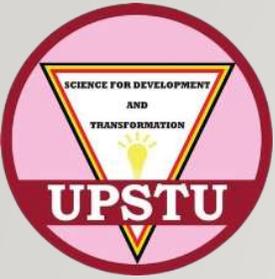




Revocation, Alteration, and Revival of Wills

- **Process:**
 - Wills can be changed during a person's lifetime.
 - Alterations must follow legal processes.





Intestate Succession – When There Is No Will

- **What Happens?**
 - Property is distributed according to legal rules.
 - Priority order: spouse, children, and close blood relatives.
- **Section 22, Succession Act:**
 - Addresses devolution of residential holdings.





Distribution of Property Under Intestate Succession

- **Distribution Guidelines:**

- If there's a spouse and children:

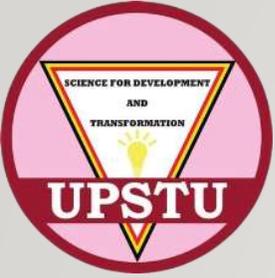
- Spouse: 20%, Children: 75%, Others: 5%

- Spouse only: 50%, Dependent relatives: 40%, Others: 10%

- **Challenges:**

- No recognition of unmarried partners without a will.





Special Provisions for Lineal Descendants

- **20% of the estate is reserved for:**
 - Minor children, students under 25, and children with disabilities.
 - This portion is held in trust for their education, maintenance, and welfare.





Administration of Estates – Grants of Representation

- **Who Gets Legal Authority?**
 - **Grant of Probate:** Issued when there is a valid will.
 - **Letters of Administration:** Issued when there is no will.
- **Executor’s Responsibilities:**
 - Collecting assets, paying debts, and distributing according to the will.





Procedures for Obtaining a Grant of Probate

Application Procedure

- Obtain a death certificate
- Obtain a copy of the will
- Determine which court has authority over the matter
- Obtain letter of introduction
- Obtain Identification card
- Write Court Document
- Commission document
- Apply for grant of probate
- Publish notice of application in newspaper
- Apply for identification
- Receive grant of probate
- Distribute the estate
- Inventory





Procedure for Letters of Administration

When is It Needed?

- In the absence of a will or if an executor is unavailable.

Application Procedure

- Report death to the Administrator General
- Open a file and sanction it
- Officer calls a Family meeting
- Proposed administrator applies for a certificate of no objection
- A certificate of no objection is given within a week
- Proposed administrator petitions to the High Court
- When no caveat is lodged, petitioner shall appear for identification
- The Judge shall grant the letter
- The Appointed administrator shall cause an advertisement in newspapers
- Inventory





Jurisdiction of Courts

- **Where to Apply for Probate or Letters of Administration:**
 - **High Court:** For estates over UGX 50 million.
 - **Chief Magistrate's Court:** For estates under UGX 50 million.





Conclusion and Key Takeaways

- Importance of understanding family law for succession planning.
- Ensuring family members are protected through proper legal documents.
- **Q&A Time:** Addressing specific queries related to marriage and succession.



Thank You!

legal@upstu.org



ProDev Hour

Join in online every Thur, 8-9pm for:
✓ CPD ✓ Empowerment ✓ Union Updates

SPEAKER: **Masika Sandra**
PRINCIPLE ASSOCIATE,
DIAMOND ADVOCATES / LEGAL
DEPT, UPSTU SECRETARIAT



“Science for Development and Transformation.”



Uganda Professional Science Teachers Union

Website: www.upstu.org