

**THE ADMINISTRATION OF ESTATES OF PERSONS OF  
UNSOUND MIND ACT.**

Statutory Instrument 155—1.

**The Administration of Estates of Persons of Unsound Mind  
(Procedure) Rules.**

**Arrangement of Rules.**

Rule

1. Citation.
2. Interpretation.
3. Application for appointment of manager.
4. Notice of application or petition.
5. Service of notice on relative or other person.
6. Mode of service of notice.
7. Affidavit or certificate of service.
8. Hearing of applications or petitions.
9. Security for the administration of an estate.
10. Discharge of manager.
11. Accounts to be passed by registrar.
12. Costs.
13. Fees.

**Schedules**

*First Schedule*      Forms.

*Second Schedule*      Fees.

**THE ADMINISTRATION OF ESTATES OF PERSONS OF  
UN SOUND MIND ACT.**

Statutory Instrument 155—1.

**The Administration of Estates of Persons of Unsound Mind  
(Procedure) Rules.**

*(Under section 15 of the Act.)*

**1. Citation.**

These Rules may be cited as the Administration of Estates of Persons of Unsound Mind (Procedure) Rules.

**2. Interpretation.**

In these Rules—

- (a) “prison” includes any place, other than a mental hospital, authorised for the detention of persons of unsound mind;
- (b) “registrar” means the chief registrar of the High Court, or a deputy or an assistant registrar of the High Court;
- (c) “superintendent”, in relation to a mental hospital, means the person in charge of that hospital.

**3. Application for appointment of manager.**

(1) An application for the appointment of a manager of the estate of a person of unsound mind shall be made by summons in chambers.

- (2) The application shall be supported by the following documents—
  - (a) in the case of an application by a relative of the person of unsound mind who proposes himself or herself for appointment as manager, an affidavit of kindred and fortune in Form A in the First Schedule to these Rules;
  - (b) in the case of an application by a relative who does not propose himself or herself for appointment as manager, or by the Commissioner of Prisons or a superintendent of a mental hospital, an affidavit setting out the grounds on which the application is founded, the information in the applicant’s possession concerning the property of the person of unsound

mind, and the name and qualifications of the person, if any, whom the applicant believes to be suitable for appointment as manager;

- (c) a certificate in Form B in the First Schedule to these Rules by the superintendent of the mental hospital where the person of unsound mind is a patient or, if that person is detained in a prison, by the officer in charge of the prison; and
- (d) if the person of unsound mind is not a patient in a mental hospital and is not detained in a prison, an affidavit by a medical practitioner stating that he or she has personally examined that person and that the person is still of unsound mind.

#### **4. Notice of application or petition.**

(1) On the filing of an application to appoint a manager of the estate of a person of unsound mind or of any other application or petition under the Act, the registrar shall, subject to subrule (2) of this rule, cause a notice of the application or petition in Form C in the First Schedule to these Rules, together with a copy of all documents filed in respect of that application or petition, to be served personally, or in such other manner as the registrar may direct, upon the person of unsound mind to whom the application relates.

(2) The registrar may, if he or she thinks fit, dispense with the service of any notice of an application or petition and of documents relating to the application or petition if he or she is satisfied—

- (a) that the person of unsound mind is incapable of understanding the notice;
- (b) that service of the notice would be injurious to his or her health; or
- (c) that service is impracticable or inexpedient.

#### **5. Service of notice on relative or other person.**

The court may, if it deems it expedient, direct that notice of an application or petition be served upon any of the relatives of the person of unsound mind to whom the application or petition relates or upon any other person, and only such persons as the court directs to be served with the notice shall be entitled to attend at the hearing of the application or petition.

#### **6. Mode of service of notice.**

Subject to any directions of the registrar, a notice under rule 4 of these Rules shall be served on the person of unsound mind by being delivered to him or her personally or, where personal service cannot be effected or is inexpedient, by being delivered to some adult inmate of the dwelling house or usual place of abode of that person, or to the superintendent of the mental hospital where that person is a patient, or to the officer in charge of the prison where the person of unsound mind is detained, as the case may require.

#### **7. Affidavit or certificate of service.**

(1) Except where service has been dispensed with, an affidavit of service, stating particularly the time, place and mode of service and, where there has not been personal service, the reason why personal service was not effected, shall be filed before the hearing of the application or petition.

(2) In the case of a person who is a patient in a mental hospital or is detained in a prison, a certificate in Form D in the First Schedule to these Rules purporting to be under the hand of the superintendent of the mental hospital or the officer in charge of the prison may be accepted as sufficient evidence of the service.

#### **8. Hearing of applications or petitions.**

(1) All applications or petitions to the court in respect of the administration of the estate of a person of unsound mind shall be heard, and any order on them shall be made, by a single judge in chambers; except that the judge may at any time direct that the application or petition shall be heard in open court.

(2) Except insofar as they may be inconsistent with anything contained in the Act or these Rules, the provisions of the Civil Procedure Rules relating to procedure shall apply to all proceedings before the court under the Act.

(3) An order appointing a manager shall be in Form E in the First Schedule to these Rules.

#### **9. Security for the administration of an estate.**

(1) Every manager appointed under rule 8 of these Rules shall, unless the court otherwise directs, give a bond to the court, with or without sureties

as the court may direct, for the due administration of the estate.

(2) The bond shall be in Form F in the First Schedule to these Rules, with such variations as may be necessary if it is without sureties or if the surety is a body corporate.

(3) The security may be varied from time to time as the court may direct.

#### **10. Discharge of manager.**

Unless otherwise directed, a manager shall not be discharged from his or her liabilities as such until the accounts referred to in the Act have been delivered to the court and accepted by the court as correct, and until the manager has delivered all the property belonging to the estate, and any balance of money which may be found to be due from him or her, to the court or a person named by the court.

#### **11. Accounts to be passed by registrar.**

(1) Upon the termination of the appointment of a manager for any reason whatsoever, the registrar shall take and pass the accounts from the appointment of the manager or from the foot of his or her last account.

(2) If a balance is found due from the manager or in the case of his or her death from his or her estate, he or she or his or her personal representative shall pay the balance into court or otherwise, and within such time, as the registrar directs.

(3) If the registrar finds a balance due to the manager or his or her estate, it shall be paid to the manager or his or her personal representative out of the estate of the person of unsound mind, or by him or her if he or she is of sound mind, or in the case of his or her death by his or her personal representative.

(4) Upon payment of the balance, if any, or if no balance is found due or the taking of the account is not required by the court and may properly be dispensed with, the court may discharge the manager and his or her security.

(5) At the passing of the accounts the registrar may submit the accounts to a qualified accountant for his or her report on them, and the costs

of the report shall be costs in the administration.

**12. Costs.**

(1) The court may at the hearing of any application or petition make such order as to the payment of costs as it shall think fit, and may direct that the costs be taxed by a taxing officer.

(2) All costs directed to be taxed shall be taxed on the scale applicable to probate proceedings in the Sixth Schedule to the Advocates (Remuneration and Taxation of Costs) Rules.

**13. Fees.**

(1) The fees specified in the Second Schedule to these Rules shall be leviable in respect of the several matters and proceedings specified in that Schedule.

(2) Where no fee is specifically provided there shall be leviable in respect of any matter or proceeding provided for in the Act or these Rules the fee prescribed for a similar matter or proceeding by the Judicature (Courts Fees) Rules.

(3) The court may for good cause direct that any such fee shall be waived or reduced.

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**SCHEDULES**

*First Schedule.*

rules 3(2)(a), 3(2)(c), 4(1),  
7(2), 8(3), 9(2).

**Forms.**

rule 3(2)(a).

Form A.

Affidavit of Kindred and Fortune.

In the Matter of \_\_\_\_\_, a Person of Unsound Mind  
and

In the Matter of an Application Under Section 2 of the Administration  
of Estates of Persons of Unsound Mind Act for the Appointment of a  
Manager.

I, \_\_\_\_\_, *(name in full)*  
make oath/affirm and say as follows—

1. That \_\_\_\_\_ *(name of person of unsound mind)* (hereafter referred to as “the patient”) is my \_\_\_\_\_ *(show relationship)* and is \_\_\_\_\_ years of age and is \_\_\_\_\_ *(married or unmarried as the case may be)*.

2. The patient was adjudged a person of unsound mind on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the \_\_\_\_\_ Court of \_\_\_\_\_ *(cite case reference)*.

*or*

The patient is detained under the provisions of sections 113 to 117 of the Magistrates Courts Act or sections 45 to 48 of the Trial on Indictments Act as a result of proceedings in \_\_\_\_\_ *(cite criminal case reference)*. Annexed to this affidavit and marked “A” is the certificate of the superintendent of/a medical practitioner at

\_\_\_\_\_ mental hospital/prison where the patient is an inmate/is detained *(certificate in Form B)*.

*or*

The patient is not an inmate in a mental hospital nor detained in a prison but is at present residing at \_\_\_\_\_ in the care of \_\_\_\_\_ and is still a person of unsound mind. Annexed to this affidavit and marked "A" is a certified copy of the adjudication that the patient is a person of unsound mind.

3. The estate of the patient is specified in the Schedule to this affidavit and to the best of my knowledge and belief he or she is not entitled to any other estate.

4. The debts of the patient amount to \_\_\_\_\_ and full details of the debts including any security given in respect of the debts are set out in the Schedule to this affidavit (*or* the patient has no debts).

5. The patient to my knowledge has incurred the following liabilities apart from the debts set out in the Schedule to this affidavit—(*set out liabilities*).

6. It is necessary that a manager be appointed in respect of the estate of the patient, and I am qualified to perform the duties should I be appointed as manager of the patient's estate (*here set out age and qualifications*).

7. The cost of the patient's maintenance amounts to \_\_\_\_\_ a year (*or* the chief medical officer has fixed the rate to be charged for his or her maintenance and care in a mental hospital at \_\_\_\_\_). Annexed to this affidavit and marked "B" is a certificate to this effect by the chief medical officer.

8. The following persons are relatives of the patient dependent on him or her and in respect of whom it will be necessary to provide for maintenance—(*set out particulars of relatives, ages, relationship and extent of dependency together with suggested allowances*).

9. The patient has (*or* has not so far as I am aware) made a will (and it is believed to be in the custody of \_\_\_\_\_).

10. I require the permission of the court to deal with the estate of the patient by (*set out the special powers required not exercisable without the permission of the court*).

11. I further make oath/affirm and say that I will administer the estate

according to law and render an account of all property real or personal which shall come into my possession, custody or control as its manager, and give such security as the court may require for the due administration of the estate.

#### Schedule to Form A.

##### PART I—CASH.

*(Either at a bank or elsewhere, giving name and address of the bank and stating whether on deposit or current account. If any of the money is not standing in the patient's name, the fact must be clearly stated and the full names of the person under whose control the money is must be shown and an explanation of the circumstances given in the body of this affidavit.)*

##### PART II—PENSIONS, ANNUITIES AND LIFE POLICIES.

*(Showing premiums payable on the policy, and where surrender may be advisable, the surrender value.)*

##### PART III—LAND AND HOUSE PROPERTY INCLUDING TENANCIES.

*(Stating whether freehold or leasehold, type of tenancy, etc. and showing terms, rents, tenants' names and rents, together with particulars of any mortgages on the property, stating the mortgagees' names and rate of interest; details of insurances should also be given and details as to custody of title deeds.)*

##### PART IV—SECURITIES.

*(Being a complete list of the patient's investments and in the case of bearer bonds showing the numbers and coupon dates, and in the case of mortgages showing the names of the mortgagors, rate of interest and particulars of the property on which the mortgage is secured. If any of the securities are in joint names, full particulars of the transaction must be given.)*

##### PART V—MISCELLANEOUS PROPERTY.

*(Furniture, jewellery, motor cars, stock-in-trade, fixtures and goodwill, or other property not otherwise appearing in the Schedule, together with life interests if any. A copy of the latest accounts of the business, if any, must be filed.)*

PART VI—REVERSIONARY AND CONTINGENT INTERESTS.

*(Showing the name and age of the person upon whose death the patient will become entitled, together with details of the property and particulars of the will or settlement and names of the trustees.)*

PART VII—DEBTS.

*(Other than mortgages on the patient's property, these being shown in Part III. Names of creditors and nature of each debt must be set out.)*

Sworn, etc.

rule 3(2)(c).

Form B.  
Medical Certificate.

In the Matter of \_\_\_\_\_, a Person of Unsound Mind  
and

In the Matter of an Application Under Section 2 of the Administration of  
Estates of Persons of Unsound Mind Act for the Appointment of a  
Manager.

I, \_\_\_\_\_ (*name in full*),  
certify that I am the superintendent/officer in charge of \_\_\_\_\_  
mental hospital/prison and that \_\_\_\_\_ is a person  
of unsound mind

so adjudged under the Mental Treatment Act and detained by  
virtue of a reception order issued by the \_\_\_\_\_  
Court of \_\_\_\_\_ in Case No. \_\_\_\_\_ of 20 \_\_\_\_\_,  
and dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

*or*

detained under sections 113 to 117 of the Magistrates Courts Act  
or sections 45 to 48 of the Trial on Indictments Act by virtue of  
an order/warrant dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

rule 4(1).

Form C.  
Notice of Presentation of Application/Petition.

In the Matter of \_\_\_\_\_, a Person of Unsound Mind  
and  
In the Matter of an Application/Petition Under the Administration of  
Estates of Persons of Unsound Mind Act.

Take notice that application has been made to the High Court at \_\_\_\_\_  
that \_\_\_\_\_

The application/petition will be heard in chambers at \_\_\_\_\_ in  
the forenoon in the High Court, \_\_\_\_\_. If you intend  
to oppose the application/petition, you should give notice of that intention to  
this court in writing before the hearing of the application/petition, and you  
may attend at the hearing of the application/petition. If you do not attend in  
person or by advocate at the hearing, the matter will be dealt with in your  
absence.

\_\_\_\_\_  
Registrar

Notice of intention to oppose the application/petition should be filed in the  
High Court registry at least seven days before the date fixed for the hearing  
of the application/petition.

rule 7(2).

Form D.  
Certificate of Service.

In the Matter of \_\_\_\_\_, a Person of Unsound Mind  
and  
In the Matter of an Application/Petition Under the Administration of  
Estates of Persons of Unsound Mind Act.

1. I, \_\_\_\_\_, superintendent/officer in  
charge of \_\_\_\_\_ mental hospital/prison, certify that

I have at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, personally served  
\_\_\_\_\_ (name person of unsound mind)  
with the notice of an application/petition dated the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_, and a copy of the documents  
attached to the notice

*or*

personal service could not be effected for the following  
reasons—

\_\_\_\_\_  
\_\_\_\_\_

2. The original notice is attached to this certificate and has been  
signed by me.

3. I have explained to him or her that if he or she intends to oppose  
the application/petition he or she should give notice of his or her intention in  
writing.

*or*

I have not explained the notice to him or her as in my opinion he  
or she is not capable of understanding the contents.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_

Superintendent/Officer in Charge

rule 8(3).

Form E.  
Order Appointing a Manager.

In the Matter of \_\_\_\_\_, a Person of Unsound Mind  
and  
In the Matter of an Application Under Section 2 of the Administration  
of Estates of Persons of Unsound Mind Act.

Upon the application of \_\_\_\_\_ and upon reading the  
affidavit(s) and certificate in support of the application specified in the  
schedule to this order and upon hearing \_\_\_\_\_,  
and it appearing from the evidence that it is necessary to appoint a manager  
of the estate of \_\_\_\_\_, a person of unsound mind.

It is ordered that \_\_\_\_\_ be appointed manager  
of that estate, and he or she is authorised in the name of and on behalf of  
\_\_\_\_\_ to take possession of the furniture, goods,  
chattels and effects and all other real and personal property belonging to that  
person and to take such steps as are necessary for the protection of that  
property.

The manager appointed is authorised in the name and on behalf of the person  
of unsound mind to receive and give a discharge for all dividends, interest  
and income and all arrears thereof respectively to which the person of  
unsound mind is or may become entitled and also to receive all notices  
affecting him or her or his or her property.

It is further ordered (*set out special powers not exercisable without the  
permission of the court and special directions as to payment of maintenance,  
remuneration of manager, security to be given by manager for the due  
administration of the estate, directions as to deposit of will or title deeds,  
etc.*).

Given under my hand and the seal of the court this \_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Judge

rule 9(2).

Form F.  
Bond with Sureties.

Know all men by these presents that we

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(name, address and description of manager)* (hereafter called “the manager”) and

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(names, addresses and descriptions of sureties)* (hereafter called “the sureties”) are bound and firmly obliged to the chief registrar of the High Court of Uganda in the sum of \_\_\_\_\_ *(amount of penalty)* to be paid to the registrar, and I the manager and we the sureties bind ourselves jointly and severally and our respective heirs, executors and administrators by these presents.

Sealed with our seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

The condition of the above written obligation is such that whereas \_\_\_\_\_ *(name of manager)* has been appointed manager of the estate of \_\_\_\_\_ *(name and address)* a person of unsound mind (hereafter referred to as “the patient”) and whereas the court has approved the sureties as sureties for the due performance of the duties of the manager;

If therefore the manager shall duly account for the rents, issues and profits of the estate of the patient which shall come into his or her possession, custody or control and shall well and faithfully administer the estate and observe and perform every order and direction of the court or the registrar concerning the patient or his or her estate, and concerning all such monies as shall be due upon the foot of the accounts taken by the registrar, and shall be careful to see the houses and buildings of the patient to be well and sufficiently repaired and so kept and maintained and shall carefully preserve and keep all the title deeds, evidences and writing in the possession of the manager touching the estate of the patient and shall in all things demean himself or herself as a careful and faithful manager of the estate of the patient, that then the obligation to be void or else the obligation to stand, remain and be in full force and virtue.

Provided always that a certificate under the seal of the court of the amount

which the manager as such is liable to pay and has not paid shall be sufficient and conclusive evidence against the manager and the sureties of the truth of the contents of the certificate and that this bond has become forfeited to the amount of the sum stated in the certificate and that the sum forms a valid and binding claim not only against the manager but also against the sureties.

Provided always and it is further agreed between the manager and the sureties that the manager on being discharged from his or her office shall immediately give notice in writing of his or her discharge to the sureties.

Signed, sealed and delivered by the  
manager in the presence of

\_\_\_\_\_

Signed, sealed and delivered by the  
above named (*first-named surety*) in  
the presence of \_\_\_\_\_

Signed, sealed and delivered by the  
above named (*second-named surety*)  
i n t h e p r e s e n c e o f \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Second Schedule.*

rule 13.

**Fees.**

Shs.

On application for appointment of a manager	45
On any other application or petition	30
On every security	45
For inspection of an inventory, statement or account delivered to the court under section 5 of the Act	10
For a copy thereof, per folio	1
For administration of an estate by the Administrator General as manager, such fees as the court may direct in each case	

\_\_\_\_\_

**History:** S.I. 146-1; S.I. 135/1968, para. 1.

### **Cross References**

Advocates (Remuneration and Taxation of Costs) Rules, S.I. 267-4.

Civil Procedure Rules, S.I. 71-1.

Judicature (Courts Fees) Rules, S.I. 13-1.

Magistrates Courts Act, Cap. 16.

Mental Treatment Act, Cap. 279.

Trial on Indictments Act, Cap. 23.

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