

# A SIMPLE GUIDE TO UNDERSTANDING THE LAW OF SUCCESSION

Matters relating to succession in Uganda are regulated by the Succession Act CAP 162 and the Succession (Amendment) ACT, 2022

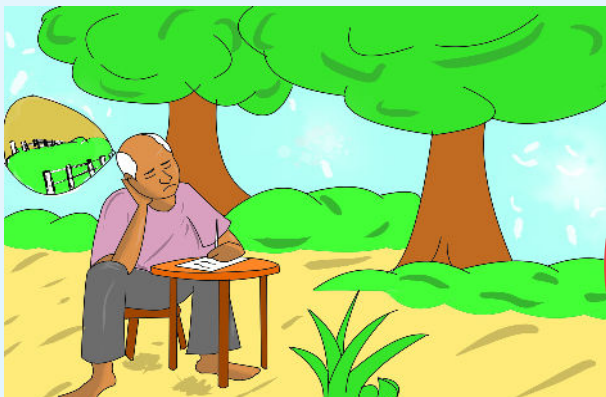
## What is succession?

Succession refers to the rights, estate, and obligations left by the deceased at the time of his or her death.

Types of succession

INTESTATE SUCCESSION is where one dies without making/leaving behind a valid will.

TESTATE SUCCESSION is where one leaves behind a will at the time of his or her death.



## What are the Contents of a Valid Will?

- Must be in writing (**NO** verbal Will)
- May be written in any language.
- Must be signed by the person who wrote it.
- Indicate your full name, address, and date of birth.
- Clearly state that the document is your last will. Add a sentence canceling any previous Wills and/or changes to your Will.
- Must be signed by two other persons as witnesses, who should not be beneficiaries of the Will.
- Each page of the Will should be dated and signed in the presence of at least two witnesses.
- Must include the names and addresses of the people to whom property has been given.
- Must have the list of property and how it is to be distributed.
- Must include the name of the guardian of the deceased's children below 18 years of age if applicable.
- Must name the Executor/Executrix, who is the person supposed to carry out all the wishes in the Will.



## Who can make a valid Will?

Section 36 of the succession Act, cap 162 provides that every person of sound mind and not a minor may by will dispose of his or her property. This section implies that both men and women can make wills.

## Where do I keep my Will?

After writing a Will, it is important to store it in a safe and accessible place. You can inform your Executor/ Executrix, trusted family member, or lawyer about the location of your Will.

### Consider the following options for storing your Will:

- A home safe or locked away - fireproof and protected from theft or damage.
- Bank safety deposit box: Contact your bank to inquire about their procedures and fees for storing important documents.
- Lawyer's office: If you sought legal assistance, your lawyer may offer to store your will securely.
- Other respectable people within the community such as local, cultural and religious leaders can keep your Will.

## What is a Will?

A will refers to the expression of what a living person wishes to happen to his or her estate upon his or her death.

### Why it is important to write a Will?

1. A Will allows you to decide who will inherit/take over your property when you die, whether it's family members, friends, or charitable organizations.
2. A Will provides a clear plan for distributing your assets and reduces possible conflicts among family members.
3. It ensures that your wishes are respected and followed.

## Can a person with a visual or hearing disability make a Will?



Section 36(3) of the succession Act, cap 162 states that a person who is deaf or dumb or blind is **NOT** hereby incapacitated for making a will if he or she can know what he or she does by it.

- A person who ordinarily has a mental disability may make a will during an interval in which he or she is of sound mind. (Section 35(4))  
- **NO** Person can make a Will while he/she is in such a state of mind whether arising from drunkenness, or from illness or from any other cause, that the person doesn't know what he or she is doing. (Section 36(5))

**Note: The Will must be signed on every page by the maker and the witnesses**