

**ESTABLISHING AND OVERCOMING THE CHALLENGES OF TRANSLATING
LEGAL DOCUMENTS FROM ENGLISH TO RUNYANKORE-RUKIGA: A CASE
STUDY OF THE UGANDAN SUCCESSION ACT CAP 162 AS 'EITEEKA
RY'OBUHUNGUZI'**

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DECLARATION

I, Ahabwe Abraham, hereby declare that this dissertation is my own and original work which has not been submitted to any other university for any degree award. Citations have been given for all work that is not my own and well referenced at the reference list.

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SUPERVISOR'S APPROVAL

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DEDICATION

This work is proudly dedicated to my parents Late Erisa Karamuzi and Mrs Eva Karamuzi, my dear wife Angela Tushabe and my children Hiirwa Ethan, Andrea Ihunde and Abigail Aboneka as well as my longtime mentor Rev Canon John Mulindabigwi for their financial, spiritual and moral support as well as the words of encouragement while I am doing this work.

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LIST OF ACRONYMS

CAP	:	Chapter
SL	:	Source Language
SLT	:	Source Language Text
TL	:	Target Language
TLT	:	Target Language Text

ABSTRACT

The aim of this study is to identify the challenges in translating legal documents and show how to solve them. This study has taken its case study as *The Succession Act Chapter (Cap) 162* in the Laws of Uganda (2001). The translation however doesn't capture the 2022 amendments to this law. The document considered here is in English as a Source Language (SL) and was rendered into Runyankore/Rukiga as a Target Language (TL) since it is widely spoken by Bantu people of South Western Uganda. The study adopted a qualitative case study design where the Succession Act Cap 162 was deliberately selected as the primary text because of its social significance in regulating family property and inheritance, which are central issues in Runyankore-Rukiga-speaking communities. The population of interest consisted of legal texts and experts relevant to the translation process. Thematic content analysis method was used in the translation of *The Succession Act CAP 162*. The translation was made in line with the Skopos translation theory which balances both the assumptions of Nida's translation theory (formal equivalence and dynamic equivalence) and Venuti translation theory (domestication and foreignization). While translating, the researcher made sure that the message in the target language matches with the message of the source language as closely as possible, by maintaining the linguistic elements of the source language.

This study revealed that the translation of the Succession Act Cap 162 presented challenges at several levels, namely lexical, syntactic, conceptual/cultural, modality, and formatting. Lexical difficulties were especially common where highly specialized English legal terms, such as *probate*, *letters of administration*, or *incorporeal tenements*, had no direct equivalents in Runyankore-Rukiga. Syntactic challenges also emerged strongly, particularly the difficulty of rendering the long, heavily embedded sentences and multiple provisos characteristic of legal drafting. In my experience, clauses often had to be segmented or reordered to achieve clarity without altering legal effect. Conceptual and cultural challenges further complicated the process. For example, kinship terms such as *nephew* or *cousin-german* did not map neatly onto indigenous Runyankore-Rukiga categories, while common-law constructs like *intestacy* or *probate* lacked customary equivalents. Another persistent challenge was modality and performativity. English modals such as *shall*, *may*, or *shall not* carry binding legal force, yet Runyankore-Rukiga markers of obligation and permission differ in strength and nuance. Finally, formatting challenges such as clause numbering, headings, and layout proved significant.

In addressing the above challenges, I drew upon a repertoire of strategies supported by both theory and prior empirical studies. At the lexical level, my main solutions were controlled borrowing with a first-mention gloss, neologism, and the creation of a mini-glossary. For instance, terms like probate were borrowed and explained in context, thereby preserving legal identity while ensuring comprehension. To resolve syntactic challenges, I employed clause segmentation and reordering, always checked against the legal scope by consulting experts. With respect to conceptual and cultural mismatches, I relied heavily on explicitation, compound or hyphenated forms, and occasional marginal notes. For example, kinship terms without direct equivalents were expanded into descriptive phrases that preserved meaning at the expense of brevity. For modality issues, my solution was calibrated equivalence with legal validation. Each English modal was mapped to a Runyankore-Rukiga form of commensurate strength, and then checked with a lawyer for doctrinal accuracy. Finally, formatting challenges were addressed by retaining original numbering and sectioning while adding parallel Runyankore-Rukiga signposting (e.g., Part VIII / Ekicweka VIII).

The study concludes that translating the *Succession Act Cap 162* from English into Runyankore-Rukiga is a complex undertaking that confronts multiple layers of challenge but can be successfully managed through theoretically informed strategies. The solutions adopted in solving the above challenges; controlled borrowing, clause segmentation, explicitation, validation, and careful formatting; demonstrate how translation theory can be operationalized in practice.

The study recommends the government of Uganda to promote translation of all legal documents from English to local languages not only to enlarge the corpus of literature in mother tongues but also to increase understandability of laws among all people. The government should encourage publishers in Uganda to publish the Succession Act in different local languages and advertise the translated versions in other media such as radios, televisions among others for public awareness. The study also encourages authors and translators of legal documents in Uganda's local languages by having their works copyrighted, published and set for sale in Ugandan bookshops, have expert review by legal experts in order to improve the accuracy of the translated text and review the translated text several times in order to identify and correct possible errors of omission and commission as well as ensure that the translated version has the same meaning and interpretation as the source language text. Lastly, all family heads and the elderly should always refer to the Succession Act cap 162 before writing their wills. This will guide them on the distribution of

property and wealth once they are no longer alive. This will also prevent domestic violence and riots within the families after the death of the household head.

In the first Chapter, there is: the background to this study, the statement of the problem, objectives, research questions, its scope and significance of the study. Chapter two has the literature review. Chapter three highlights the methodology that guided the investigator while Chapter four is the analysis and presentation of findings. Chapter five comprises of the discussion of findings on challenges and how they have been overcome to create a seamless translation of the Act. Chapter six draws up conclusions, and makes recommendations for future translation of similar literature into Runyankore-Rukiga that could guide work in other Bantu languages.

CHAPTER ONE

1.1 Introduction

Translation has historically been central to human civilization, serving as a bridge for the transmission of knowledge, culture, and governance across communities. Its origins can be traced as far back as 3000 BC, with evidence such as the Rosetta Stone in Egypt bearing inscriptions in two Egyptian languages alongside Greek (André, 2021). Similarly, Hammurabi of Babylon translated his laws for wider dissemination (Hussain, 2019). Religious texts also provide notable examples, including the Old Testament, which was translated from Hebrew and other languages into Greek between the pre-Christian era and the fifth century AD (Sawant, 2015). These instances illustrate how translation has historically been a tool for access, education, and the administration of justice.

Over the centuries, translation practices have been shaped by theoretical perspectives that emphasize the relationship between accuracy and accessibility. Nida (1964) introduced the concepts of *formal* and *dynamic equivalence*, stressing the importance of fidelity to both the source text's structure and its effect on the reader. Venuti (1998) later distinguished between *domestication*, adapting texts to the cultural context of the target audience and *foreignization*, retaining the source text's cultural context. Hans Vermeer's Skopos theory (1978) advanced the notion that the aim (*skopos*) of a translation should determine the methods used, prioritizing functionality over strict literalness (Munday, 2012; Vermeer, 1989). These theories remain relevant to legal translation, where the translator must preserve technical precision while ensuring that texts are intelligible and culturally meaningful.

Legal translation, as a specialized branch of translation, involves rendering statutes, contracts, wills, constitutions, and other binding documents into another language in ways that preserve their force, intent, and clarity (Colina, 2018). Unlike literary or commercial translation, legal

translation carries social and legal consequences because laws regulate rights, duties, and obligations. Scholars note that legal language is characterized by archaic vocabulary, lengthy and complex sentence structures, and context-specific terms that do not always have equivalents in other languages (Cao, 2007; Stanojevic, 2011). This makes the process of translating legal documents particularly challenging, especially into languages like Runyankore-Rukiga that have not yet developed a comprehensive legal register.

In the Ugandan context, almost all statutes are enacted and published in English, reflecting the colonial legacy of legal transplants from Britain. For example, the Succession Act Cap 162, first enacted in 1906 as the Succession Ordinance, was borrowed almost wholesale from English succession law (The Succession Amendment Bill, 2018). Although it has since undergone amendments, its language, structure, and orientation remain firmly rooted in English legal traditions. Yet, in practice, succession disputes often concerning land and family property are widespread in Uganda's rural communities, particularly in Ankole and Kigezi (LANDnet, 1995). In these regions, Runyankore-Rukiga is the dominant language of daily life, and few community members can competently interpret English legal texts.

This situation creates a serious accessibility gap. As (Manuel, 2017) observes, differences between English and Bantu languages can impede faithful rendering of legal concepts, while the absence of translated legal texts excludes communities from direct participation in the justice system. The issue is not merely that sections of the population are illiterate, but that the law itself is not available in the language they understand best. Consequently, disputes are often mediated informally, sometimes resulting in unfair outcomes, because parties cannot consult the law in their mother tongue. By contrast, rendering laws into indigenous languages could promote transparency, reduce family conflicts, and enhance trust in legal institutions.

It is against this backdrop that this study sought to translate the Succession Act Cap 162 into Runyankore-Rukiga and to identify the challenges encountered in that process, as well as strategies for overcoming them. By focusing on an Act that governs inheritance and property transfer, the very issues that most directly affect households, the study demonstrates the practical value of legal translation. Moreover, it contributes to the broader agenda of developing legal literature in Ugandan indigenous languages, a step toward cultural empowerment and more inclusive access to justice.

1.2 Statement of the Problem

Uganda's legal system continues to operate almost exclusively in English, a language that remains inaccessible to the majority of ordinary citizens, especially in rural areas (Macdonald et al., 2022; Ssentanda, 2019). Although the 1995 Constitution has partial translations and some short legal documents exist in local languages, most Acts of Parliament including those with direct impact on family life remain untranslated. The Succession Act Cap 162, first enacted in 1906 from the English legal tradition, is one such law (The Succession (Ammendment), Bill, 2018). It regulates inheritance and property distribution, issues that are at the heart of family relations and community stability in Uganda. Yet, it is available only in English (FAOLEX Database, 2023).

This linguistic barrier has created a gap between the law and the people it is meant to serve. In Southwestern Uganda, where Runyankore-Rukiga is the dominant language, many citizens cannot directly access or interpret the provisions of succession law. The problem is not merely illiteracy; rather, it is the absence of legal literature in the language of the people. As a result, families often resolve inheritance disputes informally, sometimes through biased or uninformed decisions, leading to persistent conflicts, gender-based exclusion, and a general sense of disenfranchisement from the formal justice system.

Despite the significance of succession law to household and community life, no comprehensive effort has been made to translate the Succession Act Cap 162 into Runyankore-Rukiga. Similarly, limited scholarship exists on the challenges and strategies of legal translation in Uganda's indigenous languages. Without such studies, attempts to expand access to justice through translation lack both precedent and methodological guidance.

This study therefore set out to address this gap by translating the Succession Act Cap 162 into Runyankore-Rukiga, identifying the linguistic and conceptual challenges encountered in the process, and proposing strategies for overcoming them. By doing so, the study not only produces a practical legal resource for Runyankore-Rukiga speakers, but also contributes to the wider development of a legal register in Bantu languages, advancing access to justice and inclusivity in Uganda's legal system.

1.3 General Objective

The general objective of this study is to establish the challenges of translating legal documents, especially laws, from English to Runyankore-Rukiga, a language natively spoken in Ankole and Kigezi regions of south western Uganda. The study takes as its case study Uganda's *Succession Act Cap 162* which is translated as 'Eiteeka ry'Obuhunguzi'.

1.4 Specific objectives

- a) To establish the challenges of translating legal documents from English to Runyankore-Rukiga, taking Uganda's *Succession Act Cap 162* as a case study, whose title has been rendered as "Eiteeka ry'Obuhunguzi".
- b) To explore probable solutions to the challenges
- c) To translate *The Succession Act Cap 162* (titled as Eiteeka ry'Obuhunguzi', in an idiomatic and seamless way into Runyankore-Rukiga while maintaining the document content and structure.

1.5 Research Questions

- a) What are the challenges of translating a legal document, especially a law book from English to a Bantu-language, such as Runyankore-Rukiga, with Uganda's *Succession Act Cap 162* as a case study?
- b) How can the challenges above be possibly overcome?
- c) How can a translation of *The Succession Act Cap 162* titled as 'Eiteeka ry'Obuhunguzi' be done as naturally and seamlessly as possible in a target language, without altering the meaning and structure of the document or its legal nature?

1.6 Significance of the Study

The importance of understanding laws, especially family law cannot be underscored. Indeed as the proverb states, "ignorance of the law is no defense". The rendering of *The Succession Act Cap 162* (titled Eiteeka ry'Obuhunguzi) will help Runyankore-Rukiga readers to understand fully Uganda's succession law. It will be an antidote to the numerous conflicts on property. The ultimate translation will also help in all sensitization work to iron out conflicts from the handling of family property or "nip them in the bud". By identifying the challenges in translating legal documents and especially laws with a focus on Uganda's *Succession Act Cap 162*, and offering solutions to them, this research will bear positively on all further work of translating legal literature into Bantu languages for use in courts and beyond. The resultant increase in the volume of legal literature in Runyankore-Rukiga will in future also be helpful for instructing lawyers and legal assistants with the local language as the medium of instruction. It will help the Ministry of Justice and parliament to address people with documents that are easier to comprehend.

1.7 Justification for Translating Legal Documents

Almost all laws in Uganda are entirely written in English, which disenfranchises all otherwise competent people who do not speak the language. Besides, there's a wide unavailability of law

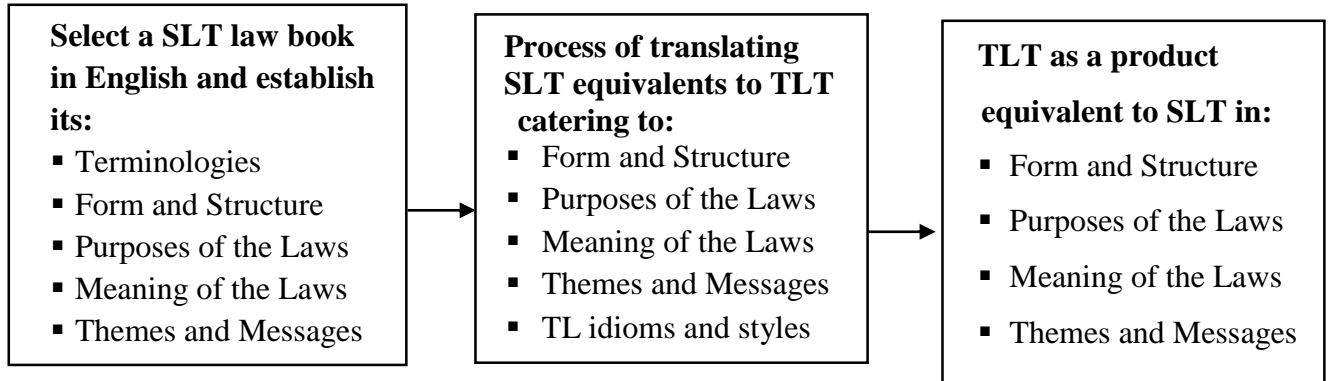
books in local Ugandan languages, either as translations or as primarily authored in them. The significance of this study is to establish the challenges of rendering legal documents, especially laws like *The Succession Act Cap.162*, into local Ugandan languages, particularly Runyankore-Rukiga, from English and show how they can be overcome. Doing this will constitute the starting point of legal literature among lawyers themselves and also in the general public. The translation will enable sensitization in the speakers of Runyankore-Rukiga around issues touching succession which is a source of conflict in many families. In the wider scheme of things, such a translation will enable instruction of lawyers or legal assistants to be done in the local language. It will also give a voice to subject matter specialists, who are conversant with law in Uganda's local languages and support documentation and ultimate enfranchisement of indigenous knowledge into everyday legal practice.

1.8 Scope of Study

This study focused on establishing and overcoming the challenges that can be encountered in translating legal literature, especially the laws. The languages of focus were English as the Source Language (SL) and Runyankore-Rukiga as the Target Language (TL). The latter is a language natively spoken by the Bantu people of South Western Uganda. The research took as its case study Uganda's *Succession Act Cap 162*. In the process of translating it, the researcher identified the challenges of rendering legal literature into a Bantu language and indicates how he overcame them. He also offers recommendations to guide future translation work of related literature. The resultant translation of the Act is called "Eiteeka ry'Obuhunguzi" and is presented in chapter four of this study. The researcher accomplished this in the timeframes offered by Uganda Christian University BBUC Postgraduate Office for the completion of requirements for the award of Master of Arts in Translation and Language Development and used the financial resources that were available to him. The research had no geographical scope

since it was largely done in the library with consultation with a lawyer to help with proper interpretation of legal terminologies.

1.9 Conceptual framework of translating Legal Document especially a law book



Source: Generated by Researcher

Figure 1: Conceptual framework of translating legal documents

The first column of the conceptual framework shows the initial steps of working on translating a legal document especially a law book from a source language text (SLT) in this case English, such as Uganda’s *Succession Act Cap 162*. The translator has to first establish its terminologies, form and structure as well as the purposes, meanings and messages of the laws in the Act.

The second part as shown in the middle column, is the actual process of translating the law book from the SLT mindful of the purposes and messages and style of the text to generate its meaning based equivalent in the target language.

The third and last part shows the ultimate product of the process, also called a translation. This product (translation) maintains the structure of the SLT to aid the work of continually citing the laws whether in academia, social commentary or the work of courts.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This section presents the review of existing literature related to translation of legal documents and associated challenges. The purpose of this chapter is to critically examine scholarship relevant to translating legal texts from English into Runyankore-Rukiga, with particular attention to statutes such as the Succession Act Cap 162. The review situates the study within established and emerging debates in legal translation, identifies where consensus and contention lie, and maps the specific conceptual and methodological gaps that this thesis addresses, namely: The rationale for translation of legal documents, the linguistic and conceptual challenges of rendering English legal discourse into a Bantu language that lacks a fully developed legal register, and practical strategies for overcoming these challenges to enhance access to justice.

2.1 The Rationale for Translation of Legal Documents

Legal language is a specialized language of legal standards and related discourse, as opposed to ordinary language, which is the language that individuals use in their everyday conversations. Furthermore, language used in legal contexts is language associated with the law and legal procedures (Muriçi, 2016). Owing to its specific application, it falls within a particular register, which is a range of languages suitable for the usage scenarios in legal contexts. Locals may find it challenging to understand the terminology, grammatical structure, and subject matter of legal language. Furthermore, it permits grammatical deviations that are unquestionably unacceptable in the regular (standard) language (Tiersma, 1999).

Moreover, language used in law is performative since words are the building blocks of expression and contain actions. According to the speech act theory (Austin, 1962; Searle, 1969), words are used for more than just making statements. This means that since legal effects

and consequences are frequently obtained by merely uttering certain words, facts in law may be changed by doing so (Cao, 2007). Furthermore, Cao (2007) accommodates the performative function of legal language by using the term "legal speech acts." Accordingly, the law needs the so-called five types of speech acts: Assertives, Directives, Expressives, Declarations, and Commissives in order to regulate society and human behavior and to establish obligation, prohibition, and permission (Danet, 1980; Searle, 1976).

Furthermore, because legal language contains specialized terminology and texts, it is technical and challenging to translate (Cao, 2007). The issue of legal language's technicality is not always understood. One side contends that since it is only a component of common language, there is no such thing as legal language. The opposing viewpoint maintains that legal language is a specialized, technical language that is distinct from everyday language. This therefore necessitates us to indicate the particulars that distinguish legal language from other forms of language. Smejkalova (2009) states that the primary distinctions are associated with the following elements: speakers, stylistic elements, particular vocabulary/terminology problems, and syntactic structures.

In summary, legal language belongs to a specific register and is a specialized language used in legal contexts. Its subject matter, grammatical structure, and vocabulary are all unique. Legal language, as a language register, has distinctive lexical and syntactic characteristics that make it challenging to translate into a language that has not developed a legal register (Stanojevic, 2011). Lexical features pertain to the selection of words utilized within legal documents. Syntactic features, on the other hand, deal with the organization of lexical items into phrases, clauses, and sentences.

Legal texts' primary lexical feature is archaism, which is a word that literally translates to "old-fashioned style." Legal officers use a formal style that includes archaic words. "Hereinafter"

(adverb), "darraign" (verb), "surrejoinder" (noun), "aforesaid" (adjective) (Williams, 2004), "therein" or "hereunder" (here), "thereof" or "thereto" (there), and "vel non" (or not, or the lack of it) (Garner, 1986) are some examples. Although these words are not frequently found in everyday English, they are commonly and comprehensibly used in legal documents. Therefore, it might be difficult to translate these terms into the local tongue.

Using technical terms, which can be either general or exclusively legal, is the second feature. One example of a purely legal term that means "a civil wrong act, whether intentional or accidental" is "tort." Apart from exclusively legal terminology, legal language also employs generic terms or expressions with unique interpretations. These are polysemous lexical terms, such as "attachment," "file," "agreement," "execute," and "party," that have particular meanings in legal English. These are a few of the technical terms that legal professionals use for their purposes in particular situations. Because they have exact definitions in the field of legal science, they are peculiar (Stanojevic, 2011).

The usage of foreign words is the third characteristic. Many foreign words and phrases used in legal language, particularly in English, are primarily derived from Latin and French. They were either directly borrowed from these languages or underwent the transliteration process. The terms "negligence", "adjacent", "frustrating", "inferior", "legal", "quit", and "subscribe" are among those naturalized into English based on the Latin language. "Appeal", "attorney", "claim", "complaint", "counsel", "court", "damage", "default", "defendant", "demurrer", "evidence", "indictment", "judge", "jury", "justice", "party", "plaintiff", "plea", "sentence", "sue", "verdict", "attorney general", "court-martial", "fee simple absolute", "letters testamentary", "malice aforethought", and "solicitor general" are among the words that trace their origin from French (Stanojevic, 2011). Unlike English texts, words in Ugandan legal texts will typically be of Bantu or Western Nilotic or Eastern Nilotic or Sudanic origin depending on which particular language a text is in.

The usage of synonyms is the fourth characteristic. The primary challenge in writing a legal text, according to Haigh, (2004), is the abundance of synonyms for the same legal concept. Examples of these include: (assign, transfer), (breach, violation), (clause, provision, paragraph, article), (contract, agreement), (default, failure), (lessee, tenant), (promise, assurance, undertaking), (void, invalid, and ineffective). Legal texts frequently use different words to express the same meaning because it can be difficult to use a particular word consistently.

The fifth characteristic is word repetition, which is primarily brought about by legal texts' lack of anaphoric references. An anaphoric reference occurs when a word or phrase refers to or is understood in reference to something already mentioned in the discourse. Without anaphoria, repetitions are unavoidable. Despite being frequently employed in other registers with demonstrative adjectives, demonstrative pronouns, and personal pronouns, anaphoric references are avoided. Because it is sometimes unclear to which word in the text a given pronoun refers, repeated nouns are preferred over pronouns in legal texts. In legal text writing, unclarity or ambiguity is definitely not acceptable. Therefore, to prevent these, repetition is used (Stanojevic, 2011).

Sentence length is the primary syntactic characteristic of legal language. An unusual sentence is one that is both lengthy and complex. A legal document's peculiar structure results from each section being composed of a single sentence. Legal texts, according to Stanojevic (2011), contain a lot of information, repetition, lengthy noun phrases with multiple modifications, odd word order, prepositional phrases, coordinate and subordinate clauses, and more.

The process of creating nouns from words, phrases, or clauses is known as nominalization, and it is the second syntactic characteristic that is commonly used (Rosa et al., 2018). Verb-derived nouns, like "to give punishment" instead of "to punish," "to be in opposition" instead of "to oppose," and "to be in agreement" instead of "to agree," are commonly used in place of verbs.

It is difficult to completely avoid nominalization when writing or translating legal texts, even though it is preferable to avoid it as it leads to a lengthy and undynamic text (Haigh, 2004). Lawyers prefer to say "to go on arbitration" rather than "to arbitrate" because arbitration is a legally defined process and ought to be treated as such.

Thirdly, the style is impersonal. A highly impersonal writing style is characterized by the use of the passive voice and unusual pronoun usage (Rosa et al., 2018; Williams, 2004). Although it is clear that passive voice is a necessary component of legal language, all legal texts frequently overuse it. Personal pronouns, especially first person singular, are frequently omitted due to the overuse of passive voice, demonstrating judges' attempts to maintain the highest level of objectivity. Furthermore, the use of the third person, both singular and plural, is common because the second person singular is frequently omitted.

2.2 Challenges in Translating Legal Documents

Since legal texts require precise translation and even small mistakes can lead to various lawsuits and legal exposure, translating them is thought to be a more difficult translation task (Sofyan & Rosa, 2021). Because of its extremely specialized vocabulary and "unique" structure, legal translation frequently poses challenges to translators, especially those who are not experienced in the field. Muriçi (2016) argues that the main cause of translation difficulties is the variations in legal cultures and legal systems, as the legal language has evolved to satisfy the needs of the legal system in which it is expressed. For instance, there might be issues when translating legal texts from English into Runyankore-Rukiga because of the technical legal jargon used in English. Literal translations or word-for-word translations invariably result in awkwardness in the target text (TT). The assertion that "there is no room for word-for-word translation when translating legal documents" made by Kobyakova & Habenko (2017) supports this.

Furthermore, it is evident that legal translation differs from other forms of technical translation, which typically communicate general information using far fewer technical terms. Applying equivalent terms in the source language (SL) and target language (TL) suffices. Legal translation has always been the most difficult field in technical communication and a pillar of professional translation, as confirmed by Kockaert et al. (2017). This suggests that translating legal texts can be challenging for translators of all levels of experience.

Numerous academics have been drawn to study translation issues in the field of law and related discourse because of several challenges. Some translation studies that address legal text translation include those that address challenges or issues with the process (Camelia, 2014; Karjo, 2015; Kobyakova & Habenko, 2017); models in translating legal texts (Kocbek, 2012); the significance of legal translation in the globalized world (Al-Refo & Faqir, 2016; Hargitt, 2013; Muriçi, 2016); approaches in translating legal texts (Stepanova, 2017; Stolze, 2013); and problems and strategies in translating legal texts (Sofyan & Rosa, 2021).

The translation of legal terms from English into local languages presents significant challenges due to the lack of direct equivalence in legal concepts and terminology. A study in Malawi by Matiki (2016) found this challenge being common in translating legal loan concepts and terminologies from English to Chichewa, a Bantu language widely spoken in Malawi and in parts of Zambia, Mozambique, and Zimbabwe. Another study by Alwazna (2019) found that the issue of untranslatability of legal terms, particularly between originally unrelated languages, like legal Arabic and legal English, has long been a real challenge in legal translation. This issue arises from differences in legal systems, cultural contexts, and linguistic structures, which complicate the process of achieving functional equivalence in translation (Biel, 2023). The complexity of legal language and the need for precise interpretation further complicate the translation process, necessitating specialized approaches to achieve functional

equivalence (Gao, 2019). Furthermore, inconsistent application of legal jargon is another issue that cause readers to interpret things differently (Sofyan & Rosa, 2021).

The translator's inadequate understanding of the English legal language, which shows in their translation, is another significant issue that has been documented in numerous studies. The issue at hand pertains to archaism, a common lexical feature in legal documents that is utilized in English. A common mistake made by semi-professional translators when translating legal texts is to utilize general terms rather than specialized vocabulary (Sofyan & Rosa, 2021). Another issue has to do with deciphering the ST, specifically determining the modifiers. Given that legal sentences are typically lengthy and comprise multiple phrases (Stanojevic, 2011), determining "which modifies which" becomes problematic. To identify the core and modifiers of a phrase, a translator must carefully separate the phrases (Sofyan & Rosa, 2021).

2.3 How to solve Challenges in Translation of Legal Documents

A translation strategy is a procedure for solving a problem encountered in translating a text or a segment of it (Baker, 2005:188). Given the distinction between micro- level and macro-level problems, strategies can be divided between local ones which deal with text segments and global strategies which deal with whole texts. Both local and global strategies interact with relevant elements of the translator's background knowledge: critical awareness of the style and content of similar texts, of linguistic conventions, register and intuitions about what constitutes the target language (ibid). Translation strategies can be categorized into general and specific strategies.

2.3.1 General strategies

General strategies are the strategies that deal with different text types. To ensure that the translated legal texts are comprehensible to readers in the target language (TL), specific techniques or approaches must be used during the translation process. According to Kobayakova

& Habenko (2017), these issues necessitate that a legal translator possess three competencies: proficiency with the specific English writing style, acquaintance with relevant terminology, and general understanding of the legal systems of both SL and TL (Sofyan & Rosa, 2021).

Translating a legal text involves more than just changing the language in which it is written; it also entails changing the legal language in which it is written. As a result, legal translation differs from other translation assignments in that it requires specialized translation competencies (translation knowledge, skills, and experience) and is a complex process. According to Smith (1995), a legal translator must be proficient in at least three areas in order for their translation to be successful: (i) they must learn the fundamentals of the legal systems that are applicable in both the target language (TL) and the source language (SL); (ii) they must be conversant with the necessary terminology; and (iii) they must be able to write legal documents in the legal writing style that is unique to their target language (TL). These skills are required to reduce the likelihood of misinterpreting legal system terminology used in the TT, as the legal translation products will have legal ramifications.

A legal text translator is always a translator; he or she is not a lawyer, even though translating legal texts has legal implications and consequences. This is an important distinction to make. Since legal texts discuss legal issues, the primary responsibility of a legal translator is to create a text in the target language (TL) that communicates what the source text (ST) says. In other words, legal translators shouldn't give legal advice or deal with legal issues; instead, they should simply translate and help people communicate across linguistic, cultural, and legal barriers by using language (Muriçi, 2016).

Sofyan & Tarigan (2017) propose that the issue of translating specialized vocabulary used in legal texts can be solved by utilizing online resources. Furthermore, a quality that sets professional translators apart from student translators is their adept handling of online resources

(Rosa et al., 2018). Such a claim suggests that translators must receive training in online resource management. Online resource management in this context refers to locating the appropriate online resources for a specific translation issue. Many resources are available on the Internet to assist with translating legal texts into English; however, when these resources are used incorrectly, they can lead to other issues, such as time wastage (Sofyan & Tarigan, 2017).

Online resources can be effectively used, according to Sofyan & Rosa (2021). For example, using Google Translate can avail you the literal translation of a word or phrase. In addition, one can search for its use or recognition in English legal texts (if it is not well-known). Searching for it on Google usually yields a few possible articles that contain it. Reading those few related articles will help you find a term that may be similar to the term searched to enrich your understanding of it. It is crucial to comprehend the context in which a term is used; through checking if that term is frequently used in legal English texts, by re-searching it in other articles.

Using internet resources makes it easier to create grammatically correct sentences for use in the TT and to locate standard or more acceptable legal terminology in the TL. The internet resources that can serve as the foundation for creating grammatically correct sentences in English legal texts including contracts, agreements, deeds, criminal case minute entries, and court proceedings written in the language (Sofyan & Rosa, 2021).

An additional tactic to surmount translation difficulties is to ascertain the legal sentence's proposition. According to Sofyan & Rosa (2021), this is especially useful when deciphering the ST. Translators can more easily translate the meaning of the ST into the target language (TL) by locating the proposition of the ST. Long subjects, extended predicates, long objects, and long complements can all be found in a single sentence in a legal document. Inaccurate meaning follows from failing to recognize every component of the sentence, and this ultimately

leads to incorrect translation. This suggests that the key to a successful legal translation is TT comprehension. In the meantime, the most important factor in a successful translation is accuracy (Ardi, 2016; Rosa et al., 2018).

In order to avoid difficulties when translating legal documents, scholars advise employing a description technique. This is because it can be useful when translating legal terminology that has no recognized equivalent in the language. The description shouldn't be too long, though, as this could draw the TL reader's focus away from the content and, instead, toward the definition of the term. Furthermore, a phrase rather than a clause should be used to write the description (Sofyan & Rosa, 2021).

According to other studies, another recommended strategy is to use a functional approach that can produce legal effects that are similar to those found in the ST. It is evident that different legal text types serve different social purposes (Sofyan & Rosa, 2021). Various legal jargon is used for different social functions; for example, deeds and contracts serve different purposes, criminal case minute entries and court proceedings serve different purposes, and so on (Sofyan & Rosa, 2021). By using a functional approach, a translator can demonstrate that they are knowledgeable about the legal systems of both the SL and TL cultures (Stepanova, 2017). This theory suggests that producing accurate translated legal texts depends in part on translation experience.

2.3.2 Specific Strategies

Specific strategies tackle a certain text type, readership and skopos, i.e. the function or purpose of translation. These strategies are in five sub-categories:

2.3.2.1 Domestication strategy

Also called normalization or naturalization strategy, the domestication strategy is employed to bridge cultural gaps and achieve intelligibility in line with the hermeneutic approach which

focuses on interpretation and grants the translator the right to manipulate the text so as to make it natural, comprehensible and readable (As-Safi, 1997), an approach in which the original text undergoes adaptation to allow it be re-created and to make it comply with the target linguistic and cultural conventions and to fulfill the function or purpose of translation, i.e. the skopos.

This strategy is often adopted by literary translators as seen in the translations of the following excerpts from Shakespeare's "The Merchant of Venice" into Arabic by Khalil Mutran, 'Amer Al-Buhairi, Hussein Amin and Mohammed Al-Anai. They have all replaced the currency of that time, 'ducat', which is not readily understandable by the Arab audience with a contemporary 'dinar', and even changed the number 'fourscore' into 'seventy'.

2.3.2.2 Compensation strategy

Compensation is, according to Hervey & Higgins, (1992), the technique of making up for the translation loss of significant features of the source text (ST), approximating their effects in the target text (TT) through means other than those used in the ST, that is making up for ST effects achieved by one means through using another means in the TL. In translating most of the jurisprudential maxims, loss is apparently inevitable; hence this strategy has been maximally utilized. This strategy can be categorized into five sub-strategies;

- a) Compensation in kind; which refers to compensating for a particular type of a textual effect deemed to be untranslatable into the TT by using a textual effect of a different type in the TT.
- b) Compensation in place; which means compensating for the loss of a particular textual effect occurring at a given place in the ST, by creating a corresponding effect at a different place in the TT. An instance for this compensatory strategy is employed to make up for an inevitable loss such as figures of speech pertaining to schemes or tropes, as in compensating for the loss of alliteration by employing assonance or vice versa.

- c) Compensation by merging; which refers to condensing the features carried over a relatively longer stretch of the ST into a relatively shorter stretch of TT. This strategy aims at translating a phrase into one single lexical item with the same meaning as the ST.
- d) Compensation by splitting; which refers to distributing the features carried in a relatively shorter stretch of the source text over a relatively longer stretch of the target text; as in translating the word diligence, but in a religio-legal context it is translated into a long stretch of words such as: “reasoned inference or individual or independent religious opinion or intellectual effort.”
- e) Compensation by Addition; where the translator compensates for the inevitable loss in the translation with its poetic style and highly classical TL in an attempt to reconstruct the meaning of the text in TL.

2.3.2.3 Strategy of Elaboration and Explication

In order to communicate the original message in an intact manner to the recipient, the translator sometimes resorts to elaboration or explication.

2.3.2.4 Strategy of Approximation and Compromise

The dilemma facing the present translator is how to bring about an equilibrium whereby the original legal language flavor is transferred from English into Runyankore-Rukiga without either hindering genuine comprehension or producing something that can give itself away as a mere ‘*ekivunure*’ (an unnatural translation). In many cases, only an approximation, rather than complete translation, is possible in order to present a natural, acceptable rendition. The strategy of Approximation and Compromise endeavours to create an equilibrium or balance between the SL aesthetic and cultural values which are acceptable or unacceptable in the TL.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter outlines the research design, population, sampling, data collection methods, instruments, and procedures that guided the study. It also explains how data were analyzed and how the trustworthiness of the findings was ensured.

3.1 Research Design

The study adopted a qualitative case study design. As Yin (2014) notes, case studies are particularly useful for in-depth exploration of a single unit of analysis within its real-life context. The “case” for this study was the Succession Act Cap 162, chosen because it regulates family property and inheritance, which are central issues in Runyankore-Rukiga-speaking communities. The design was appropriate because it allowed the researcher to explore both the linguistic and conceptual challenges of translating legal documents, while also identifying strategies for addressing them.

3.2 Population and Scope

The population of interest consisted of legal texts and experts relevant to the translation process. Specifically, the Succession Act Cap 162 was the primary text analyzed. In addition, the study engaged one legal practitioner (lawyer) and two linguistic experts who provided insights into the accuracy, adequacy, and functionality of the translation. This combination ensured that both legal and linguistic perspectives informed the translation process (Uganda Law Reform Commission, 2023).

3.3 Sampling and Sample Size

The study used purposive sampling, which is suitable in qualitative research where the goal is to select information-rich cases (Patton, 2002). The Succession Act Cap 162 was deliberately

selected as the primary text because of its social significance. Of all the laws of Uganda, it is the Succession Act CAP 162 that was sampled as a case study considering its importance in addressing most of the causes of family conflicts especially those related to distribution of land and other family property after the death of a household head. Similarly, the lawyer and linguists were purposively selected due to their expertise in Ugandan law and Runyankore-Rukiga linguistics, respectively. While the sample size was small, this is consistent with qualitative research, which prioritizes depth and richness of insights over statistical generalization.

3.4 Data Collection Methods and Tools

The study relied on two key methods, each with its associated tools:

3.4.1 Documentary Analysis

This involved a systematic reading and examination of the Succession Act Cap 162 and related legal texts. The tool here was a documentary analysis guide, which helped in identifying sections for translation, noting archaic or complex legal terminology, and comparing equivalent expressions in Runyankore-Rukiga.

3.4.2 Key Informant Interviews

Semi-structured interviews were conducted with the lawyer and two linguists to validate the translation choices and to capture professional insights on challenges such as terminological gaps, sentence restructuring, and cultural adaptations. The tool used was an interview guide, structured around the study objectives but flexible enough to allow probing for deeper understanding.

3.5 Data Analysis

Thematic content analysis method was used in the translation of *The Succession Act CAP 162*. Content analysis is the study of documents and communication artifacts, which might be texts

of various formats, pictures, audio or video (White & Marsh, 2006). For the documentary analysis, legal provisions were broken down into linguistic units (clauses, terms, phrases) and coded according to translation challenges (lexical gaps, syntactic complexity, conceptual mismatch). Interview responses were transcribed, coded, and organized into themes corresponding to the research objectives. The translation itself was iteratively refined in light of these themes and expert feedback. Content analysis is a highly flexible research method that has been widely used in library and information science (LIS) studies with varying research goals and objectives (White & Marsh, 2006). This method has been widely used by Social Scientists to examine patterns in communication in a way that is both systematic and easy to replicate. (Krippendorff, 2004).

To effectively translate *The Succession Act Cap 162*, the researcher had to first read through the entire Act, and to understand well the messages being conveyed by the several clauses and sections. He had to first acquaint himself with the breakdown of the entire document and the cross referencing that creates a coherent message as is threaded out in the subsections and clauses. Then the researcher picked the title “*Eiteeka ry’Obuhunguzi*” to be the Runyankore-Rukiga equivalent of *The Succession Act* and thereafter proceeded with rendering the rest of the text into Runyankore-Rukiga beginning with the Parts and the Section Titles therein. Occasionally, the researcher would consult with a Lawyer to be able to rightly understand the meaning and messages in the clauses. He later came up with a first draft translation of *The Succession Act Cap 162*. Thereafter, he did proof reading and editing to make the clauses idiomatic and truly meaningful to the Runyankore-Rukiga reader. The researcher also shared the draft with a senior lawyer who was conversant with family law and fluent in Runyankore-Rukiga. All this was to eliminate probable confusion in portrayal of the message of this Act. Later, the draft was presented to the supervisor for guidance. Chapter four, which is the translation of the Act, could eventually be published.

For the case words that are hard to translate, the study adopted the strategy of elaboration and explication in order to communicate the original message in an intact manner to the recipient.

The translation has been made in line with the Skopos translation theory which balances both the assumptions of Nida's translation theory (formal equivalence and dynamic equivalence) and Venuti translation theory (domestication and foreignization). While translating, the researcher made sure that the message in the target language matches with the message of the source language as closely as possible, by maintaining the linguistic elements of the source language. These elements include morphological elements such as prefixes, suffixes, roots, grammatical endings and affixes; syntactical elements such as word order, clause structure and sentence structure; semantic elements such as meaning, context and idiomatic expressions; pragmatic elements such as implied meaning, inference and speech acts; discourse elements such as cohesion, coherence and text structure among others.

3.6 Translation Quality Control

Translation quality control was ensured through back translation of a sample of the text. Also known as reverse translation, back translation is where target text is translated back to its original language and then compared to the source text. Back-translation is a validation tool widely used in international research settings, including, but not limited to, cross-cultural psychology, international marketing, educational assessments, quality of life research, and international nursing research (Tyupa, 2011). As a rule, researchers use back-translation to validate the quality of translated research instruments, such as tests and questionnaires. The method consists in re-translating the translated text back into the source language (Tyupa, 2011). The back-translation and the original document are compared for inconsistencies, and if none are found, the translation is considered equivalent (Behr, 2017). The goal of back translation was to find discrepancies and evaluate the accuracy of the translation on the sections and subsections of the Act.

3.7 Ethical Considerations

Although the study did not involve human subjects in a sensitive context, ethical considerations were observed. Informed consent was obtained from the lawyer and linguists before the interviews. Their contributions were anonymized to protect confidentiality. The researcher also ensured accurate representation of expert views and avoided misinterpretation.

CHAPTER FOUR: PRESENTATION AND ANALYSIS OF DATA

4.0 Introduction

This chapter presents and analyzes the findings of the study. The translation of The Succession Act Cap 162 from English into Runyankore-Rukiga (RR) constitutes the primary dataset and is provided in Appendix 2. In the body of this chapter, the translation is treated as empirical evidence: excerpts are selectively cited to illustrate the challenges encountered and the strategies adopted to address them. The presentation is organized by the study objectives to ensure alignment between the research problem, methods, results, and discussion.

Specifically, the chapter identifies the linguistic and conceptual challenges met when rendering English statutory discourse into RR; explains and justifies the strategies employed to overcome those challenges; and reports validation outcomes from expert reviewers (law and language) with the implications for future statutory translation in Ugandan indigenous languages.

4.1 Lexical Challenges (Word-Level Problems)

Under this category, the focus is on problems that arise at the word and term level when moving legal meaning from English into Runyankore-Rukiga. These include non-equivalence of legal terms, foreign or Latinisms that require borrowing or explanation, transliterated loanwords that may be ambiguous in the TL, and the constant need to choose vocabulary that preserves legal precision. Addressing lexical challenges is central because a single mistranslated term can alter legal effect or create interpretive uncertainty across the Act.

4.1.1 Non-English Legal Terms

Ensuring the accurate translation of legal terms is crucial in maintaining the intended legal meaning and avoiding misinterpretation. However, translating non-English legal terms in the Succession Act Cap 162 into a local language posed challenges due to the inherent complexity of legal language. Adapting non-English legal terms to Runyankore-Rukiga while preserving

cultural relevance was quite challenging, requiring a deep understanding of both legal and cultural nuances. Finding precise conceptual equivalents for non-English legal terms in the local language made it quite difficult to convey the legal concepts accurately. The presence of specialized Latin language terms in the Act added some complexity to the translation process and necessitated expertise in both legal and linguistic domains.

For example, there was a challenge in translating some non-English legal terms such as *Mutatis Mutandis*, pronounced as ‘*mu-ta-tis mu-tan-dis*’. This is a Latin phrase meaning ‘*with the necessary changes having been made*’ or “*things having been changed that have to be changed*”. The researcher could not find a single word or phrase to mean *Mutatis Mutandis*. Hence, the researcher used the strategy of elaboration or explication to translate the phrase *Mutatis Mutandis*, in order to communicate the original message in an intact manner to the recipient. In such instances, the phrase ‘*n’obu haribaho empinduka*’ was used to refer to any future changes that will be made that are found necessary to be changed.

Another non-english word that was hard to translate was “*pro tanto*” which is a Latin word meaning “to that extent” widely used in legal documents to refer to a partial satisfaction of a debt or claim. To translate such a word, the translator had to first translate it in English and then to Runyankore-Rukiga which is the target language. The resultant translation was (*Okuremwa okurikugarukira aha kacweka*) meaning ‘*ademption not exceeding a part...*”

A third non-english word was “*prima facie*” which is also a Latin expression meaning “at first sight”, “at first view”, or “based on first impression.” In both civil and criminal law, the term *prima facie* is often used to denote that, upon initial examination, a legal claim has sufficient evidence to proceed to trial or judgment. To address this translation challenge, the translator also had to first look for the English translation and then translate the English translation to Runyankore-Rukiga which is the target language. Based on its use in (165) therefore, the

translation became “*Omwana kushangwa ashemereire....*” meaning “where the child is found deserving of.....”

Collaborating with legal experts fluent in both legal terminology and the local language helped overcome the challenges associated with translating non-English legal terms in the Succession Act Cap 162.

4.1.2 ST words that are transliterated and pronounced in nearly the same way as in TL

Transliterating source text words presented unique challenges, particularly in maintaining the semantic integrity and cultural nuances of the original language. One significant issue faced in translating the Succession Act Cap 162 is the asymmetry between the source and target languages, which can lead to difficulties in finding appropriate equivalents and preserving the original meaning. Legal texts often pose a substantial challenge due to the need for precise terminology and the potential for significant consequences from even minor translation errors.

There were some words that are pronounced in almost the same way both in English as a SL and Runyankore-Rukiga as a TL. For example, the word ‘Minister’ is pronounced in much the same way in both English and Runyankore-Rukiga referring to a politician who heads a ministry in government. Other words include ‘bank’, ‘manager’, ‘government’ to mention but a few. In such circumstances, such words were translated directly by maintaining almost the same pronunciation in the TL as in the SL. These were therefore written as ‘Minisita’ to mean ‘Minister’, ‘Manegya wa Banka’ to mean ‘bank manager’ and ‘gavumenti’ to mean ‘government’. These words have been widely used in the TL and therefore can easily be understood if the translation is made in them same way. The following were some of the words that did not change except for their orthographical adjustment to Runyankore-Rukiga:

No.	Word in SL	Translation in TL
1.	Manager	Manegya
2.	Bank	Banka
3.	Government	Gavumenti
4.	Minister	Minisita
5.	Ambassador	ambasada
6.	Court	kooti
7.	Schedule	shedyu
8.	Office	ofiisi
9.	Probate	Purobeti
10.	Codicil	kodisiru
11.	Copy	kope
12.	District	Disiturikiti
13.	Caveat	Kaviyeti

Overall, the translation process required a multifaceted approach, combining linguistic expertise, cultural sensitivity, and advanced translation strategies to address the inherent complexities of transliterating certain words from English to Runyankore-Rukiga.

4.1.3 Complex Legal Terminologies

Translating the Succession Act Cap 162 from English to Runyankore-Rukiga can be challenging due to the complex legal terminology involved, which may not have direct equivalents in the local language. There were some legal words in the SL that seemed too hard to interpret in TL. These are often words from other source languages but adopted in English. For example, the word ‘Incorporeal’ has its roots from the Latin words ‘in’ meaning ‘not’ and ‘corpus’ meaning ‘body’. Combined they form ‘incorporeus’, meaning "without body". Another example of a hard word was “Bequests” which is originally a Germanic word adopted into English meaning ‘transference’. Another word is ‘Onerous’ which derives from Old French onereus, from Latin onerōsus, from onus which in English means "burden" or “very difficult”. Other words include ‘incorporeal tenements’, ‘unprivileged wills’, ‘privileged wills’, ‘vesting of legacies’, ‘contingent bequests’, ‘annuities’, ‘onerous bequests’, ‘schedule’,

‘estate’, ‘trusts’, ‘legatee’, ‘testator’, ‘intestat’, ‘lineal descendant’, ‘restricted sense’, ‘necessary implication’.

The only way to translate these hard words was by use of description to bring out the actual meaning to the reader. For example, the word ‘Incorporeal’ was translated as “*ebintu ebyombekire aha itaka hamwe n’ebiri aha byombekireho ebitarikubaasa kutsimbuka hamwe n’obugabe nari obutungu obu omuntu agira nari atunga aha bintu nk’ebyo*” meaning “buildings on the land and their immovable fixings and the wealth or rights that one has on them”. “Annuities” was translated as “*sente za buri mwaka*” whose description is ‘an amount payable at regular intervals (as yearly or quarterly) for a certain or uncertain period’. Some words like ‘intestate’ were translated by creating a Runyankore hyphenated terminology “nyantatsiga-buragwa” meaning a person who dies without leaving a will.

4.1.4 Ensuring Accuracy and Precision in Translation

The translation of legal texts is not merely a linguistic exercise but an attempt to convey the same legal effect in the target language as in the source language, requiring precision in both substance and form. Ensuring accurate and precise translation is crucial as legal documents require exact interpretation to maintain the intended meaning and avoid misinterpretation. Therefore, ensuring precise translation into Runyankore-Rukiga was vital to maintain the exact meaning as intended in the Succession Act Cap 162, as even slight errors can lead to misinterpretation and legal complications.

However, ensuring accuracy and precision in translating the Succession Act Cap 162 presented numerous challenges due to the inherent complexity and specificity of legal language. Most legal texts in this Act contained archaic, pompous constructions that are difficult to translate accurately without a deep understanding of both the source and target legal systems and cultures. These challenges result into errors in translation which can have severe consequences,

including wrongful convictions, lawsuits, and financial losses. This underscores the importance of professional and specialized legal translators in preventing possible errors and ensuring accurate translation.

4.2 Syntactic Challenges (Sentence/Structure-Level Problems)

Under the category of syntactic challenges, the attention shifts to sentence and structure-level difficulties that affect comprehensibility and legal force. This covers long, multi-embedded sentences, complex conditional and proviso structures, passive constructions, and the formal organization of clauses and subsection numbering (sectioning). Resolving syntactic challenges ensures that the translated text remains readable for TL users while retaining the original logical relations, scope, and cross-referencing that determine legal outcomes.

4.2.1 The Challenge of Long Sentences that Characterize Legal Writings

Legal literature is full of long sentences and repetitions often for emphasis and for precision of meaning to avoid leaving room for multiple interpretations. The Succession Act Cap 162 is not an exception. However, for Runyankore- Rukiga readers, the sentences are made shorter such that strands of meaning are not lumped together but threaded out for ease of understanding. This is also partly because at its current stage of development as a language, Runyankore Rukiga is yet to sufficiently speak legal language like other developed languages. Take the example 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.’

Notice that its translation below has been broken down into two sentences.

1. Obutuuro nk'oku bubarirwa omuntu ozairwe atahabire biragiro

Aha muntu weena ozairwe atahabire biragiro, oburugo bwe nibumubarirwa kuba buri omu ihanga eri ishe yaabaire ainemu obutuuro. Kandi ku araabe yaazairwe ishe yaafiire, oburugo bwe nibubarirwa ei obutuuro bwa ishe bwabaire buri aha kufa kwe.

Another example is:

167. Circumstances in which election takes place

Where a person, by his or her will, professes to dispose of something of which he or she has no right to dispose, the person to whom the thing belongs shall elect either to confirm the disposition or to dissent from it, and, in the latter case, he or she shall relinquish any benefits which may have been provided for him or her by the will.

This too was translated into two sentences, as below:

167. Ebiryetegyensa okutoorana kubaho.

Ahu omuntu, obwo arikukoresa oburagwa bwe, arikugira ngu yaaraga ekintu kiti, kwonka obwo ataine bushoboorozi kukiraga, mukama w'ekintu ekyo aryatorana kuhamya okuraga okwo nari kutaana nakwo. Kandi ku aritaana nakwo, aryaba ayeyihireho byona ebi yaaba ashemereire kugasirwa ebiriba bimuteereirwe omu buragwa.

4.2.2 Translation of Numbering of Clauses

Ensuring the accurate translation of numerical references from the Act to Runyankore-Rukiga is crucial in maintaining the intended legal meaning and avoiding misinterpretation. Maintaining consistency in translating clauses' numbering accurately throughout the document in a local language is also vital for clarity and comprehension. However, translating the numbering system used in the Succession Act Cap 162 to Runyankore-Rukiga was quite a challenge due to differences in linguistic structure and syntax. Adapting the numerical sequence of clauses to Runyankore-Rukiga while maintaining cultural relevance and legal

integrity was also intricate. This was quite challenging particularly on translating Roman numeral numbering like ‘Part VIII’, ‘part XXXVIII’, Part XXXVI. The presence of legal terminology within the numbering system added complexity to the translation process, requiring a deep understanding of both legal and linguistic nuances. This challenge was dealt with by working closely with legal experts fluent in both the legal framework and Runyankole-Rukiga to help ensure the accurate translation of the numerical references in the Succession Act Cap 162. According to their advice, I had to maintain the numeral numbering as it was. For example, ‘Part VIII’ was translated into the TL as ‘Ekicweka VIII’.

4.2.3 Sectioning

In legal contexts, particularly in statutory or legislative documents, sectioning is important as it provides a clear structure and organization to legal texts, making it easier to reference and interpret the law. In most legal documents, the terms ‘section’, ‘sub-section’, ‘clause’ and ‘sub-clause’ are used to organize and structure the content. In legal context, a section is a distinct and numbered division of a legal document or statute that deals with a specific topic or provision. Sections are often the main divisions of a law and are denoted by numbers, such as Section 10 or Section 20. A sub-section is a further division within a section which provides more specific details or sub-provisions related to the main topic covered by the section. Sub-sections are denoted by a combination of the section number and a sub-section number such as Section 10(1), Section 10(2). A clause is a distinct provision or statement within a section or sub-section, representing a separate idea or requirement within the larger structure of the law. Clauses are often identified by numbers or letters, such as Clause 1, Clause (a). A sub-clause is a further division within a clause which provides more specific details or sub-provisions related to the main idea or requirement covered by the clause. Sub-clauses are denoted by a combination of the clause number and a sub-clause number or letter such as Clause 1(a), Clause 1(b). In the current project, however, translating all these divisions was quite challenging since

there are very few equivalents in the target language ‘Runyankore’ for the words ‘section’, ‘sub-section’, ‘clause’, ‘sub-clause’ and ‘article’. In this case, the word ‘Ekicweka’ was used for ‘Part or Section’ meaning a ‘big part’ and ‘akacweka’ for the word ‘sub-section’ meaning a ‘small part’. Likewise, the word ‘orunyiriri’ was used to translate the word ‘clause’ while the word ‘akanyiriri’ was used to refer to ‘sub-clause’.

4.3 Conceptual and Cultural Challenges

Under the category of conceptual and cultural challenges, the emphasis is on mismatches between the legal concepts embedded in the English source and the conceptual, social or cultural frames of Runyankore-Rukiga speakers. This includes kinship terminology that does not map neatly onto statutory categories, differences between common-law constructs and indigenous legal understandings, and decisions about domestication versus retention of formal titles (e.g., how to render the Act’s title). Tackling these challenges is necessary to avoid category errors and to produce a translation that is both legally faithful and culturally meaningful.

4.3.1 Translation of the Title ‘The Succession Act Cap 162

The first challenge was translation of the English title, *the Succession Act Cap 162* into Runyankore-Rukiga by the words “Eiteeka ry’Obuhunguzi Eshuura Ya 162”. Literally, an ‘act’ means a ‘deed’, ‘action’, ‘gesture’, ‘feat’, ‘exploit’, ‘move’ or ‘performance’. In Runyankore-Rukiga, this would be rendered ‘ekikorwa’ or ‘ebikorwa’ in singular and plural respectively. However, none of these terms was used because they are not relevant in the legal context.

In the legal context, the terms ‘Act’ and ‘Law’ have certain similarities in that they are used interchangeably at times. Yet, the key difference between them is that an act is passed by the legislative and a law refers to the rules and regulations enforced by the government (Hridoy, 2023; Surbhi, 2017). However, the researcher used the word ‘Eiteeka’ literally meaning ‘a law’ to mean ‘an act’ since there is no formal word in Runyankore-Rukiga vocabulary to mean ‘Act’.

Another option was whether to consider the singular word ‘eiteeka’ or the plural word ‘amateeka’. Considering the fact that an Act is a set of laws passed by the parliament, it was quite challenging whether to use the singular or plural forms while translating the word ‘Act’. However, the singular word ‘Eiteeka’ was preferred since it is a single document that is defined as an ‘Act’.

There was another challenge in translating the legal acronym ‘Cap’ as widely used to mean ‘Chapter’. This could be rendered in Runyankore-Rukiga as ‘Esh.’ However, this acronym ‘Esh’ is not accepted in the target language since they are phonologically unnatural and meaningless. The way out was therefore to translate the acronym ‘Cap’ as a full word in Runyankore-Rukiga namely, ‘Eshuura’.

4.3.2 Translating Kinship terminology

The last but not least, a challenge was encountered when translating the table of consanguinity in the First Schedule to the the Succession Act Cap 162. In this figure, referred to in the Act as the table of consanguinity, the lines of kindred from great grandfather’s father to the great grand children was presented. The hardship was encountered in translating relationship terms that are not in Runyankore. These include nephew, cousin, Cousin German, second cousin and great uncle. In translating such words, the researcher had to check on the internet for the English translation and then described in Runyankore-Rukiga. For example, the relationship term ‘nephew’ was translated as *‘omwojo ou ari ishento*, cousin-german was translated as *mwene-ishento*.

4.3.3 Legal Framework Differences

Differences in legal frameworks between languages can present challenges in translating concepts that have specific legal connotations unique to a particular legal system. Likewise,

differences in legal frameworks between English and Runyankore-Rukiga presented significant challenges in accurately translating the legal concepts and principles outlined in the Succession Act Cap 162. For example, the translation of the words ‘regulation’, ‘Act’, and ‘Law’ could have similar interpretation in Runyankole-Rukiga as ‘Ekiragiho’ in singular or ‘Ebiragiho’ in plural but the three words could have different meanings in English.

4.4 Formatting and Presentation Challenges

Under this category, the focus is on the non-linguistic but equally important problems of how the law is laid out and signposted in the translation. This covers numbering and clause referencing conventions, headings and title rendering, typographic conventions, and other layout elements that support citation, cross-referencing, and ease of use. Proper formatting preserves the statute’s usability for legal practitioners and community users and helps safeguard the linkage between definitions, provisions, and exceptions across the Act.

4.4.1 Formatting Requirements

Formatting requirements posed a significant challenge to the effective translation of the Succession Act Cap 162. Like other legal documents, the Succession Act Cap 162 had specific formatting requirements that must be accurately translated to maintain the document's legal validity and integrity. Some of the formatting challenges included maintaining the same font, font size, spacing, paragraphing, numbering, pagination, indentation and heading styles. Adhering to these specific formatting requirements of the Succession Act Cap 162 was crucial during translation to preserve the legal validity and structure of the document.

CHAPTER FIVE DISCUSSION OF FINDINGS

5.0 Introduction

This chapter discusses the findings presented in Chapter Four (and the appendices) by relating them to the study objectives, the theoretical frameworks introduced earlier (e.g.,

formal/dynamic equivalence, domestication/foreignization, and Skopos/functionality), and the literature on legal translation. The discussion interprets what the observed challenges and applied strategies mean for the practice of statutory translation into Runyankore-Rukiga (RR) and other Bantu languages, assesses the adequacy of the methodology, and draws implications for policy, practitioners, and future research.

5.1 Challenges encountered in translating the Succession Act Cap 162 from English into Runyankore-Rukiga

This study revealed that the translation of the Succession Act Cap 162 presented challenges at several levels, namely lexical, syntactic, conceptual/cultural, modality, and formatting. Lexical difficulties were especially common where highly specialized English legal terms, such as *probate*, *letters of administration*, or *incorporeal tenements*, had no direct equivalents in Runyankore-Rukiga. This finding is consistent with Matiki (2016) and Sofyan and Rosa (2021), who note that legal texts are replete with technical terminology that often resists straightforward translation into African languages. Alwazna (2019) similarly observes that translators of statutes frequently confront non-equivalence and must resort to borrowing or creating neologisms. The implication is that the lexical layer of law is one of the most formidable barriers to producing faithful yet intelligible statutory translations.

Syntactic challenges also emerged strongly, particularly the difficulty of rendering the long, heavily embedded sentences and multiple provisos characteristic of legal drafting. In my experience, clauses often had to be segmented or reordered to achieve clarity without altering legal effect. This aligns with Stanojević (2011) and Rosa et al. (2018), who highlight the parsing difficulties posed by nominalizations and passives in legal English. The struggle with numbering, sectioning, and cross-referencing similarly resonates with Sofyan and Rosa's (2021) caution that structural conventions of statutes are not merely stylistic but integral to legal meaning.

Conceptual and cultural challenges further complicated the process. For example, kinship terms such as *nephew* or *cousin-german* did not map neatly onto indigenous Runyankore-Rukiga categories, while common-law constructs like *intestacy* or *probate* lacked customary equivalents. The findings here echo Šarcević (1999) and Muriçi (2016), who argue that legal translation must grapple not only with language but with systemic mismatches between legal cultures. These conceptual voids confirm that statutory translation is not simply linguistic transfer but also cross-cultural negotiation.

Another persistent challenge was modality and performativity. English modals such as *shall*, *may*, or *shall not* carry binding legal force, yet Runyankore-Rukiga markers of obligation and permission differ in strength and nuance. As Cao (2007) points out, mis-rendering of legal modality can either weaken or unintentionally strengthen obligations. This study found that accurate calibration required consultation with a legal expert, which validated my suspicion that modality is a site of high risk in statutory translation.

Finally, formatting challenges such as clause numbering, headings, and layout proved significant. In law, numbering is more than a matter of presentation, it supports citational integrity and interpretive coherence. The choice used in this study is to preserve original numbering while adding Runyankore-Rukiga equivalents reflects the warnings of Smejkalova (2009) and Sofyan & Rosa (2021) that altering numbering conventions undermines legal usability.

Overall, the challenges encountered affirm the theoretical insights of Nida (1964), Venuti (1995), and Nord (1997). Nida's tension between formal and dynamic equivalence was visible at every step, while Venuti's domestication/foreignization debate became especially salient in decisions over borrowing versus paraphrase. The Skopos theory offered the guiding logic: because the purpose of this study was to make the Act intelligible to Runyankore-Rukiga

speakers, functional adaptations were often necessary, though always tempered by Nord's principle of loyalty to the source text's legal effect.

5.2 Solutions adopted in overcoming the challenges of translation

In addressing the above challenges, I drew upon a repertoire of strategies supported by both theory and prior empirical studies. At the lexical level, my main solutions were controlled borrowing with a first-mention gloss, neologism, and the creation of a mini-glossary. For instance, terms like probate were borrowed and explained in context, thereby preserving legal identity while ensuring comprehension. This solution corresponds with Šarcević's (1999) recommendation that borrowing be paired with explicitation to safeguard accuracy, and it also reflects Hervey and Higgins' (2002) emphasis on building terminological consistency. My glossary thus contributes not only to my study but to the broader project of developing a Runyankore-Rukiga legal corpus, as recommended by Matiki (2016).

To resolve syntactic challenges, I employed clause segmentation and reordering, always checked against the legal scope by consulting experts. This approach resonates with Stolze (2013) and Stepanova (2016), who advocate micro-level adjustments to long sentences in legal texts to improve readability while preserving logical relations. My experience confirmed their insight that segmentation enhances accessibility, though it requires rigorous validation to avoid altering obligations or exceptions embedded in provisos.

With respect to conceptual and cultural mismatches, I relied heavily on explicitation, compound or hyphenated forms, and occasional marginal notes. For example, kinship terms without direct equivalents were expanded into descriptive phrases that preserved meaning at the expense of brevity. This echoes the recommendations of Biel (2008) and Matiki (2016), who stress that explanatory strategies are essential when dealing with culturally bound legal

categories. I also recognize, in line with these scholars, that translation alone is insufficient; community legal education must accompany such texts to ensure practical understanding.

For modality issues, my solution was calibrated equivalence with legal validation. Each English modal was mapped to a Runyankore-Rukiga form of commensurate strength, and then checked with a lawyer for doctrinal accuracy. This practice is precisely what Cao (2007) prescribes in her theory of legal performatives, and it underscores Nord's insistence on translator loyalty: while functional adaptation is permitted, it must never distort the legal force of the text.

Finally, formatting challenges were addressed by retaining original numbering and sectioning while adding parallel Runyankore-Rukiga signposting (e.g., Part VIII / Ekiweka VIII). This balanced approach aligns with the recommendations of Sofyan and Rosa (2021), who argue that statutory usability depends on stable numbering systems, while the addition of TL equivalents aids lay comprehension.

Taken together, these solutions reflect a pragmatic integration of theory and practice. The Skopos principle justified my prioritization of intelligibility for the target audience, while Nida's equivalence framework clarified the trade-offs between fidelity to form and adaptation to function. Venuti's domestication/foreignization debate framed my strategic choices between borrowing and paraphrase, while Nord's loyalty principle anchored those choices in respect for the source text's legal integrity. By combining these theoretical insights with empirical strategies, I was able to overcome most of the challenges encountered in translating the Succession Act Cap 162 into Runyankore-Rukiga.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

This chapter presents the conclusions, generalizations, abstractions and recommendations from the challenges encountered in translating the *Succession Act Cap 162* from English to Runyankore-Rukiga as ‘*Eiteeka ry’Obuhunguzi Eshuura ya 162*’.

6.1 Conclusions

The study concludes that translating the *Succession Act Cap 162* from English into Runyankore-Rukiga is a complex undertaking that confronts multiple layers of challenge but can be successfully managed through theoretically informed strategies. The translation of the *Succession Act Cap 162* exposed predictable but consequential challenges, lexical non-equivalence, syntactic complexity, conceptual/cultural mismatch, modality calibration and formatting constraints that mirror findings in the legal-translation literature. The challenges documented in this study echo those found in the literature, confirming the universality of problems such as non-equivalence, syntactic density, conceptual gaps, modality calibration, and formatting.

The solutions adopted in solving the above challenges; controlled borrowing, clause segmentation, explicitation, validation, and careful formatting; demonstrate how translation theory can be operationalized in practice. These remedies adopted are also consistent with the strategy typologies in the literature; domestication, compensation, explicitation, approximation, and find theoretical justification in the Skopos principle (function-driven choices) balanced by Nida’s equivalence concerns and Nord’s loyalty requirement. Ultimately, this study contributes to both scholarly debate and practical legal translation by providing a replicable framework grounded in both empirical observation and theoretical justification.

6.2 Recommendations

- i. Lay strategies for promoting literacy about Ugandan laws in Uganda's mother tongues in schools.
- ii. Encourage Banyankore-Bakiga to speak their mother tongues without unduly mixing it with English. This would enable them to understand and even enrich their language in diction and use.
- iii. The government needs to promote translation of all legal documents from English to local languages not only to enlarge the corpus of literature in mother tongues but also to increase understandability of laws among all people.
- iv. The government should encourage publishers in Uganda to publish the Succession Act in different local languages and advertise the translated versions in other media such as radios, televisions among others for public awareness.
- v. Make back translation and a readability test of samples of a translation to verify its semantic accuracy as well as its naturalness and clarity.
- vi. Encourage authors and translators of legal documents in Uganda's local languages by having their works copyrighted, published and set for sale in Ugandan bookshops.
- vii. Encourage authors and translators of legal documents in Uganda's local languages to have expert review by legal experts in order to improve the accuracy of the translated text.
- viii. Encourage authors and translators of legal documents in Uganda's local languages to review the translated text several times in order to identify and correct possible errors of omission and commission as well as ensure that the translated version has the same meaning and interpretation as the source language text.
- ix. All family heads and the elderly should always refer to the Succession Act cap 162 before writing their wills. This will guide them on the distribution of property and wealth once

they are no longer alive. This will also prevent domestic violence and riots within the families after the death of the household head.

6.3 Suggested areas for further study

The study translated only one case ‘The Succession Act Cap 162’ among the many other Acts in Uganda. Future study should look at translation of other Legal Acts in the Ugandan context to increase understandability of the Ugandan laws in the local languages.

The study was limited to only Runyankore-Rukiga as a target language which is commonly spoken in south western Uganda. Future translations of the same Act should be made in other local languages as TL to widen the nationwide understanding of the Succession Act.

The study recommends other translators to translate other family-law statutes such as the Administration of Estates Act to evaluate term stability across texts.

There is need to explore empirical research measuring whether access to RR translations reduces disputes, increases will-writing, or changes court-filing patterns in the regions concerned.

There is need for longer-term corpus linguistics projects to stabilize legal neologisms and assess their diffusion into legal practice and media

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APPENDICES

Appendix 1: The English version of the Succession Act CAP 162

Uganda

Succession Act

Chapter 162

Commenced on 15 February 1906

[This is the version of this document at 31 December 2000.]

[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]

Part I – Preliminary

1. Act to constitute the law of Uganda in cases of succession

Except as provided by this Act, or by any other law for the time being in force, the provisions in this Act shall constitute the law of Uganda applicable to all cases of intestate or testamentary succession.

2. Interpretation

In this Act, unless the context otherwise requires—

- (a) “**administrator**” means a person appointed by a court to administer the estate of a deceased person when there is no executor;
- (b) “**child**”, “**children**”, “**issue**” and “**lineal descendant**” include legitimate, illegitimate and adopted children;
- (c) “**codicil**” means an instrument explaining, altering or adding to a will and which is considered as being part of the will;
- (d) “**court**” means the High Court or a magistrate’s court other than a magistrate’s court presided over by a magistrate grade II;
- (e) “**customary heir**” means the person recognised by the rites and customs of the tribe or community of a deceased person as being the customary heir of that person;
- (f) “**daughter**” includes a stepdaughter, an illegitimate daughter and a daughter adopted in any manner recognised as lawful by the law of Uganda;
- (g) “**dependent relative**” includes—
 - (i) a wife, a husband, a son or daughter under eighteen years of age or a son or daughter of or above eighteen years of age who is wholly or substantially dependent on the deceased;

- (ii) a parent, a brother or sister, a grandparent or grandchild who, on the date of the deceased's death, was wholly or substantially dependent on the deceased for the provision of the ordinary necessities of life suitable to a person of his or her station;
- (h) “**executor**” means a person appointed in the last will of a deceased person to execute the terms of the will;
- (i) “**grandchild**” means a son or daughter of a son or daughter;
- (j) “**grandparent**” means a parent of a parent;
- (k) “**husband**” means a person who at the time of the intestate's death was—
 - (i) validly married to the deceased according to the laws of Uganda; or
 - (ii) married to the deceased in another country by a marriage recognised as valid by any foreign law under which the marriage was celebrated;
- (l) “**illegitimate child**” means an illegitimate child recognised or accepted by the deceased as a child of his or her own;
- (m) “**immovable property**” includes land, incorporeal tenements and things attached to the earth or permanently fastened to things attached to the earth;
- (n) “**legal heir**” means the living relative nearest in degree to an intestate under the provisions set out in Part III to this Act together with and as varied by the following provisions—
 - (i) between kindred of the same degree a lineal descendant shall be preferred to a lineal ancestor and a lineal ancestor shall be preferred to a collateral relative and a paternal ancestor shall be preferred to a maternal ancestor;
 - (ii) where there is equality under subparagraph (i) of this paragraph, a male shall be preferred to a female;
 - (iii) where there is equality under subparagraph (ii) of this paragraph, the elder shall be preferred to the younger;
 - (iv) if no legal heir is existing and reasonably ascertainable under subparagraphs (i), (ii) and (iii) of this paragraph, the husband or the senior wife of the intestate, as the case may be, shall be the legal heir;
- (o) “**minor**” means any person who has not attained the age of twenty-one years, and “minority” means the status of such person;
- (p) “**movable property**” means property of every description except “immovable property”;
- (q) “**parent**” includes a stepparent and an adoptive parent;
- (r) “**personal representative**” means the person appointed by law to administer the estate or any part of the estate of a deceased person;

- (s) “**probate**” means the grant by a court of competent jurisdiction authorising the executor named in the testator’s last will to administer the testator’s estate;
- (t) “**residential holding**” has the meaning assigned to it by section 26;
- (u) “**senior wife**”, in the case of a polygamous marriage, means the wife who was married first in time to the deceased intestate;
- (v) “**son**” includes a stepson, an illegitimate son and a son adopted in a manner recognised as lawful by the law of Uganda;
- (w) “**wife**” means a person who at the time of the intestate’s death was—
 - (i) validly married to the deceased according to the laws of Uganda; or
 - (ii) married to the deceased in another country by a marriage recognised as valid by any foreign law under which the marriage was celebrated.

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.

Part II – Domicile

4. Succession to a deceased person’s immovable and movable property

- (1) Succession to the immovable property in Uganda of a person deceased is regulated by the law of Uganda, wherever that person may have had his or her domicile at the time of his or her death.
- (2) Succession to the movable property of a person deceased is regulated by the law of the country in which that person had his or her domicile at the time of his or her death.
- (3) For the purposes of subsection (2), a person dying intestate shall be deemed to have had his or her domicile in Uganda if—
 - (a) for a period of not less than two years preceding his or her death that person was ordinarily resident in Uganda; and
 - (b) he or she was survived by a spouse or child who was, at the time of his or her death, ordinarily resident in Uganda.

5. Domicile in respect of succession to movables

A person can have one domicile only for the purpose of succession to his or her movable property.

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.

8. Continuance of domicile of origin

The domicile of origin prevails until a new domicile has been acquired.

9. Acquisition of a new domicile

A man acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin; except that a man is not to be considered as having taken up his fixed habitation in Uganda merely by reason of his residing there in the exercise of any profession or calling.

10. Special mode of acquiring domicile in Uganda

Any person may acquire a domicile in Uganda by making and depositing in some office in Uganda to be appointed by the Minister a declaration in writing under his or her hand of his or her desire to acquire such domicile, provided that he or she has been resident in Uganda for one year immediately preceding the time he or she makes the declaration.

11. Domicile not acquired by residence as representative of a foreign Government, etc.

A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country does not acquire a domicile in the latter country by reason only of residing there in pursuance of the appointment, nor does any other person acquire such domicile by reason only of residing with that person as part of his or her family or as a servant.

12. Continuance of a new domicile

A new domicile continues until the former domicile has been resumed or another has been acquired.

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.

14. Domicile of a married woman

By marriage a woman acquires the domicile of her husband, if she had not the same domicile before.

15. Wife's domicile during marriage

- (1) Subject to subsection (2), the domicile of a wife during the marriage follows the domicile of her husband.
- (2) The domicile of a wife no longer follows that of her husband if they are separated by the sentence of a competent court.

16. Minor's acquisition of a new domicile

Except as provided in section 13, a person cannot during minority acquire a new domicile.

17. Lunatic's acquisition of a new domicile

An insane person cannot acquire a new domicile in any other way than by his or her domicile following the domicile of another person.

18. Succession to movable property in Uganda

If a man dies leaving movable property in Uganda, in the absence of proof of any domicile elsewhere, succession to the property is regulated by the law of Uganda.

Part III – Consanguinity

19. Kindred or consanguinity

Kindred or consanguinity is the connection or relation of persons descended from the same stock or common ancestor.

20. Lineal consanguinity

- (1) Lineal consanguinity is that which subsists between two persons, one of whom is descended in a direct line from the other as between a man and his father, grandfather, great-grandfather and so upwards in the direct ascending line, or between a man, his son, grandson, great-grandson and so downwards in the direct descending line.
- (2) Every generation constitutes a degree, either ascending or descending; a man's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third.

21. Collateral consanguinity

- (1) Collateral consanguinity is that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in a direct line from the other.
- (2) For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is proper to reckon upwards from the person deceased, to the common

stock, and then downwards to the collateral relative, allowing a degree for each person, both ascending and descending.

22. Persons held for the purpose of succession to be similarly related to the deceased

For the purposes of succession, there is no distinction between those who are—

- (a) related to the deceased by the full blood and those who are related to the deceased by the half blood; or
- (b) born during the deceased's lifetime and those who are conceived in the womb at the date of death and subsequently born alive.

23. Mode of computing degrees of kindred

- (1) In the table of kindred in the First Schedule to this Act, the degrees are computed as far as the sixth, and are marked by numeral figures.
- (2) The person whose relatives are to be reckoned and his cousin-german or first cousin are, as shown in the table, related in the fourth degree, there being one degree of ascent to the father, and another to the common ancestor, the grandfather, and from him one of descent to the uncle, and another to the cousin-german, making in all four degrees.
- (3) A grandson of the brother and a son of the uncle, that is, a great-nephew and cousin-german, are in equal degree, being each four degrees removed.
- (4) A grandson of a cousin-german is in the same degree as the grandson of a great-uncle, for they are both in the sixth degree of kindred.

Part IV – Intestacy

24. Property of a deceased dying intestate

A person dies intestate in respect of all property which has not been disposed of by a valid testamentary disposition.

25. Devolution of property of a deceased dying intestate

All property in an intestate estate devolves upon the personal representative of the deceased upon trust for those persons entitled to the property under this Act.

Part V – Distribution of an intestate's property

26. Devolution of residential holdings

- (1) 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 to this Act.

- (2) Any other residential holding possessed by the intestate at his or her death shall be held by his or her personal representative upon trust and, subject to the rights of occupation and terms and conditions set out in the Second Schedule to this Act, shall be dealt with in accordance with the remaining provisions of this Part.
- (3) Any dispute arising as to the exact area of any portion of land subject to this section or as to what person has the right to occupy the land or any part of it shall be settled by the personal representative.
- (4) Any person who is aggrieved by any decision of the personal representative under subsection (3) may appeal from the decision to a magistrate.

27. Distribution on the death of a male intestate

- (1) Subject to sections 29 and 30, the estate of a person dying intestate, excepting his principal residential holding, shall be divided among the following classes in the following manner—
 - (a) where the intestate is survived by a customary heir, a wife, a lineal descendant and a dependent relative—
 - (i) the customary heir shall receive 1 percent;
 - (ii) the wives shall receive 15 percent;
 - (iii) the dependent relative shall receive 9 percent;
 - (iv) the lineal descendants shall receive 75 percent of the whole of the property of the intestate, but where the intestate leaves no person surviving him capable of taking a proportion of his property under paragraph (a)(ii) or (iii) of this paragraph, that proportion shall go to the lineal descendants;
 - (b) where the intestate is survived by a customary heir, a wife and a dependent relative but no lineal descendant—
 - (i) the customary heir shall receive 1 percent;
 - (ii) the wife shall receive 50 percent; and
 - (iii) the dependent relative shall receive 49 percent, of the whole of the property of the intestate;
 - (c) where the intestate is survived by a customary heir, a wife or a dependent relative but no lineal descendant—
 - (i) the customary heir shall receive 1 percent; and
 - (ii) the wife or the dependent relative, as the case may be, shall receive 99 percent, of the whole of the property of the intestate;
 - (d) where the intestate leaves no person surviving him, other than a customary heir, capable of taking a proportion of his property under paragraph (a), (b) or (c) of this subsection, the

estate shall be divided equally between those relatives in the nearest degree of kinship to the intestate;

- (e) if no person takes any proportion of the property of the intestate under paragraph (a), (b), (c) or (d) of this subsection, the whole of the property shall belong to the customary heir;
 - (f) where there is no customary heir of an intestate, the customary heir's share shall belong to the legal heir.
- (2) Nothing in this section shall prevent the customary heir from taking a further share in the capacity of a lineal descendant if entitled to it in that capacity.
- (3) Nothing in this or any other section of this Act shall prevent the dependent relatives from making any other arrangement relating to the distribution or preservation of the property of the intestate provided that the arrangement is sanctioned by the court.

28. Distribution between members of the same class

- (1) All lineal descendants, wives and dependent relatives shall be entitled to share their proportion of a deceased intestate's property in equal shares.
- (2) Any child of a deceased lineal descendant, whose descent is not traced through any living lineal descendant and who survives the intestate, shall take the share which the deceased lineal descendant would have taken under subsection (1) had he or she survived the intestate.

29. Reservation of a principal residential holding from distribution

- (1) No wife or child of an intestate occupying a residential holding under section 26 and the Second Schedule to this Act shall be required to bring that occupation into account in assessing any share in the property of an intestate to which the wife or child may be entitled under section 27.
- (2) No person entitled to any interest in a residential holding under section 26(1) shall be required to bring that interest into account in assessing any share in the property of an intestate to which that person may be entitled under section 27.

30. Separation of husband and wife

- (1) No wife or husband of an intestate shall take any interest in the estate of an intestate if, at the death of the intestate, he or she was separated from the intestate as a member of the same household.
- (2) This section shall not apply where such wife or husband has been absent on an approved course of study in an educational institution.

- (3) Notwithstanding subsection (1), a court may, on application by or on behalf of such husband or wife, whether during the life or within six months after the death of the other party to the marriage, declare that subsection (1) shall not apply to the applicant.
- (4) Section 38(5) shall apply *mutatis mutandis* to an application made under subsection (3) in determining whether a declaration under this section should be made.
- (5) A declaration made under subsection (3) shall authorise the applicant to take no more than a proportion of the intestate's property entitled to him or her under section 27.

31. Notice to be given by a customary heir

- (1) Upon the appointment of a customary heir of an intestate, the heir shall give or cause to be given notice of the appointment in the form set out in the Third Schedule to this Act to the personal representative and to the Administrator General.
- (2) All signatures on the notice shall be attested by any one of the following—
 - (a) any agent appointed by the Minister under the Administrator General's Act;
 - (b) a justice of the peace;
 - (c) an advocate;
 - (d) a notary public;
 - (e) a bank manager;
 - (f) a minister of religion authorised to celebrate marriages within Uganda;
 - (g) a medical practitioner;
 - (h) any other person authorised in that behalf by the Minister by statutory order.
- (3) If no notice has been received by the personal representative or by the Administrator General within one year from the date of death of the intestate, the personal representative shall proceed to distribute the estate of the intestate on the basis that there is no customary heir.

32. Interest of the State on default

- (1) If, under sections 26 to 31, there is no person existing or reasonably ascertainable entitled to take any part of the property of an intestate, that part or the whole, as the case may be, shall belong to the State.
- (2) If, at any time after such property or part of the property has been made over to the State, a person entitled to take it as his or her share pursuant to section 27 is ascertained, the Minister may return that property or the proceeds of the property to that person in such manner as the Minister may think fit.

33. Children's advancement

Where a share in the property of an intestate is due to a child or any lineal descendant of a child of the intestate, no money or other property which the intestate may, during his life, have paid, given or settled to, or for the advancement of, the child to whom or to whose descendant the share is due shall be taken into account in estimating the share.

Part VI – Effect of marriage and marriage settlements on property

34. Effect of marriage between persons only one of whom is domiciled in Uganda

If a person whose domicile is not in Uganda marries in Uganda a person whose domicile is in Uganda, neither party acquires by the marriage any rights in respect of any property of the other party not comprised in a settlement made previous to the marriage, which he or she would not acquire by the marriage if both were domiciled in Uganda at the time of the marriage.

35. Settlement of minor's property in contemplation of marriage

The property of a minor may be settled in contemplation of marriage, provided the settlement is made by the minor with the approbation of the minor's father, or if he is dead or absent from Uganda, with the approbation of the High Court.

Part VII – Wills and codicils

36. Persons capable of making wills

- (1) Every person of sound mind and not a minor may by will dispose of his or her property.
- (2) A married woman may by will dispose of any property which she could alienate by her own act during her life.
- (3) A person who is deaf or dumb or blind is not thereby incapacitated for making a will if he or she is able to know what he or she does by it.
- (4) A person who is ordinarily insane may make a will during an interval in which he or she is of sound mind.
- (5) No person can make a will while he or she is in such a state of mind, whether arising from drunkenness or from illness or from any other cause that the person does not know what he or she is doing.

37. Provision for the maintenance of dependents to be made in every will

Notwithstanding section 36, where a person, by his or her will, disposes of all his or her property without making reasonable provision for the maintenance of his or her dependent relatives, section 38 shall apply.

38. Power of the court to order payment out of the estate of the deceased for maintenance of dependents

- (1) Where a person dies domiciled in Uganda leaving a dependent relative, then, if the court, on application by or on behalf of the dependent relative of the deceased, is of opinion that the disposition of the deceased's estate effected by his or her will is not such as to make reasonable provision for the maintenance of that dependent relative, the court may order that such reasonable provision as the court thinks fit shall, subject to such conditions or restrictions, if any, as the court may impose, be made out of the deceased's estate for the maintenance of that dependent relative.
- (2) The provision for maintenance to be made by an order under subsection (1) shall—
 - (a) subject to subsection (3), be, where the deceased's estate produces an income, by way of periodical payments; and the order shall provide for their termination not later than—
 - (i) in the case of a wife or husband, her or his remarriage;
 - (ii) in the case of a daughter who has not been married, or who is, by reason of some mental or physical disability, incapable of maintaining herself, her marriage or the cessation of her disability, whichever is the later;
 - (iii) in the case of an infant son or a son who is, by reason of some mental or physical disability, incapable of maintaining himself, his attaining the age of twenty-one or the cessation of his disability, whichever is the later;
 - (iv) in the case of other dependent relative, his or her attaining the age of twenty-one, or in any case, his or her death; or
 - (b) where the deceased's estate does not produce any income or sufficient income, authorise the applicant to receive such share as the applicant would be entitled to in the distribution of the estate of an intestate under section 27.
- (3) The court may, if it sees fit, make an order providing for maintenance, in whole or in part, by way of a lump sum payment.
- (4) In determining whether, and in what way, and as from what date, provision for maintenance ought to be made by an order, the court shall have regard to the nature of the property representing the deceased's estate and shall not order any provision to be made as would necessitate a realization that would be improvident having regard to the interests of the deceased's dependents and of the persons who, apart from the order, would be entitled to that property.
- (5) The court shall, on any application made under this section—
 - (a) have regard—

- (i) to any past, present or future capital or income from any source of the dependent of the deceased to whom the application relates;
 - (ii) to the conduct of that dependent in relation to the deceased and otherwise; and
 - (iii) to any other matter or thing which in the circumstances of the case the court may consider relevant or material in relation to that dependent, to persons interested in the estate of the deceased, or otherwise;
- (b) have regard to the deceased's reasons, so far as ascertainable—
- (i) for making the dispositions made by his or her will, if any;
 - (ii) for refraining from disposing by will of his or her estate; or
 - (iii) for not making any provision, or any further provision, as the case may be, for a dependent, and the court may accept such evidence of those reasons as it considers sufficient, including any statement in writing signed by the deceased and dated, so, however, that in estimating the weight, if any, to be attached to any such statement the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement.

39. Time within which application must be made

- (1) Except as provided by section 42, an application under section 38 shall not, without the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out; except that where letters of administration are revoked and probate is granted, time begins to run from the date of the grant of probate.
- (2) Sections 38 and 42 shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the period of six months on the ground that they ought to have taken into account the possibility that the court might permit an application under this Act after the end of that period, but this subsection shall be without prejudice to any power to recover any part of the estate so distributed arising by virtue of the making of an order under this Act.

40. Effect and form of an order for maintenance

- (1) Where an order is made under section 38, then, for all purposes, the will shall have effect, and shall be deemed to have had effect, as from the deceased's death, subject to such variations as may be specified in the order for the purpose of giving effect to the provision for maintenance made in the order.
- (2) Any order under section 38 providing for maintenance by way of periodical payments may provide for payments of a specified amount, or for payments equal to the whole or part of

the income of the net estate or of the income of any part to be set aside or appropriated under this Act of the net estate, or may provide for the amount of the payments or any of them to be determined in any other way the court thinks fit.

- (3) The court may give such consequential directions as it thinks fit for the purpose of giving effect to an order made under this Act, but no larger part of the net estate shall be set aside or appropriated to answer by its income the provision for maintenance made by the order than such a part as, at the date of the order, is sufficient to produce by its income the amount of the provision.

41. Variation of orders

- (1) On an application made at a date after the expiration of the period specified in section 39(1), the court may make an order as provided in this subsection, but only as respects property the income of which is at the date applicable for the maintenance of a dependent of the deceased, that is to say—
 - (a) an order for varying the previous order on the ground that any material fact was not disclosed to the court when the order was made, or that any substantial change has taken place in the circumstances of the dependent or of a person beneficially interested in the property under the will; or
 - (b) an order for making provision for the maintenance of another dependent of the deceased.
- (2) An application to the court for an order under subsection (1)(a) may be made by or on behalf of a dependent of the deceased or by the trustees of the property or by or on behalf of a person beneficially interested in the property under the will.

42. Interim orders

- (1) Where, on application for maintenance under this Act, it appears to the court—
 - (a) that the applicant is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application for the provision of maintenance for the applicant; and
 - (b) that property forming part of the estate of the deceased is or can be made available to meet the need of the applicant, the court may order that, subject to such conditions or restrictions, if any, as the court may impose and to any further order of the court, there shall be paid to or for the benefit of the applicant out of the deceased's estate such sum or sums and (if more than one) at such intervals as the court thinks reasonable.
- (2) In determining what order should be made under this section, the court shall, so far as the urgency of the case admits, take account of the same considerations as would be relevant in determining what order should be made on the application for the provision of

maintenance for the applicant; and any subsequent order for the provision of maintenance may provide that sums paid to or for the benefit of the applicant by virtue of this section shall be treated to such extent, if any, and in such manner as may be provided by that order as having been paid on account of the maintenance provided for by that order.

- (3) Subject to subsection (2), section 40 shall apply in relation to an order under this section as it applies in relation to an order providing for maintenance.
- (4) Where the deceased's personal representative pays any sum directed by an order under this section to be paid out of the deceased's net estate, he or she shall not be under any liability by reason of that estate not being sufficient to make the payment, unless, at the time of making the payment, he or she has reasonable cause to believe that the estate is not sufficient.

43. Testamentary guardian

A father, whatever his age may be, may by will appoint a guardian or guardians for his child during minority.

44. Statutory guardians

- (1) On the death of a father of an infant where no guardian has been appointed by the will of the father of the infant or if the guardian appointed by the will of the father is dead or refuses to act, the following persons shall, in the following order of priority, be the guardian or guardians of the infant child of the deceased—
 - (a) the father or mother of the deceased;
 - (b) if the father and mother of the deceased are dead, the brothers and sisters of the deceased;
 - (c) if the brothers and sisters of the deceased are dead, the brothers and sisters of the deceased's father;
 - (d) if the brothers and sisters of the deceased's father are dead, the mother's brothers; or
 - (e) if there are no mother's brothers, the mother's father.
- (2) If there is no person willing or entitled to be a guardian under subsection (1)(a) to (e), the court may, on the application of any person interested in the welfare of the infant, appoint a guardian.

45. Power of the court to remove a guardian

Any court, other than a court presided over by a magistrate grade III, may, if it is satisfied that it is for the welfare of the infant—

- (a) remove from his or her office any testamentary guardian or any guardian appointed or acting by virtue of section 44;
- (b) appoint another guardian in place of the guardian so removed;

(c) vary the order of priority specified under section 44.

46. Powers of guardians

(1) Every guardian acting by virtue of section 44 or appointed under section 45 shall, subject to the provisions of the law relating to trusts, have all such powers over the estate and the person of an infant as a testamentary guardian has under the law for the time being in force in Uganda.

(2) Any guardian acting by virtue of section 44 or appointed under section 45 shall act jointly with the mother of the infant, unless the court otherwise directs.

47. Will obtained by fraud, coercion or importunity

A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

48. Will may be revoked or altered

A will is liable to be revoked or altered by its maker at any time when he or she is competent to dispose of his or her property by will.

49. Form of will

A testator may, at his or her discretion, adopt for use the form of the will set out in the Fourth Schedule to this Act.

Part VIII – Execution of unprivileged wills

50. Execution of unprivileged wills

Except as provided by this Act or other law for the time being in force, every testator not being a member of the armed forces employed in an expedition or engaged in actual warfare, or a mariner at sea, must execute his or her will according to the following provisions—

- (a) the testator shall sign or affix his or her mark to the will, or it shall be signed by some other person in his or her presence and by his or her direction;
- (b) the signature or mark of the testator or the signature of the person signing for him or her shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will;
- (c) the will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his or her mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his or her signature or mark, or of the signature of that other person; and each of the witnesses must sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

51. Incorporation of papers by reference

If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his or her intentions, that document shall be considered as forming a part of the will or codicil in which it is referred to.

Part IX – Privileged wills

52. Privileged wills

Any member of the armed forces being employed in an expedition or engaged in actual warfare, or any mariner being at sea, may, if he or she has completed the age of eighteen years, dispose of his or her property by a will made as is provided in section 53 (hereafter referred to as a “privileged will”).

53. Mode of making privileged wills

- (1) Privileged wills may be in writing or may be made by word of mouth.
- (2) The execution of a privileged will shall be governed by the following provisions—
 - (a) the will may be written wholly by the testator with his or her own hand, and in that case it need not be signed nor attested;
 - (b) the will may be written wholly or in part by another person, and signed by the testator, and in that case it need not be attested;
 - (c) if the instrument purporting to be a will is written wholly or in part by another person, and is not signed by the testator, it shall be considered to be his or her will if it is shown that it was written by the testator’s directions, or that he or she recognised it as his or her will; but if it appears on the face of the instrument that the execution of it in the manner intended by the testator was not completed, the instrument shall not, by reason of that circumstance, be invalid, if his or her nonexecution of it can be reasonably ascribed to some cause other than the abandonment of the testamentary intentions expressed in the instrument;
 - (d) if the testator has written instructions for the preparation of his or her will, but has died before it could be prepared and executed, such instructions shall be considered to constitute his or her will;
 - (e) if the testator has, in the presence of two witnesses, given verbal instructions for the preparation of his or her will, and they have been reduced into writing in his or her lifetime, but he or she has died before the instrument could be prepared and executed, such instructions shall be considered to constitute his or her will, although they may not have been reduced into writing in his or her presence, nor read over to him or her;
 - (f) a testator may make a will by word of mouth by declaring his or her intentions before two witnesses present at the same time;

(g) a will made by word of mouth shall be null at the expiration of one month after the testator has ceased to be entitled to make a privileged will.

Part X – Attestation, revocation, alteration and revival of wills

54. Effect of gift to attesting witnesses

(1) A will shall not be considered as insufficiently attested by reason of any benefit given by the will, either by way of bequest or by way of appointment, to any person attesting it, or to his wife or her husband, but the bequest or appointment shall be void so far as concerns the person so attesting, or the wife or husband of that person, or any person claiming under either of them.

(2) A legatee under a will shall not lose his or her legacy by attesting a codicil which confirms the will.

55. Witness not disqualified by interest or by being executor

No person, by reason of interest in, or of his or her being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity of the will.

56. Revocation of will by testator's marriage

(1) Every will shall be revoked by the marriage of the maker, except a will made in exercise of a power of appointment, when the property over which the power of appointment is exercised would not, in default of the appointment, pass to his or her executor or administrator or to the person entitled in case of intestacy.

(2) Where a person is invested with power to determine the disposition of property of which he or she is not the owner, he or she is said to have power to appoint that property.

57. Revocation of unprivileged will or codicil

No unprivileged will or codicil, nor any part thereof, shall be revoked otherwise than by marriage, or by another will or codicil or by some writing declaring an intention to revoke the unprivileged will or codicil, and executed in the manner in which an unprivileged will is in this Act required to be executed, or by the burning, tearing or otherwise destroying of the will or codicil by the testator, or by some person in his or her presence and by his or her direction, with the intention of revoking it.

58. Effect of alteration in unprivileged will

No obliteration, interlineation or other alteration made in any unprivileged will after the execution of the will shall have any effect, except so far as the words or meaning of the will have been thereby rendered illegible or undiscernible, unless the alteration is executed in like manner as is in this Act required for the execution of the will; except that the will, as so altered, shall be deemed to be duly executed if the signature of the testator and the subscription of the

witnesses are made in the margin or on some other part of the will opposite or near to the alteration or at the foot or end of, or opposite to, a memorandum referring to the alteration, and written at the end or some other part of the will.

59. Revocation of privileged will or codicil

(1) A privileged will or codicil may be revoked by the testator, by an unprivileged will or codicil, or by any act expressing an intention to revoke it, and accompanied with such formalities as would be sufficient to give validity to a privileged will, or by the burning, tearing or otherwise destroying of the privileged will or codicil by the testator, or by some person in his or her presence, and by his or her direction, with the intention of revoking it.

(2) In order to effect the revocation of a privileged will or codicil by an act accompanied with such formalities as would be sufficient to give validity to a privileged will, it is not necessary that the testator should, at the time of doing that act, be in a situation which entitles him or her to make a privileged will.

60. Revival of unprivileged will

(1) No unprivileged will or codicil, nor any part thereof, which has been in any manner revoked, shall be revived otherwise than by the reexecution of the unprivileged will or codicil, or by a codicil executed in the manner hereinbefore required, and showing an intention to revive it.

(2) When any will or codicil which has been partly revoked, and afterwards wholly revoked, is revived, the revival shall not extend to so much of it as was revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil.

Part XI – Construction of wills

61. Wording of will

It is not necessary that any technical words or terms of art shall be used in a will, but only that the wording shall be such that the intentions of the testator can be known from the wording.

62. Inquiries to determine questions as to object or subject of will

For the purpose of determining questions as to what person or what property is denoted by any words used in a will, a court shall inquire into every material fact relating to the persons who claim to be interested under the will, the property which is claimed as the subject of disposition, the circumstances of the testator and of his or her family, and into every fact a knowledge of which may conduce to the right application of the words which the testator has used.

63. Misnomer or misdescription of object

(1) Where the words used in the will to designate or describe a legatee, or a class of legatees, sufficiently show what is meant, an error in the name or description shall not prevent the legacy from taking effect.

(2) A mistake in the name of a legatee may be corrected by a description of him or her, and a mistake in the description of a legatee may be corrected by the name.

64. When words may be supplied

Where any word material to the full expression of the meaning has been omitted, it may be supplied by the context.

65. Rejection of erroneous particulars in description of subject

If the thing which the testator intended to bequeath can be sufficiently identified from the description of it given in the will, but some parts of the description do not apply, such parts of the description shall be rejected as erroneous and the bequest shall take effect.

66. When part of description may not be rejected as erroneous

(1) If the will mentions several circumstances as descriptive of the thing which the testator intends to bequeath, and there is any property of his or her in respect of which all those circumstances exist, the bequest shall be considered as limited to that property, and it shall not be lawful to reject any part of the description as erroneous, because the testator had other property to which such part of the description does not apply.

(2) In judging whether a case falls within the meaning of this section, any words which would be liable to rejection under section 65 are to be considered as struck out of the will.

67. Extrinsic evidence admissible in case of latent ambiguity

Where the words of the will are unambiguous, but it is found by extrinsic evidence that they admit of applications, one only of which can have been intended by the testator, extrinsic evidence may be taken to show which of these applications was intended.

68. Extrinsic evidence inadmissible in case of patent ambiguity or deficiency

Where there is an ambiguity or deficiency on the face of the will, no extrinsic evidence as to the intentions of the testator shall be admitted.

69. Meaning of clause to be collected from entire will

The meaning of any clause in a will is to be collected from the entire instrument, and all its parts are to be construed with reference to each other, and for this purpose a codicil is to be considered as part of the will.

70. When words may be understood in restricted sense, and when in sense wider than usual

General words may be understood in a restricted sense where it may be collected from the will that the testator meant to use them in a restricted sense; and words may be understood in a wider sense than that which they usually bear, where it may be collected from the other words of the will that the testator meant to use them in the wider sense.

71. Which of two possible constructions preferred

Where a clause is susceptible of two meanings, according to one of which it has some effect, and according to the other it can have none, the former is to be preferred.

72. No part rejected if reasonable construction possible

No part of a will is to be rejected as destitute of meaning if it is possible to put a reasonable construction upon it.

73. Interpretation of words repeated in different parts of will

If the same words occur in different parts of the same will, they must be taken to have been used everywhere in the same sense, unless there appears an intention to the contrary.

74. Testator's intention to be effected as far as possible

The intention of the testator is not to be set aside because it cannot take effect to the full extent, but effect is to be given to it as far as possible.

75. Last of two inconsistent clauses prevails

Where two clauses or gifts in a will are irreconcilable, so that they cannot possibly stand together, the last shall prevail.

76. Will or bequest void for uncertainty

A will or bequest not expressive of any definite intention is void for uncertainty.

77. Words describing subject refer to property answering description at testator's death

The description contained in a will of property the subject of gift, shall, unless a contrary intention appears by the will, be deemed to refer to and comprise the property answering that description at the death of the testator.

78. Power of appointment executed by general bequest

Unless a contrary intention appears by the will, a bequest of the estate of the testator shall be construed to include any property which he or she may have power to appoint by will to any object he or she may think proper, and shall operate as an execution of that power; and a bequest of property described in a general manner shall be construed to include any property to which the description may extend, which he or she may have power to appoint by will to any object he or she may think proper, and shall operate as an execution of that power.

79. Implied gift to objects of power in default of appointment

Where property is bequeathed to or for the benefit of such of certain objects as a specified person shall appoint, or for the benefit of certain objects in such proportions as a specified person shall appoint, and the will does not provide for the event of no appointment being made, if the power given by the will is not exercised the property belongs to all the objects of the power in equal shares.

80. Bequest to “heirs”, etc. of particular person without qualifying terms

Where a bequest is made to the “heirs” or “right heirs” or “relations” or “nearest relations” or “family” or “kindred” or “nearest of kin” or “next of kin” of a particular person, without any qualifying terms and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he or she had died intestate in respect of it, leaving assets for the payment of his or her debts independently of that property.

81. Bequest to “representatives”, etc. of particular person

Where a bequest is made to the “representatives” or “legal representatives” or “personal representatives” or “executors or administrators” of a particular person and the class so designated forms the direct and independent object of the bequest, the property bequeathed shall be distributed as if it had belonged to such person, and he or she had died intestate in respect of it.

82. Bequest without words of limitation

Where property is bequeathed to any person, he or she is entitled to the whole interest of the testator in the property, unless it appears from the will that only a restricted interest was intended for him or her.

83. Bequest in alternative

Where property is bequeathed to a person, with a bequest in the alternative to another person or to a class of persons, if a contrary intention does not appear by the will, the legatee first named shall be entitled to the legacy, if he or she is alive at the time when it takes effect; but, if he or she is then dead, the person or class of persons named in the second branch of the alternative shall take the legacy.

84. Effect of words describing a class added to bequest to a person

Where property is bequeathed to a person, and words are added which describe a class of persons, but do not denote them as direct objects of a distinct and independent gift, such a person is entitled to the whole interest of the testator in the property, unless a contrary intention appears by the will.

85. Bequest to class of persons under general description only

Where a bequest is made to a class of persons under a general description only, no one to whom the words of the description are not in their ordinary sense applicable shall take the legacy.

86. Construction of terms

(1) In a will—

(a) “children” applies only to lineal descendants in the first degree;

- (b) “cousins”, “first cousins” or “cousins-german” apply only to children of brothers or of sisters of the father or mother of the person whose cousins, first cousins or cousins-german are spoken of;
 - (c) “first cousins once removed” apply only to children of cousins-german or to cousins-german of a parent of the person whose first cousins once removed are spoken of;
 - (d) “grandchildren” applies only to lineal descendants in the second degree of the person whose children or grandchildren are spoken of;
 - (e) “issue” and “descendants” apply to all lineal descendants of the person whose issue or descendants are spoken of;
 - (f) “nephews” and “nieces” apply only to children of brothers or sisters;
 - (g) “second cousins” apply only to grandchildren of brothers or of sisters of the grandfather or grandmother of the person whose second cousins are spoken of.
- (2) Words in a will expressive of collateral relationship apply alike to relatives of full and of half-blood; and all words in a will expressive of relationship apply to a child in the womb who is afterwards born alive.

87. Implied inclusion of illegitimate and adopted children

In the absence of any intimation to the contrary in the will, “child”, “son” or “daughter” or any word which expresses those relationships is to be understood as including an illegitimate child and an adopted child.

88. Construction where will purports to make two bequests to same person

- (1) Where a will purports to make two bequests to the same person, and a question arises whether the testator intended to make the second bequest instead of, or in addition to, the first, if there is nothing in the will to show what he or she intended, the following provisions shall prevail in determining the construction to be put upon the will—
- (a) if the same specific thing is bequeathed twice to the same legatee in the same will, or in the will and again in a codicil, he or she is entitled to receive that specific thing only;
 - (b) where one and the same will or one and the same codicil purports to make, in two places, a bequest to the same person of the same quantity or amount of anything, he or she shall be entitled to one such legacy only;
 - (c) where two legacies of unequal amount are given to the same person in the same will or in the same codicil, the legatee is entitled to both such legacies;
 - (d) where two legacies, whether equal or unequal in amount, are given to the same legatee, one by a will, and the other by a codicil, or each by a different codicil, the legatee is entitled to both such legacies.

(2) In paragraphs (a), (b), (c) and (d) of subsection (1), “will” does not include a codicil.

89. Constitution of residuary legatee

A residuary legatee may be constituted by any words that show an intention on the part of the testator that the person designated shall take the surplus or residue of his or her property.

90. Property to which residuary legatee entitled

Under a residuary bequest, the legatee is entitled to all property belonging to the testator at the time of his or her death of which he or she has not made any other testamentary disposition which is capable of taking effect.

91. Time of vesting of legacy in general terms

If a legacy is given in general terms, without specifying the time when it is to be paid, the legatee has a vested interest in it from the day of the death of the testator, and if he or she dies without having received it, it shall pass to his or her representatives.

92. In what case legacy lapses

(1) If the legatee does not survive the testator, the legacy cannot take effect, but shall lapse and form part of the residue of the testator’s property, unless it appears by the will that the testator intended that it should go to some other person.

(2) In order to entitle the representatives of the legatee to receive the legacy, it must be proved that he or she survived the testator.

93. One of two joint legatees dying before testator

If a legacy is given to two persons jointly, and one of them dies before the testator, the other legatee takes the whole.

94. Words showing testator’s intention to give distinct shares

Where a legacy is given to legatees in words which show that the testator intended to give them distinct shares of it, then, if any legatee dies before the testator, so much of the legacy as was intended for him or her shall fall into the residue of the testator’s property.

95. Lapsed share

Where the share that lapses is a part of the general residue bequeathed by the will, that share shall go as undisposed of.

96. When bequest to testator’s child or lineal descendant does not lapse on his or her death in testator’s lifetime

Where a bequest has been made to any child or other lineal descendant of the testator, and the legatee dies in the lifetime of the testator, but any lineal descendant of his or hers survives the testator, the bequest shall not lapse, but shall take effect as if the death of the legatee had

happened immediately after the death of the testator, unless a contrary intention appears by the will.

97. Bequest to legatee for benefit of another does not lapse by legatee's death

Where a bequest is made to one person for the benefit of another, the legacy does not lapse by the death, in the testator's lifetime, of the person to whom the bequest is made.

98. Survivorship in case of bequest to described class

Where a bequest is made simply to a described class of persons, the thing bequeathed shall go only to such of them as are alive at the testator's death; except that if property is bequeathed to a class of persons described as standing in a particular degree of kindred to a specified individual, but their possession of it is deferred until a time later than the death of the testator by reason of a prior bequest or otherwise, the property shall at that time go to such of them as are then alive, and to the representatives of any of them who have died since the death of the testator.

Part XII – Void bequests

99. Bequest to person who is not in existence at testator's death

Where a bequest is made to a person by a particular description, and there is no person in existence at the testator's death who answers the description, the bequest is void; except that if property is bequeathed to a person described as standing in a particular degree of kindred to a specified individual, but his or her possession of it is deferred until a time later than the death of the testator by reason of a prior bequest or otherwise, and if a person answering to the description is alive at the death of the testator, or comes into existence between that event and such later time, the property shall, at such later time, go to that person, or, if he or she is dead, to his or her representatives.

100. Bequest to a person not in existence at testator's death, subject to prior bequest

Where a bequest is made to a person not in existence at the time of the testator's death subject to a prior bequest contained in the will, the later bequest shall be void, unless it comprises the whole of the remaining interest of the testator in the thing bequeathed.

101. Rule against perpetuity

No bequest is valid by which the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease, and the minority of some person who is in existence at the expiration of that period, and to whom, if he or she attains full age, the thing bequeathed is to belong.

102. Bequest to a class, some of whom may come under section 100 or 101

If a bequest is made to a class of persons, with regard to some of whom it is inoperative by reason of section 100 and 101 or either of them, the bequest shall be wholly void.

103. Bequest to take effect on failure of bequest void under section 100, 101 or 102

Where a bequest is void by reason of any of the provisions of section 100, 101 or 102, any bequest contained in the same will and intended to take effect after or upon failure of such prior bequest is also void.

104. Effect of direction for accumulation

A direction to accumulate the income arising from any property shall be void, and the property shall be disposed of as if no accumulation had been directed; except that where the property is immovable, or where accumulation is directed to be made from the death of the testator, the direction shall be valid in respect only of the income arising from the property within one year next following the testator's death, and at the end of the year the property and income shall be disposed of respectively as if the period during which the accumulation has been directed to be made had elapsed.

105. Bequest to religious or charitable causes

No person having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses except by a will executed not less than twelve months before his or her death and deposited within six months from its execution in some place provided by law for the safe custody of the wills of living persons.

Part XIII – Vesting of legacies

106. Vesting of legacy when payment or possession postponed

- (1) Where, by the terms of a bequest, the legatee is not entitled to immediate possession of the thing bequeathed, right to receive it at the proper time shall, unless a contrary intention appears by the will, become vested in the legatee on the testator's death, and shall pass to the legatee's representatives if he or she dies before that time and without having received the legacy; and in such cases the legacy is, from the testator's death, said to be vested in interest.
- (2) An intention that a legacy to any person shall not become vested in interest in him or her is not to be inferred merely from a provision by which the payment or possession of the thing bequeathed is postponed, or by which a prior interest in the legacy is bequeathed to some other person, or by which the income arising from the fund bequeathed is directed to be accumulated until the time of payment arrives, or from a provision that, if a particular event shall happen, the legacy shall go over to another person.

107. Vesting when legacy contingent upon specified uncertain event

- (1) A legacy bequeathed in case a specified uncertain event shall happen does not vest until that event happens.
- (2) A legacy bequeathed in case a specified uncertain event shall not happen does not vest until the happening of that event becomes impossible.
- (3) In either case, until the condition has been fulfilled, the interest of the legatee is called contingent.
- (4) Notwithstanding subsections (1) and (2), where a fund is bequeathed to any person upon his or her attaining a particular age, and the will also gives to him or her absolutely the income to arise from the fund before he or she reaches that age, or directs the income, or so much of it as may be necessary, to be applied for his or her benefit, the bequest of the fund is not contingent.

108. Vesting of bequest to members of a class attaining particular age

Where a bequest is made only to such members of a class as shall have attained a particular age, a person who has not attained that age cannot have a vested interest in the legacy.

Part XIV – Onerous bequests

109. Onerous bequest

Where a bequest imposes an obligation on the legatee, he or she can take nothing by it unless he or she accepts it fully.

110. One of two separate and independent bequests to same person may be accepted

Where a will contains two separate and independent bequests to the same person, the legatee is at liberty to accept one of them, and refuse the other, although the former may be beneficial and the latter onerous.

Part XV – Contingent bequests

111. Bequest contingent upon specified uncertain event

Where a legacy is given if a specified uncertain event shall happen, and no time is mentioned in the will for the occurrence of that event, the legacy cannot take effect unless the event happens before the period when the fund bequeathed is payable or distributable.

112. Bequest to persons surviving at some period not specified

Where a bequest is made to such of certain persons as shall be surviving at some period, but the exact period is not specified, the legacy shall go to such of them as shall be alive at the time of payment or distribution, unless a contrary intention appears by the will.

Part XVI – Conditional bequests

113. Bequest upon impossible condition

A bequest upon an impossible condition is void.

114. Bequest upon illegal, etc. condition

A bequest upon a condition the fulfillment of which would be contrary to law or to morality is void.

115. Fulfillment of condition precedent to vesting of legacy

Where a will imposes a condition to be fulfilled before the legatee can take a vested interest in the thing bequeathed, the condition shall be considered to have been fulfilled if it has been substantially complied with.

116. Bequest to one person and, on failure of prior bequest, to another

Where there is a bequest to one person, and a bequest of the same thing to another, if the prior bequest shall fail, the second bequest shall take effect upon the failure of the prior bequest although the failure may not have occurred in the manner contemplated by the testator.

117. When second bequest not to take effect on failure of first

Where a will shows an intention that a second bequest shall take effect only in the event of the first bequest failing in a particular manner, the second bequest shall not take effect unless the prior bequest fails in that particular manner.

118. Bequest over, conditional upon happening of specified uncertain event

(1) A bequest may be made to any person with the condition superadded that, in case a specified uncertain event shall happen, the thing bequeathed shall go to another person, or that in case a specified uncertain event shall not happen, the thing bequeathed shall go over to another person.

(2) In each case the ulterior bequest is subject to sections 107, 108, 109, 110, 111, 112, 113, 114, 116 and 117.

119. Condition must be strictly fulfilled

An ulterior bequest of the kind contemplated by section 118 cannot take effect unless the condition is strictly fulfilled.

120. Original bequest not affected by invalidity of second

If the ulterior bequest is not valid, the original bequest is not affected by it.

121. Bequest conditioned that it shall cease to have effect in certain cases

A bequest may be made with the condition superadded that it shall cease to have effect in case a specified uncertain event shall happen or in case a specified uncertain event shall not happen.

122. Condition must not be invalid under section 107

In order that a condition that a bequest shall cease to have effect may be valid, it is necessary that the event to which it relates is one which could legally constitute the condition of a bequest as contemplated by section 107.

123. Result of legatee rendering impossible or indefinitely postponing act for which no time specified

Where a bequest is made with a condition superadded that, unless the legatee shall perform a certain act, the subject matter of the bequest shall go to another person, or the bequest shall cease to have effect, but no time is specified for the performance of the act, if the legatee takes any step which renders impossible or indefinitely postpones the performance of the act required, the legacy shall go as if the legatee had died without performing the act.

124. Performance of condition, precedent or subsequent

Where a will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the nonfulfillment of which the subject matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified unless the performance of it is prevented by fraud, in which case such further time shall be allowed as shall be requisite to make up for the delay caused by the fraud.

Part XVII – Bequests with directions as to application or enjoyment

125. Direction that fund be employed in particular manner

Where a fund is bequeathed absolutely to or for the benefit of any person, but the will contains a direction that it shall be applied or enjoyed in a particular manner, the legatee shall be entitled to receive the fund as if the will had contained no such direction.

126. Direction that mode of enjoyment of absolute bequest is to be restricted

Where a testator absolutely bequeaths a fund, so as to sever it from his or her own estate, but directs that the mode of enjoyment of it by the legatee shall be restricted so as to secure a specified benefit for the legatee, if that benefit cannot be obtained for the legatee, the fund belongs to the legatee as if the will had contained no such direction.

127. Bequest of fund for certain purposes, some of which cannot be fulfilled

Where a testator does not absolutely bequeath a fund so as to sever it from his or her own estate but gives it for certain purposes and part of those purposes cannot be fulfilled, the fund, or so much of it as has not been exhausted upon the objects contemplated by the will, remains a part of the estate of the testator.

Part XVIII – Bequests to an executor

128. Legacy to executor

If a legacy is bequeathed to a person who is named an executor of the will, he or she shall not take the legacy unless he or she proves the will, or otherwise manifests an intention to act as executor.

Part XIX – Specific legacies

129. Specific legacy defined

Where a testator bequeaths to any person a specified part of his or her property which is distinguished from all other parts of his or her property, the legacy is said to be specific.

130. Bequest of sum certain where stocks, etc. in which invested are described

Where a sum certain is bequeathed, the legacy is not specific merely because the stocks, funds or securities in which it is invested are described in the will.

131. Bequest of stock where testator had equal or greater amount of stock of same kind

Where a bequest is made, in general terms, of a certain amount of any kind of stock, the legacy is not specific merely because the testator was, at the date of his or her will, possessed of stock of the specified kind, to an equal or greater amount than the amount bequeathed.

132. Bequest of money where payment postponed in certain way

A money legacy is not specific merely because the will directs its payment to be postponed until some part of the property of the testator shall have been reduced to a certain form, or remitted to a certain place.

133. When enumerated articles not deemed specifically bequeathed

Where a will contains a bequest of the residue of the testator's property along with an enumeration of some items of property not previously bequeathed, the articles enumerated shall not be deemed to be specifically bequeathed.

134. Retention of specific bequest to several persons in succession

Where property is specifically bequeathed to two or more persons in succession, it shall be retained in the form in which the testator left it, although it may be of such a nature that its value is continually decreasing.

135. Sale and investment of proceeds of property bequeathed to two or more persons in succession

Where property comprised in a bequest to two or more persons in succession is not specifically bequeathed, it shall, in the absence of any direction to the contrary, be sold, and the proceeds of the sale shall be invested in such securities as the High Court may, by any general rule to be made from time to time, authorise or direct; and the fund thus constituted shall be enjoyed by the successive legatees according to the terms of the will.

136. Nonabatement of specific legacies

If there is a deficiency of assets to pay legacies, a specific legacy is not liable to abate with the general legacies.

Part XX – Demonstrative legacies

137. Demonstrative legacies

- (1) Where a testator bequeaths a certain sum of money or a certain quantity of any other commodity, and refers to a particular fund or stock so as to constitute that fund or stock the primary fund or stock out of which payment is to be made, the legacy is said to be demonstrative.
- (2) The distinction between a specific legacy and a demonstrative legacy is that—
 - (a) where specified property is given to the legatee, the legacy is specific; and
 - (b) where the legacy is directed to be paid out of a specified property, it is demonstrative.

138. Order of payment when legacy directed to be paid out of a fund specifically bequeathed

Where a portion of a fund is specifically bequeathed, and a legacy is directed to be paid out of the same fund, the portion specifically bequeathed shall first be paid to the legatee, and the demonstrative legacy shall be paid out of the residue of the fund, and so far as the residue shall be deficient, out of the general assets of the testator.

Part XXI – Ademption of legacies

139. Ademption defined

If anything which has been specifically bequeathed does not belong to the testator at the time of his or her death, or has been converted into property of a different kind, the legacy is adeemed; that is, it cannot take effect by reason of the subject matter having been withdrawn from the operation of the will.

140. Nonademption of demonstrative legacy

A demonstrative legacy is not adeemed by reason that the property on which it is charged by the will does not exist at the time of the death of the testator or has been converted into property of a different kind; but it shall in such case be paid out of the general assets of the testator.

141. Ademption of specific bequest of right to receive something from third party

Where the thing specifically bequeathed is the right to receive something of value from a third party and the testator himself or herself receives it, the bequest is adeemed.

142. Ademption *pro tanto* by testator's receipt of part of entire thing specifically bequeathed

The receipt by the testator of a part of an entire thing specifically bequeathed shall operate as an ademption of the legacy to the extent of the sum so received.

143. Ademption *pro tanto* by testator's receipt of portion of entire fund or stock of which portion has been specifically bequeathed

If a portion of an entire fund or stock is specifically bequeathed, the receipt by the testator of a portion of the fund or stock shall operate as an ademption only to the extent of the amount so received; and the residue of the fund or stock shall be applicable to the discharge of the specific legacy.

144. Order of payment where portion of fund specifically bequeathed to one legatee, and legacy charged on same fund to another, and remainder insufficient to pay both legacies

Where a portion of the fund is specifically bequeathed to one legatee, and a legacy charged on the same fund is bequeathed to another legatee, if the testator receives a portion of that fund, and the remainder of the fund is insufficient to pay both the specific and the demonstrative legacy, the specific legacy shall be paid first, and the residue, if any, of the fund shall be applied, so far as it will extend, in payment of the demonstrative legacy, and the rest of the demonstrative legacy shall be paid out of the general assets of the testator.

145. Ademption where stock specifically bequeathed does not exist

Where stock which has been specifically bequeathed does not exist at the testator's death, the legacy is adeemed.

146. Ademption *pro tanto* where stock, specifically bequeathed, exists in part only

Where stock which has been specifically bequeathed exists only in part at the testator's death, the legacy is adeemed so far as regards that part of the stock which has ceased to exist.

147. Nonademption of bequest of goods described as connected with certain place

A specific bequest of goods under a description connecting them with a certain place is not adeemed by reason that they have been removed from that place from any temporary cause, or by fraud, or without knowledge or sanction of the testator.

148. When removal of thing bequeathed does not constitute ademption

The removal of a thing bequeathed from the place in which it is stated in the will to be situated does not constitute an ademption, where the place is only referred to in order to complete the description of what the testator meant to bequeath.

149. When thing bequeathed is a valuable to be received by testator from third person and testator or his or her representative receives it

Where the thing bequeathed is not the right to receive something of value from a third person, but the money or other commodity which shall be received from the third person by the testator himself or herself or by his or her representatives, the receipt of the sum of money or other commodity by the testator shall not constitute an ademption; but, if he or she mixes it with the general mass of his or her property, the legacy is adeemed.

150. Change by operation of law of subject of specific bequest between date of will and testator's death

Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place by operation of law, or in the course of execution of the provisions of any legal instrument under which the thing bequeathed was held, the legacy is not adeemed by reason of that change.

151. Change without testator's knowledge

Where a thing specifically bequeathed undergoes a change between the date of the will and the testator's death, and the change takes place without the knowledge or sanction of the testator, the legacy is not adeemed.

152. Stock specifically bequeathed lent to third party

Where stock, which has been specifically bequeathed, is lent to a third party on condition that it shall be replaced, and it is replaced accordingly, the legacy is not adeemed.

153. Stock specifically bequeathed sold but replaced

Where stock specifically bequeathed is sold, and an equal quantity of the same stock is afterwards purchased, and belongs to the testator at his or her death, the legacy is not adeemed.

Part XXII – Payment of liabilities in respect of the subject of a bequest

154. Nonliability of executor to exonerate specific legatees

(1) Where property specifically bequeathed is subject, at the death of the testator, to any pledge, lien or encumbrance, created by the testator himself or herself, or by any person under whom he or she claims, then, unless a contrary intention appears by the will, the legatee, if he or she accepts the bequest, shall accept it subject to such pledge or encumbrance, and

shall, as between himself or herself and the testator's estate, be liable to make good the amount of the pledge or encumbrance.

(2) A contrary intention shall not be inferred from any direction which the will may contain for the payment of the testator's debts generally.

(3) A periodical payment in the nature of land revenue or in the nature of rent is not such an encumbrance as is contemplated by this section.

155. Completion of testator's title

Where anything is to be done to complete the testator's title to the thing bequeathed, it is to be done at the cost of the testator's estate.

156. Immovable property for which rent payable periodically

Where there is a bequest of any interest in immovable property, in respect of which payment in the nature of land revenue, or in the nature of rent, has to be made periodically, the estate of the testator shall, as between the estate and the legatee, make good such payments or a proportion of them up to the day of his or her death.

157. Stock in Joint Stock Company

In the absence of any direction in the will where there is a specific bequest of stock in a joint stock company, if any call or other payment is due from the testator at the time of his or her death in respect of the stock, the call or payment shall, as between the testator's estate and the legatee, be borne by the estate; but, if any call or other payment shall, after the testator's death, become due in respect of the stock, the call or payment shall, as between the testator's estate and the legatee, be borne by the legatee if he or she accepts the bequest.

Part XXIII – Bequest of things described in general terms

158. Bequest of things in general terms

If there is a bequest of something described in general terms, the executor must purchase for the legatee what may reasonably be considered to answer the description.

Part XXIV – Bequests of the interest or produce of a fund

159. Bequest of interest or produce of a fund

Where the interest or produce of a fund is bequeathed to any person, and the will affords no indication of an intention that the enjoyment of the bequest should be of limited duration, the principal as well as the interest shall belong to the legatee.

Part XXV – Bequests of annuities

160. Annuity created by will payable for life only

Where an annuity is created by will, the legatee is entitled to receive it for his or her life only, unless a contrary intention appears by the will; and this provision shall not be varied by the circumstance that the annuity is directed to be paid out of the property generally or that a sum of money is bequeathed to be invested in the purchase of it.

161. Period of vesting where will directs that annuity be provided out of proceeds of property, etc.

Where a will directs that an annuity shall be provided for any person out of the proceeds of property, or out of property generally, or where money is bequeathed to be invested in the purchase of an annuity for any person, on the testator's death the legacy vests in interest in the legatee, and he or she is entitled, at his or her option, to have an annuity purchased for him or her, or to receive the money appropriated for that purpose by the will.

162. Abatement of annuity

Where an annuity is bequeathed, but the assets of the testator are not sufficient to pay all the legacies given by the will, the annuity shall abate in the same proportion as the other pecuniary legacies given by the will.

163. Gift of annuity and residuary gift

Where there is a gift of an annuity and a residuary gift, the whole of the annuity is to be satisfied before any part of the residue is paid to the residuary legatee, and, if necessary, the capital of the testator's estate shall be applied for that purpose.

Part XXVI – Legacies to creditors and portioners

164. Legacy to creditor

Where a debtor bequeaths a legacy to his or her creditor, and it does not appear from the will that the legacy is meant as a satisfaction of the debt, the creditor shall be entitled to the legacy as well as to the amount of the debt.

165. Child *prima facie* entitled to legacy as well as portion

Where a parent, who is under obligation by contract to provide a portion for a child, fails to do so, and afterwards bequeaths a legacy to the child, and does not intimate by his or her will that the legacy is meant as a satisfaction of the portion, the child shall be entitled to receive the legacy as well as the portion.

166. No ademption by subsequent provision for legatee

No bequest shall be wholly or partially adeemed by a subsequent provision made by settlement or otherwise for the legatee.

Part XXVII – Election

167. Circumstances in which election takes place

Where a person, by his or her will, professes to dispose of something of which he or she has no right to dispose, the person to whom the thing belongs shall elect either to confirm the disposition or to dissent from it, and, in the latter case, he or she shall relinquish any benefits which may have been provided for him or her by the will.

168. Devolution of interest relinquished by owner

An interest relinquished under section 167 shall devolve as if it had not been disposed of by the will in favour of the legatee, subject, nevertheless, to the charge of making good to the legatee the amount or value of the gift attempted to be given to him or her by the will.

169. Testator's belief as to his or her ownership immaterial

Sections 167 and 168 shall apply whether the testator does or does not believe that which he or she professes to dispose of by his or her will to be his or her own.

170. Bequest for person's benefit

A bequest for the benefit of a person is, for the purpose of election, the same thing as a bequest made to him or her.

171. Benefit derived indirectly

A person taking no benefit directly under a will, but deriving a benefit under it indirectly, is not put to his or her election.

172. Person taking in individual capacity under will may, in other character, elect to take in opposition

A person who, in his or her individual capacity, takes a benefit under the will may, in another character, elect to take in opposition to the will.

173. Exception to preceding sections

Notwithstanding sections 167 to 172, where a particular gift is expressed in a will to be in lieu of something belonging to the legatee, which is also in terms disposed of by the will, if the legatee claims that thing, he or she must relinquish the particular gift, but he or she is not bound to relinquish any other benefit given to him or her by the will.

174. When acceptance of benefit given by will constitutes election to take under will

Acceptance of a benefit given by a will constitutes an election by the legatee to take under the will, if he or she has knowledge of his or her right to elect, and of those circumstances which would influence the judgment of a reasonable man in making an election, or if he or she waives inquiry into the circumstances.

175. Presumption arising from enjoyment by legatee for two years

For the purposes of section 174, knowledge or waiver of inquiry shall, in the absence of evidence to the contrary, be presumed if the legatee has enjoyed for two years the benefits provided for him or her by the will without doing any act to express dissent.

176. Confirmation of bequest by act of legatee

For the purposes of section 174, knowledge or waiver of inquiry may be inferred from any act of the legatee which renders it impossible to place the persons interested in the subject matter of the bequest in the same condition as if the act had not been done.

177. When legatee may be called upon to elect

If a legatee does not, within one year after the death of the testator, signify to the testator's representatives his or her intention to confirm or to dissent from the will, the representatives shall, upon the expiration of that period, require him or her to make his or her election; and if he or she does not comply with the requisition within a reasonable time after he or she has received it, he or she shall be deemed to have elected to confirm the will.

178. Postponement of election in case of disability

In case of disability, an election shall be postponed until the disability ceases, or until the election is made by some competent authority.

Part XXVIII – Gifts in contemplation of death

179. Property transferable by gift made in contemplation of death

- (1) A man may dispose, by gift made in contemplation of death, of any movable property which he could dispose of by will.
- (2) A gift is said to be made in contemplation of death where a man who is ill and expects to die shortly of his illness delivers to another the possession of any movable property to keep as a gift in case the donor shall die of that illness.
- (3) A gift made in contemplation of death may be resumed by the donor.
- (4) A gift made in contemplation of death does not take effect if the donor recovers from the illness during which it was made nor if he survives the person to whom it was made.

Part XXIX – Grant of probate and letters of administration

180. Character and property of executor or administrator

The executor or administrator, as the case may be, of a deceased person is his or her legal representative for all purposes, and all the property of the deceased person vests in him or her as such.

181. Administration with copy annexed of authenticated copy of will proved abroad

When a will has been proved and deposited in a court of competent jurisdiction, situate beyond the limits of Uganda, whether in the Commonwealth or in a foreign country, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

182. Probate only to appointed executor

Probate can be granted only to an executor appointed by the will.

183. Appointment of executor

The appointment of an executor may be express or by necessary implication.

184. Persons to whom probate cannot be granted

Probate shall not be granted to any person who is a minor or is of unsound mind.

185. Grant of probate to several executors

When several executors are appointed, probate may be granted to them all simultaneously, or at different times.

186. Probate of codicil discovered after grant of probate

If a codicil is discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way revokes the appointment of executors made by the will; but if different executors are appointed by the codicil, the probate of the will shall be revoked, and a new probate granted of the will and the codicil together.

187. Surviving executor

When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors.

188. Right as executor or legatee, when established

No right as executor or legatee shall be established in any court of justice, unless a court of competent jurisdiction within Uganda has granted probate of the will under which the right is claimed, or has granted letters of administration under section 181.

189. Effect of probate

Probate of a will when granted establishes the will from the death of the testator, and renders valid all intermediate acts of the executor, as such.

190. To whom administration may not be granted

Letters of administration shall not be granted to any person who is a minor or is of unsound mind.

191. Right to intestate's property, when established

Except as hereafter provided, but subject to section 4 of the Administrator General's Act, no right to any part of the property of a person who has died intestate shall be established in any court of justice, unless letters of administration have first been granted by a court of competent jurisdiction.

192. Effect of letters of administration

Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration has been granted at the moment after his or her death.

193. Acts not validated by administration

Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

194. Grant of administration where executor has not renounced

(1) When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued, calling upon the executor to accept or renounce his or her executorship.

(2) When one or more of several executors have proved a will, the court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

195. Form and effect of renunciation

A renunciation may be made orally in the presence of a magistrate, commissioner for oaths or justice of the peace or by writing signed by the person renouncing, and, when made, shall preclude him or her from ever thereafter applying for probate of the will appointing him or her executor.

196. Procedure where executor renounces or fails to accept within time limited

If an executor renounces, or fails to accept, the executorship within the time limited for the acceptance or refusal of the executorship, the will may be proved, and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

197. Grant of administration to universal or residuary legatee

Subject to section 4 of the Administrator General's Act, when the deceased has made a will—

- (a) but has not appointed an executor;
- (b) when he or she has appointed an executor who is legally incapable, or refuses to act, or has died before the testator, or before he or she has proved the will; or

(c) when the executor dies after having proved the will, but before he or she has administered all the estate of the deceased, a universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him or her of the whole estate, or of so much of the estate as may be unadministered.

198. Administration by representative of deceased residuary legatee

When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his or her representative has the same right to administration with the will annexed as the residuary legatee.

199. Grant of administration where no executor nor residuary legatee, nor representative of such legatee

When there is no executor, and no residuary legatee or representative of a residuary legatee, or he or she declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he or she had died intestate, or any other legatee having a beneficial interest, or the Administrator General, may be admitted to prove the will, and letters of administration may be granted to him or her or them accordingly.

200. Citation before grant of administration to legatee other than universal or residuary

Letters of administration with the will annexed shall not be granted to any legatee other than a universal or a residuary legatee, until a citation has been issued and published in the manner hereafter provided, calling on the next of kin to accept or refuse letters of administration.

201. Order in which connections entitled to administer

When the deceased has died intestate, those who are connected with the deceased either by marriage or by consanguinity are entitled to obtain letters of administration of his or her estate and effects in the order and according to the provisions hereafter contained.

202. Entitlement to administration

Subject to section 4 of the Administrator General's Act, administration shall be granted to the person entitled to the greatest proportion of the estate under section 27.

203. Citation of persons entitled in priority to administer

Administration shall not be granted to any relative if there is some other relative or an appointed customary heir entitled to a greater proportion of the estate until a citation has been issued and published in the manner hereafter provided calling on that other relative or heir to accept or refuse letters of administration.

204. Entitlement between members of the same class

If there are two or more persons who are entitled to the same proportion of the estate, those persons are equally entitled to administration, and a grant may be made to any one or some of them without any citation of the others.

205. Title of kindred to administration

Those who stand in equal degree of kindred to the deceased are equally entitled to administration.

206. Grant of administration to creditor

When there is no person connected with the deceased by marriage or consanguinity who is entitled to letters of administration and willing to act, administration may be granted to a creditor.

207. Administration where property left in Uganda

Where the deceased has left property in Uganda, letters of administration shall be granted according to the foregoing provisions, although he or she may have been a domiciled inhabitant of a country in which the law relating to testate and intestate succession differs from the law of Uganda.

Part XXX – Limited grants***Grants limited in duration*****208. Probate of copy of lost will**

When a will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident, and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of the copy or draft, limited until the original or a properly authenticated copy of it is produced.

209. Probate of contents of lost or destroyed will

When a will has been lost or destroyed, and no copy has been made, nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

210. Probate of copy where original exists

When a will is in the possession of a person residing out of Uganda, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will, or an authenticated copy of it, is produced.

211. Administration until will produced

Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will, or an authenticated copy of it, is produced.

Grants for the use and benefit of others having right

212. Administration with will annexed to attorney of absent executor

When any executor is absent from Uganda and there is no executor within Uganda willing to act, letters of administration with the will annexed may be granted to the attorney of the absent executor, for the use and benefit of his or her principal, limited until he or she shall obtain probate or letters of administration granted to himself or herself.

213. Administration with will annexed to attorney of absent person

When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from Uganda, letters of administration with the will annexed may be granted to his or her attorney limited as mentioned in section 212.

214. Administration to attorney of absent person

When a person entitled to administration in case of intestacy is absent from Uganda, and no person equally entitled is willing to act, letters of administration may be granted to the attorney of the absent person, limited as mentioned in section 212.

215. Administration during minority of sole executor or residuary legatee

When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of the minor or to such other person as the court shall think fit, until the minor shall have completed the age of twenty-one years, at which period, and not before, probate of the will shall be granted to him or her.

216. Administration during minority

When there are two or more minor executors, and no executor who has attained majority, or two or more residuary legatees, and no residuary legatee who has attained majority, the grant shall be limited until one of them shall have completed the age of twenty-one years.

217. Administration for use and benefit of lunatic *jus habens*

If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rules for the distribution of intestates' estates, is a lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his or her estate has been committed by competent authority, or, if there is no such person, to such other person as the court may think

fit to appoint, for the use and benefit of the lunatic until he or she shall have become of sound mind.

218. Administration *pendente lite*

The court may, pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, appoint an administrator of the estate of the deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing the estate, and every such administrator shall be subject to the immediate control of the court, and shall act under its direction.

Grants for special purposes

219. Probate limited to purpose specified in will

If an executor is appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and, if he or she should appoint an attorney to take administration on his or her behalf, the letters of administration with the will annexed shall accordingly be limited.

220. Administration with will annexed limited to particular purpose

If an executor appointed generally gives an authority to an attorney to prove a will on his or her behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

221. Administration limited to property in which person has beneficial interest

Where a person dies, leaving property of which he or she was the sole or surviving trustee, or in which he or she had no beneficial interest on his or her account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to that property, may be granted to the person beneficially interested in the property, or to some other person on his or her behalf.

222. Administration limited to suit

When it is necessary that the representative of a person deceased is made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in the suit, limited for the purpose of representing the deceased in that suit or in any other cause or suit which may be commenced in the same or in any other court between the parties, or any other parties, touching the matters at issue in that cause or suit, and until a final decree shall be made in it, and carried into complete execution.

223. Administration limited to purpose of becoming party to suit against administrator

If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has been granted is absent from Uganda, the court may grant, to any person whom it may think fit, letters of administration, limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made in the suit into effect.

224. Appointment of person other than one normally entitled to administration

When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor, at the time of the death of the person, is resident out of Uganda, and it appears to the court to be necessary or convenient to appoint some person to administer the estate or any part of it, other than the person who, under ordinary circumstances, would be entitled to a grant of administration, the judge may, in his or her discretion, having regard to consanguinity, the amount of interest, the safety of the estate, and the probability that it will be properly administered, appoint such person as he or she shall think fit to be administrator; and in every such case letters of administration may be limited or not as the judge shall think fit.

Grants with exception

225. Probate, etc. subject to exception

Whenever the nature of the case requires that an exception be made, probate of a will, or letters of administration with the will annexed, shall be granted subject to that exception.

226. Administration with exception

Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to that exception.

227. Exception for land subject to consents

(1) Where any part of an estate in respect of which a person applied for a grant of probate or letters of administration consists of land which could not have been transferred to the person by the deceased during his or her lifetime without first obtaining the consent of some person or body under any written law for the time being in force, the person may only be granted probate or letters of administration subject to the exception of that land from the grant.

(2) Letters of administration limited to land excepted under subsection (1) shall, on the application of the Administrator General or any person beneficially interested, or his or her guardian, be granted to the Administrator General, and no consent under any written law shall be required to that grant.

Grants of the rest

228. Probate or administration of rest

Whenever a grant, with exception, of probate, or letters of administration with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

Grants of effects unadministered

229. Grants of effects unadministered

If an executor to whom probate has been granted has died, leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering that part of the estate.

230. Provisions as to grants of effects unadministered

In granting letters of administration of an estate not fully administered, the court shall be guided by the same provisions as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made.

231. Administration when limited grant expired

When a limited grant has expired by effluxion of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

Alteration in grants

232. Errors may be rectified by court

Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the court, and the grant of probate or letters of administration may be altered and amended accordingly.

233. Procedure where codicil discovered after grant

If, after the grant of letters of administration with the will annexed, a codicil is discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly.

Revocation of grants

234. Revocation or annulment for just cause

- (1) The grant of probate or letters of administration may be revoked or annulled for just cause.
- (2) In this section, "just cause" means—
 - (a) that the proceedings to obtain the grant were defective in substance;

- (b) that the grant was obtained fraudulently by making a false suggestion, or by concealing from the court something material to the case;
- (c) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though the allegation was made in ignorance or inadvertently;
- (d) that the grant has become useless and inoperative through circumstances; or
- (e) that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with Part XXXIV of this Act, or has exhibited under that Part an inventory or account which is untrue in a material respect.

Part XXXI – Practice in granting and revoking probates and letters of administration

235. Jurisdiction to grant probate and letters of administration

- (1) Jurisdiction to grant probate and letters of administration under this Act shall be exercised by the High Court and a magistrate’s court in accordance with the Administration of Estates (Small Estates) (Special Provisions) Act.
- (2) Any reference in this or any other Part of this Act to “a district delegate” shall be construed as a reference to a magistrate’s court.

236. General powers of district delegate

A district delegate shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected with the granting of probate and letters of administration, as are by law vested in him or her in relation to any civil suit or proceeding pending in his or her court.

237. District delegate may order person to produce testamentary papers

A district delegate may order any person to produce and bring into court any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession or under the control of that person and—

- (a) if it is not shown that any such paper or writing is in the possession or under the control of that person, but there is reason to believe that he or she has the knowledge of any such paper or writing, the court may direct that person to attend for the purpose of being examined respecting the paper or writing;
- (b) that person shall be bound to answer such questions as may be put to him or her by the court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under section 107 of the Penal Code Act, in case of default in not answering the questions, or not bringing in the paper or writing, as he or she would have been subject to in case he or she had been a party to a suit and had made such default; and
- (c) the costs of the proceeding shall be in the discretion of the court.

238. Proceedings in relation to probate and administration

The proceedings of the court of the district delegate in relation to the granting of probate and letters of administration shall, except as hereafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the law relating to civil procedure.

239. When and how district delegate to interfere for protection of property

Until probate is granted of the will of a deceased person, or an administrator of his or her estate is constituted, the district delegate, within whose jurisdiction any part of the property of the deceased person is situate, is authorised and required to interfere for the protection of that property at the instance of any person claiming to be interested in it, and in all other cases where the delegate considers that the property incurs any risk of loss or damage; and for that purpose, if he or she sees fit, to appoint an officer to take and keep possession of the property.

240. When probate or administration may be granted by district delegate

Probate of the will or letters of administration to the estate of a deceased person may be granted by the district delegate under the seal of his or her court, if it appears by a petition, verified as hereafter provided, of the person applying for the probate or letters of administration, that the testator or intestate, as the case may be, at the time of his or her decease, had a fixed place of abode, or any property, movable or immovable, within the jurisdiction of the delegate.

241. Disposal of application made to district delegate of place where deceased had no fixed abode

When an application is made to a district delegate in a district or area in which the deceased had no fixed abode at the time of his or her death, it shall be in the discretion of the delegate to refuse the application, if, in his or her judgment, it could be disposed of more justly or conveniently in another district or area, or, where the application is for letters of administration, to grant them absolutely or limited to the property within his or her own jurisdiction.

242. Conclusiveness of probate or letters of administration

- (1) Probate or letters of administration shall have effect over all the property and estate, movable or immovable, of the deceased, throughout Uganda, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property which belongs to him or her.
- (2) Probate or letters of administration shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom the probate or letters of administration shall have been granted.

243. Conclusiveness of application for probate or administration

An application for probate or letters of administration, if made and verified in the manner hereafter provided, shall be conclusive for the purpose of authorising the grant of probate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district or area at the time of his or her death, unless by a proceeding to revoke the grant if obtained by a fraud upon the court.

244. Petition for probate

An application for probate shall be made by a petition distinctly written in the English language with the will annexed, and stating—

- (a) the time of the testator's death;
- (b) that the writing annexed is the testator's last will and testament and that it was duly executed;
- (c) the amount of assets which are likely to come to the petitioner's hands; and
- (d) that the petitioner is the executor named in the will, and in addition to such particulars, when the application is to a district delegate, the petition shall further state that the deceased, at the time of his or her death, had his or her fixed place of abode, or had some property, movable or immovable, situate within the jurisdiction of the delegate.

245. Translation of will to be annexed to petition

In cases where the will is written in any language other than English, there shall be a translation of it annexed to the petition by a translator of the court, if the language is one for which a translator is appointed, or, if the will is in any other language, then by any person competent to translate it, in which case the translation shall be verified by that person in the following manner—

“I, _____, do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation of it.”.

246. Petition for letters of administration

An application for letters of administration shall be made by petition distinctly written in the English language, and stating—

- (a) the time and place of the deceased's death;
- (b) the family or other relatives of the deceased, and their respective residences;
- (c) the right in which the petitioner claims;
- (d) that the deceased left some property within the jurisdiction of the High Court or district delegate to whom the application is made; and

(e) the amount of assets which are likely to come to the petitioner's hands, and, when the application is to a district delegate, the petition shall further state whether the deceased, at the time of his or her death, resided within the jurisdiction of the delegate.

247. Petition to be signed and verified

A petition for probate or letters of administration shall, in all cases, be subscribed by the petitioner and his or her advocate, if any, and shall be verified by the petitioner in the following manner or to the like effect—

“I, _____, the petitioner in the above petition, declare that what is stated in it is true to the best of my information and belief.”

248. Verification of petition for probate by one witness to will

Where the application is for probate, the petition shall also be verified by at least one of the witnesses to the will, when procurable, in the following manner or to the following effect—

“I, _____, one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present, and saw the testator affix his (or her) signature (or mark) to it (or that the testator acknowledged the writing annexed to the above petition to be his (or her) last will and testament in my presence).”

249. Punishment for false averment in petition or declaration

If any petition or declaration which is required to be verified contains any averment which the person making the verification knows or believes to be false, that person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of the offence of giving or fabricating false evidence.

250. High Court or district delegate may examine petitioner in person and require further evidence, etc.

(1) In all cases a judge or district delegate may, if he or she thinks proper—

- (a) examine the petitioner in person, upon oath or solemn affirmation;
- (b) require further evidence of the due execution of the will, or the right of the petitioner to the letters of administration, as the case may be; and
- (c) issue citations calling upon all persons claiming to have any interest in the estate of the deceased to appear before the court or the district delegate before the grant of probate or letters of administration.

(2) A citation issued under subsection (1) shall be fixed up in some conspicuous part of the courthouse, and also in the office of the district commissioner, and otherwise published or made known in such manner as the judge or district delegate issuing it may direct.

251. Administrator General not precluded from grant

Nothing in this Part of this Act shall be deemed to preclude—

- (a) the Administrator General from applying to the court for letters of administration;
- (b) the court from granting letters of administration to the Administrator General, in any case where the court is empowered under this or any other Part of this Act to grant letters of administration to any person other than an executor appointed under the will of the testator.

252. No probate or letters of administration to be granted except on production of certificate from assistant estate duty commissioner

Except in the case of an application by the Administrator General, no probate or letters of administration or resealing of probate or letters of administration shall be granted by the High Court or a district delegate unless the certificate of an assistant estate duty commissioner is produced to the High Court or a district delegate, as the case may be, to the effect that he or she is satisfied that the requirements of any written law relating to estate duty in regard to the payment of duty have been or will be complied with.

253. Caveats against grant of probate or administration

Caveats against the grant of probate or administration may be lodged with the High Court or a district delegate; and immediately on any caveat being lodged with any district delegate, he or she shall send a copy of it to the High Court.

254. Form of caveat

A caveat under section 253 shall be to the following effect—

“Let nothing be done in the matter of the estate of _____, late of _____, deceased, who died on the _____ day of _____, 20 _____, at _____, without notice to _____, of _____.”

255. After entry of caveat, no proceeding taken on petition until after notice to caveator

No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant of the petition has been entered with the judge or officer to whom the application has been made, or notice has been given of its entry with some other delegate, until after such notice to the person by whom the caveat has been entered as the court shall think reasonable.

256. Power to transmit statement to High Court in doubtful cases where no contention

In every case in which there is no contention, but it appears to the district delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the district delegate may, if he or she thinks proper, transmit a statement of the

matter in question to the High Court which may direct the district delegate to proceed in the matter of the application, according to such instructions as to the High Court may seem necessary, or may forbid any further proceeding by the district delegate in relation to the matter of the application, leaving the party applying for the grant in question to make application to the High Court.

257. Procedure where there is contention, or district delegate thinks probate, etc. should be refused in his or her court

In every case in which there is contention, or the district delegate is of opinion that the probate or letters of administration should be refused in his or her court, the petition, and any documents that may have been filed with it, shall be returned to the person by whom the application was made in order that they may be presented to the High Court, unless the district delegate thinks it necessary, for the purposes of justice, to impound them, which he or she is authorised to do; and in that case he or she shall send them to the High Court.

258. Grant of probate to be under seal of court

Where it appears to a judge of the High Court or a district delegate that probate of a will should be granted, he or she shall grant probate under the seal of his or her court in the following manner—

“I, _____, judge of the High Court (or district delegate) appointed for granting probate or letters of administration in _____, (*here insert the limits of the delegate’s jurisdiction*) make known that on the ____ day of _____, in the year _____, the last will of _____, late of _____, a copy of which is annexed, was proved and registered before me, and that administration of the property and credits of the deceased, and in any way concerning his or her will, was granted to _____, the executor named in the will, he (or she) having undertaken to administer the will, and to make a full and true inventory of the property and credits, and exhibit it in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.”.

259. Grant of letters of administration to be under seal of court

Where it appears to a judge of the High Court or a district delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he or she shall grant the letters of administration under the seal of his or her court in the following manner—

“I, _____, judge of the High Court (or district delegate) appointed for granting probate or letters of administration in _____, (*here insert the limits of the delegate’s jurisdiction*) make known that on the _____ day of _____, letters of administration (with or without the will annexed, as the case may be) of the property and credits of _____, late of _____, deceased, were granted to _____, the father (or as the case may be) of the deceased, he (or she) having undertaken to administer the property and credits, and to make a full and true inventory of them, and to exhibit it in this court within six months from the date of this grant, or within such further time as the court may from time to time appoint, and also to render to this court a true account of the property and credits within one year from the same date, or within such further time as the court may from time to time appoint.”.

260. Administration bond

The court may before committing a grant of letters of administration to any person require that person to give a bond to a judge of the High Court or district delegate to enure for the benefit of the judge or delegate for the time being, with one or more surety or sureties, engaging for the due collection, getting in and administering the estate of the deceased, which bond shall be in such form as the High Court shall, from time to time, by any general or special order, direct.

261. Assignment of administration bond

The court may, on application made by petition, and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security or providing that the money received be paid into court, or otherwise as the court may think fit, assign the bond to some person, his or her executors, or administrators, who shall thereupon be entitled to sue on the bond in his or her own name as if the bond had been originally given to him or her instead of to a judge of the High Court or a district delegate, and shall be entitled to recover on it, as trustee for all persons interested, the full amount recoverable in respect of any breach of the bond.

262. Time for grant of probate and administration

No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the testator’s or intestate’s death.

263. Filing of original wills of which probate or administration with will annexed granted

A judge of the High Court or district delegate shall file and preserve all original wills of which probate or letters of administration with the will annexed may be granted by him or her among

the records of his or her court, until some public registry for wills is established; and the Minister shall make regulations for the preservation and inspection of the wills so filed.

264. Grantee of probate or administration alone to sue, etc. until grant revoked

After any grant of probate or letters of administration, no person other than the person to whom the same has been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, until the probate or letters of administration has or have been recalled or revoked.

265. Procedure in contentious cases

In any case before the High Court in which there is contention, the proceedings shall take, as nearly as may be, the form of a regular suit according to the provisions of the law relating to civil procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared to oppose the grant shall be the defendant.

266. Payment to executor or administrator before probate or administration revoked

Where any probate is or letters of administration are revoked, all payments *bona fide* made to any executor or administrator under the probate or administration before its revocation shall, notwithstanding the revocation, be a legal discharge to the person making the payments; and an executor or administrator who has acted under any revoked probate or administration may retain and reimburse himself or herself in respect of any payments he or she made, which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

267. Appeals from orders of district delegate

Every order made by a district delegate by virtue of the powers hereby conferred upon him or her shall be subject to appeal to the High Court under the civil procedure rules applicable to appeals.

Part XXXII – Executors of their own wrong

268. Intermeddling, etc.

A person who intermeddles with the estate of the deceased or does any other act which belongs to the office of executor, while there is no rightful executor or administrator in existence, thereby makes himself or herself an executor of his or her own wrong; except that—

- (a) intermeddling with the goods of the deceased for the purpose of preserving them, or providing for his or her funeral, or for the immediate necessities of his or her own family or property; or

(b) dealing in the ordinary course of business with goods of the deceased received from another, does not make an executor of his or her own wrong.

269. Liability of executor of his or her own wrong

When a person has so acted as to become an executor of his or her own wrong, he or she is answerable to the rightful executor or administrator, or to any creditor or legatee of the deceased, to the extent of the assets which may have come to his or her hands, after deducting payments made to the rightful executor or administrator, and payments made in due course of administration.

Part XXXIII – Powers of an executor or administrator

270. Disposal of property

An executor or administrator has power to dispose of the property of the deceased, either wholly or in part, in such manner as he or she may think fit, subject to section 26 and the Second Schedule.

271. Purchase of deceased's property

If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

272. Powers of several executors, etc. exercisable by one

When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary, be exercised by any one of them who has proved the will or taken out administration.

273. Survival of executors or administrators

Upon the death of one or more of several executors or administrators, all the powers of the office become vested in the survivors or survivor.

274. Administrator of effects unadministered

The administrator of effects unadministered has, with respect to those effects, the same powers as the original executor or administrator.

275. Administrator during minority

An administrator during minority has all the powers of an ordinary administrator.

276. Married executrix or administratrix

When probate or letters of administration have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

Part XXXIV – Duties of an executor or administrator

277. Deceased's funeral

It is the duty of an executor to perform the funeral of the deceased in a manner suitable to his or her condition, if the deceased has left property sufficient for the purpose.

278. Inventory and account

- (1) An executor or administrator shall, within six months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may from time to time appoint, exhibit in that court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character; and shall in like manner within one year from the grant, or within such further time as the court may from time to time appoint, exhibit an account of the estate, showing the assets which have come to his or her hands, and the manner in which they have been applied or disposed of.
- (2) On the completion of the administration of an estate, other than an estate administered under the Administration of Estates (Small Estates) (Special Provisions) Act, an executor or an administrator shall file in court the final accounts relating to the estate verified by an affidavit two copies of which shall be transmitted by the court to the Administrator General.
- (3) The Chief Justice may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.
- (4) If an executor or administrator, on being required by the court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he or she shall be deemed to have committed an offence under section 116 of the Penal Code Act.
- (5) The exhibition by an executor or administrator of an intentionally false inventory or account under this section shall be deemed to be an offence under section 94 of the Penal Code Act.

279. Property of deceased

An executor or administrator shall collect, with reasonable diligence, the property of the deceased, and the debts that were due to him or her at the time of his or her death.

280. Expenses to be paid in priority

Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and deathbed charges, including fees for medical attendance, and board and lodging for one month previous to his or her death, are to be paid before all debts.

281. Expenses to be paid next after such expenses

The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and deathbed charges.

282. Wages and other debts

Wages due for services rendered to the deceased within three months preceding his or her death by any labourer, artisan or domestic servant are next to be paid, and then the other debts of the deceased.

283. All other debts to be paid equally and rateably

Except as provided in sections 280, 281 and 282, no creditor is to have a right of priority over another by reason that his or her debt is secured by an instrument under seal, or on any other account; but the executor or administrator shall pay all such debts as he or she knows of, including his or her own, equally and rateably, as far as the assets of the deceased will extend.

284. Payment of debts where domicile not in Uganda

If the domicile of the deceased was not in Uganda, the application of his or her movable property to the payment of his or her debts is to be regulated by the law of Uganda.

285. Creditor paid in part to bring payment into account

No creditor who has received payment of a part of his or her debt by virtue of section 284 shall be entitled to share in the proceeds of the immovable estate of the deceased unless he or she brings that payment into account for the benefit of the other creditors.

286. Debts to be paid before legacies

Debts of every description shall be paid before any legacy.

287. Executor, etc. not bound to pay legacies without indemnity

If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

288. Abatement of general legacies

If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions; and the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or herself or to any person for whom he or she is a trustee.

289. Nonabatement of specific legacy

Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement.

290. Demonstrative legacy when assets sufficient to pay debts and necessary expenses

Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, and the legatee has a preferential claim for payment of his or her

legacy out of the fund from which the legacy is directed to be paid until the fund is exhausted, and, if, after the fund is exhausted, part of the legacy still remains unpaid, he or she is entitled to rank for the remainder against the general assets as for a legacy of the amount of the unpaid remainder.

291. Abatement of specific legacies

If the assets are not sufficient to answer the debts and specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

292. Legacies treated as general for purpose of abatement

For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity and the value of an annuity when no sum has been appropriated to produce it shall be treated as general legacies.

Part XXXV – Executor’s assent to a legacy

293. Assent necessary to complete legatee’s title

The assent of the executor is necessary to complete a legatee’s title to his or her legacy.

294. Effect of executor’s assent to specific legacy

- (1) The assent of the executor to a specific bequest shall be sufficient to divest his or her interest as executor in it, and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.
- (2) The assent of the executor may be verbal, and it may be either express or implied from the conduct of the executor.

295. Conditional assent

The assent of an executor to a legacy may be conditional, and if the condition is one which he or she has a right to enforce and it is not performed, there is no assent.

296. Assent of executor to his or her own legacy

- (1) When the executor is a legatee, the executor’s assent to his or her own legacy is necessary to complete his or her title to it, in the same way as it is required when the bequest is to another person, and that assent may in like manner be express or implied.
- (2) Assent shall be implied, if, in his or her manner of administering the property, the executor he does any act which is referable to his or her character of legatee, and is not referable to his or her character of executor.

297. Effect of executor’s assent

The assent of the executor to a legacy gives effect to it from the death of the testator.

298. Payment of legacy, etc.

An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

299. Partition

- (1) Any person beneficially interested in any immovable property vested in a personal representative may apply by petition to the court for a partition of it; and the court, if satisfied that the partition would be beneficial to all persons interested and would not be economically undesirable, may appoint one or more arbitrators to effect the partition.
- (2) The report and final award of the arbitrators, setting forth the particulars of the immovable property allotted to each of the parties interested, shall, subject to any law or laws for the time being in force, when signed by them and confirmed by order of the court, be effectual to vest in each allottee the immovable property so allotted; and, if the allotment is made subject to the charge of any money payable to any other party interested for equalising the partition, the charge shall take effect according to the terms and conditions in regard to time and mode of payment and otherwise which shall be expressed in the award.

Part XXXVI – Payment and apportionment of annuities

300. Commencement of annuity when no time fixed by will

Where an annuity is given by a will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of one year after that event.

301. When annuity to be paid periodically first falls due

Where there is a direction that an annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death, and shall, if the executor thinks fit, be paid when due; but the executor shall not be bound to pay it till the end of the year.

302. Successive payments when first payment directed to be made within given time

Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorises the first payment to be made; and, if the annuitant should die in the interval between the times of payment, an apportioned share of the annuity shall be paid to his or her representative.

Part XXXVII – Investment of funds to provide for legacies

303. Investment of sum bequeathed where legacy given for life

Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as are authorised by law, and the proceeds of the investment shall be paid to the legatee as the proceeds shall accrue due.

304. Investment of general legacy to be paid at future time

- (1) Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in section 303.
- (2) The intermediate interest shall form part of the residue of the testator's estate.

305. Procedure when no fund charged with annuity

Where an annuity is given, and no fund is charged with its payment or appropriated by the will to answer it, a Government annuity of the specified amount shall be purchased; or if no such annuity can be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in such securities as are authorised by law.

306. Transfer to residuary legatee of contingent bequest

Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee on his or her giving sufficient security for the payment of the legacy if it shall become due.

307. Investment of residue bequeathed for life

Where the testator has bequeathed the residue of his or her estate to a person for life without any direction to invest it in any particular securities, so much of it as is not at the time of the testator's decease invested in such securities as are authorised by law shall be converted into money, and invested in those securities.

308. Investment in specified securities of residue bequeathed for life

Where the testator has bequeathed the residue of his or her estate to a person for life, with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his or her death invested in securities of the specified kind shall be converted into money and invested in those securities.

309. Conversion and investment

The conversion and investment contemplated by sections 307 and 308 shall be made at such times and in such manner as the executor in his or her discretion thinks fit; and, until the conversion and investment are completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of 4 percent per

year upon the market value, to be computed as at the date of the testator's death, of such part of the fund as has not yet been so invested.

310. Procedure when minor entitled to immediate payment or possession of bequest

(1) Where, by the terms of a bequest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed but is a minor, and there is no direction in the will to pay it to any person on his or her behalf, the executor or administrator shall pay or deliver it into the High Court or to the district delegate, by whom the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, and that payment shall be a sufficient discharge for the money so paid.

(2) Such money, when paid in, may be invested as the judge or the district delegate shall direct.

311. Procedure in respect of share of minor in intestacy

(1) Where any person entitled to a share in the distribution of the estate of an intestate is a minor, the personal representative shall pay or deliver the share into the court by which probate or letters of administration were granted to the account of that minor, and the share may be invested in such securities as are authorised by law.

(2) Notwithstanding subsection (1), the court may, on its own motion or on the application of the personal representative or any other person, appoint the parent or guardian of the minor or the personal representative or the public trustee or some other suitable person to receive the share of the minor on his or her behalf, and in such case payment to the person so appointed shall be a sufficient discharge of the personal representative.

(3) The provisions of this section shall not apply to the Administrator General.

Part XXXVIII – Produce and interest of legacies

312. Legatee's title to produce of specific legacy

(1) Subject to subsection (2), the legatee of a specific legacy is entitled to the clear produce of it, if any, from the testator's death.

(2) A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy, and that produce forms part of the residue of the testator's estate.

313. Residuary legatee's title to produce of residuary fund

(1) Subject to subsection (2), the legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

(2) A general residuary bequest, contingent in its terms, does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy, and that income goes as undisposed of.

314. Interest

Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death; except that where—

- (a) that legacy is bequeathed in satisfaction of a debt;
- (b) the testator was a parent or a more remote ancestor of the legatee of such legacy, or has put himself or herself in the place of a parent of such legatee; or
- (c) a sum is bequeathed to a minor with a direction to pay for his or her maintenance out of it, interest is payable from the death of the testator.

315. Interest when time fixed for payment

Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed, and the interest up to that time forms part of the residue of the testator's estate; except that where the testator was a parent or a more remote ancestor of the legatee, or has put himself or herself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance.

316. Rate of interest

The rate of interest shall be 4 percent per year.

317. No interest on arrears of annuity within first year

No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

318. Interest on sum invested to produce annuity

Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

Part XXXIX – Refunding of legacies

319. Refund of legacy paid under judge's orders

Where an executor has paid a legacy under the order of a judge, he or she is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

320. No refund if paid voluntarily

Where an executor has voluntarily paid a legacy, he or she cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

321. Refund when legacy has become due on performance of condition

When the time prescribed by a will for the performance of a condition has elapsed without the condition having been performed and the executor has thereupon, without fraud, distributed the assets, in such case, if further time has been allowed under section 124 for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he or she has paid it are liable to refund the amount.

322. When each legatee compellable to refund in proportion

When the executor has paid away the assets in legacies, and he or she is afterwards obliged to discharge a debt of which he or she had no previous notice, he or she is entitled to call upon each legatee to refund in proportion.

323. Distribution of assets

Where an executor or administrator has given such notices as would have been given by the High Court in an administration suit for creditors and others to send into him or her their claims against the estate of the deceased, he or she shall, at the expiration of the time named in the notices for sending in claims, be at liberty to distribute the assets, or any part of them, in discharge of such lawful claims as he or she knows of, and shall not be liable for the assets so distributed to any person of whose claim he or she shall not have had notice at the time of the distribution; but nothing in this section shall prejudice the right of any creditor or claimant to follow the assets, or any part of them, in the hands of the persons who may have received them.

324. Creditor may call upon legatee to refund

A creditor who has not received payment of his or her debt may call upon a legatee who has received payment of his or her legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of the testator's death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

325. When legatee not satisfied, or compelled to refund, cannot oblige one paid in full to refund

If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his or her legacy, or who has been compelled to refund under section 324, cannot oblige one who has received payment in full to refund, whether the legacy was paid to him or her with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

326. When unsatisfied legatee must first proceed against executor, if solvent

If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his or her legacy must, before he or she can call on a satisfied legatee to refund, first proceed against the executor, if he or she is solvent; but, if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

327. Limit of refunding of one legatee to another

The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

328. Refunding without interest

The refunding shall, in all cases, be without interest.

329. Residue to be paid to residuary legatee

The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

330. Transfer of assets from Uganda to executor or administrator in country of domicile for distribution

Where a person not having his or her domicile in Uganda has died leaving assets both in Uganda and in the country in which he or she had his or her domicile at the time of his or her death, and there has been a grant of probate or letters of administration in Uganda with respect to the assets there, and a grant of administration in the country of domicile with respect to the assets in that country, the executor or administrator, as the case may be, in Uganda, after having given such notices as are mentioned in section 323, and after having discharged, at the expiration of the time named in the notices, such lawful claims as he or she knows of, may, instead of himself or herself distributing any surplus or residue of the deceased's property to persons residing out of Uganda who are entitled to it, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to that executor or administrator for distribution to those persons.

331. Procedure where deceased has left property in Tanzania or Kenya

- (1) Any person applying to the High Court for a grant of probate or letters of administration shall, if at that time or at any time after he or she has reason to believe that the deceased has left property in Tanzania or Kenya, notify the court to that effect.
- (2) The court may at the time of granting probate or letters of administration, or at any time after that, on being notified of the existence of property belonging to the deceased in either

Tanzania or Kenya, order that no claims other than claims entitled to priority be paid until the expiration of a period not exceeding eighteen months from the making of the order.

- (3) A statement duly certified by the Supreme Court of Kenya or a High Court in Tanzania, and filed in the High Court of Uganda within the period ordered under subsection (2), showing the assets and liabilities of the estate of a deceased person within the respective jurisdictions of those courts, may be taken into account by an executor or administrator in Uganda, and the court may order that the assets be distributed in such manner as to secure the payment of all claims, other than those entitled to priority, rateably with those certified by the courts of Tanzania or Kenya as under this subsection.
- (4) The court may order that any balance remaining in the hands of an executor or administrator after payment of claims in Uganda, whether in full or rateably under the provisions of this section, may be transmitted in whole or in part to an executor or administrator of the estate in Tanzania or Kenya.
- (5) An executor or administrator acting in good faith under an order of the court as aforesaid shall not be liable to be sued in respect of that action.

Part XL – Liability of an executor or administrator for devastation

332. Liability of executor or administrator for devastation

When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he or she is liable to make good the loss or damage so occasioned.

333. Liability of executor or administrator for neglect

When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he or she is liable to make good the amount.

Part XLI – Miscellaneous

334. Power of Minister to exempt any class of persons from operation of Act

- (1) The Minister shall have power from time to time, by statutory order, either retrospectively from the passing of this Act, or prospectively, to exempt from the operation of the whole or any part of this Act, any class or classes of persons, in Uganda, or any part or parts of any such class or classes to whom he or she may consider it impossible or inexpedient to apply the provisions of this Act, or of the part of the Act mentioned in the order.
- (2) The Minister shall also have power from time to time by statutory order to revoke any order made under subsection (1), but not so that the revocation shall have any retrospective effect.

335. Surrender of revoked probate or letters of administration

- (1) When a grant of probate or letters of administration is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up the probate or letters to the court which made the grant.
- (2) If that person wilfully and without reasonable cause omits so to deliver up the probate or letters, he or she shall be punished with a fine which may extend to two thousand shillings or with imprisonment for a period not exceeding three months or with both.

336. Application to the armed forces

Nothing in this Act shall in any way affect any provisions as to distribution or intestacy contained in regulations made under the Armed Forces Act as from time to time amended.

337. Places appointed for custody of wills of living persons

- (1) The offices of the chief registrar and deputy registrar of the High Court are appointed places for the safe custody of the wills of living persons.
- (2) The Minister may, by statutory instrument, appoint any other place or places for the same purpose.

338. Power to make rules prescribing fees and other matters

The Chief Justice shall have power with the approval of the Minister to make rules concerning the following matters—

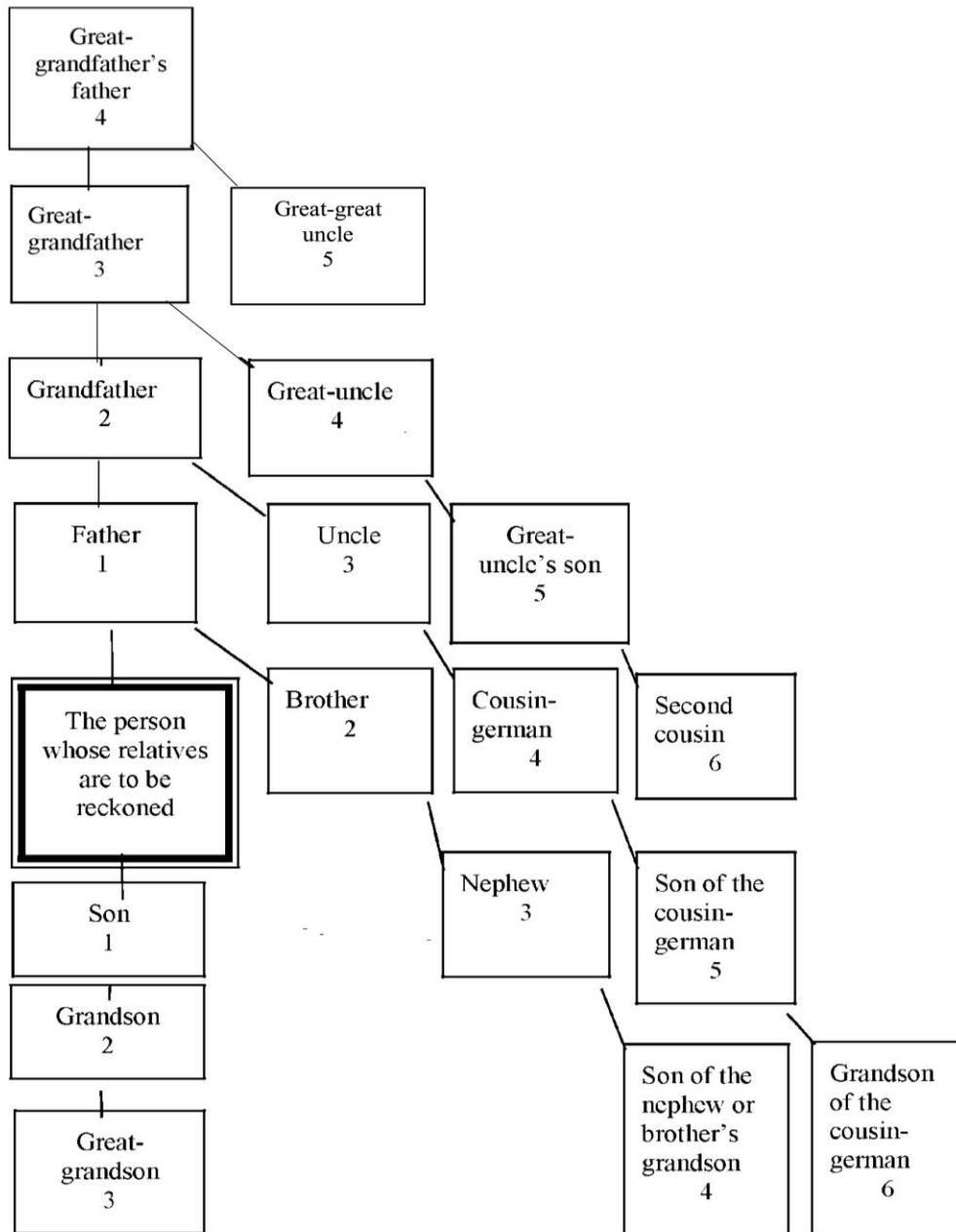
- (a) prescribing the fees to be paid on the deposit or withdrawal of a will;
- (b) the formalities to be observed on deposit or withdrawal of a will;
- (c) generally for better carrying into effect the provisions of this Act.

339. Application of sections 37 to 40

Sections 37 to 40 shall apply to every will made on or after the 26th day of January, 1971.

First Schedule (Section 23)

Table of consanguinity



Second Schedule (Section 26)

Rules relating to the occupation of residential holdings

1. Persons entitled to occupation

- (1) In the case of a residential holding occupied by the intestate prior to his or her death as his or her principal residence, any wife or husband, as the case may be, and any children, under

eighteen years of age if male, or under twenty-one years of age and unmarried if female, who were normally resident in the residential holding shall be entitled to occupy it.

- (2) In the case of a residential holding owned by the intestate as a principal residential holding but not occupied by him or her because he or she was living in premises owned by another person, any wife or husband, as the case may be, and any children, under eighteen years of age if male, or under twenty-one years of age and unmarried if female, who were normally resident with the intestate prior to his or her death, shall be entitled to occupy it.
- (3) In the case of any other residential holding owned by the intestate, any wife, or children, under eighteen years of age if male, or under twenty-one years of age and unmarried if female, who were normally resident in the residential holding shall be entitled to occupy it.
- (4) Any other premises owned by the intestate and not falling under subparagraph (1), (2) or (3) of this paragraph, shall form part of the estate of the intestate and shall be distributed in accordance with section 27 of this Act.

2. Rights of cultivation, etc.

Any wife, husband or child who normally cultivated, farmed or tilled any land adjoining a residential holding owned by an intestate prior to his or her death shall have the right to cultivate, farm and till the land as long as he or she continues to be resident.

3. Procedure where minor entitled

Where a child or children are entitled to occupation under paragraph 1 of this Schedule and in fact occupy a residential holding, the person legally entitled to the custody of the child or of the majority of the children shall either himself or herself occupy or appoint some other suitable adult person or persons to occupy the residential holding for so long as any such child or any of such children continue to do so and the person so occupying shall be subject to the duties and liabilities of an occupier hereunder; except that in default of occupation by the person entitled to custody or his or her appointee, a magistrate may, on application of the personal representative or any person interested or on his or her own motion, appoint a person or persons to occupy as aforesaid.

4. Certificate of occupancy

Upon being satisfied by affidavit or otherwise that the person, if any, properly entitled to occupation hereunder has taken occupation of the residential holding with a *bona fide* intention to continue the occupation or that there is no person entitled to occupation, the court shall issue a certificate in Form B of the Third Schedule to this Act to the personal representative and a duplicate of the certificate to the occupant, if any.

5. Assent

The personal representative may assent in writing to the vesting of the residential holding or part of it in such person or persons as may be entitled to it under this Act subject if appropriate to occupancy of the residential holding in accordance with these Rules, but any writing purporting to effect the assent shall be void unless the certificate issued under paragraph 4 of this Schedule is recited in the writing and the certificate or a certified copy of it is annexed to the writing; except that a purchaser for value from the personal representative without notice shall not be concerned to see whether the certificate has been issued or not.

6. Registration

- (1) Occupancy of a residential holding hereunder shall be deemed to be an interest in land capable of protection by a caveat under the Registration of Titles Act, and the interest of any other person in the residential holding shall be subject to that interest and shall be incapable of alteration subject to that interest; but the occupancy shall not be a tenancy.
- (2) The occupancy referred to in subparagraph (1) shall not prevail against a mortgagee under a mortgage created before the death of the intestate.

7. Residential holding subject to covenants, etc.

The occupant of a residential holding shall be bound by all covenants, conditions and encumbrances to which the residential holding or any part of it was subject at the death of the intestate and, in addition, shall perform and observe the following stipulations and conditions—

- (a) the occupant shall pay and discharge all existing and future rates, taxes, charges, duties, assessments and outgoings rated, charged, imposed or assessed upon the residential holding or upon its owner or occupier and shall pay the rent and other payments reserved by the lease, if any, under which the residential holding is held;
- (b) the occupant shall keep all buildings at any time situated on the residential holding and all sewers and drains and the hedges, fences and walls of the residential holding in good and tenantable repair and condition and decoration, fair wear and tear only excepted; except that the occupant shall be under no obligation to put the buildings in a better condition they were in at the death of the intestate;
- (c) the occupant shall not assign, let, charge or part with or share possession of the residential holding or any part of it;
- (d) the occupant shall permit the person entitled to the legal estate in the residential holding subject to the occupancy or his or her duly authorised agent with or without workers and others at reasonable times to enter upon and examine the condition of the residential holding, and thereupon such person may serve upon the occupant notice in writing

specifying any repairs necessary to be done and require the occupant forthwith to execute the repairs; and if the occupant shall not within two months after service of the notice proceed diligently with the execution of the repairs, then the occupant shall permit such person to enter upon the residential holding and execute the repairs and the cost of the repairs shall, if the occupant continues to occupy the residential holding, be a debt due from the occupant to such person and be forthwith recoverable by action;

- (e) the occupant shall farm any land on the residential holding which is usually so farmed in a good and husband like manner and so as not to impoverish or deteriorate the land and shall keep and leave the land in good heart and condition;
- (f) the occupant shall not cut or fell any timber on the residential holding without the consent of the person entitled to the legal estate subject to the occupancy except such as may be reasonably required for domestic purposes by the occupant;
- (g) the occupant shall not build or permit or suffer to be built or erected any building on the residential holding nor make any additions or alterations to any buildings on the residential holding without the consent of the person entitled thereto subject to the occupancy;
- (h) upon the receipt of any notice, order, direction or other thing from any competent authority affecting or likely to affect the residential holding or any part of it, whether the same shall be served directly on the occupant or the original or a copy of it be received from any other person, the occupant will so far as the notice, order, direction or other thing or the Act, regulations or other instrument under or by virtue of which it is issued or the provisions of this paragraph require him or her so to do, comply therewith at his or her own expense and will forthwith deliver to the person entitled to the legal estate subject to the occupancy a copy of the notice, order, direction or other thing;
- (i) the occupant shall not do or permit or suffer to be done anything in or upon the residential holding or any part of it which may be or become a nuisance or annoyance or cause damage or inconvenience to the person entitled to the legal estate subject to the occupancy or to the neighbourhood or by which any insurance for the time being effected on the residential holding may be rendered void or voidable or by which the rate of premium on it may be increased;
- (j) the occupant shall not without consent of the person entitled to the legal estate subject to the occupancy use the residential holding or any part of it for any other purposes than the purpose for which the it was used immediately prior to the death of the intestate;

- (k) upon the termination of the occupancy the occupant shall yield up the residential holding and all additions to it and all fittings and fixtures on it in good and tenantable repair in accordance with the stipulation in that behalf set out in this section.

8. Termination by events

- (1) The occupancy of a residential holding hereunder shall be terminated automatically on the happening of any of the following events—
 - (a) upon the remarriage of the occupant where the occupant is a wife;
 - (b) upon the death of the occupant or all the occupants;
 - (c) upon the occupant, being a child, or all the occupants, being children, attaining the age of eighteen in the case of males and attaining the age of twenty-one or marrying in the case of females;
 - (d) upon the occupant or occupants ceasing to occupy the residential holding for a continuous period of six months;
 - (e) upon surrender in writing signed by the occupant if adult or endorsed by the court if the occupancy is by a minor or minors; except that where any child or children of the description contained in paragraph 1 of this Schedule was or were resident with and dependent upon the occupant at the residential holding immediately before such event, the occupancy shall not terminate but the child or children shall succeed to it.

9. Termination by court order

- (1) Any court having jurisdiction over the residential holding, having regard to its value upon application by the registered proprietor for the time being of the holding or any part of it, may order the termination of the occupancy of the residential holding or any part of it upon proof of existence of any one or more of the following grounds—
 - (a) that the occupant has persistently failed to comply with one or more of the provisions of paragraph 7 of this Schedule;
 - (b) that suitable alternative accommodation is available for the occupant and any persons resident with and dependent on the occupant who would suffer no hardship by occupying the alternative accommodation instead of the residential holding;
 - (c) that no hardship would be occasioned to the occupant or any person resident with and dependent upon the occupant if the occupant is paid a sum of money to be assessed by the court instead of being permitted to occupy the residential holding or part of it as the case may be and the applicant will immediately pay that sum to the occupant.
- (2) The court shall not be bound to order the termination even where someone or more grounds as above exist.

- (3) Where such application is made within one year from the death of the intestate and where there is any other person or persons who would have been entitled to occupancy but for the existence of the occupant, such person or persons shall be made party to the suit and the court may, after hearing such evidence in the matter as may be presented, order that the occupancy shall pass from the occupant to such person or one or more of such persons.
- (4) Any person entitled to occupancy under this paragraph who is aggrieved by the decision of the court may within thirty days appeal against the court's order.

10. Offences

It shall be an offence punishable with imprisonment not exceeding six months or a fine not exceeding one thousand shillings or both for any person to evict or attempt to evict from a residential holding prior to the issue of a certificate under paragraph 4 of this Schedule any wife or child of an intestate who normally resided there at the date of death of the intestate or to do any act calculated to persuade or force any the wife or child to quit such holding prior to the issue of the certificate.

Third Schedule (Section 31)

Forms

Republic of Uganda

Form A

Form of Notification of Appointment of Customary Heir

The Succession Act

To: Personal representative of _____ and

To: The Administrator General,

Estate of _____, deceased.

Probate and Administration Cause No. _____ of 20 ____.

We (appointing authority under customary law) of _____ and I,
_____ (customary heir) of _____,

give you notice pursuant to section 31 of the Succession

Act that on the ____ day of _____, 20 ____, at _____ in the
district/area of

_____ that _____ (heir) was duly
appointed to be the heir and successor of _____, the deceased, in
accordance with the customary law of the

_____ clan/tribe of which _____,
the deceased, was a member, and I,

_____, (heir) claim the interest in the property of
_____, the deceased, due to me as the customary heir.

Signature _____

Signature _____

Witness to signatures _____

(State office)

Form B

Certificate of Occupancy

In the High Court of Uganda at _____

Probate and Administration Cause No. _____.

Be it known that _____ of _____
in the district/area of _____ is certified/there is no person entitled

to be the lawful occupant(s) under section 26 of, and the Second Schedule to, the Succession Act of the land known as and registered at the Registry of Titles under Title No. _____ delineated in the plan annexed hereto and edged red.

(Court seal)

Fourth Schedule (Section 49)

Statutory will form

The Succession Act

1. Name of person making will	Name	
	Address	
2. Names of executors		
3. Appointment of heir		
4. Name of guardian or guardian of young children		
5. Names of persons who are given specific gifts in this will (which can be money, land or other property)	Names	Property given
6. Names of persons who are given a share in the will maker's property or if gifts have been given in paragraph 5 the property left after the gifts have been given	Names	Property given
7. Signature or mark of will maker		
8. Signatures or marks of two witnesses and their names, addresses and occupations	Witness 1	
	Signature or mark	
	Name	
	Address	
	Occupation	
	Witness 2	
	Signature or mark	
	Name	
	Address	
	Occupation	

Appendix 2: The translated version of the Succession Act CAP 162

TRANSLATION OF THE SUCCESSION ACT CAP 162 AS “EITEEKA RY’OBUHUNGUZI ESHUURA YA 162”

UGANDA

“Eiteeka ry’Obuhunguzi”

Eshuura ya 162 y’Amateeka ga Uganda Kikatandika kukora 15.02.1906

Enkuratana y’ebicweka byaryo
Ekicweka I- Eby’okubandizaho

1. Okutaho kw’eiteeka rya Uganda eririkukwata aha by’okuhungura

Ku kiriba kitoorekirwe okundi omu iteeka eri, nari omu iteeka erindi eririkukwata omu bunaku obu, ebiri omu iteeka eri biryaba bihamiibwe nk’ebitairweho kuba ekiragiyo kya Uganda ekirikukwata aha kuhungura kwona, yaaba okuteereirweho oburagwa nari okutateereirweho buragwa.

2. Amakuru g’ebigambo

Omu iteeka eri, amakuru g’ebigambo ebi nigaza kuba nk’oku kyaza kworekwa, kureka byakoresibwa ahi birikumanyisa ekindi kintu;

- a) **Omugabi:** nikimanyisa omuntu otairweho kooti kubaganisa eitungo eritaratsigiirweho buragwa bw’okworekyerera ow’okuribaganisiza abaaryo.
- b) **Omwana,** abaana, okomookire, ozaariirwe omu kirari nikimanyisa omwana, yaaba ozaariirwe omu ka, ozairwe aheeru nari oihirwe aheeru akahindurwa omwana.
- c) **Kodisiru** nikimanyisa ekihandiiko ekirikuhindura nari kikongyera aha buragwa ekirikubarwa nk’akacweka kaabwo akahikire.
- d) **Kooti** nikimanyisa kooti enkuru nari kooti yona oihiremu egyo ey’omuramuzi w’idaara ryakabiri.
- e) **Omusika w’Omuby’enzaarwa** nikimanyisa omuntu ou emigyenzo hamwe n’emicwe y’oruganda orwo nari abantu b’omu kyanga ekyo barikuhama nk’omusika.
- f) **Omuhara** nikitwariramu n’omwishiki ozaariirwe aheeru, ozairwe omu buhenda-biragiyo, nari oihirwe aheeru akahindurwa omwana omu buryo butarikhakanisa ebiragiyo bya Uganda.
- g) **Omunyabuzaare orikureebererwa** nikikomera aba:
 - i. Omukazi oshweirwe, nari omushajja oshweire, nari omwana w’emyaka 18 n’okuza ahansi, nari omwana orengeze emyaka 18 kwonka obaire nareebererwa nyakufa omuri byona, nari ekicweka kihango.
 - ii. Omuzaire, munyaanya muto wa nyakufa nari mukuru we, ishe/nyinenkuru, nari omwijukuru owaabaire ayegamiire nyakufa omu bunaku bw’okufa kwe ahabwa bingi nari byona ebi yabaire nayetenga omu magara nk’oku bishemereire ekiti ki arimu.
- h) **Omuhikiiriza** nikimanyisa omuntu otairwe omu buragwa bwa nyakufa kuhikiiriza ebi burikugamba.

- i) **Omwiujukuru** nikimanyisa omwana w’omwana we.
- j) **Ishenkuru nari nyinenkuru** nikimanyisa omuzaire w’omuzaire we.
- k) **Iba** nikimanyisa omuntu owaabaire ari ati aha kufa kw’otaratsigire buragwa:
 - I. ashweire nyakufa omu buteeka nk’oku ebiragiyo bya Uganda biri.
 - II. ashweire nyakufa omu ihanga erindi nk’oku ebiragiyo byaryo ebirikukwata aha bushwere birikuhamya.
- l) **Ekizaarwa** nikimanyisa omwana otazaariirwe omu buteeka kwonka ou nyakufa yaikiriize nk’omwana we.
- m) **Eitungo eritarikutsimbuka** nikimanyisa itaka, n’ebyombekireho hamwe n’ebiri aha byombekireho ebitarikubaasa kutsimbuka n’obugabe/obutungu obu omuntu abarirwa aha bintu nk’ebyo.
- n) **Omusika ohikire ebiragiyo** nikimanyisa omunyabuzaare wa nyantatsiga-buragwa omuhikire munonga omu buzaare nk’oku kirikworekwa omu shedyu yakashatu y’ekiragiyo eki kandi nikishoboororwa omu kukwatanisa nari kuhindurwa ebi;
 - i. Omu b’obuzaare burikwingana, omwana aryayeshumba omuzaire kandi omuzaire aryayeshumba omunyabuzaare kandi omunyabuzaare w’orubaju rw’omushajja aryayeshumba ow’orubaju rw’omukazi.
 - ii. Omu bayorekwa omu kacweka (i) aha ruguru abarikwingana omu buzaare, omwojo aryayeshumba omwishiki.
 - iii. Omu bayorekwa omu kacweka (ii) aha ruguru abarikwingana omu buzaare, omukuru aryayeshumba omuto.
 - iv. Omusika ohikire omu biragiyo yaaba atarikubaasa kureebeka omu kugyenderera obucweka (i), (ii), (iii) aha ruguru, iba wa nyantatsiga-buragwa nari omukazi we omukuru nk’oku kirishangwa kiri, aryaba omusika ohikire omu biragiyo.
- o) **Omuto** nikimanyisa omuntu weena otakahikize emyaka abiri na gumwe (21) kandi “obuto” nikimanyisa okweshanga ori otyo.
- p) **Eitungo eririkutsimbuka** nikimanyisa eitungo ryona eritarikushangwa omu gatarikutsimbuka.
- q) **Omuzaire** nikikomera okwihire aheeru akakuhindura omwana, oshweire nyoko nari muka-sho.
- r) **Omujwekyerwa** nikimanyisa omuntu weena otairweho omu biragiyo kubaganisa itungo rya nyakufa nari ekicweka kyaryo.
- s) **Purobeti** nikimanyisa ekihandiiko kya kooti ky’okuha omuhikiiriza ori omu buragwa obushoboorozi bw’okubaganisa itungo rya nyakufa.
- t) **Oburaaro** buhairwe amakuru nk’oku kirikworekwa omu kicweka kya 26.
- u) **Omukazi omukuru**, omu bushwere bw’abakazi abarengire omwe, nikimanyisa owaabandize kushwerwa nyantatsiga-buragwa.
- v) **Omutabani** nikikomera n’omwojo ozairwe omukazi ondijjo, omwojo ozairwe omu buhenda-biragiyo hamwe n’omwojo oihirwe aheeru akahindurwa omwana nk’oku ebiragiyo bya Uganda birikuhamya.
- w) **Omukazi we** nikimanyisa owaabaire ari ati na nyantatsiga-buragwa aha kufa kwe;
 - i. amushweirwe nk’oku ebiragiyo bya Uganda birikuhamya.
 - ii. amushweirwe omu ihanga erindi nk’oku ebiragiyo by’ehanga eryo ebirikukwata aha bushwere birikuhamya.

3. Omugabo nari obushoboorozi ebitaheebwa nari ebitaihwa ho bushwere

Okushwer(w)a tikurihaisa omuntu weena obushoboorozi aha kintu ky'ou yaashwer(w)a, kandi tikuriremesa omuntu weena kukoresa ekintu kye nk'oku yaakukikoreise atashweir(w)e.

Ekicweka II- OBUTUURO

4. Okuhungura eitungo ry'owaafiire; eririkutsimbuka n'eritarikutsimbuka.

- 1) Okuhungura kw'eitungo eritarikutsimbuka eriri omuri Uganda ery'omuntu owaafiire nikutegyekwa eiteeka rya Uganda, yaaba omuntu ogwo yaabaire aine obutuuro omuri Uganda nari ahandi, aha kufa kwe.
- 2) Okuhungura kw'eitungo eririkutsimbuka ery'omuntu owaafiire nikutegyekwa eiteeka ry'eihanga eri omuntu ogwo yaabaire ainemu obutuuro aha kufa kwe.
- 3) Omu kugyenderera akacweka (2), weena orifa atatsigire buragwa aryabarirwa obutuuro omuri Uganda ku kirishangwa ngu:
 - a. akaba atwire omuri Uganda omu buryo bw'obutoosha kuhitsya nari kurenga emyaka 2 atakafiire.
 - b. omukazi we nari iba nari omwana we abu yaatsigire bakaba bahikize nari barengize emyaka 2 barikutuura omuri Uganda omu buryo bw'obutoosha.

5. Eky'obutuuro ekirikukwata aha kuhungura eitungo eririkutsimbuka

Omuntu naabarirwa obutuuro bumwe omu by'okuhungura eitungo rye eririkutsimbuka.

6. Obutuuro nk'oku bubarirwa omuntu ozairwe atahabire biragiro

Omuntu weena, ku azaarwa atahabire biragiro, oburugo bwe bumubarirwa kuba buri omu ihanga eri ishe yaabaire ainemu obutuuro. Kandi ku aba yaazairwe ishe yaafiire, oburugo bwe bumubarirwa ei obutuuro bw'ishe bwabaire buri aha kufa kwe.

7. Obutuuro nk'oku bubarirwa omuntu ozairwe ari ekizaarwa

Oburugo bw'omuntu weena ozairwe ari ekizaarwa buryaba omu ihanga eryabaire riri obutuuro bwa nyina obu amuzaara.

8. Okugumaho kw'oburugo bw'omuntu

Oburugo bw'omuntu buryaguma buri bwo kuhitsya obu aritunga obutuuro busya.

9. Okutunga Obutuuro busya

Omuntu natunga obutuuro busya yaaheza kutandika kutuura omu nju eri omu ihanga ritari rye ery'oburugo. Kwonka omuntu taribarirwa eki, omuri Uganda, ahabw'okuba yaatandika kutuura omu nju kwenda kukoreramu emirimo.

10. Okutunga obutuuro omuri Uganda okw'omutaano

Omuntu weena nabaasa kutunga obutuuro omuri Uganda yaaheza kukora ekihandiiko ky'okurangirira kandi akakihayo omu ofiisi eriteebwaho Minisita kirikworeka okwetenga kwe kutunga obutuuro omuri Uganda. Omuntu ogwo aryaba ahikize obunaku butari hansi y'omwaka gumwe arikutuura omuri Uganda yaaza kukora ekihandiiko ky'okurangirira eki kandi akakihayo.

11. Obutuuro obutaheebwa owaatunga oburaaro nk’Omujekeyerwa w’eihanga erindi nari abandi

Omuntu orikuteebwaho eihanga erindi kuba omujekeyerwa waaryo nari ambasada omu ihanga erindi tarikuheebwa butuuro omu eihanga eri yajwekeyeramu ahabw’okugira ngu yatunga oburaaro kukora emirimo ye. Kandi tihariho orikuheebwa obutuuro ahabw’okutuura n’omuntu ogwo omu nju ye nk’ow’eka ye nari omukozi we.

12. Okugumaho k’obutuuro busya

Omuntu naguma naabarirwa obutuuro bwe obusya okuhitsya obu arigarukana obutuuro bwe obukuru nari obu aritunga obutuuro obundi.

13. Obutuuro bw’omuto

- 1) Omu kugyenderera akacweka (2), obutuuro bw’omuto nibukuratira obutuuro bw’omuzaire ou arikuba naabarirwa obukomooko.
- 2) Obutuuro bw’omuto tiburikuhinduka n’obw’omuzaire we, omuto ogwo yaaba ashweir(w)e nari aine ofiisi ei arikukoramu nari ari omupakasi wa gavumenti nari atandikireho bizineesi erikureebeka bwanyima y’okwikirizibwa omuzaire.

14. Obutuuro bw’omukazi oshweirwe

Omu bushwere, omukazi naabarirwa obutuuro bw’iba bwaba bubaire butari bwe atakashweirwe.

15. Obutuuro bw’omukazi omu bushwere

- 1) Omu kugyenderera akacweka (2), obutuuro bw’omukazi omu bushwere nibukurata obw’iba.
- 2) Obutuuro bw’omukazi nibuba butakikurata obw’iba baaheza kutaanisibwa okucwamu kwa kooti ehikire.

16. Omuto kutunga obutuuro busya

Omuntu takaatunga obutuuro busya omu buto bwe, kureka kyabaho nk’oku kirikworekwa omuri 13.

17. Omugwiraro kutunga obutuuro busya

Omuntu omugwiraro takaatunga obutuuro busya omu muringo gwona kureka obutuuro bwe bwahinduka ahabw’obw’ondijjo kuhinduka.

18. Okuhungura kw’eitungo eririkutsimbuka omuri Uganda

Omuntu yaafa akatsigaho eitungo eririkutsimbuka omuri Uganda, haaba hatariho obwamushinja oburikworeka obutuuro bwe kuba omu ihanga erindi, okuhungura kw’eitungo eryo nikutegyekwa iteeka rya Uganda.

Ekicweka III- OBUZAARWA HAMWE

19. Obuzaarwa hamwe nari obw’eishemwe

Obuzaarwa-hamwe nari obw’eishemwe n’akakwate nari obuzaare obu abantu abakomooka aha muzaire omwe bagira.

20. Obuzaare bw'omu kirari kimwe

- (1) Obuzaarirwa-omu-kirari-kimwe n'obuzaare obu babiri bagira, obwo omwe azairwe ondijjo; nk'obw'omushaija n'ishe, ishenkuru, ishenkuruza n'okweyongerayo eruguru omu kirari kimwe, nari obw'omushaija n'omutabani, n'omwijukuru, n'omwijukuruza n'okweyongerayo ahansi omu kirari kimwe.
- (2) Buri kuzaara n'idaara; ery'owazaara nari owazaarwa. Ish'omwana n'omuzaire we w'idaara ry'okubanza kandi n'omwana nawe nikwo ari n'ishe. Ishenkuru nari omwijukuru n'ow'idaara ryakabiri. Ishenkuruza nari omwijukuruza naaba ari ow'idaara ryakashatu.

21. Obuzaare bw'omu kika kimwe

- (1) Obuzaare bw'omu kika kimwe n'obwo obubaho ahagati y'ababiri abakomooka aha kiti ky'omuzaire omwe nk'ishenkuru-bo kwonka batazaariirwe mu kirari kimwe.
- (2) Ahabw'okuhamya idaara ry'obuzaare eri omunyabuzaare aine na nyakufa, n'eky'obuteeka kutondoora orikuza ahaiguru omu kirari kya nyakufa kuhika ahari ogwo ou boona bakomookaho, reero okagaruka ahansi okahika aha munyabuzaare ogwo obwo buri omwe; omuzaire nari omwana, arikubarirwa idaara omu kirari ekyo.

22. Abarikubarirwa obuzaare bumwe na nyakufa ahabw'eshonga z'obuhunguzi

Ahabw'entwaza y'eby'obuhunguzi, aba baryabarirwa ekiingano kimwe:

- a) abaazairwe na nyakufa ab'ishe na nyina hamwe n'abaazairwe nawe kwonka b'omuzaire omwe.
- b) abu nyakufa yaazaire akihuriire hamwe n'abu yatsigire enda zaabo zitakazairwe reero bakazaarwa bahuriire.

23. Omuhanda gw'okubara amadaara g'obuzaare

- (1) Omu kyaapa ekirikworeka obuzaare omuri shedyu y'okubanza y'ekiragiro eki, amadaara g'obuzaare nigatondoora okuhika aha idaara rya mukaaga kandi goona nigoorekwa n'eshuura zaago.
- (2) Omuntu ou obuzaare bwe burikugambwaho, hamwe n'ow'ishento nari ow'ishenkazi, baine obuzaare bw'ahaidaara ryakana nk'oku barikworekwa omu kyaapa ky'obuzaare. Nikireebwa gye ku bari aha idaara rimwe ahansi y'ishebo, akakuratwa ishenkurubo, kandi n'ashatu ahansi y'ou boona bakomookaho. Idaara rimwe ahansi ye nooza ahari ishento, eryakabiri oza ahari mwene-ishento, nikwo gaba amadaara ana (4) g'obuzaare.
- (3) Omwojo, mwijukuru wa mwene-ishe nyakufa hamwe na mutabani w'ishento nyakufa boona nibaingana omu idaara ry'obuzaare ahabw'okuba boona bari aha idaara ryakana.
- (4) Mwijukuru wa mwene-ishento ari aha idaara rimwe ry'obuzaare na mwijukuru wa murumuna w'ishenkuru. Boona bari aha idaara ryamukaaga omu buzaare.

Ekicweka IV- OBUTATSIGA BURAGWA

24. Eitungo ry'omuntu ofiire atatsigire buragwa

Eki nikibarirwa byona ebi mukama waabyo yaatsigireho atashoboroire okugabana kwabyo omu kihandiiko ky'oburagwa ekihikire.

25. Obujunaanizibwa ahabw'eitungo rya nyantatsiga-buragwa

Itungo ryona ry'owafiire atatsigire buragwa nirijunaanizibwa omujwekyerwa we ahabw'abantu boona abarishemereire omu kuhikiiriza iteeka eri.

Ekicweka V- OKUGABA KW'EBY'OTARATSIGIRE BURAGWA

26. Obujunaanizibwa aha maju g'okuraaramu

- (1) Enju ei nyakufa yaatwiremu omu muringo gw'obutoosha nk'oburaaro bwe obukuru aha kufa kwe nari ei yaabaire ari mukama waayo omukuru, hamwe na byona ebirimu, biryagirwa omujwekyerwa we nk'obirindiire omuhunguzi we ohikire omu mateeka. Okubigira oku kuryaba nk'oku obugabe bw'okutaaha omu nju egyo hamwe n'engyenderwaho ezindi birikworeka omu shedyu yaakabiri y'eiteeka eri.
- (2) Amaju agandi agu nyakufa yaatsigireho garyagirwa omujwekyerwa we nk'ogajunaaniziibwe, reero okugyenderera obugabe bw'okugaturamu n'ezindi ngyenderwaho eziri omu shedyu yaakabiri y'eiteeka eri, garyatwazibwa nk'oku enyiriri ezindi ez'ekicweka eki zirikworeka.
- (3) Obutaikirizana bwona obwakubaasa kwimukaho aha buhango bw'eitaka eri, nari bw'akacweka kaaryo, ebirikugambwaho omu kacweka k'eiteeka eri, nari obutaikirizana bwona aha muntu oshemereire kurikoresa, nari kukoresa akacweka kaaryo, buryashoboorwa omujwekyerwa wa nyakufa.
- (4) Omuntu weena oriba ataashemeziibwe okucwamu kw'omujwekyerwa okwayorekwa omu kacweka ka (3) ahaiguru aryaba aine obugabe kujuriza okucwamu okwo aha muramuzi.

27. Okugabwa kw'eby'omushaija otaratsigire buragwa

1) Obwo tutarikutaana n'ebyorekirwe omu bicweka 29 na 30, itungo rya nyantatsiga-buragwa, otabariiremu nju ye y'oburaaro enkuru, riryabaganisibwa ebika by'abantu aba omu buryo obu:

- a) Nyakufa ku ariba yaatsigireho omusika w'omu by'enzaarwa, omukazi, omwana, nari omunyabuzaare ou arikurebererera:
 - i. Omusika w'omu by'enzaarwa ariyaheebwa akacweka 1/100
 - ii. Abakazi baryaheebwa ebicweka 15/100
 - iii. Omunyabuzaare orikurebererwa ariyaheebwa ebicweka 9/100
 - iv. Abazairwe nyakufa baryaheebwa ebicweka 75/100 by'itungo rye ryona.

Kwonka ahu nyakufa arikuba atatsigireho omuntu weena oshemereire kuheebwa omugabo gw'ebye nk'oku kyayorekwa aha ruguru omuri a (ii) nari (iii), ebicweka ebyo biryaza ow'abaana.

- i. Ahu nyakufa arikuba atsigire omusika omu by'enzaarwa, omukazi, omunyabuzaare orikurebererwa kwonka hatarimu omwana:
- ii. Omusika w'omu by'enzaarwa ariyaheebwa akacweka 1/100
- iii. Omukazi atungye ebicweka 50/100

- iv. Omunyabuzaare orikureebererwa atungye ebicweka 49/100 aha bintu byona ebyatsigirwe nyakufa.
 - b) Ahu nyakufa arikuba atsigireho omusika w'omu by'enzaarwa, omukazi nari omunyabuzaare orikureebererwa, kwonka hatariho mwana,
 - i. Omusika omu by'enzaarwa aryahebwa akacweka 1/100
 - ii. Omukazi nari omunyabuzaare orikureebererwa aryatunga ebicweka 99/100 aha bintu byona ebyatsigirwe nyakufa.
 - c) Nyakufa ku yaakuba ataratsigire omuntu weena orikubaasa kuhebwa ekicweka ky'ebye ekimushemereire nk'oku kyayorekwa omuri (a), (b) nari (c) aha ruguru, oihiremu omusika omu by'enzaarwa, eitungo rye riryabaganisibwa abanyabuzaare aba idaara erimuhikire, bahebwe ebicweka byaryo ebirikwingana.
 - d) Haabura omuntu weena owashangwa kuba ahikire kutwara ekicweka kyona ky'eitungo rya nyakufa nk'oku kirikworekwa omu bucweka (a), (b), (c) nari (d), eitungo ryona riryaba ery'omusika w'omu by'enzaarwa.
 - e) Ahu omusika omu by'enzaarwa wa nyakufa atari, omugabo gw'omusika ogwo guryahebwa omusika otoorainwe nk'ebiragiho oku biri.
2. Omusika w'omu by'enzaarwa ku ariba ari ozairwe kuruga omuri nyakufa, tihariho kintu omu mateeka ekirimuzibira kweyongyera byona ebimushemereire omu kiti kye nk'ozairwe kuruga omuri nyakufa.
 3. Omu eiteeka eri nari amateeka agandi, tihariho ekirizibira abanyabuzaare abarikureebererwa kutaho entwaza yoona erikukwata aha kugabana nari kurinda itungo rya nyakufa, kwonka nibateekwa kuraba omu kooti.

28. Okugabana ebintu rwagati y'abaine obuzaare bw'ekika kimwe.

- 1) Abazairwe kuruga omuri nyakufa boona, abakazi n'abanyabuzaare abarikureebererwa boona nibabagana ekirikwingana aha mugabo gwabo gw'ebi nyakufa yaatsigire.
- 2) Omwana orishangwa afeereirwe omuzaire we, haza omuzaire ogwo ari omuntu owaazairwe naruga omuri nyakufa, kandi kikashangwa ngu ekirari ky'obuzaare bw'omwana ogwo tikiri mu ndiijo oriho owaazairwe naruga omuri nyakufa; omwana ogwo aryatwara omugabo gw'omuzaire we (ogu omuzaire ogwo yaakubaire aihire ahari nyakufa) nk'oku kiri omu kacweka (1) aha ruguru.

29. Okwihwa kw'enju y'obutaaho omu by'okugabwa.

Omukazi nari omwana orikutuura omu nju ya nyakufa enkuru nk'oku kirikworekwa omu namba 26 hamwe na shedyu yakabiri y'ekiragiho eki, tibarishabwa kubara obutaaho bwabo omu birikubarwa kubaganwa ebya nyakufa ebibahaisa omugabo ogurikworekwa omuri 27. Omuntu weena obariirwe enju nk'oku kirikworekwa omuri 26 tarishabwa kuhayo omugabo gwe gw'enju egyo kugaitwa ah'eitungo rya nyakufa erindi eri omuntu ogwo arikuba naabarirwamu omugabo nk'oku kirikworekwa omu 27.

30. Okutaana kw'omushaija n'omukazi we

- (1) Omukazi nari omushaija orishangwa kuba yabaire ataanire na nyakufa kandi akarekyeraho kutuura nawe taribarirwa mugabo gwona omu itungo rya nyakufa.
- (2) Akacweka aka tikaine kakwate n'omushaija nari omukazi oherize omwanya atari mu ka ye ahabw'okuza omu itendekyero kushoma ishomo eririkuhamibwa.

(3) Omu kutazibirwa akacweka (1), kooti nebaasa kurangirira ngu akacweka aka (1) tikarikukwata aha mushaija nari omukazi, obwo erikuhikiiriza okushaba kwe nari okushaba okumukoreirwe; yaaba kuhairweyo nyakufa akihuriire nari kuhairweyo omu meezi 6 agarikukurata okufa kwe.

(4) Akacweka 38 nikaija kukoresibwa (n'obu haribaho empinduka) aha kushaba okuriba kukozirwe ahansi ya (3) kwenda kusharamu yaaba okurangirira ahansi y'akacweka ako kushemereire kukorwa.

(5) Okurangirira okurikukorwa ahansi y'akacweka (3) tikurihaisa nyakukushaba omugabo omu eitungo rya nyakufa ogurikukira ogumushemereire nk'oku kirikworekwa omu 27.

31 Okuranga okurikukorwa Omusika w'omu by'enzaarwa

1. Bwanyima y'okuteebwaho nk'omusika wa nyakufa ow'omu by'enzaarwa, omusika ogwo aryamanyisa nari ateho oburyo bw'okumanyisa omujwekyerwa wa nyakufa hamwe n'omugabi omukuru (administrator general) eky'okuteebwaho kwe arikukoresa ekihandiiko ekitairwe omu shedyu yakashatu y'ekiragiro eki.

2. Emikono yoono etairwe aha kumanyisa okwo eryahamibwa omwe ahari aba:

- a) Omujwekyerwa weena otairweho minisita ahansi y'ekiragiro ekyatonzireho ofiisi y'omugabi omukuru (administrator general).
- b) Omuramuzi w'obusingye
- c) Puriida
- d) Omukuru omu bantu
- e) Manegya wa banka
- f) Omwebembezi w'ediini oine obushoboorozi kugaita abarikushwerana
- g) Omushaho
- h) Omuntu weena orikwikirizibwa minisita omu buryo obwo, arikukoresa ekihandiiko ky'ekiragiro.

3) Omujwekyerwa wa nyakufa nari Omugabi Omukuru (Administrator General) baaba batatungire kumanyisibwa kwona omu bunaku bw'omwaka gumwe bw'okufa kwa nyantatsiga-buragwa, omujwekyerwa aryagumizamu agabe eitungo rya nyantatsiga-buragwa nk'eritaratsigiirweho omusika w'omu by'enzaarwa.

32. Eby'eitungo kutwarwa gavumenti

(1) Kyashangwa ngu ahansi ya namba 26 kuza ahari 31, tihariho omuntu ohuriire nari orikubaasa kuhamibwa kugira omugabo omu eitungo rya nyantatsiga-buragwa, akacweka k'eitungo eryo nari ryona, nk'oku kiraabe kiri, karyaba aka gavumenti.

(2) Omuntu oriba arishemereire nari ahikire kuheebwa omugabo omu itungo eri nk'oku kiri omu namba 27, ku arireebwa kandi akahamibwa bwanyima ya gavumenti kwakiira eitungo eri nari akacweka kaaryo, Minisita aryaba nabaasa kugarurira eitungo eri nari ebirikurugamu aha muntu ogwo omu buryo obuhikire nk'oku Minisita arareebe.

33. Ebyahairwe (ahabwa) abaana

Ku hariba hariho omugabo gw'omwana nari gw'ogwo ozairwe kuruga omu mwana wa nyantatsiga-buragwa omu itungo rye, eky'okugira ngu nyakufa, atakafiire, akaha omwana ogwo esente nari eitungo nari akamushashurira nari akamuheera eby'okumutunguura tibiritaaha omu kumubarira omugabo ogumushemereire.

Ekicweka VI- OKU OBUSHWERE N'ENDAGAANO ZAABWO BIRIKUTUNGISA NARI BITARIKUTUNGISA BINTU

34. Okukora kw'obushwere rwagati y'oine obutuuro omuri Uganda n'otabwine.

Omuntu ou obutuuro bwe butari omuri Uganda, yaashwerera omuri Uganda omuntu ou obutuuro bwe buri omu Uganda, tihaine omuri bo ou obushwere burihaisa eitungo nari obugabe aha itungo ry'ou yaashwer(w)a ebyabaire bitari mu ndagaano z'eitungo eryo batacashweraine kandi ebi atakutungiire omu bushwere kuri bombi baabaire baine obutuuro omuri Uganda aha kushwerana kwabo.

35. Okutwazibwa kw'eitungo ry'omuto ahari orikweteekateekyera kushwera

Orikweteekateekyera okushwera taine ki arikubaasa kukora n'eitungo ry'omuto kureka yaakiikirizana n'omuto bwanyima y'omuto ogwo kwikirizibwa ishe. Kwonka ishe w'omuto yaaba yaafiire nari atari mu Uganda, omuto nateekwa kubanza yaikirizibwa kooti enkuru.

Ekicweka II- OBURAGWA N'EBIBUHINDURAHU

36. Abantu abahikire kukora oburagwa

- (1) Omuntu weena otebeekaine omu biteekateeko kandi otari muto nabaasa kokora oburagwa bw'okugaba eitungo rye.
- (2) Omukazi oshweirwe nabaasa kukora oburagwa agabe eitungo eri arikubaasa kushoorora nk'erye omu magara ge.
- (3) Okuba empumi, okufa amatu nari okuba omuteta tikirikuzibira omuntu kukora oburagwa yaaba nashoboorokyerwa eki arikuba naahikiiriza omu kubukora.
- (4) Omuntu omugwiraro w'obutoosha nabaasa kukora oburagwa omu kaire aku arikushangwa aine ebiteekateeko bitebeekaine.
- (5) Omuntu takaakora oburagwa yaashangwa kuba atarikushoboorokyerwa omu biteekateeko bye, yaaba kiretsirweho okusinda, okurwara nari enshonga yoon.

37. Eby'okubaisaho abarikureebererwa kuteebwa omuri buri buragwa

Omu kutazibirwa ebiri omu namba 36, omuntu yaakora oburagwa bwe, kugaba eitungo rye, atataireho buryo buhuriire bw'okubaisaho abanyabuzaare abu arikureeberera, ebiri omu namba 38 nibyo birikora.

38. Obushoboorozi bwa kooti kuragiira ngu eitungo rya nyakufa rishashurire okubaho kw'abarikureebererwa.

(1) Omuntu oine obutuuro omuri Uganda, ku arifa akatsigaho omunyabuzaare ou arikureeberera, reero kooti, bwanyima y'okuhurira okushaba kw'omunyabuzaare ogwo, ekashanga ngu okuhikiirira kw'oburagwa bwa nyakufa tikurikuza kuhaisa omunyabuzaare ogwo omugabo oguhikire kumubaisaho; kooti nebaasa kuragiira ngu ebimushemereire nk'oku kooti erasiime bimuheebwe ahabw'okumubaisaho, obwo kooti egyo erikugyenderera oburomborombo obu eritaho.

(2) Okuragiira kw'eby'okumubaisaho okurikorera ahansi ya (1):

a) Kuryayebemberwa ebiri omuri (3) kandi kubeho eitungo rya nyakufa ryaba nirirugwamu entaasya nk'erikuguma neshashurwa bwanyima y'akaire, kandi okuragiira okwo kuryataho obugarukiro bw'okushashura okwo nk'oku kyaza kworekwa:

- i. Okushashura okurikuza ow'omushaija nari omukazi oshweir(w)e kuryayemerezibwa yaashwer(w)a ahandi.

- ii. Okushashura okurikuza owa muhara wa nyakufa otakashweirwe nari oine oburema bw'omu bwongo nari bw'omu mubiri, atarikubaasa kwebaisaho, kuryayemerezibwa yaashwerwa nari yaakira oburema obwo kurugiirira aha kirabanze kubaho.
 - iii. Okushashura okurikuza owa mutabani wa nyakufa omuto, oine oburema bw'omu bwongo nari omu mubiri, otarikubaasa kwebaisaho, kuryayemerezibwa yaahitsya emyaka 21 nari yaakira oburema obu, kurugiirira aha kirabanze kubaho.
 - iv. Okushashura okurikuza aha munyabuzaare orikureebererwa, kuryayemerezibwa yaahitsya emyaka 21 nari yaafa.
 - b) Ahu eitungo rya nyakufa ririkuba ritarikurugamu ntaasya, nari ahu ririkuba nirirugwamu entaasya etarikumara, okuragiira kuryahaisa nyakukushaba obushoboorozi bw'okutunga omugabo omu kugabana kw'itungo rya nyantatsiga-buragwa nk'oku kirikwerekwa omuri 27.
- 3) Kooti, yareeba ngu kishemereire, nebaasa kuragiira ngu eby'okubaisaho omuntu ogwo, byona nari akacweka kaabyo, bishashurwe nk'ekitori.
- 4) Omu kusharamu yaaba eby'okubaisaho byashashurwa, oku birashashurwe, obu biratandikye kushashurwa nk'okuragiira oku kuri, kooti eryagyenderera obuhangwa bw'eitungo rya nyakufa eririkwija kukoresibwa kurugwamu enshashura egi, kandi kooti teriragiira enshashura etarikubaasa kuhikiirizibwa omu kugyenderera n'ebyetengo by'abandi abaabaire nibareebererwa nyakufa, hamwe n'abantu abandi abaine omugabo omu itungo eryo.
- 5) Kooti, ku eriba neekora aha kushaba kwona ahansi y'akacweka k'iteeka aka:
 - a. Eryata omutima ahari eki;
 - i. Entaasya nari esente z'enyima, eza hati nari eza bwanyima ezirikuruga omu mihanda endiijo ezirikutungwa ou nyakufa yaabaire nareeberera, oshabire nari ou okushaba oku kukoreirwe.
 - ii. Entwaza y'omunyabuzaare ogwo ahari nyakufa nari entwaza ya nyakufa aha munyabuzaare ogwo,
 - iii. Enshonga yona ei kooti, omu kureeba ebyetoroire omushango ogwo, erikwija kureeba ngu ni nkuru omu kakwate kaayo n'omunyabuzaare ogwo, n'aha bandi abaine ibega omu itungo rya nyakufa nari ekintu ekindi.
 - b. Eryata omutima aha nshonga zi nyakufa yaabaire aine nk'oku zirikubaasa kuhamibwa kwona:
 - i. Okugaba eitungo nk'oku yaakozire omu buragwa bwe, bwaba buriho.
 - ii. Okwanga kugaba eitungo rye arikukoresa oburagwa, nari;
 - iii. Okutagira ki yaaraga nari ki yaaraga ekirikwongyerwaho nk'oku kirashangwe kuba kiri, ahabw'omunyabuzaare ogwo, kandi kooti nebaasa kwakiira mushinja yona erikubaasa kuhamya enshonga za nyakufa nk'oku eraareebe ngu nizimara, otairemu ekihandiiko kyoona eki nyakufa yaahandiikire kandi akataho n'omukono, obwo kiriho ebiro by'okwezi. Kandi omu kubarira ekihandiiko nk'ekyo obukuru, kooti eryata omutima aha mbeera zoonza ezaakubaasa kukireetera kugira amakuru hamwe n'okuba kiri eky'amazima.

39. Obunaku obu orikuteekwa kuba waatairemu okushaba kwawe

1) Kureka kyaba kiteereirweho oburyo omuri 42, kooti ku eriba etabandize kukiikiriza, okushaba kwona ahansi ya 38 tikuribaasa kukorwa bwanyima y'ameezi mukaaga agarikukurata ekiro eki omujwekyerwa w'itungo rya nyakufa yaamurikwa omurundi gw'okubanza. Hoonabwo, ebaruha y'ow'okugaba ebintu bya nyakufa yaacuubwa busha, reero eya purobeti ekaheebwa, nimutandika kubara obunaku obwo kuruga aha kiro ky'ebaruha ya purobeti.

2) Ebicweka 38 na 42 tibirikwija kuta orubanja aha mujwekyerwa wa nyakufa orw'okugaba akacweka k'itungo rya nyakufa bwanyima y'okuhwayo kw'ameezi mukaaga obwo birikumutura eky'okugira ngu akaba ashemereire kumanya ngu kooti ekaba nebaasa kwikiriza okushaba kwona ahansi y'eiteeka eri obunaku obwo na bwaba bwahwaireyo. Kwonka okukora kw'akacweka aka ak'eiteeka eri tikurizibira okuhikiiriza kw'okuragiira kwona ahansi y'eiteeka eri okw'okucungura ebyabaire bigabirwe.

40. Enshusha hamwe n'enkora y'ekihandiiko ekiragiira okureeberera

1) Ahu okuragiira kurikukorwa ahansi ya 38, ahabw'ebigyendereirwe byona, oburagwa buryakora. Kandi buryatwarwa nk'obwatandikire kukora aha kufa kwa nyakufa. Okuragiira okwo kuryagyenderera endagiira zaakwo ezirikworekwa gye ahabw'okuhikiiriza omurimo gw'okurinda oguragiirwe kukorwa.

2) Okuragiira kwona okukozirwe ahansi ya 38, okurikuteeraho eky'okureeberera oburyo, nikubaasa kworeka ngu orikureebererwa agume naashashurwa sente ezitairweho bwanyima y'omwanya ogutairweho, nari ngu aheebwe sente z'amagoba ezirikuruga omu itungo rya nyakufa zoonari akacweka kaazo, nari ngu sente zirikuruga omu kacweka k'itungo eryo zibiikwe nari zikoresibwe ahansi y'ekiragiira eki, nari okuragiira okwo kuhe kooti obushoboorozi kweteeraho esente hamwe n'oburyo obu ziraashashurwemu.

3) Kooti nebaasa kutaho engyenderwaho nk'oku erasiime ahabw'okuhikiiriza okuragiira okukozirwe ahansi y'ekiragiira eki; kwonka tikirimanyisa ngu ekicweka kihango ky'itungo rya nyakufa kibiikwe nari kikoresibwe kwihamu sente z'okureeberera. Kureka hakoresibwe ekicweka ekyo kyonka ekirikushangwa ngu (aha eizooba eri kooti erikoreraho okuragiira okwo) nikibaasa kurugwamu sente ezirikumara ez'okureeberera.

41. Okuhindikamu kw'okuragiira

1) Kooti nebaasa kugira oku yaragiira nk'oku kiteereirweho oburyo omu kacweka aka, aha kushaba kwona okukozirwe bwanyima y'omwanya ogurikworekwa omuri 39(1), kwonka okuragiira okwo kuryaba nikukwata aha itungo eririkushangwa kuba nirirugwamu sente z'ou nyakufa yabaire nareeberera aha kiro ekyo. Nikimanyisa eki;

a) Kooti neragiira ehindura okuragiira okw'enyima ahabw'okugira ngu hariho ebyabaire bitamanyisiibwe kooti obu okuragiira okwo kwakorwa, nari ngu empinduka mpango ebairiho omu mbeera y'orikureebererwa hamwe ebirikukwata aha muntu orikwenda kugira eki yatunga omu itungo eriri omu buragwa obwo; nari

b) Kooti nebaasa kuragiira ngu ondiiho owabaire nareebererwa nyakufa nawe bamuteereho oburyo.

3) Okushaba okuteirwe omu kooti ahansi ya 1(a) nikubaasa kukorwa nari kukorerwa nyakureebererwa ogwo nari kukorwe abateirweho kurinda itungo eryo, nari kukorwe/ kukorerwe omuntu weena orikweteekateekaho kugira eki yatunga omu itungo ry'oburagwa obwo.

42. Okuragiira okw'aho n'aho

- (1) Ahu okushaba kw'okureebererwa kukozirwe ahansi y'ekiragiro eki, kooti ku erishanga ngu;
- Owashaba aine ekyetengo ky'obuhwezi bwa sente eky'aho n'aho, kwonka ekika ky'okuragiira okurikubaasa kukoresibwa kitakabaasikire kuhamibwa, nari kuhamya yaaba okuragiira nikwetaagisa kukorwa ahabw'okureeberera owaashaba; kandi
 - Ngu akacweka k'itungo rya nyakufa kariho nari nikabaasa kuteebwaho kubugana ekyetengo ky'owaashaba,

Kooti nebaasa kuragiira, erikugyenderera oburomborombo nari emihingo yona (beitu obwo bwaba buriho, nari eriho, nk'oku kooti eraateho nari eraaragiire), ngu owashaba ashashurwe nari ateebweho eby'okumugasira kuruga omu itungo rya nyakufa; aheebwe sente zimwe (nari nyingi baaba bari baingi) aha bwire burikukuratana nk'oku kishemereire, omu kusiima kwa kooti.

2. Omu kusharamu okuragiira okushemereire kukoresibwa ahansi y'akacweka aka, kooti eryareeba obwira oburikwetaagisa enshonga egi, egyenderere byona eby'okukurata omu kutaho okuragiira kw'okureeberera owashaba. Kandi nebaasa kukora okuragiira okundi ngu esente ziheebwe owashaba nari ziteebweho ahabw'owashaba omu kuhikiiriza akacweka k'ekiragiro aka. Okuragiira okwo kuryataho obugarukiro hamwe n'oburyo bw'okushashura sente ezo, ez'okureeberera owashaba, kwenda ngu kuhikiirizibwe.

3. Omu kukorera ahansi ya (2) namba 40 eryagira akakwate n'okuragiira okukoreirwe ahansi y'akacweka aka nk'aku eine n'okuragiira kwona okurikuteeraho eby'okureebererwa oburyo.

4. Omujwekyerwa wa nyakufa, ku arishashura sente yona ei aragiirwe nk'akacweka aka oku karikugamba, kuruga omu itungo rya nyakufa, tarigira rubanja rw'okushanga ngu itungo eryo tiririkumara ebirikwetaagisa kushashurwa, kureka we yagira enshonga enkuru eyamureetera kuteekateeka, aha shaaha y'okushashura, ngu itungo rya nyakufa tirikubaasa kuhezayo byona ebishemereire kushashurwa.

43. Omureberezi w'omu buragwa

Ishe omwana weena, n'obu ariba aine bukuru bwa myaka ki, nabaasa kuteeraho omwana we, yaaba akiri muto, omureberezi nari abareeberezi omu buragwa.

44. Abareeberezi ab'ekiragiro

1) Aha kufa kw'ishe w'omuto, ahu kirikushangwa ngu tihariho otairweho omu buragwa bw'ishe kuba omureberezi w'omuto, nari omureberezi otairweho ishe yaafa nari yayanga kuhikiiriza obujunaanizibwa obwo, abantu aba nk'oku bakuratanisiibwe omu bukuru bwabo, baryaba omureberezi nari abareeberezi b'omuto ofeereirwe ishe;

- Ishe nari nyina wa nyakufa
- Ishe na nyina ba nyakufa baaba baafiire, beene nyina nari banyanya nyakufa baryakora.
- Beene nyina nari banyanya nyakufa baaba baafiire, baishento nari baishenkazi nyakufa baryakora.
- Baishento na baishenkazi nyakufa baaba baafiire, banyinarumi baryakora.
- Nari baanyinarumi baaba batariho, ishenkuru nyakufa aha rubaju rwa nyina aryakora.

2. Haaba hatariho omuntu weena orikwenda nari oshemereire kuba omureberezi nk'oku kiri aha bucweka (a) kuza aha (e) kooti nebaasa kuha obureeberezi obu omuntu weena ogishabire arikwenda kureeberera omuto ogu.

45. Obushoboorozi bwa kooti kwihaho omureeberezi.

Kooti yoona, oihiremu kooti erikureebererwa omuramuzi w'idaara rya III, yaaheza kuhamya ngu kwo buzima eki erikusharamu n'eky'okubaisaho omwana muto-

- a) Nebaasa kwiha aha bukuru bw'obureeberezi, omuntu weena otairweho nk'omureeberezi omu buragwa, nari otairweho nk'oku kirikworeka omuri 44 aharuguru.
- b) Nebaasa kutaho omureeberezi ondiiho omu mwanya gw'ou yaihaho.
- c) Nebaasa kuhindura enkuratana y'obukuru obuhairwe abarikworekwa omuri 44.

46. Obushoboorozi bw'abareeberezi

- 1) Buri mureeberezi orikukora nk'oku 44 erikugamba nari otairweho nk'oku 45 erikworeka, aryakora nk'oku ebiragiho eburikukwata ahari sente ezirindirwa abandu (trusts) biri, agire obushoboorozi aha itungo rya nyakufa hamwe n'abaana bato abu nyakufa yatsigireho nk'obu omutsigirwa w'omu buragwa agira aikiriziibwe ebiragiho bya Uganda by'obunaku obwo.
- 2) Omureeberezi weena orikukorera omu maani ga 44 nari otairweho ekya 45 aryakora akwataniise na nyina w'omwana omuto kureka kooti yaragiira entwaza endiiho.

47. Oburagwa obutungirwe omu kugingirira, okugyema nari okutsindikana

Oburagwa nari akacweka kaabwo ebikoreirwe omu kugingirira, nari omu kugyema nari omu kutsindikana okurikureetera nyakukora-oburagwa kuhurira agyemirwe, oburagwa obwo nibuba butaine nsha n'okukora.

48. Oburagwa nibubaasa kusharwamu nari kuhindurwa

Orikukora oburagwa nabaasa kubusharamu nari kubuhindura ahu arakundire yaaba akiine oburyo bw'okukoresa oburagwa kugaba ebye.

49. Foomu y'oburagwa

Orikukora oburagwa, yaasiima, nabaasa kukoresa foomu y'okuraga etairweho omu shedyu yakana y'ekiragiho eki.

Ekicweka VIII- OKUHIKIIRIZA OBURAGWA OBUKOZIRWE OMU OBUTEEKA

50. Okuhikiiriza oburagwa obukozirwe omu obuteeka

Kureka kyateererwaho oburyo ekiragiho eki nari ekiragiho ekindi ekirikukora omu bunaku obu, buri omwe orikuraga, (kureka yaaba ari omunyamahe ori aha kisasayizi kyaabo nari aha rutaro buzima, nari ari omunyamahe ow'aha maizi), nateekwa kukora oburagwa bwe arikugyenderera ebi;

- a) Orikuraga aryata omukono nari ekinkumu kye aha buragwa nari buteebweho omukono omuntu ondiiho omu maisho ge obwo arikukuratira okworekyerera kwe.
- b) Omukono nari ekinkumu kye nari omukono nari ekinkumu ky'ondiiho ogwo owaabimuteeraho biryateebwaho omu buryo bw'okworeka ngu bitairweho kuhamya okukora kw'oburagwa obuhandiikirwe.
- c) Oburagwa buryahamibwa baakareebi babiri nari bashatu kandi buri omwe nateekwa kuba yareebire owaaraga arikutaho omukono gwe nari ekinkumu kye nari ondiiho muntu nataho omukono nari ekinkumu ahabw'orikuraga. Buri omwe omuri baakareebi nateekwa kutaho omukono aha buragwa obwo omu maisho g'owaraga. Ti kikuru ngu

baakareebi boona babeho hamwe kuhamya oburagwa, kandi buri omwe nabaasa kubuhamya omu muringo ogu araasiime.

51. Okuteebwaho kw'ebipura by'okubwegamizaho

Owaaraga, omu buragwa bwe, nari omuri kodisiru ye ehamiibwe, yaayorekyereza ekihandiiko ekindi ekiriho omu kurangirira ebi agyendereire omu kuraga, ekihandiiko ekyo kiryabarwa kuba akacweka kaabyo.

Ekicweka IX – OKUHIKIRIZA OBURAGWA BW'EKYEBUMBE

52. Oburagwa bw'ekyebumbe

Omuntu omunyamahe, ori omu kisasayizi ky'amahe nari ori aha rutaro nari omunyamahe w'aha nyanja, yaaba yaahikize emyaka 18, nabaasa kugaba ebye obwo arikukoresa oburagwa obukozirwe nk'oku kyorekyereirwe omuri 53 (aha ekirikwetwa oburagwa bw'ekyebumbe.)

53. Oburyo bw'okukora oburagwa bw'ekyebumbe

- (1) Oburagwa bw'ekyebumbe nibubaasa kuba buhandiikirwe nari bugambirwe.
- (2) Okuhikiiriza oburagwa bw'ekyebumbe kuryategyekwa ebi ebitairweho;
 - a) Oburagwa nibubaasa kuba bwona bwahandiikirwe nyinabwo omu mukono gwe, kandi kyaba kiri kityo, nibukora, n'obu burikuba butatairweho mukono nari butahamiibwe.
 - b) Oburagwa nibubaasa kuba bwahandiikirwe omukono gw'ondiijo, yaaba bwona nari akacweka kaabwo kandi bwatairweho omukono nyinabwo; hoonabwo nibukora n'obu bwakuba butahamiibwe.
 - c) Ekihandiiko ekirikutwarwa kuba oburagwa kyaaba kihandiikirwe kyona nari akacweka kaakyo omu mukono gw'ondiijo kwonka kitatairweho mukono nyinabwo, ekihandiiko ekyo kiryabarwa kuba oburagwa bwe kukirireebwa ngu akakyorekyerera omu kuhandiikwa kwakyo nari ngu akakyemera nk'oburagwa bwe. Kwonka ekihandiiko ekyo kukirishangwa omu ndeebeka yaakyo kuba kitarikuhezayo gye ebigyendererwa bya nyinabwo, hoonabwo, ekihandiiko ekyo tikiriihwamu nsha, ku kirishangwa ngu obutakikora bwe bukaba nibwegamira enshonga endiijo, etari ye okuhakanisa ebihandiikirwemu.
 - d) Orukuraga, yaaba yahandiikire endagiiriro z'okutebeekanisa oburagwa bwe haza akafa butakakozirwe nari butakatebeekanisiibwe, endagiiriro ezo ziryabarwa kuba oburagwa bwe.
 - e) Orukuraga, yaaba yagambire endagiiriro z'okutebeekanisa oburagwa bwe omu maisho ga baakareebi babiri, kandi endagiiriro ezo zaaba zaateirwe omu buhandiikye akihuriire, reero akaija akafa oburagwa butakakozirwe, butakatebeekanisiibwe, endagiiriro ezo ziryabarwa kuba oburagwa bwe, nangwa n'obu zaakuba zitateirwe omu buhandiikye omu maisho ge nari zitamushomeirwe.

Ekicweka X- OKUHAMYA, OKUHENDA, OKUHINDURAMU N'OKUGARURAHU KW'OBURAGWA

54. Okukora kw'ekirabo ekhairwe orikuhamya oburagwa

- (1) Oburagwa tiburibarwa kuba butahamiibwe ekirikumara ngu ahabw'okuba hariho ekiburimu ekyabaire kihairwe nyakubuhamya, yaaba ekintu nari okuheebwa obukuru,

yaaba bihairwe omuntu ogwo nari omukazi we nari iba. Kwonka eki yaheebwa nari obukuru obu yateebwaho omu buragwa biryahindurwa bibe busha, nk'oku birikukwata aha muntu ogwo orikuhama, nari omukazi we nari iba nari omuntu orikugira ngu abishemereire ahansi yaabo.

- (2) Ohairwe ekintu kyona omu buragwa tarikifeerwa ngu ahabw'okugira yahama ekihandiiko kya kodisiru ekirikuhamya oburagwa.

55. Omujurizi okutaremesibwa omugabo nari eky'okuba omuhikiiriza w'oburagwa

Eky'okugira ngu omuntu aine omugabo omu buragwa nari niwe muhikiiriza waabwo tikirimuremesa kuba omujurizi w'okuhama okukora kw'oburagwa nari kuhamya amazima gaabwo (nari okubura amazima kabwo).

56. Oburagwa kuhendwa obushwere bwa nyinabwo

- (1) Oburagwa bwona buryahendwa obushwere bwa nyinabwo. Obutarihendwa n'obwo obukozirwe omuntu arikukoresa obushoboorozi nk'oteirweho, beitu obwo itungo eri ahairweho obukuru eri akoreire oburagwa obwo ryaba ritarikubaasa kuza ow'omuhikiiriza w'oburagwa obwe, omugabi nari omuntu weena oshemereire kuritunga, we yaafa atatsigire buragwa.
- (2) Omuntu ku aheebwa obushoboorozi kusharamu oku itungo riragabwe obwo atari mukama w'itungo eryo, aba ahairwe n'obushoboorozi bw'okuhama ebirikubarwa omu itungo eryo.

57. Okuhendwa kw'oburagwa obwemi gye nari okwa kodisiru

Oburagwa obwemi gye nari akacweka kaabwo nari ekihandiiko kya kodisiru tibirikubaasa kuhendwa mu buryo bundi kureka nibihendwa obushwere, nari bihendwa oburagwa obundi nari kodisiru endiijo nari ekihandiiko ekindi ekirikurangirira ekigyendererwa ky'okubuhenda nari kuhenda kodisiru. Ekihandiiko ekyo kiryakorwaho omu muringo ogu oburagwa obwemi gye, omu iteeka eri, burikuteekwa kukorwa. Oburagwa nari kodisiru nibibaasa kwokibwa nari bitaagurwe nari bicwekyerezibwe nyinabyo nari omuntu weena omu maisho ga nyinabyo nari arikworekyererwa nyinabyo obwo agyendereire kubuhenda.

58. Okukora kw'empinduka omu buragwa obwemi gye

Okusangura nari okwongyera okahandiika rwgati y'enyiriri nari empinduka yoona erikukorwa omu buragwa tibirigasha, nyinabwo yaaaba yaherize kubuhama, kureka okutaahiriza okwo kwareetera ebigambo kutashomwa gye nari amakuru g'oburagwa kutashobooroka. Ekirikutaanaho n'empinduka erikukorwaho omu buryo obu iteeka eri ririkusiima ahabw'okukora kw'oburagwa. Oburagwa obwo, n'empinduka zaabwo biryabarwa kuba bihamiibwe nyinabwo yaataho omukono gwe hamwe na baakareebi nabo bakataho eyaabo aha rubaju rw'empinduka ezaakorwa nari aha kacweka koono akahikaine n'empinduka ezo, nari ekihandiiko ky'okwikirizana n'empinduka ezo kyateebwa aha muheru gw'oburagwa nari omu gati yaabwo.

59. Okukora kw'oburagwa bw'ekyebumbe nari kodisiru

- (1) Oburagwa bw'ekyebumbe nari kodisiru yaabwo nibibaasa kuhendwa nyinabyo arikukoresa oburagwa obwemi gye nari abuhende arikwehwezesa ekikorwa kyona ekirikurangirira ekigyendererwa kye ky'okubuhenda. Ekikorwa ekyo nikiteekwa

kukurwa n'emigyenzo erikumara omu kuhamya amazima g'oburagwa bw'ekyebumbe. Nyinabyo nabaasa n'okubwotsya, nari akabutaagura nari akabucwekyereza nari ondiijo akakibukora omu maisho ge nari akakibukora nyinabwo arikumworekyerera obwo agyendereire kubuhenda.

- (2) Omu kwenda kuhenda oburagwa bw'ekyebumbe nari kodisiru yaabwo obwo orikwehwezesa ekikorwa ekirikugyenda n'emigyenzo erikumara eshemereire kuhamya amazima g'oburagwa bw'ekika ekyo, tikirikugasha ngu nyin'oburagwa, omu bunaku obw'okukora ekyo, abe ari omu mbeera y'okukora oburagwa bw'ekyebumbe.

60. Okugarurwa busya kw'oburagwa obwemi gye

- (1) Oburagwa obwemi gye nari kodisiru yaabwo nari akacweka kaabyo ebihenzirwe omu miringo etari emwe, tibirigarurwa busya mu muringo ogundi gwona gutari gwa nyinabwo kubuhama omurundi ogundi, nari kukoresa kodisiru ehamiibwe omu muringo ogwaherize kworekwa nk'oku kishemereire hamwe n'okworeka ekyetengo ky'okubugarura busya.
- (2) Oburagwa nari kodisiru yaabwo ebyahenzirwemu ekicweka reero bikaija bikahendwa byona, ku bigwarurwa busya, okugarurwa busya okwo tikurikwata aha byabandize kuhendwa; kureka ekigyendererwa kirikuhakanisa eki kyayorekwa omu buragwa nari omuri kodisiru yaabwo.

Ekicweka XI- EMPANDIIKA Y'OBURAGWA

61. Ebigambo by'okukoresa omu buragwa

Tiky'omugasho kukoresa ebigambo bigumire nari ebya karimi-karungi omu buragwa kureka okugira ngu ebigyendererwa bya nyinabwo bimanyirwe gye omu bigambo ebi yaakoresa.

62. Okusheruriza kumanya ebirikubuuzibwa ebiine akakwate n'abantu nari ebintu omu buragwa

Ahabw'okuhamya ebirikubuuzibwa ebirikukwata aha bantu nari ebintu ebirikugambwaho omu buragwa, kooti eryasheruriza byona ebirikukwata aha bantu abarikwegambaho kuba baine omugabo omu buragwa, ebintu ebirikugambwaho kuba biragirwe omu buragwa obwo, embeera ya nyin'oburagwa obwo hamwe n'ey'eka ye, hamwe n'akantu koono akaakubaasa kuhwera omu kumanya oku ebi nyin'oburagwa yahandiikire birikubaasa kuteebwa omu nkora.

63. Enshoboorora y'ekintu egwire nari erikwehakanisa

- (1) Ahu ebigambo ebikoresiibwe omu buragwa okugamba ahari nyin'omugabo nari ekibiina kya baanyin'omugabo byaba nibimara kwihayo gye amakuru g'ebirikugambwaho, enshobe omu eiziina nari omu nshoboorora terikwija kuzibira omugabo oguhairwe kuhikiirizibwa.
- (2) Enshobe omu eiziina rya nyin'omugabo nebaasa kugororwa enshoboorora ye kandi enshobe omu nshoboorora ya nyin'omugabo nebaasa kugororwa eiziina.

64. Obu ebigambo birikubaasa kwongyerwaho

Ahu ekigambo ekirikugasha munonga kwihayo gye amakuru kirikushangwa kitatairwemu, nikibaasa kubarwa nk'ekiriho ahabw'amakuru gaakyo kushangwa omu bindi ebikoresiibweho.

65. Okwanga ebishoboorozo ebigwire omu kushoboorora ekintu

Ekintu eki nyin'oburagwa yaabaire nayenda kugaba kyaba nikibaasa kumanywa gye kuruga omu nshoboorora ei kihairwe omu buragwa, kwonka kikashangwa ngu ebishoboorozo ebimwe ebikihairwe tibirikukikwataho, ebishoboorozo ebyo nibiza kwangwa nk'ebigwire reero okuha okwo kw'omu buragwa kuhikiirire.

66. Ahu ebicweka by'ebishoboorozo bitarikubaasa kwangwa ngu bigwire

- (1) Oburagwa bwayoreka embera nyingi omu kushoboorora ekintu eki nyin'oburagwa arikwenda kuha, kandi hakashangwa ngu hariho itungo rye eriri omu mbera erikworekwa, okuha nikwija kutwarwa nk'okurikugarukira ah'itungo eryo, kandi kiriyaba kihenzire ebiragiyo kwanga akacweka k'enshoboorora egyo nk'akagwire, ngu ahabw'okuba nyin'oburagwa aine amatungo agandi agu enshoboorora egyo etarikukwataho.
- (2) Omu kuramura yaaba omushango niguteebera omu kacweka k'iteeka aka, ebigambo byona ebirashangwe biri eby'okwangwa ahansi ya 65, biryatwarwa nk'ebisangwirwe kuruga omu buragwa.

67. Mushinja erikuruga aheeru kukoresibwa haabaho orwanyanya

Ahu ebigambo by'oburagwa birikushobooroka gye, kwonka kikashangwa kuruga omuri mushinja y'aheeru ngu empikiiriza y'ebigambo ebyo ekanyire, kandi obwo nyin'oburagwa akaba agyendereire empikiiriza emwe yonka, mushinja kuruga aheeru nebaasa kukoresibwa kworeka empikiiriza ei nyin'oburagwa yabaire agyendereire.

68. Mushinja y'aheeru kutakoresibwa omu butashobooroka nari ekitega omu buragwa

Haaba hariho obutashobooroka nari oburagwa burikureebeka buri ekitega, tihariho mushinja erikuruga aheeru ya nyin'oburagwa erikubaasa kukoresibwa.

69. Amakuru g'akanyiriri kwihwa omu buragwa bwona

Amakuru ga buri kanyiriri omu buragwa garyaihwa omu buragwa bwona, kandi buri kicweka kyabwo nikishoboorora kitaahi kyakyo, kandi ahabw'enshonga egyo, ekihandiiko kya kodisiru kyabwo nikibarwa nk'ekicweka ky'oburagwa.

70. Ahu enkoresa y'ebigambo ebihaisa amakuru hamwe (hatari hoona), n'ahu ebihaisa amakuru geshanzire kukira okw'obutoosha

Ebigambo by'obutoosha nibibaasa kwetegyerezibwa omu ku bikoresiibwe aha mwanya gumwe, nk'oku oburagwa buryoreka ngu nyinabwo akagyenderera kubihaisa amakuru ago. Kandi hoona ebigambo nibibaasa kureebwa omu buryo bweshanzire kukira obwabyo bw'obutoosha ahu kirikubaasa kwetegyerezibwa kuruga omu bigambo ebindi by'oburagwa ngu nyinabwo akagyenderera kubikoresa omu buryo obweshanzire butyo.

71. Enkoresa y'ebigambo erikutooranwa

Akanyiriri kamwe ku karikoresibwa kaine amakuru abiri, obwo ahamwe harikubaasa kuhikiirizibwa, reero ahandi hatarikubaasa, aharikubaasa niho haritooranwa.

72. Okutanga akacweka akarikubaasa kushobooroka

Tihariho kacweka k'oburagwa akashemereire kunagwa nk'akataine makuru kaaba nikabaasa kuteerwaho oburyo reero kakashobooroka.

73. Okushoboororwa kw'ebigambo ebigarukirwemu omu bicweka bimwe by'oburagwa

Ebigambo bimwe, byareebeka omu bicweka bitari bimwe by'oburagwa, nibiteekwa kutwarwa nk'ebiine amakuru gamwe, hoonaa ahu biri, kureka hareebekaho ekigyendererwa ekirikuhakanisa eki.

74. Enaama ya nyin'oburagwa kukorerwa kyona ngu ehikiirire

Ekigyendererwa kya nyin'oburagwa tikishemereire kwimwa amaisho ngu ahabw'okuba tikikaahikiirizibwa kikahwayo kwonka okuhikiirizibwa kwakyo kushemereire kuteerwaho oburyo bwona oburikubaasika.

75. Akaakabiri omu nyiriri ibiri ezitarikwikirizana niko k'okusiiimwa

Ahu oburagwa burukushangwa bwine enyiriri ibiri, nari okuha kubiri, haza enyiriri ezo ibiri zirikuhabana; ahabwa kimwe kweshumba ekindi, ekya bwanyima omuri byo nikyo kiryeshumba eky'okubanza.

76. Oburagwa nari okuha ebiitwa okutashobooroka

Oburagwa nari okuha ebitarikwihayo gye eki nyinabyo yaabaire agyendereire biryacuubwa busha ahabw'obutashobooroka obwo.

77. Ebigambo ebirikushoboorora ekintu kumanyisa ekintu ekiriba nikishusha enshoboorora egyo aha kufa kwa nyakufa.

Okushoboorora okuri omu buragwa, okw'ekintu ekihairwe kuryatwarwa nk'okurikumanyisa nari kukomerana ekintu ekirikushushana n'enshoboorora egyo aha kufa kwa nyakufa, kureka ekigyendererwa ekirikuhakanisa ekyo kyayorekwa omu buragwa.

78. Obushoboorozi bw'okuha nk'oku buhikiirizibwa okuha kw'omu buragwa

Omu buragwa, ku hariba hatarimu ekirikubihakanisa, okuha kw'itungo rya nyin'oburagwa kuryayetegyerezibwa kumanyisa ngu kurimu byona ebi nyin'oburagwa aineho obushoboorozi kuraga nk'oku arikusiima; kandi okuha kw'omu buragwa okwo kuryabarwa nk'oburyo bw'okuhikiiriza obushoboorozi obwo. Kandi, okuha kw'ebintu ebikwatiirwe hamwe omu nshoboorora yaabyo kuryatwarwa kugira ebintu byona ebi enshoboorora egyo erikuhikaho, ebi nyin'oburagwa aineho obushoboorozi kuraga; kandi okuha kw'omu buragwa okwo kuryabarwa nk'oburyo bw'okuhikiiriza obushoboorozi obwo.

79. Ekirabo ekihendera kigiire ow'abantu n'obu baba batashoboorirwe kukitunga

Itungo, kuriba riragirwe kukoresibwa ahabw'abantu nk'oku kirishoboororwa kikateebwaho, nari kubaganisibwa abantu nk'oku kirishoboororwa kikateebwaho, reero oburagwa bukashangwa kuba butarateireho mwanya gw'okushoboorora n'okutaho okwo; obushoboorozi oburi omu buragwa bwaba butakoresiibwe, boona abu baaragire itungo eryo nibaija kutunga akacweka kaaryo akarikwingana.

80. Ebiragirwe abasika nari abandi, mbwenu ebiragirwe omuntu otashoboroirwe ngu ni nanka

Okuha kwakorwa ngu kuze aha ‘basika’, nari ‘abasika abahikire’ nari ‘abanyabuzaare’, nari ‘ekika’, nari ‘omunyabuzaare ohikire haihi’, nari ‘omunyabuzaare orikugaruka aha waaraga’, reero omuntu ogwo akashangwa atateereirweho bumanyiso bw’okworeka ngu ni nanka, reero enshoboorora egyo ekahendera ekozire ekibiina ekitaine kakwate n’ebihairwe omu buragwa, ebyo ebihairwe nibiza kugabwa nk’ebi nyinabyo yaafiire atatsigiire buragwa; nari ebi yatsigireho kushashura amabanja agu yatsigireho.

81. Okuha okurikuza ow’abajwekyerwa nari abandi b’omuntu

Ahu okuha kutairweho kuza omu ‘abajwekyerwa’ nari ‘abajwekyerwa omu biragiro’ nari ‘abajwekyerwa be nk’omuntu’ nari ‘abahikiiriza nari abagabi b’itungo’ ry’omuntu, ahu enshoboorora egyo erikukora ekika ky’abantu abataine kakwate n’ekintu ekihairwe; itungo erihairwe riryagabwa nk’eri nyinabyo yaafiire atatsigiire buragwa.

82. Okuha oku ebigambo bitateereireho bugarukiro

Ahu itungo riragirwe omuntu, omuntu ogwo aryaba naabarirwa byona ebi nyin’oburagwa yasiimire ahabw’itungo eryo, kureka kyayorekwa omu buragwa ngu nyinabwo tarasiimiire omuntu ogwo itungo eryo ryon.

83. Okuha okuza ow’omwe ku kuba kutagiire ow’ondiijo.

Ahu itungo riragirwe omuntu reero hakateebwaho eky’okugira ngu ku ariba ataritwire riryatwarwa ondiijo nari abandi, ku hariba hatarimu kindi ky’okubihakanisa omu buragwa, nyin’omugabo obandize kworekwa niwe aritwara itungo eryo yaaba ahuriire aha bunaku bw’okuhikiirira kw’okugaba okwo. Kwonka ku ariba yaafiire, omuntu nari abantu aboorekirwe nk’abarikumugarukaho, omu kuha okwo, nibo baritwara itungo eryo.

84. Okukora kw’ebigambo ebirikushoboorora ekika ky’abantu ebyongyeirwe aha kuha okuragirwe omuntu

Ahu itungo riragirwe omuntu, reero ebigambo bikongyerwaho ebirikushoboorora ekika ky’abantu, kwonka ebyo bigambo bikashangwa ngu tibirikworeka ngu abantu abo tibashemereire mugabo gwona ogurikumanywa, omuntu ogwo aryabarirwa byona ebi nyin’oburagwa yasiimiire itungo eryo, kureka oburagwa bwayoreka ekindi ekirikuhakanisa eki.

85. Okuha okuragirwe abantu abashoboroirwe batashoroirwe

Ahu okuha kuragirwe abantu abashoboroirwe batashoroirwe, tihariho n’omwe ou ebigambo by’enshoboorora egyo bitarikugambaho omu buryo bw’obutoosha oritunga akantu aha kiragirwe.

86. Ebigambo n’amakuru gaabyo

(1) Omu buragwa;

- a) Abaana nikimanyisa abazairwe nyakufa bari ab’idaara ry’okubanza ry’ekirari kye.
- b) Muzaara, muzaara w’okubanza nari muzaara omugirimaani nikimanyisa abaana ba ishento, ishenkazi, nyinarumi nari nyinento w’ou barikwetererwa.

- c) Muzaara w'okubanza oihirweho rimwe nikikwata aha abaana ba muzaara nari muzaara omugirimaani ow'omuzaire w'ou barikwetererwa.
- d) Abajukuru nikikwata aha baana b'ekirari ky'ou barikwetererwa ah'idaara ryakabiri.
- e) Omwihwa nari omuzairwemu nikikwata aha boona abazairwe omu kirari ky'ou barikwetererwa.
- f) Omwana wa mwene-ishe nari omwana wa munyanya nikwo abaishiki nari aboojo abazairwe mwene-ishe nari munyanya w'ou barikweteerwa baryetwa.
- g) Baamuzaarwa baakabiri ahari ogwo ou barikwetererwa n'abo bajukuru ba murumuna w'ishenkuru nari munyanya ishenkuru.

2. Ebigambo omu buragwa ebirikukoresibwa kukomerana obuzaare bw'abaingi nibibabarirwa boona omu kiti kimwe, yaaba bari ab'enda emwe nari batari, kandi ebigambo ebiri omu buragwa ebirikugamba aha buzaare nibikwata n'aha nda zitakazairwe ezirihitsya obwire zikazaarwa gye.

87. Okutwariramu kw'abaana abazairwe aheeru n'abaihirwe aheeru

Ku hariba hatariho kigambo ekindi omu buragwa ekirikukihakanisa, ekigambo 'omwana', 'muhara wa- 'nari mutabani wa'nari ekigambo kyona ekiriba nikigamba aha buzaare obwo kiryabarirwa n'abaana abazairwe aheeru hamwe n'abaihirwe aheeru.

88. Oku oburagwa obuhaisa omuntu omwe emigabo ebiri buryetegyerezibwa

1. Ahu oburagwa burikugambwa kuhaisa omuntu omwe emigabo ebiri, reero ekibuuzo kikaimukaho kuhamya yaaba nyin'oburagwa yaabaire nayenda kuha omugabo gw'akabiri omu mwanya gw'ogw'okubanza, nari kwongyerera aha gw'okubanza; omu buragwa haaba hatarimu ekindi ekirikworeka ebi yaabaire nayenda, enyiriri ezi nizo zirihabura omu kwetegyereza ebi nyin'oburagwa yagyendereire;

- a) Ekintu kimwe kyaheebwa omuntu omwe kabiri omu buragwa bumwe, nari kikamuheebwa omu buragwa n'omuri kodisiru yaabwo, ogwo nyin'omugabo aryakiheebwa omurundi gumwe.
- b) Ahu oburagwa bumwe nari kodisiru emwe birikugambwa kuha omuntu omwe ekipimo kimwe ky'ekintu kimwe omu myanya ebiri, nyin'omugabo ogwo aryatunga okuha kumwe.
- c) Ahu emigabo ebiri y'ekintu kimwe etarikwinganisa kipimo ehairwe omuntu omwe omu buragwa bumwe nari kodisiru emwe, omuntu ogwo ashemereire emigabo ye ebiri.
- d) Ahu emigabo ebiri, yaaba erikwingana nari etarikwingana ehairwe nyin'omugabo omwe, obwo okuha kumwe kuri omu buragwa, okundi kuri omuri kodisiru, nari emuhairwe omu kodisiru zitari zimwe, nyin'omugabo ogwo aryagira emigabo ebiri egyo.

2. Omu kanyiriri ka (1), obucweka a), b), c) na d) ekigambo oburagwa tikibariirwemu kodisiru yaabwo.

89. Oriheebwa ebishaagireho oku arimanywa

Nyin'omugabo w'ebishaagireho nabaasa kwetegyerezibwa kuruga omu bigambo ebirikworeka ekigyendererwa ky'owaaragire ngu omuntu nk'ogwo aryatwara ebishaagireho nari oburagarikira aha itungo rye.

90. Itungo eriza owa nyin'oburagwa w'obishaagireho

Ahansi y'okuha kw'ebishaagireho, nyin'omugabo ashemereire kuheebwa byona ebi nyin'oburagwa, aha kufa kwe, ataragabire mu buragwa bwe kandi ebirikubaasa kugabwa.

91. Obunaku bw'okuheebwa omugabo ogutashoroirwe

Omugabo gwaheebwa hatoorekire bunaku obu gushemereire kushashurirwamu, nyin'omugabo aryaba ahikire kuheebwa omugabo ogwo kuruga aha kiro ky'okufa kwa nyin'oburagwa, kandi ku yaakufa atagutungire, guryaza ow'omujwekyerwa we nari abajwekyerwa be.

92. Okuhunduuka kw'omugabo

- (1) Nyin'omugabo ku aribandiza nyin'oburagwa kufa, omugabo ogwo tiguriheebwa kwonka guryahunduuka gubarwe n'itungo rya nyin'oburagwa erishaagaho kureka kyayorekwa omu buragwa ngu omugabo gukaba guri ogw'okuhungurwa ondiijo, nyina-gwo yaheza kufa.
- (2) Kwenda kuhaisa abajwekyerwa ba nyin'omugabo eki yaabaire aragirwe, kiryabanza kihamibwe ngu abajwekyerwa abo tibarabandiize nyin'oburagwa kufa.

93. Nyin'omugabo gw'ababiri kubandiza nyin'oburagwa kufa

Omugabo ku guba guragirwe babiri, reero omwe akabandiza nyin'oburagwa kufa, nyin'omugabo orikugumaho aryatwara n'ekicweka ekya nyakufa.

94. Ebigambo ebyoreka ekigyendererwa kya nyin'oburagwa kubaganisa gye ebyaragire

Ahu ebigambo ebikoresiibwe kuhaisa baingi omugabo birikworeka ngu nyin'oburagwa akaba asiimire kubaganisiza buri omwe aha mugabo ogwo, nyin'omugabo omwe, yabandiza nyin'oburagwa kufa, ekicweka ky'omugabo ekyabaire kimubariirwe kiryaza ah'itungo rya nyin'oburagwa erishaagireho.

95. Okuhunduuka kw'akacweka k'omugabo

Ahu akacweka k'omugabo akaahunduuka kari omu bishaagire ebiragirwe, akacweka ako karyabarwa nk'akatarahairwe.

96. Obu okuha okaragirwe omwana nari ozairwe kuruga omuri nyin'oburagwa kutarikhunduuka yabandiza nyin'oburagwa kufa

Ahu okuha kukozirwe kuza ow'omwana nari ow'ozairwe kuruga omuri nyin'oburagwa, haza ogwo ohairwe akabandiza nyin'oburagwa kufa, kwonka omwana we nari ozairwe kuruga omuri we akashangwa akiriho aha kufa kwa nyin'oburagwa, okuha okwo tikurihunduka, kwonka kuryakora oshushe oti owaahairwe akafa owaaragire aherize kufa; kureka ekigambo ekirikubihakanisa kyashangwa omu buragwa.

97. Okuha okuhairwe nyin'omugabo ahabw'abandi tikuhunduuka we ku afa

Ahu omugabo guhairwe omuntu ngu gubaase kugasira abandi, okuha kw'omugabo ogwo tikurikhunduuka ngu ahabw'okuba ohairwe abandiize nyin'oburagwa kufa.

98. Okuha okukoreirwe ekika ky'abariba bariho nyin'oburagwa ku arifa

Omugabo ku guba guragirwe ekika ky'abantu, eki bariba baragirwe kiryaza ow'abo ab'ekika ekyo abariba bariho aha kufa kwa nyin'oburagwa. Kiriyataana ku kirishangwa ngu ekintu ekyo

kikaba kiragirwe ekika ky'abantu abaine obuzaare bw'ekipimo kitu, n'omuntu ati, kandi ngu okukiheebwa kukateerwaho obwire bwa bwanyima y'okufa kwa nyin'oburagwa ahabw'enshonga y'okuha okundi okubahairwe, nari ekindi kyona. Ku kiriba kiri kityo, itungo eriragirwe riryaza ahari abo abarishangwaho hamwe n'abarikujwekyerwa abaabaire bari nka bo (haza abaafiire bwanyima y'okufa kwa nyin'oburagwa).

Ekicweka XII- OKURAGA OKUTAKAAHIKIRIZIBWA

99. Omugabo oguragirwe omuntu otariho aha kufa kwa nyin'oburagwa

Ahu omugabo guragirwe omuntu oshoborirwe, reero kikashangwa ngu aha kufa kwa nyin'oburagwa, tihariho omuntu ohikire enshoboorora egyo, okuha okwo tikukaahikiirizibwa. Kiryataana ku kirishangwa ngu ekintu ekyo kikaba kiragirwe omuntu oine obuzaare bw'ekipimo (kiti) n'omuntu (ati) kandi ngu okukiheebwa kukateerwaho obwire bwa bwanyima y'okufa kwa nyin'oburagwa ahabw'enshonga y'okuha okundi okubahairwe nari enshonga endiijo yona. Kandi, omuntu ohikire enshoboorora egyo ku ariba ahuriire aha kufa kwa nyin'oburagwa nari akareebwa rwagati y'okufa okwo n'obugarukiro bw'obwire obwabaire butairweho, itungo eryo riryaza aha muntu ogwo obwire obwo kuburhika, kandi ku ariba yafiire rize ow'omujwekyerwa we.

100. Okuha okuragirwe omuntu, otariho aha kufa kwa nyin'oburagwa, ahabw'okuha okwakubandiize

Ahu okuha kurikushangwa ngu nikuza ow'omuntu otariho aha kufa kwa nyin'oburagwa, ahabw'enshonga y'okuha okundi okwakubandiize okuri omu buragwa, okuha okwa bwanyima n'okutakahikiirizibwa. Nikitaana ahu okuha kwa bwanyima okwo kuriba nikukomerana byona ebi nyin'oburagwa yabaire agyendereire ahabw'ekintu ekyo eki yaabaire aragire.

101. Ekiragiro ekizibira okuraamuura okuha, kukakurenzya

Okuha kw'ekintu n'okw'okutarikuhikiirizibwa; okugirwa kw'ekintu ekyo kwaba nikubaasa kuraamuurwa kukarenga okubaho kw'omwe nari kw'abaingi abariho aha kufa kwa nyin'oburagwa nari obuto bw'omuntu oriho, aha kuhwayo kw'obwire bw'okuha okwo, kandi oshemereire kuheebwa ekintu ekyo yaheza kuhitsya emyaka y'obukuru.

102. Okuha okurikuza aha kika ky'abantu obwo bamwe barikubaasa kuza ahansi ya 100 nari 101

Okuha ku kuba nikuza aha kika ky'abantu kandi ahabwa bamwe ahari abo kutarikubaasa kuhikiirizibwa ahabw'ebitairwe omuri 100 nari 101, nari hombi, okuha okwo kwona kuryabarwa nk'okutakaahikiirizibwa.

103. Okuha okurikubaasa kukora bwanyima y'okugwa kw'okuha okundi ahansi ya 100,101, nari 102

Ahu okuha kwagwire ahabw'enshonga z'ebihandiikirwe omuri 100, 101, nari 102, okuha okundi okuri omu buragwa obwo, okwakubaire nikukora kukuratiire okuha okw'okubanza nari bwanyima y'okugwa kw'okuha okw'okubanza, nakwo nikuba kugwire.

104. Okukora kw'endagiiriro y'okurundaana sente ezikozirwe itungo

Endagiiriro y'okurundaana sente ezikozirwe kuruga omu itungo eryaba egwire, kandi n'itungo eryo riryagabwa nk'eritarateereirweho ndagiiriro y'okurirundaaniraho sente. Kiryataana itungo eryo kuririba riri eritarikutsimbuka, nari endagiiriro ekozirwe yaaba etairweho kutandikira aha kufa kwa nyin'oburagwa kugarukira aha kuhwayo kw'obwire bw'omwaka gumwe oburikukurata okufa kwe. Bwanyima y'omwaka, itungo hamwe n'esente ezirirundaniirwemu biryagabwa oshushe oti obunaku bw'okurundaana sente ezo buhwairweyo.

105. Okuha kw'okuza omu by'ediini nari empa-buhwezi

Omuntu weena oine abaana abazairwe munyanya nari mwene-ishe nari omunyabuzaare omuhikire haihi, aryaba ataine bushoboorozi bw'okuha itungo ryona ahabw'emirimo y'ediini nari y'empa-buhwezi kureka yaakikoresa oburagwa obu ahamize ameezi gatari hansi ya 12 atakafiire reero, oburagwa obwo bukateebwa omu mwanya ogutairweho ekiragiyo kurinda gye oburagwa bw'abahuriire, okutarenga ameezi 6 aherize kubuhamya.

Ekicweka XIII- OKUHA OBUSHOBOOROZI BW'OKUSHASHURWA OMU BURAGWA

106. Okuheebwa obushoboorozi, eby'okushashura nari okutunga ekintu ku biriba biiriziibweyo

Okuha kwaba kuteereirweho eky'okugira ngu nyin'omugabo tiw'okukutungiraho aha kufa kwa nyin'oburagwa, obushoboorozi bw'okukiheebwa omu bunaku obu kiteereirweho buryaba bugiire ahari nyin'omugabo aha kufa kwa nyin'oburagwa, kureka hayorekwaho eky'okukihakanisa omu buragwa. Obushoboorozi obwo buryaza aha mujwekyerwa we, nyin'omugabo, yaaba afiire obunaku bw'okukiheebwa butakahikire kandi nawe atakakitungire, kandi ku kiriba kityo, obushoboorozi obwo buryabarwa nk'obwabaire bumurindiirwe okuruga aha kufa kwa nyin'oburagwa.

Eky'okugira ngu ekiragirwe omuntu kikaba kitagyendereirwe kumubarirwa nk'ekyabaire kimurindiirwe tikirikuza kwikirizibwa ngu niho; kyahandiikirwe ngu okukishashurwa nari okukiheebwa kwongyerweyo, nari kyahandiikirwe ngu ondiijo aryakibandiza, nari kyahandiikirwe ngu akasente akarikuruga omu kintu ekyo karundaanwe okuhitsya obu obunaku bw'okukashashura burihika, nari kyahandiikirwe ngu ekintu nanka ku kiribaho, omugabo guryaza aha ndiijo muntu.

107. Okuheebwa obushoboorozi kwateebwaho ngu kurinde ekitarikumanywa bu kiribaho.

- (1) Omugabo ku guba guragirwe ngu guheebwe bwanyima y'ekitarikumanywa bu kiribaho, omugabo ogwo tiguriheebwa kuhitsya obu ekyagambirwe kubaho kiribaho.
- (2) Omugabo oguragirwe kuheebwa, ekintu nanka ku kiriba kitabaireho, tiguriheebwa kuhitsya obu ekintu ekyo kirimanywa ku kitaribaasa kubaho.
- (3) Omu myanya egyo yombi, okuheebwa kw'omugabo ogwo kuryaguma kurinzire kuhitsya obu ekyatairweho kukubandiza kyabaho.
- (4) Otagyendereire ebiri omuri (1) na (2), ahu esente ziragirwe kuheebwa omuntu bwanyima ye kuhitsya emyaka (eti), reero oburagwa bukamuha eky'okugira ngu atungye entaasya yona eriruga omu sente ezo omu bunaku obu ariba atakahikize emyaka egyo nari akacweka k'entaasya egyo, nk'oku kiraayorekwe, nari ngu entaasya egyo ekoresibwe kumugasira, okuheebwa ebirugire omu sente ezo tikuririnda.

108. Okuheebwa obushoboorozi kwateebwaho kuza ow'abaaherize kuhitsya emyaka.

Ahu omugabo guragirwe kuheebwa abariba baahikize emyaka, omuntu otakahikize emyaka egyo taritunga kacweka k'omugabo ogwo.

Ekicweka XIV- OKURAGA OKWETENGYESA OMUNTU EKY'OKUBANZA AKORA

109. Okuraga okwetengyesa omuntu eky'okubanza akakora

Ohu okuraga kurikwetengyesa nyin'omugabo ekintu ky'okubanza akakora, nyin'omugabo taribaasa kugira eki yaagutungaho kureka yaikiriza byona ebiguteereirweho.

110. Gumwe aha migabo ebiri y'omuntu omwe etarikushushana nigubaasa kwikirizibwa.

Oburagwa bwaba burimu emigabo ebiri etarikushushana erikuza aha muntu omwe, nyin'omugabo aine obugabe kwikiriza gumwe ahari yo, reero akanga ogundi n'obu ogo yaikiriza gurikubaasa kugasha reero oguyayanga gukaba nigumwetengyesa eky'okubanza yakora.

Ekicweka XV- OKURAGA OKUGYENDERERA EBIRIBAASA KUBAHO

111. Okuha okurigyenderera ekintu nanka ekitarikumanywa bu kiribaho

Ahu omugabo guri ogw'okuheebwa bwanyima y'ekintu nanka, ekitakamanyirwe bu kiribaho, kubanza kyabaho, kandi oburagwa bukashangwa butarikworeka bunaku bwakyo kubaho, okukora kw'okuha okwo tikukaabaasika ekintu ekyo kyaba kitabaireho obunaku obwateereirweho kushashura sente ezo nari kuzigaba butakahikire.

112. Okuha okurikuza aha bantu abariba bakiriho aha bunaku butoorekirwe.

Ahu okuha kuragirwe kuza aha bantu abariba bariho aha bunaku obutoorekirwe, okuha okwo kuryaza aha bantu abo abariba bakiriho aha bunaku bw'okushashura nari bw'okugabana, kureka kyahakanisibwa omu buragwa obwo.

Ekicweka XVI- OKURAGA OKUHAIRWE OBUROMBOROMBO

113. Okuha okuteereirweho amaremesa

Okuha kwona okuteereirweho amaremesa g'okuhikiirira kwakwo nikubarwa nk'okutahikiirizibwa.

114. Okuha okuteerirweho oburomborombo bw'obuhenda biragirow n'ebindi

Okuha okuteerirweho oburomborombo bw'obuhenda biragirow nari obuhabire emicwe nikubarwa nk'okutahikiirizibwa.

115. Okuhikiiriza akaromborombo kubandiza obugabe bw'okuheebwa omugabo

Ahu oburagwa burikworeka ngu akaromborombo kabanze kahikiirizibwe reero nyin'omugabo abarwe nk'ogushemereire, okuhikiirizibwa kw'akaromborombo ako kuryabarwa nk'okwabaireho ebi karikushaba byakorwaho ekicweka kihango.

116. Okuha okurikuza ow’omuntu, reero kukirema, kukaza ow’ondiijo

Ahu okuha kurikuza ow’omuntu reero kikashangwa ngu okuha kw’ekintu nikyo kimwe nikuza aha ndiijo, bwanyima y’okuha okw’okubanza kugwa, okuha okwakabiri kuryakora bwanyima y’okugwa kw’okuha okw’okubanza, n’obu okugwa okwo kwakubaasa kuba kureetsirweho enshonga ezi nyin’oburagwa atarateekateekireho.

117. Ahu okuha kwakabiri kutarikukora n’obu okurikukubandiza kwakugwa

Ahu oburagwa burikworeka ngu okuha okwakabiri nikuza kukora okurikukubandiza kwagwa omu muringo ogworekirwe, okuha okwakabiri tikurikora okurikukubandiza kwaba kutagwire omu muringo ogwo.

118. Okuha okukozirwe kutambuuka omwe bwanyima y’ekitakamanyirwe bu kiribaho kubaho nari kuremwa.

- (1) Okuha nikubaasa kukorwa ngu kuze ow’omuntu kwine akaromborombo akongyeirweho ngu ekintu nanka, ekitakamanyirwe bu kiribaho, ku kiribaho, ekintu ekiragirwe kize aha ndiijo muntu, nari ngu ku kiriba kitabaireho, ekiragirwe kimutambuukye kize aha ndiijo.
- (2) Hoono omuri buri mwanya, okuha *enkuratsi* okwo kuryategyekwa ebiri omu 107,108,109,110,111, 112,113,114,116, na 117.

119. Akaromborombo nikateekwa kuhikiirizibwa

Okuha *enkuratsi* okurikuteekwateekwaho omuri 118 tikurikubaasa kukora kureka akaromborombo akakuteereirweho kabanza kaahikiirizibwa.

120. Okuha okukuru okutagwisibwa okugwa kw’okuha enkuratsi

Okugwa kw’okuha enkuratsi tikurikugwisa okuha okukuru.

121. Okuha okuteereirweho eky’okuhwaho ahabw’aka na kariya

Okuha nikubaasa kuteererwaho akaromborombo ngu kuryaba kutakikora, ekintu nanka ku kiribaho nari ku kiriba kitabaireho.

122. Akaromborombo ako tikariba omu bu 107 erikucwa busha

Okukora kw’akaromborombo akarikugwisa okuha, kuryarigiirira aha ku akaromborombo ako karikwegamira amateeka nk’oku kiteereirweho omuri 107.

123. Ekiribaho nyin’omugabo ku ariremwa nari aryongyezaho eki ashemereire kukora kuhitsya ahatarikumanywa.

Ahu okuha kukozirwe kwine akaromborombo ngu nyin’omugabo ku ariba atakozire kintu nanka, ekiragirwe kiryaza ow’ondiijo, nari ngu okuha okwo kuryagwa, reero kikashangwa ngu eky’okukorwa tikiteereirweho bwire, nyin’omugabo ku arigira eki yakora kikaremesa ekiteirweho kukorwa nari kikakyongerayo okuhitsya ahatarikumanywa, okuha kuryabarwa nk’oku nyin’omugabo yaafiire atahikiriize bikushemereire.

124. Okuhikiiriza akaromborombo kubandiza nari kugarukaho

Ahu oburagwa burikuteeraho nyin’omugabo eki ashemereire kukora omu kaire akatairweho nk’akaromborombo k’okuhikiiriza omugabo gutakamuhairwe nari nk’akarikubaasa

kumuhinguza omugabo gukaza ow'ondiijo yaaba atakakozire, nari akarikubaasa kugwisa okuha okwo; ekikorwa ekyo nikiteekwa kuhikiirizibwa omu bunaku obu kiteereirweho kureka kyazibirwa eby'obushumankuzi. Kandi ku kiriba kityo, akaire akandi akarireebwa kuba kashemereire kwongyerwaho ahabw'okukyererezibwa okwo karyaikirizibwa.

Ekicweka XVII- EBY'OKURAGA OKUTEEREIRWEHO ENGYENDERWAHO

125. Okworekyerera ngu esente zikoresibwe omu muringo nanka

Ahu esente ziragirwe zoonza kuza ow'omuntu nanka nari kukoresibwa eby'okumugasira, kwonka oburagwa bukooreka ngu niziteekwa kukoresibwa nari kugirwa omu buryo buti, nyin'omugabo aryabarwa nk'otarateereirweho ndagiiriro yoonza aha ku arakorese esente ezo.

126. Okworekyerera kwayoreka ngu okugirwa kw'ebihairwe (ebitari makwatane) kwine emihingo.

Ahu nyin'oburagwa arikuha sente omu bumwe bwazo aha muntu, omu buryo bw'okuziia omu ze kwonka akaragiira ngu okugirwa kw'esente ezo kuteereirweho emihingo ahabw'oku arikwenda ngu zigasire nyin'omugabo, ekigyendereirwe kyaaba kitarikubaasa kuheebwa nyin'omugabo, sente ezo ziryaba eza nyin'omugabo nk'ezitarateereirweho mihingo.

127. Okuragwa kwa sente ahabw'emigasho, obwo emwe etarikubaasa kuhikiirizibwa.

Ahu nyin'oburagwa atarikuheerayo kimwe sente omu buryo bw'okuzitaanisa n'itungo erylwe, kwonka akazihayo kuhikiiriza emigasho etari emwe obwo emigasho emwe etarikubaasa kuhikiirizibwa, esente nari ekicweka kyazo ekitakakoresiibwe ahabw'emirimo eyakiteekateekyeirwe omu buragwa, niziguma ziri akacweka k'itungo rya nyin'oburagwa.

Ekicweka XVIII- EBIHEEBWA OMUHIKIIRIZA W'OBURAGWA

128. Okuha okurikuza ow'omuhikiiriza w'Oburagwa

Haaba hariho okuha okuragirwe omuntu oyorekirwe nk'omuhikiiriza w'Oburagwa, omuntu ogwo taritwara ki ahairwe kureka yaahamya oburagwa obwo nari yayoreka ekyetengo ky'okuba omuhikiiriza waabwo.

Ekicweka XIX- OKURAGA KW'EBINTU EBYEHEREIRE

129. Okushoboorora okuha okwehereire

Ahu nyin'oburagwa aragire omuntu akacweka k'itungo rye akeehereire aha bintu ebindi eby'itungo rye, okuha okwo nikumanywa nk'okwehereire.

130. Okuha kw'esente eziri ahu emigabo n'ebindi byatairwe kukora amagoba aharikushobooroka.

Ahu esente ziti zirikuba ziragirwe, okuha okwo tikurikwija kubarwa nk'okwehereire ngu ahabw'okuba emigabo, esente nari emikwato ei byatairwemu kukora amagoba nibishoboororwa omu buragwa.

131. Okuha kw'emigabo ahu nyin'oburagwa yaabaire aine emigabo y'ekingano kimwe nari erikukira ey'abandi kwonka y'ekika kimwe

Ahu okuha kukozirwe kuri okw'ekipimo kiti ky'ekika ky'emigabo kyona kandi kutarikushoroora, okuha okwo tikurikwija kubarwa nk'okwehereire ngu ahabw'okuba nyin'oburagwa, aha bunaku bwe bw'okuraga akaba aine emigabo y'ekika kiti erikwingana nari erikukira sente ezi aragire.

132. Okuraga kwa sente ezi okushashurwa kwayo kwongyeirweyo omu muringo guti.

Okuraga kwa sente tikurikubarwa nk'okwehereire ngu ahabw'okuba oburagwa nibworeka ngu okushashura kwazo kwongyeirweyo okuhitsya obu akacweka k'itungo rya nyin'oburagwa kariba kaateirwe omu buryo buti nari kaateirwe omu mwanya guti.

133. Ahu ebintu ebyorekirwe bitarikubarwa nk'okuha okwehereire

Ahu oburagwa burikuba bwine ebishaagireho by'itungo rya nyin'oburagwa haza birimu n'orukarara rw'ebintu bimwe by'itungo rye ebi ataragire omu bindi, ebintu ebyo eby'itungo rye tibiribarwa nk'ebyehereire.

134. Okugumaho kw'ebiragirwe abantu omu nkuratana haza biri ebyehereire

Ahu itungo riragirwe abantu babiri nari baingi bakurataine, itungo eryo riryaguma omu buryo bu nyin'oburagwa yaaritsigiremu n'obu ryakuba riine obuhwangwa bw'okuguma nirihwita.

135. Okuguza n'okuteebwaho kukora sente kw'ebirikuruga omu itungo eriragirwe abantu babiri nari baingi bakurataine.

Ahu itungo eriri omu kuha okurikuza omu bantu babiri nari baingi bakurataine ririkuba riteehereire, ku hariba hatariho ky'okukihakanisa, itungo eryo riryaguzibwa kandi ebiriruga omu kuguzibwa okwo biryateebwaho kukora sente omu migabo nk'oku kooti enkuru eriragiira, akaire koono, erikukoresa ekiragiyo kyona, kandi sente eziriba nizirugamu ziryagirwa ba nyin'omugabo abarikurataho nk'oku oburagwa burikworeka.

136. Okutakomerana kw'okuha okwehereire.

Ahu ebintu birikushangwa ngu tibirikumara kushashura okuraga kwona, okuha okwehereire nikuba kutarikugyemwa kugaitwa n'okuha kw'omuri rufaaya.

Ekicweka XX- OKUHA KW'OKWIHWA

137. Okuha kw'okwihwa

- (1) Ahu nyin'oburagwa arikuraga esente z'ekipimo kiti nari ebintu by'ekipimo kiti haza akooreka ku birikuza kwihwa omu igana ry'emigabo riti nari sente ziti, ebirikuza kuteebwaho kubumbabumba igana eryo; okuha okwo nikubarwa nk'okw'okwihwa.
- (2) Okuha kw'okwihwa nikutaana n'okuha okwehereire omu miringo egi;
 - a) Ahu itungo rishoroirwe riragirwe nyin'omugabo, okuha okwo n'okwehereire, kandi,
 - b) Ahu okuha kuragiirwe kushashurwa kuruga omu itungo erishoroirwe, okuha okwo n'okw'okwihwa.

138. Enkuratana y’okushashura ahu omugabo guragiirwe kushashurwa kuruga omu sente ezaaragirwe zeehereire.

Ahu akacweka k’esente kaaragirwe keehereire, reero kikashangwa ngu hariho omugabo ogw’okushashurwa kuruga omu sente ezo, esente eziragirwe zeehereire ziryabanza zishashurwe nyin’omugabo, reero omugabo omwihwa gushashurwe bwanyima kuruga omu sente eziriba zitsigaire. Esente ezishaagireho ku zirishangwa ngu tizirikumara, omugabo guryashashurwa kuruga omu itungo erindi erya nyin’oburagwa.

Ekicweka XXI- OKUREMWA KW’OKUHA

139. Okushoboorora okuremwa

Ekintu kyona ku kiriragwa kyehehereire kandi kitakiri kya nyin’oburagwa aha kufa kwe, nari kikashangwa kihindwirwe, kitairwe omu buryo obundi, okuha okwo nikuba kuremirwe; amakuru gaakyo ngu tikukaahikiirira ahabw’okuba ekiragirwe tikihikeyo kandi kiihirwe omu kukora kw’oburagwa.

140. Okuhikayo kw’okuha kw’ekika ky’okwihwa

Okuha kw’ekika ky’obwihwa tikurikuzibirwa eky’itungo eri kwateereirweho kwihwamu kushangwa ritakiriho aha kufa kwa nyin’oburagwa nari ngu rikahindurwa ryateebwa omu buryo obundi, kwonka ku kiribaho kityo, okuha kw’okwihwa kuryaihwa omu itungo erindi erya nyin’oburagwa.

141. Okuremwa kw’okuha okwehereire (haza obwo okuha okwo kuri obugabe bw’okwakiira ekintu kuruga aha ndiijo).

Ahu ekiragirwe kyehehereire kiri obugabe bw’okwakiira ekintu kuruga aha ndiijo muntu, haza nyin’oburagwa, we wenka akakyeyakiirira, okuha okwo nikuba kuremirwe.

142. Okuremwa okurikugarukira aha kacweka k’ekintu kyona aku nyin’oburagwa ahairwe ekiragirwe kyehehereire.

Nyin’oburagwa ku aryakiira akacweka k’ekintu kyona ekiragirwe kyehehereire, okuha okwo (kutarikurenga ekipimo kya sente eki ayakiire), kuryabarwa nk’okuremirwe.

143. Okuremwa okurikugarukira aha kacweka ka sente aku nyin’oburagwa ayakiire nari emigabo (ahu akacweka karagirwe keehereire)

Ahu akacweka k’esente zooni nari emigabo karagirwe keehereire, nyin’oburagwa kwakiira akacweka k’esente nari emigabo kiryabarwa nk’okuremwa kwakwo (okutarenga ekipimo eki ayakiire), kandi ekiriba kitsigaireho kiryabarirwa okuhikiirizibwa kw’okuha okwo okwehereire.

144. Entwaza y’okushashura ahu akacweka k’esente karagirwe omuntu kehereire, reero n’ondiijo nawe aragirwe aha sente ezo reero okashanga ngu ezirikutsigaraho tizirikubaasa kushashura zikahezayo emigabo ya bombi.

Ahu akacweka ka sente karagirwe omuntu keehereire reero n’ondiijo nawe akaba aragirwe aha sente ezo, nyin’oburagwa yagira eki yatunga aha sente ezo reero kikashangwa ngu ezatsigara tizikaashashura zikahezayo emigabo yaabo bombi, ogwehereire hamwe n’ogw’obwihwa; ogwehereire guryabanza gushashurwe reero eziraabe zitsigaire, nk’oku zirabaase, zize aha

gw'obwihwa, reero ekiriba kitagushashwirweho kishashurwe kuruga omu itungo rya nyin'oburagwa erindi ryona.

145. Okuremwa kw'ahu emigabo eyaragirwe eyehereire etakiriho

Ahu emigabo eyaragirwe eyehereire erikushangwa kuba etakiriho aha kufa kwa nyin'oburagwa, okuha okwo kuryaba kuremirwe.

146. Okuremwa okurugiirira aha migabo eragirwe eyehereire kushangwa eri ekicweka

Ahu emigabo eragirwe eyehereire erikushangwa eri ekicweka (etahikire yoono) aha kufa kwa nyin'oburagwa, akacweka k'emigabo akariba katakiriho karyaba katakihikayo.

147. Okutaremwa kw'okuha kw'ebintu ebishoboroirwe kuba biine akakwate n'omwanya guti.

Okuha okwehereire kw'ebintu ebirikushoboorwa kuba biine akakwate n'omwanya guti, tikurikuremwa ngu ahabw'okuba biihirwe omu mwanya ogwo ahabw'eshonga y'aho n'aho nari ahabw'okuryangatanisibwa nari kuba kikozirwe nyin'oburagwa atarikukimanya kandi atakisiimire.

148. Ahu okwihwaho kw'ekintu ekiragirwe kutarikurigiiriraho okuremwa

Okwihwaho kw'ekintu ekiragirwe kuruga omu mwanya ugu kyorekirwe kuba kirimu (omu buragwa) tikurikurigiirirwaho okuremwa kw'okuha kyashangwa ngu okugamba aha mwanya kukaba kuri okw'okuhezayo enshoboorora y'eki nyin'oburagwa yaabaire nayenda kuruga.

149. Ahu ekiragirwe kiri eky'omuhendo ky'okwakiirwa nyin'oburagwa kuruga aha muntu ondiijo reero nyin'oburagwa nari omujwekyerwa we akakyakiira.

Ekintu ekiragirwe ku kiriba kitari bushoboorozi bw'okwakiira ekintu ky'omuhendo kuruga aha muntu ondiijo, kureka kiri ngu esente nari ekintu ekyo ekiryayakiirwa nyin'oburagwa nari omujwekyerwa we kuruga aha muntu ondiijo, nyin'oburagwa kwakiira sente nari ekintu ekyo tikirireetaho okutahikayo kw'okuha okwo. Kwonka nyin'oburagwa ku arikibuganiza n'igana ry'itungo rye, okuha okwo kuryaba kuremirwe.

150. Okuhinduka kw'ekiragiyo ekirikukwata aha kintu ekiragirwe kyeheire rwagati y'okuhandiikwa kw'oburagwa hamwe n'okufa kwa nyin'oburagwa.

Ahu ekintu ekiragirwe kyeheire kirikuhinduka rwagati y'obunaku bw'okuhandiikwa kw'oburagwa n'okufa kwa nyin'oburagwa, haza empinduka egyo ekaba ereetsirweho enkora y'ekiragiyo nari ebairiho omu kuhikiirizibwa kw'ekiragiyo ekiine akakwate n'okugirwa kw'ekintu ekyo, okuha kw'ekintu ekyo tikurikuremesibwa empinduka egyo.

151. Okuhinduka nyin'oburagwa atarikubimanya

Ahu ekintu ekiragirwe kyeheire kirikuhinduka rwagati y'okuhandiikwa kw'oburagwa hamwe n'okufa kwa nyin'oburagwa, reero empinduka egyo ekabaho nyin'oburagwa atarikukimanya nari atakisiimire, ekyo tikirireetaho okuremwa kw'okuha okwo.

152. Ahu kirikushangwa ngu oriya bakamutiiza emigabo eragirwe eyehereire.

Ahu kirikushangwa ngu emigabo eragirwe eyehereire bakagitiiza omuntu oriya ngu bwanyima aije agigarureho, reero akiheza akagigaruraho, okuha okwo kuryaba kutaremirwe.

153. Ahu emigabo eragirwe eyeheire yaaguziibwe, kwonka ekaija ekagarurwaho

Ahu emigabo eyaragirwe eyeheire yaaguziibwe reero bwanyima ekipimo kyayo ekihikire kikagurwa kandi kikaba kiri ekyā nyin'oburagwa aha kufa kwe, okuha okwo nikuba kutaremirwe.

Ekicweka XXII- OKUSHASHURA AMABANJA AGARI AHA BIRAGIRWE

154. Oku okutahikiirirwa kw'omuhikiiriza w'oburagwa kutaihaho bujunaanizibwa bwa baanyin'omugabo.

(1) Aha kufa kwa nyin'oburagwa, ekintu ekiragirwe ku kirishangwa kuba kiineho omutwa gw'okushashura, ibanja nari obujunaanizibwa obukikomirweho, ebyareetsirweho nyin'oburagwa, we wenka, nari ondijjo ou arikugambaho; ku kiriba kiri kityo, kureka habaho ekirikukihakanisa omu buragwa, nyin'omugabo ku ariikiriza okuha okwo arayaba akwikiriize n'amabanja hamwe n'obujunaanizibwa obwo kandi, we, n'igana ry'itungo rya nyin'oburagwa, baryajunaanizibwa okwihura ebirikubanjibwa ebyo.

(2) Ekigambo ky'okuhakanisa tikiryakiirwa kuruga hoona ekiriba kiri eky'okuremesa okushashurwa kw'ebirikubanjibwa nyin'oburagwa.

(3) Okushashura okwa buri kaire nk'okurikuruga omu kupangisa itaka nari kupangisa ekyombeko tibyo birikuteekwateekwaho omu kicweka eki.

155. Okuhikiiriza obugabe bwa nyin'oburagwa.

Ku hariba hariho ekishemereire kukorwa kuhikiiriza obugabe bwa nyin'oburagwa aha kintu eki aragire, okuhikiirizibwa okwo kuryashashurirwa itungo rye.

156. Itungo eritarikutsimbuka eririkushashurirwa buri kaire.

Ku harishangwaho okuha kw'obushoboorozi aha itungo ritarikutsimbuka eririkushashurirwa nk'okupangisa itaka nari ekyombeko buri kaire, igana ry'itungo rya nyin'oburagwa, hamwe na nyin'omugabo biryaihura bihezeyo nari bishashure ekicweka kyaryo, nk'oku kiriba kiikirizainweho, okuhitsya aha kufa kwa nyin'omugabo.

157. Emigabo omu kampuni y'amakwatane.

Oburagwa ku buriba butoorekyereire okuha kwehereire kw'emigabo eri omu kampuni y'amakwatane, ku haribaho eky'okushashurwa nyin'oburagwa atakafiire ekirikukwata aha migabo ye, rwagati ya nyin'omugabo hamwe n'igana ry'itungo rya nyin'oburagwa, itungo riryakishashurira. Kwonka eky'okushashura ku kiribaho bwanyima y'okufa kwa nyin'oburagwa, rwagati ya nyin'omugabo hamwe n'igana ry'itungo rya nyin'oburagwa, nyin'omugabo aryashashura ku ariba aikiriize okuha okwo.

Ekicweka XXIII- EBIRAGIRWE BISHOBORoirwe KUKYE

158. Okuha kw'ebishoboroirwe bitashoroirwe.

Haaba hariho okuha kw'ekintu ekishoboroirwe kitashoroirwe, omuhikiiriza w'oburagwa nateekwa kugurira nyin'omugabo ekiribaasa kusiimwa kuba kihikire okushoboora okuriba kukoziirwe.

Ekicweka XXIV- OKUTUNGA AMAGOBA AGARIKURUGA OMU BIRAGIRWE

159. Okuha kw'amagoba nari kw'ebizairwe omu sente

Ahu amagoba nari ebizairwe sente biriba biragirwe omuntu, reero oburagwa bukaba butarikutaho emihingo aha bunaku bw'okwakiira amagoba g'omu kuha okwo, sente hamwe n'amagoba agu zirikukora byona biryabarirwa nyin'omugabo.

Ekicweka XXV – OKURAGWA SENTE ZA BURI MWAKA

160. Sente za buri mwaka z'omu buragwa kushashurwa kuhitsya obu omuntu arifa.

Ahu oburagwa burikutaho okushashurwa kw'esente kwa buri mwaka, nyin'omugabo aryaba ari ow'okuziheebwa akihuriire kurekwa kyayorekwa okundi omu buragwa, kandi eki tikirihindurwa okushanga ngu esente ez'okushashurwa ziteereirweho kwihwa omu itungo riti nari ngu hariho esente ezaagirwe ez'okushuubuza ngu zigure ekintu nk'ekyo.

161. Obunaku bw'okugiibwaho obushoboorozi, ahu oburagwa burikuragiira ngu sente za buri mwaka zishashurwe kuruga omu zikozirwe itungo riti n'ebindi.

Ahu oburagwa burikworeka ngu sente za buri mwaka n'ez'okuheebwa omuntu kuruga omu zikozirwe itungo nari kuruga omu itungo nari ahu esente zirikuba ziragirwe kugura eky'okuhaisa sente z'omwaka ahabw'omuntu nanka, aha kufa kwa nyin'oburagwa, nyin'omugabo natungiraho obushoboorozi kandi aryaba ahikire kuheebwa nk'oku arasiime, yaaba kugira eki yagurirwa omu sente ezo eza buri mwaka nari kuheebwa esente ezaateereirweho omugasho ogwo omu buragwa.

162. Okutuuba kwa sente za buri mwaka.

Ahu igana ry'itungo rya nyin'oburagwa ririba ritarikubaasa kushashura rikahitsya byona ebiragirwe, ku hariba hariho sente eziragirwe kuheebwa buri mwaka, nazo ziryatuuba omu kipimo kimwe nk'ezindi sente ezitairweho kushashurwa omu buragwa.

163. Ekirabo ky'okuheebwa ekya buri mwaka hamwe n'ekirabo eky'ebishaagireho.

Ku hariteebwaho ekirabo ky'okuheebwa ekya buri mwaka hamwe n'ekirabo eky'ebishaagireho, ekya buri mwaka kiryanza kishashurwe kihwe eky'ebishaagire kitakashashwirwe n'akakye owa nyin'omugabo, kandi kukiryetaagisa, sente za nyin'oburagwa ziryakoresibwa kuhikiiriza ekigyendererwa ekyo.

Ekicweka XXVI- EBIRAGIRWE ABARIKUBANJA N'AB'OKUHEEBWA OMUGABO OMU BURAGWA

164. Ebiragirwe orikubanja.

Ahu orikubanjibwa arikuraga ekintu ogwo orikumubanja, haza kikashangwa ngu oburagwa tiburikworeka ngu ekimuragirwe n'eky'okwihura ibanja eryo, orikubanja aryaba ari ow'okuheebwa eki bamuragire hamwe n'okushashurwa sente zoona ezi arikubanja.

165. Omwana kushangwa ashemereire omugabo hamwe n'obucweka bw'okuheebwa omu buragwa.

Ahu omuzaire arikuba aine obujunaanizibwa omu ndagaano kugira ebicweka ebi yateeraho omwana, haza akaremwa, reero bwanyima akagira omugabo ugu yaaraga omwana, haza atoorekye ngu omugabo ogwo n'ogw'okwihura ebicweka ebi atarahaire, omwana aryaba ow'okuheebwa omugabo ogwo hamwe n'ebicweka ebi yaabaire ashemereire kutunga.

166. Okutaragara kw'okuha ahabw'ebindi ebiteereirweho nyin'omugabo.

Tihariho okuha okuriragara, yaaba kwona nari akacweka kaakwo, ngu obwo kireetsirweho okwihura nyin'omugabo okukozirwe bwanyima, omu buryo omu nari obu.

Ekicweka XXVII- OKUTOORANA

167. Ebiryetegyensa okutoorana kubaho.

Ahu omuntu, obwo arikukoresa oburagwa bwe, arikugira ngu yaraga ekintu kiti kwonka obwo ataine bushoboorozi kukiraga, mukama w'ekintu ekyo aryatoorana kuhamya okuraga okwo nari kutaana nakwo. Kandi ku aritaana nakwo, aryaba ayeyihireho byona ebi yaaba ashemereire kugasirwa ebiriba bimuteereirwe omu buragwa.

168. Okuhinduka kw'obugabe oburekwirwe mukama w'ekintu.

Obugabe bu omuntu arikuba arekwire ahansi y'akacweka aka 167 buryahinduka oshushe oti ekintu ekyo kikagabwa kitateirwe omu buragwa kuza owa nyin'omugabo ogwo, kwonka kiryamanysa ngu nyin'omugabo aheebwe esente nari ekirabo ekihikire ebi oburagwa bwagabirwe bumusiimiire.

169. Nyin'oburagwa kwehamya nka mukama w'ekintu tikirikugasha

Ebicweka 167 na 168 biryakora n'obu nyin'omugabo yaakwehamya kuba niwe mukama w'ebi arikuraga.

170. Okuha okw'okugasira omuntu.

Okuha okukozirwe kugasira omuntu, ahabw'enshonga z'okutoorana, kuryabarwa nk'okuha okumukoreirwe, haza kuba okwe nk'omuntu.

171. Okugasha okwihirwe omu kundi.

Omuntu otarikutunga ekintu nk'omuntu omu buragwa, kureka akakitunga nk'orikukigasirwa kuruga omu kindi ekiri omu buragwa, taribarwa mu kutoorana.

172. Omuntu oine eki arikutwara omu buragwa omu kiti kye nabaasa kutooranwa omu kiti ekindi omu kuhakanisa.

Omuntu, omu kiti kye nka we, orikugasirwa omu buragwa nabaasa, omu kiti ekindi, kutooranwa omu kuhakanisa oburagwa.

173. Ahu ebicweka ebyabanza bitarikubarwa.

N'obu ebicweka 167 kuza ahari 172 biriho, ahu ekirabo kyona kirikworekwa omu buragwa kuza owa nyin'omugabo, ahabw'ekintu kiti eki aine ekyabaire kimuhairwe oburagwa, nyin'omugabo yaakyeyendeza, nateekwa kwesaasiraho kimwe ahari byombi. Hoonabwo naaba atarikugyemwa kwesaasira ebyatsigara ebi yaakubaasa kuba agasiirwe omu buragwa obwo.

174. Ahu okwakiira eky'okukugasira ky'omu buragwa kurikuhaisa okutooranwa kugira eki waheebwa omu buragwa.

Okwakiira eky'okumugasira kuruga omu buragwa kuryahaisa nyin'omugabo okutooranwa kugira eki yaashemera ahansi y'oburagwa; yaaba namanya obugabe bwe kutoorana kandi arikugyenderera ebintu ebirikureetera omuntu weena oyemi gye kutoorana, nari obundi yaihaho eky'okubanza yaabibuuririza.

175. Okuhamibwa okurikuruga omuri nyin'omugabo kugira ekintu emyaka 2

Ahabw'ebigyendereirwe omu kicweka 174, okumanya nari okwihaho eky'okubanza yaabuuririza, ku hariba hatariho mushinja erikuhakanisa, biryabarwa nk'ebihamiibwe, nyin'omugabo ogwo ku ariba agizire ekintu ekyo, kandi akigasiirwemu nk'oku kiteirweho omu buragwa kuheza emyaka 2, atakozire kintu kyona kworeka ku arikubihakanisa.

176. Okuhamibwa kw'okuha ahabw'eki nyin'omugabo akozire.

Ahabw'ebigyendereirwe omuri 174, okumanya nari okwihaho eky'okubanza yaranga kuryabarwa nk'okubaireho, kurugiirira aha kiriba kikozirwe nyin'omugabo ekirikuremesa omuntu weena oshemereire, omu kuha okwo, kuteebwa aha bukuru obu yaabaire aine, ekikorwa ekyo kitakabaireho.

177. Ahu nyin'omugabo arikubaasa kwetwa kutoorana.

Omu mwaka gumwe nyin'oburagwa afiire, nyin'omugabo ku ariba atamanyiise abajwekyerwa wa nyin'oburagwa ekigyendererwa kye kuhamya nari kutaana n'ebiri omu buragwa, abajwekyerwa baryamwetengyesa bwanyima y'obunaku obwo kutoorana. Kandi ku ariba atakwataniise nabo omuri eki, omu bunaku obushemeire bwanyima y'okumanyisibwa, aryabarwa nk'otooraine kuhamya ebiri omu buragwa.

178. Okwongyerwayo kw'okutoorana ahabw'oburema.

Ku haribaho oburema, okutoorana kuryayongyerwayo kuhitsya obu oburema burihwaho nari kuhitsya obu okutoorana kuribaasa kukorwa obushoboorozi obuhikire.

Ekicweka XXIII- OKURABA KW'OMUNTU ORIKWETEELATEEKYERA OKUFA

179. Ebintu ebirikubaasa kutwarwa ahabw'okuraba oku omuntu arikukora obwo arikweteekateekyera okufa.

(1) Omuntu nabaasa kugaba ekintu kyona ekirikutsimbuka, eki yaakubaire naagabisa oburgwa, obwo arikwehwezesa eky'okuraba arikweteekateekyera okufa.

(2) Ekirabo nikibarwa nk'ekihairwe omu kweteekateekyera okufa, ekirikutsimbuka, eki omuntu, orwaire, kandi orikweteekateekaho kufa juba, arikurabira ondiijo ngu abiikye, nyakukiha ku yaakufa aitsirwe oburwaire obwo.

(3) Ekirabo ekihairwe orikweteekateekyera kufa nikibaasa kugarukira nyina kyo.

(4) Okuraba okukozirwe omu kweteekateekyera okufa tikurikuhikiirira nyakukukora yaakira endwara egyo nari ou kwakoreirwe yamubandiza kufa.

Ekicweka XXIX- OKUHEEBWA AMABARUHA GA PUROBETI NARI G'OKUGABA EBINTU

180. Okuba we, hamwe n'ebya'omuhikiiriza nari omugabi w'ebya nyakufa.

Omuhiikiiriza nari omugabi, nk'oku kiriba kiri, aha muntu ofiire, aryamubeera omujwekyerwa we omu by'ebiragiro byona kandi itungo ryona erya nyakufa riryaba rimukwatsibwe omu buryo obwo.

181. Okuheebwa eky'okugaba bwanyima y'okuhamya ku hariho kope ehamiibwe y'oburagwa, eyahamiibwe aheeru ya Uganda.

Oburagwa ku buriba buhamiibwe kandi butairwe omu kooti ehikire kubukoraho, erikushangwa aheeru ya Uganda nari omu mahanga agaategyekirwe Bungyereza, reero kope y'oburagwa obwo ey'amazima ekoorekwa, amabaruha g'okugaba ebintu nigabaasa kuheebwa, kope egyo yaateebwa aha mabaruha ago.

182. Purobeti kuheebwa ogwo wenka otairweho nk'omuhikiiriza omu buragwa.

Ebaruha ya purobeti terikuheebwa ndiijo kureka ogwo wenka oyorekirwe omu buragwa nk'omuhikiiriza waabwo.

183. Okuteebwaho kw'omuhikiiriza.

Omuhikiiriza nabaasa kuteebwaho omu rwatu nari abe we ahabw'ebyamwetengyesa.

184. Abantu abatarikubaasa kuheebwa purobeti.

Ebaruha ya Purobeti teriheebwa muto nari otatebeekaine omu biteekateeko.

185. Purobeti kuheebwa abahikiiriza.

Ku hariba hatairweho abahikiiriza barengire omwe, amabaruha ga purobeti nigabaasa kubaheebwa boona mukono gumwe nari aha bunaku butari bumwe.

186. Purobeti ya kodisiru kuheebwa bwanyima y'okuheebwa amabaruha ga purobeti.

Kodisiru y'oburagwa ku erizoorwa bwanyima y'okuha kw'amabaruha ga purobeti, ebaruha ya purobeti ey'aha rubaju eya kodisiru egyo nebaasa kuheebwa yaaba etarikushazamu omu muringo gwona okuteebwaho kw'abahikiiriza okukozirwe oburagwa. Kwonka kodisiru ku eriba etaireho abahikiiriza abatari b'oburagwa, ebaruha ya purobeti ey'oburagwa eryasharwamu reero ebaruha ya purobeti ensya erikukomerana oburagwa hamwe na kodisiru eheebwe.

187. Omuhikiiriza oriba ariho.

Ebaruha za purobeti ku ziriba zihairwe abahikiiriza barengire omwe, reero omwe omuri bo akafa, obushoboorozi bw'okujwekyera nyin'oburagwa omu kuhikiiriza ebyetengo bye bwona buryaza aha muhikiiriza nari abahikiiriza abariba bakiriho.

188. Obushoboorozi kuba omuhikiiriza nari nyin'omugabo, obu burikuteebwaho.

Obushoboorozi bw'okuba omuhikiiriza nari nyin'omugabo tiburihamibwa mu kooti yona, obwo kooti ehikire omu rugyero rw'okukora kwayo omuri Uganda etakahaire ebaruha za purobeti z'oburagwa obwo obu obushoboorozi buraabe nibusherurirwa, nari etakahaire baruha z'omugabi w'ebintu ahansi y'ekicweka 181.

189. Okukora kwa Purobeti.

Ebaruha ya Purobeti y'oburagwa, ku eheebwa, ehamya oburagwa kuruga aha kufa kwa nyin'oburagwa, kandi ehikisa byona ebikozirwe omuhikiiriza w'oburagwa eby'aho n'aho nk'oku biriba biri.

190. Otarikubaasa kuheebwa amabaruha g'okubagana ebya nyakufa.

Ebaruha z'okugaba ebya nyakufa tiziriheebwa omuto nari otatebeekaine omu biteekateeko.

191. Obushoboorozi aha bya nyantatsiga buragwa obu burikuhambwa.

Kureka kyateerwaho oburyo bwanyima y'aha, hoona nabwo kirikutegyekwa akacweka ka 4 k'ekiragiyo kya Administrator General's Act, tihariho bushoboorozi aha kacweka k'itungo rya nyantatsiga buragwa oburihamibwa omuri kooti yona, amabaruha g'okubagana ebye gatakabandize kuheebwa kooti ehikire omu rugyero rw'okukora kwaayo.

192. Okukora kw'amabaruha g'okubagana ebya nyakufa.

Amabaruha g'okubagana ebya nyakufa nigahaisa omubaganisa waabyo obushoorozi bwona obwabaire buri obwa nyantatsiga-buragwa, kandi bukora nk'obwamuhairwe aha shaaha ei nyakufa yafeereireho.

193. Ebikorwa ebitahamibwa ebaruha z'okubagana.

Amabaruha g'okubagana tigarikuhikisa ebi omubaganisa w'ebintu akozire aho n'aho ebyareeteire okukyendeera nari okusiisikara kw'ebyatsigirweho nyantatsiga-buragwa.

194. Okuha amabaruha g'okubagana ahu omuhikiiriza w'oburagwa arikuba atakaangire.

(1) Ahu omuntu owaatairweho nk'omuhikiiriza arikuba atakaangire eky'okuba omuhikiiriza, amabaruha g'okubagana tigaricheebwa ndiijo weena, kureka bwanyima y'ekihandiiko ky'okugyenderaho kushohozibwa kirikweta omuhikiiriza kwikiriza nari kwanga ekye okuba omuhikiiriza.

(2) Ahu omuhikiiriza nari abahikiiriza barikuba baahamize oburagwa, reero omwe nari bamwe bakafa, kooti nebaasa kugyendera aha kushaba kw'abakiriho ehe amabaruha g'okubagana ebintu etagiire kurinda ekihandiiko ky'abatarabuhamize.

195. Enshusha n'enkora y'okwanga.

Okwanga nikubaasa kugambwa omu maisho g'omuramuzi nari komishona w'endahiro nari omuramuzi w'obusingye nari kuhandiikwe kuteebweho omukono ogwo weena orikwanga, reero bwanyima y'okukikora, kimwihireho kimwe eky'okwija kushaba kuheebwa ebaruha ya purobeti y'oburagwa oburikumuha omurimo gw'omuhikiiriza.

196. Entwaza ahu omuhikiiriza arikwanga nari arikuremwa kwikiriza omu bunaku obwine obugarukiro.

Omuhiikiiriza ku yaakwanga nari akaremwa kwikiriza eky'okuba omuhikiiriza omu bunaku obutairweho bw'okukiikirizamu nari okukyangeramu, hoona oburagwa nibubaasa kuhamibwa n'amabaruha g'okugaba gaheebwe, obwo gatairweho kope y'oburagwa obwo kandi garikuheebwa omuntu orikuba ashemereire okugaba ebintu, nyakufa kuri yaafiire atatsigire buragwa.

197. Okuheebwa ebaruha kw'omugabi wa boona nari nyin'oburagwa owa bwanyima.

Omu kugyenderera akacweka 4 k'iteeka rya Administrator General's Act, nyakufa ku yaakuba yaakozire oburagwa -

(a) kwonka akashangwa atarataireho muhiikiiriza waabwo;

(b) nari akashangwa kuba ataireho omuhikiiriza otahikire omu biragiro, nari orikwanga omurimo ogwo, nari owafiire nyakufa akiriho, nari owafiire atakahamize oburagwa;

(c) nari omuhikiiriza akafa yaahamize oburagwa kwonka atakagabaine igana ry'itungo rya nyakufa;

Ku biriba bityo, nyin'omugabo owa bwanyima nari orikukwata oku n'oku, nabaasa kutooranwa, ataahibwe, ahanye oburagwa, reero amabaruha g'okubagana itungo rya nyakufa gamuheebwe, obwo gaineho kope y'oburagwa ahaw'itungo rya nyakufa ryona nari akacweka kaaryo akariba katabaganisiibwe.

198. Okubagana okurikukorwa omujwekyerwa wa nyin'omugabo wa bwanyima owa nyakufa.

Ahu nyin'omugabo wa bwanyima, oine eki arikwiha omu itungo rya nyakufa, arikugumaho nyin'oburagwa yaheza kufa, reero nawe akafa atakaherize kubaganisa itungo rya

nyin'oburagwa, omujwekyerwa we aryaba aine obushoboorozi nk'obwe kubagana ebya nyin'oburagwa, aheebwe amabaruha g'okubagana obwo gaineho kope y'oburagwa, akore nka nyin'omugabo owa bwanyima.

199. Okuha kw'amabaruha g'okubagana ahu omuhikiiriza, nyin'omugabo owa bwanyima nari omujwekyerwa we batari.

Ku hariba hatariho omuhikiiriza w'oburagwa, hatariho nyin'omugabo owa bwanyima nari omujwekyerwa we, nari omujwekyerwa akaanga nari akashangwa atarikubaasa, aho, abantu abarikuba bashemeire okubagana ebya nyakufa kuri ataratsigire buragwa nari nyin'omugabo ondiijo oine eki arikugasirwa omu buragwa nari Administrator General, nabaasa kutaahibwa, ahanye oburagwa, aheebwe n'amabaruha g'okubagana.

200. Okuranga amabaruha g'okugaba itungo gatakahairwe nyin'omugabo ondiijo atari wa bwanyima nari owa hoona.

Amabaruha g'okugaba againeho oburagwa tigariheebwa nyin'omugabo weena otari owa hoona nari nyin'omugabo wa bwanyima okuhitsya okurangirirwa kwakorwa, omu buryo oburikwija kworekwa bwanyima, kurikweta omuhunguzi w'ebyenzaarwa kwakiira nari akaanga ebaruha z'okugaba itungo.

201. Enkuratana y'abaine akakwate (oku bahikire omurimo gw'okugaba itungo).

Omuntu yaafa atatsigire buragwa, abaine akakwate na nyakufa, yaaba n'ak'obushwere nari obuzaare, nibaba bahikire kutunga ebaruha z'okugaba itungo rye, kandi bakakihikiiriza barikugyenderera ebitairweho ebiri omu kihandiiko eki.

202. Okuba ohikire kugaba itungo.

Omu kugyenderera ebiri omu kicweka kya 4 ky'iteeka rya Administrator General's Act, eky'okubagana itungo kiryahabwa omuntu okihikire ahabw'akakwate, aku arikukiza abandi, aku aine na nyakufa nk'oku kiri ahansi y'akacweka 27.

203. Okuranga kw'abantu abahikire nk'oku barikukuratana omu kuhika kwabo kubagana itungo.

Okubagana itungo tikuriheebwa munyabuzaare weena, ku hariba hariho omunyabuzaare ondiijo nari omuhunguzi omu by'enzaarwa ohikire kumukira aha itungo rya nyakufa, okuhitsya bwanyima y'okuranga, okuriba kukozi omu muringo ogurikworekwa omu kihandiiko eki, kurikweta omunyabuzaare ogwo ondiijo, nari omuhunguzi, kwikiriza nari kwanga ebaruha z'okugaba ebintu.

204. Eky'okuba ohikire- okutaanisa ab'omu kika kimwe.

Ku harikuba hariho abantu babiri nari baingi abahikire kuheebwa ekicweka kirikwingana ky'itungo rya nyakufa, abantu abo baryaba baine obushoboorozi burikwingana bw'okuribagana kandi ebaruha nizibaasa kuheebwa omwe nari bamwe omuri bo hatabaireho okuranga kw'okwebuza aha bandi.

205. Okuhika kw'abanyabuzaare aha kubagana itungo.

Abo abari omu kipimo kimwe ky'obuzaare ahari nyakufa, nibaba baine n'obushoboorozi bumwe aha kubagana ebye.

206. Eky'okubagana kuza ow'orikubanja.

Ku harikuba hatariho muntu weena oine akakwate na nyakufa, omu by'obushwere nari obuzaare, ohikire kwakiira amabaruha g'okubagana itungo rye, nari orikwenda kukikora, orikubanja nabaasa kuheebwa amabaruha g'okubagana.

207. Okubagana kw'itungo eritsigirwe omuri Uganda.

Ahu nyakufa arikuba atsigire itungo omuri Uganda, amabaruha g'okugaba itungo eryo garyaheebwa garikugyenderera ebitairweho ahabw'amabaruha omuri Uganda, n'obu we arikubaasa kuba yatungire obutuuro omu eihanga eri ebiragiro ebirikukwata aha kutatsiga buragwa nari kubutsiga birikutaana aha bya Uganda.

Ekicweka XXX- OKUTAHEEBWA BUSHOBOOROZI BWONA

Okuheebwa okwine obugarukiro.

208. Purobeti ya kope y'oburagwa obwabuzire.

Oburagwa ku burikuba bwabuzire nari bwatairwe ahatari ho, kuruga obu nyin'oburagwa afa, nari obundi bwasiisirwe omu buzigu nari ekitagyendereirwe, kwonka kitakozirwe nyin'oburagwa, reero kikashangwa ngu kope yaabwo nari kope y'ahu bwabandize kukorwa ekarindwa, ebaruha ya Purobeti nebaasa kuheebwa ahabwa kope egyo, kwonka ebaruha egyo eryaba eine okukora kw'obwire bukye, obwo erinzire okutungwa kw'oburagwa nk'oku bwabaire buri, nari kuhitsya obu kope y'oburagwa erikuhambwa ngu n'ey'amazima, erireetwa.

209. Purobeti y'ebihandikirwe omu buragwa obwabuzire nari obwasiisirwe.

Oburagwa ku burikuba bwabuzire nari bwasiisirwe, kandi hakaba hatariho kope yaabwo eyaihirwemu, nari ekihandiko ky'ei bwakoreirwe, ebyarinzirwe, ebaruha ya purobeti nebaasa kuheebwa ahabw'ebwabaire bihandikirwemu, byaaba biine mushinja ey'okubihamya.

210. Purobeti ya kope y'oburagwa ahi oburagwa bukirihho.

Omuntu orikutuura aheeru ya Uganda, yaaba niwe aine oburagwa kandi akaba ayangire nari ayeyangiise kubureeta kwonka kikashangwa ngu kope yaabwo eri n'omuhikiiriza waabwo, kandi kikashangwa ngu nikiba nikirinda ebingyendererwa by'itungo rya nyakufa kuheebwa ebaruha ya Purobeti obwo bakirinzire oburagwa obukuru kwija, ebaruha ya purobeti nebaasa kuheebwa, kwonka eri ey'okuhitsya ahu oburagwa obukuru buriizizira, nari kope yaabwo erikuhambwa erireetwa.

211. Okukora kw'eb'okugaba okuhitsya oburagwa ei buriizira.

Ahu oburagwa bwa nyakufa butaiziire, kwonka hakabaho ekyaikiririsa ngu, kwo buzima oburagwa buriho, amabaruha g'okubagana nigabaasa kuheebwa, kwonka obwo gaine obugarukiro bw'ahu oburagwa obwo buriirebekyera, nari kope yaabwo erikuhambwa erireetwa.

Okuheebwa okw'okukoresibwa nari kugasira abandi abaine obugabe.

212. Amabaruha againeho oburagwa agarikuheebwa puriida w'omuhikiiriza otariho.

Ahu omuhikiiriza weena arikuba ari aheeru ya Uganda, kandi hakaba hatariho omuhikiiriza weena omuri Uganda orikwenda kukora, amabaruha g'okubagana againeho oburagwa nigabaasa kuheebwa puriida w'omuhikiiriza waabwo otairweho ahabw'omuhikiiriza, kandi amabaruha ago garyaba gaine obugarukiro; garikuhika ahu we aryeyizira, reero amabaruha ga purobeti nari ag'okubagana gakamuheebwa.

213. Amabaruha againeho oburagwa kuheebwa puriida w’omuntu.

Ku hariba hariho omuntu weena orikubaasa kuheebwa ebaruha z’okubagana eziineho oburagwa, kandi ari aheeru ya Uganda, amabaruha ago againeho oburagwa nigabaasa kuheebwa puriida we, reero gateebweho kugarukira aha bi 212 erikugamba.

214. Amabaruha kuheebwa puriida w’omuntu otariho.

Omuntu oshemereire ogw’okubagana ebya nyantatsiga-buragwa yaaba atari mu Uganda, reero hakaba hatariho ondijjo orikwenda kukora, amabaruha g’okubagana nigabaasa kuheebwa puriida w’omuntu otariho, reero gateebweho obugarukiro nk’oku kirikworekwa omuri 212.

215. Amabaruha ag’omuto, ku ariba ari omuhikiiriza wenka, nari ari nyin’omugabo owa bwanyima.

Omuto ku arikuba niwe muhikiiriza wenka w’oburagwa nari ku arikuba ari nyin’omugabo owa bwanyima, amabaruha g’okubagana nigabaasa kuheebwa omukuza w’omuto ogwo omu biragiho, nari gaheebwe ondijjo muntu ou kooti erateekateekye ngu agahikire, okuhitsya obu omuto ogwo arijuza emyaka 21 y’obukuru, reero aha bunaku obwo, ebaruha za purobeti zikamuheebwa.

216. Amabaruha g’okubagana g’omu bakiri bato.

Ahu harikuba hariho abato babiri nari baingi abateirweho kuba abahaikiriiza b’oburagwa, reero hakaba hatariho n’omwe omuhikiiriza owaahikize emyaka y’obukuru nari babiri nari baingi abarikubaasa kuba baanyin’omugabo aba bwanyima, reero hatariho n’omwe omuri bo owaahikize obukuru, amabaruha ago garyagira obugarukiro bw’omwe omuri bo kwijuzza emyaka 21 y’obukuru.

217. Amabaruha g’okukoresibwa nari kugasira omugwiraro *jus habens*.

Ahu hari omuhikiiriza omwe w’oburagwa, nari omwe owa boona, nari nyin’omugabo owa bwanyima, ori wenka ohikire itungo rya nyantatsiga-buragwa, okugyenderera n’ebiragiho ebirikukwata aha kugabana kw’itungo rya nyakufa, kandi ogwo akashangwa ari omugwiraro, amabaruha g’okugabana itungo againeho nari agataineho buragwa, nk’oku kiriba kiri, garyaheebwa owakwatsibwe kureeberera ebya nyakufa, otairweho obushoboorozi obuhikire. Kandi omuntu nk’ogwo ku ariba atariho, kooti eryagaha ogwo weena ou erasiime kutaho ahabw’okuhwera omugwiraro ogwo, nari kumugasira, okuhitsya obu aritebeekana omu biteekateeko.

218. Amabaruha agarikuheebwa omu kutegyerereza ekiricubwamu.

Kooti, obwo etegyerereze encwamu erikukwata aha mazima g’oburagwa bw’owafiire, nari okuhanya, nari okuhakanisa purobeti yaabwo, nari encwamu y’amabaruha g’okubagana, nebaasa kutaho omugabi w’itungo rya nyakufa, kandi aryagira obugabe n’obushoboorozi bw’omugabi mukuru (Administrator General). Kwonka obugabe obwo nari obushoboorozi tiburibamu eky’okubagana akagaba itungo. Omugabi nk’ogwo aryaba nategyekwa kooti kandi agyendere aha nyorekyerera yaayo.

Okuheebwa okw’ebigyendererwa ebirikutaanaho.

219. Purobeti erikugarikira aha kigyendererwa ekyorekirwe omu buragwa.

Omuhiikiiriza, ku ariteebwaho ahabw’ekigyendererwa kiti ekiri omu buragwa, ebaruha ya purobeti erimuheebwa eryaba negarukira aha kigyendererwa ekyo, kandi omuhikiiriza ogu, ku ariba nayenda kutaho puriida kuhikiiriza omurimo ogwe, amabaruha againeho oburagwa agarimuheebwa nago garyoreka ku hariho obugarukiro.

220. Amabaruha againeho oburagwa againe obugarukiro aha kigyendererwa kiti.

Omuhikiiriza otairweho okutwariza hamwe, yaaha obushoboorozi puriida we kuhamya oburagwa ahabwe, reero obushoboorozi obwo bukaba bwine obugarukiro aha kigyendererwa kiti, amabaruha g'okugabana ebya nyakufa againeho oburagwa nago garyayoreka obugarukiro bwago nk'oku kiriba kiri.

221. Amabaruha agateereirweho eky'okugarukira aha matungo agu omuntu aine eki arikwereeberamu.

Ahu omuntu arikufa akatsiga itungo, eri we wenka yaabaire ari omurinzi waaryo owaabaire akiriho, nari agu yaabaire ataine ki arikwereeberamu nk'omuntu, reero akaremwa kutsiga omujwekyerwa weena, nari ou yatsiga akashangwa kuba atarikwenda nari atarikubaasa kukora eki yaamuteereireho, amabaruha g'okugabana nigabaasa kuheebwa omuntu oine eki arikwereeberamu omu itungo eryo, nari gaheebwe ondiijo orikubaasa kuza omu mwanya gw'omuntu nk'ogwo.

222. Amabaruha agaheebwa okutarenga ha mushango.

Ku kiriba nikyetyesya ngu omujwekyerwa wa nyakufa ateebwe omu mushango ogutakacwirwe, reero omuhikiiriza nari omuntu oshemereire kugabana ebya nyakufa akaba atarikwenda kumuhwera atyo, amabaruha nigabaasa kuheebwa weena otoorainwe ogwo ori omu mushango nari omu naama nari omushango ogundi, ogurikubaasa kutandikwaho omu kooti niyo emwe, nari kooti endiijo rwagati yaabo, nari abandi, gurikukwata aha nshonga z'omushango ogwo, okuhitsya obu okucwamu okw'aha muheru kurikorwaho kandi kukateebwa omu nkora.

223. Amabaruha kuteerwaho kugarukira aha ky'okutaahibwa omu mushango gurikuhakanisa omugabi w'ebintu.

Aha kuhwayo kw'ameezi 12 agarikukurata ekiro ky'okuheebwa ebaruha ya purobeti nari y'okugaba, ou byahairwe, yaaba atari mu Uganda, kooti nebaasa kuheereza amabaruha weena ou erikureeba ngu agahikire, kwonka egahe obugarukiro bw'ekigyendererwa ky'okutaahibwa omu mushango ogurikuza kutabaarizibwa omuhikiiriza nari omugabi w'ebintu, ngu obundi kikabaasisa okuhikiiriza kw'encwamu ya kooti.

224. Okuteebwaho kw'omuntu, otari ogwo orikukira kuba ahikire ogw'okugabana ebintu.

Omuntu ku arifa atatsigire buragwa, nari akatsiga omu buragwa bwe omuhikiiriza otarikwenda kukora nari otarikubaasa kukora, nari kikashangwa ngu aha kufa kwa nyakufa, omuhikiiriza ogwo tarikutuura mu Uganda, reero kooti ekakireeba ngu kihikire kutaho ondiijo muntu kugabana itungo rya nyakufa, nari akacweka kaaryo, atari ogwo owaakubaire ahikire obutoosha kukora nk'omugabi w'itungo eryo; omuramuzi nabaasa, omu kusharamu kwe, kutaho ondiijo muntu kuba omugabi waaryo ou ariteekateeka ngu akihikire, obwo arikuta omutima aha buzaare, nari akakwate k'omuntu ogwo aine n'oburagwa, nari kwenda kurinda itungo rya nyakufa, hamwe n'okuteekateeka ngu niribaasa kugabwa gye. Ku kiriba kityo, amabaruha garyagira obugarukiro nk'oku omuramuzi arisiima.

Okuheereza okurikutsigamu ak'okutaanaho.

225. Purobeti n'ebindi ebiineho ak'okutaanaho.

Hoonu ahu obuteeka buryetyesya ak'okutaanaho, ebaruha za purobeti z'oburagwa nari ez'okugaba ebya nyakufa, biryaheebwa bitsigirweho ak'okutaanaho.

226. Amabaruha g'okugaba againe ak'okutaanaho.

Hoonu ahu obuteeka buryetengyesa ak'okutaanaho, amabaruha g'okugabana ebya nyakufa garyaheebwa gatsigirweho ak'okutaanaho.

227. Okutaanaho ahabw'itaka eririkuteekwa kubanza riikirizibwaho.

(1) Ahu akacweka k'itungo eri omuntu ashabiire amabaruha ga purobeti karimu n'itaka, eri nyakufa, atakafiire, atarikubaasa kuba yaahaire omuntu ataikiriziibwe ondijjo muntu, nari abantu, nari ekitongore, omu kugyenderera ekiragiro ekihandiikire ekirikukora obunaku obwo, omuntu nabaasa kuheebwa amabaruha ga purobeti nari ag'okugaba obwo gaine ak'okutaanaho ak'itaka.

(2) Amabaruha g'okugaba againe ak'okutaanaho ak'itaka akarikworekwa omuri (1), ku garishabwa omugabi omukuru, nari ondijjo muntu oine eki arikurireeberamu, nari omukuza we, garyaheebwa omugabi mukuru kandi tikiryetengyesa buhandiikye bwona oburikwegamira ekiragiro kihandiikire kyona.

Okuheereza okw'ebirikuba bitsigaireho.

228. Amabaruha ga Purobeti nari ag'okugaba agarikuza ow'abandi.

Okuheereza okw'amabaruha ga purobeti hamwe n'amabaruha g'okugaba ku kurikorwa kwine ak'okutaanaho, yaaba gaineho nari gataineho buragwa, weena oriba ahikire kuheebwa amabaruha g'ebirikuba bitsigaire aha itungo rya nyakufa nabaasa kuheebwa amabaruha gaabyo byona.

Okuheebwa kw'amabaruha g'ebyo ebitaine mugabi waabyo.

229. Amabaruha g'okugabana ebitakagabirwe.

Omuhikiiriza, ohairwe ebaruha ya purobeti, yaafa akareka akacweka k'itungo rya nyakufa katakagabirwe, omujwekyerwa musya nabaasa kuteebwaho, n'ekigyendererwa ky'okugabana akacweka k'itungo ako, akarikuba katsigaireho.

230. Ebitairweho ahabw'amabaruha g'okugaba ebitakagabirwe.

Omu kuheereza amabaruha g'okugabana itungo eritagabirwe rikahwa, kooti eryayebemberwa engyenderwaho ezirikukwata aha kuheereza amabaruha enkuru, kandi eryaha amabaruha abo abaakubaire bagashemereire omu kubanza.

231. Okuheereza amabaruha, agaahairwe gaahitsya obugarukiro.

Amabaruha agahairwe gaine obugarukiro gaaheza obunaku bwago, ahabw'obwire obugateereirweho kuhwayo, nari ebirikubaho, nari ebyakyetengyesa aho n'aho, ebyagabirwe bikiteereirweho nk'emihingo, reero hakashangwa kuba hakiriho akacweka k'itungo rya nyakufa akatakagabirwe, amabaruha g'okugaba garyaheebwa abo abaakubaire bahairwe amabaruha amakuru.

Okuhindura omu kuheereza.

232. Enshobe nizibaasa kugororwa kooti.

Enshobe eziri omu maziina n'enshoboorora, nari omu kworeka obwire n'omwanya by'okufa kwa nyakufa, nari ekigyendererwa omu kuheereza okwine obugarukiro, nibibaasa kugororwa kooti, reero okuheereza kw'amabaruha ga purobeti nari amabaruha g'okugabana ebintu nakwo kuhindurwe nk'oku kishemereire.

233. Entwaza, kodisiru bagizoora bwanyima y’okuheereza kw’amabaruha.

Bwanyima y’okuheereza amabaruha g’okugabana ebintu againeho oburagwa, ku harireebekaho kodisiru, eryayongyerwa aha mabaruha bwanyima y’okumanywa gye ekahamibwa na mushinja, reero amabaruha gakahindurwa nk’oku kishemereire.

Okusharwamu kw’amabaruha.

234. Okusharwamu nari okucubwa busha ahabw’enshonga y’amazima.

(1) Okuheereza amabaruha ga purobeti nari g’okugabana ebintu nikubaasa kusharwamu nari kucuubwe busha ahabw’enshonga y’amazima.

(2) Omu kacweka aka, “enshonga y’amazima” kiryamanyisa—

(a) ngu entwaza y’okushaba n’okuheebwa amabaruha ekaba egwire omu byabaire birimu;

(b) ngu amabaruha gakatungwa omu buryo bw’ekishobobo ahabw’okugamba ebishuba nari okushereka kooti ebintu ebiine akakwate kahango n’okushaba kw’ago mabaruha;

(c) ngu okuheebwa amabaruha oku kukatungwa omu kukoresa eby’okugamba ebishuba aha kintu kikuru omu biragiro kwenda kuhikisa okuheereza amabaruha ago, n’obu okugamba okwo kwakuba kukozirwe omu butamanya nari kukozirwe ekitagyendereire;

(d) ngu amabaruha ago tigaakine mugasho nari tigaakiine ky’okukora ahabw’ebibaireho, nari ngu;

(e) omuntu owaahairwe amabaruha ago ayangire, kandi ataine nshonga yona, kwanjura oku bitwaziibwe nk’oku kirikugambwaho omu kicweka XXXIV eky’iteeka eri, nari ngu ayorekire, ahansi y’iteeka eryo, enyanjura etari y’amazima omu bi erikugambaho ebikuru.

Ekicweka XXXI- OKUCWA BUSHA KW’AMABARUHA GA PUROBETI N’AG’OKUGABA EBINTU

235. Obushoboorozi bwa kooti omu kuha amabaruha ga purobeti n’ag’okugabana itungo.

(1) Obushoboorozi bwa kooti kuha amabaruha ga purobeti hamwe n’ag’okugabana itungo ahansi y’iteeka eri buryakoresibwa Kooti Enkuru hamwe na kooti y’idaara ry’ahansi eya magisitureeti omu kugyenderera ebityairweho omu kiragiro ky’okugabana amatungo ekyo Administration of Estates (Small Estates) (Special Provisions) Act.

(2) Okugambwaho omu iteeka eri, nari akacweka kaaryo kwa ‘Omujwekyerwa wa disiturikiti’ kiryaba nikimanyisa kooti ya magisitureeti.

236. Obushoboorozi bw’omujwekyerwa wa disiturikiti.

Omujwekyerwa wa disiturikiti aryagira obushoboorozi n’okukora omu kirikukwata aha kuheereza amabaruha ga purobeti hamwe n’ag’okugabana itungo, hamwe n’enshonga zoonza ezirikubikwataho, nk’oku buriba bumutairwemu ekiragiro kyona, oburikukwata aha entwaza y’emanja z’ahagati y’omuntu na mugyenzu we, nari kuzongyerayo kuruga omu kooti ye.

237. Omujwekyerwa wa disiturikiti nabaasa kuragiira omuntu kureeta empapura z’oburagwa.

Omujwekyerwa wa disiturikiti nabaasa kuragiira omuntu weena kureeta omu kooti ekipapura kyona, nari ekihandiiko ky’oburagwa, nari ekirikwetererwa oburagwa, ekirikuba kyorekirwe kuba kibiikirwe nari kiri omu mikono y’omuntu ogwo, reero—

(a) kyaba kitoorekirwe ngu ekipapura nari ekihandiiko nk’ekyo kibiikirwe nari kirinzirwe omuntu ogwo, kwonka hakabaho enshonga eyaikiririsa eky’okugira ngu omuntu ogwo namanya ekipapura nari ekihandiiko ekyo, kooti nebaasa kuragiira omuntu ogwo kugijamu kwenda ngu abuuzibwe ebirikukwata aha ekipapura ekyo nari ekihandiiko.

(b) omuntu ogwo aryaba nayetengyesa kugarukamu ebirikumubuuzibwa kooti, kandi, ku yaakuragiirwa, aryaba nayetengyesa n'okureeta ekipapura nainga ekihandiiko ekyo, kandi aryafubirwa nk'oku kirikworekwa omu kacweka ka 107 k'iteeka rya Penal Code yayanga kugarukamu ebibuuzo, nari kureeta ekihandiiko nari ekipapura nk'oku kyakubaire kiri kuri yaabaire ari omu mushango gw'enshonga egyo, reero akaremwa kuhikiiriza ebyagwo.

(c) kooti niyo erisharamu ow'okushashurira sente z'omushango.

238. Entwaza erikukwata aha mabaruha ga purobeti hamwe n'ag'okugabana ebintu.

Kureka ku kiryorekwa okundi, entwaza ya kooti y'omujwekyerwa wa disitirikiti erikukwata aha kuheereza amabaruha ga purobeti hamwe n'ag'okugabana itungo, eryategyekwa entwaza y'emanja z'ahagati y'omuntu na mugyenzi we, nk'oku ebiribaho omu mushango biriba nibyoreka.

239. Obu, n'oku omujwekyerwa wa disitirikiti arikubaasa kutaaha omu nshonga kurinda itungo.

Okuhitsya obu ebaruha za purobeti z'oburagwa bwa nyakufa ziriheebwa, nari ebaruha y'ow'okugabana ebintu bye arihamibwa, omujwekyerwa wa disitirikiti orikutwara ekicweka ahu akacweka k'itungo rya nyakufa kari, aryaba aine obushoboorozi kutaaha omu nshonga ezo kurinda itungo ry'omuntu, eky'okureeberaho, yaaba eretsirwe omuntu orikugira ngu hariho eki arikurireeberamu, hamwe na hoona ahu omujwekyerwa wa disitirikiti arikureeba ngu itungo eryo riri omu kabi k'okufa nari kusiisikara, reero we, nk'oku arisiima, akataho omukuru kutwara akabiika itungo eryo, kwenda kuririnda.

240. Obu omujwekyerwa wa disitirikiti arikubaasa kuheereza amabaruha ga purobeti n'ag'okugaba.

Omujwekyerwa wa disitirikiti, omu kooti ye nari n'omukono gwe, nabaasa kuheereza amabaruha ga purobeti g'oburagwa nari ag'okugabana itungo rya nyakufa, kyareebeka, bwanyima y'okushaba, okurikuhambwa nk'oku kyorekirwe omu, ahari ogwo oshabire ebaruha egyo, ngu nyin'oburagwa nari nyantatsiga buragwa (nk'oku kiriba kiri), aha kufa kwe, akaba aine omwanya gwe gw'obutuuro nari itungo rye eririkutsimbuka n'eritarikutsimbuka omu kicweka ky'amatware g'omujwekyerwa ogwo.

241. Okukorwaho kw'okushaba okuretsirwe aha mujwekyerwa wa disitirikiti w'ahu nyakufa yabaire ataine omwanya gwe g'obutuuro.

Okushaba ku kurireetwa omu maisho g'omujwekyerwa wa disitirikiti w'omwanya ogo nyakufa yaabaire atainemu mwanya gwe gw'obutuuro aha kufa kwe, omujwekyerwa ogwo aryaba aine obushoboorozi kwanga okushaba okwo, omu kusiima kwe, yaaba nareeba ngu nikubaasa kukorwaho n'oburingaaniza omu mwanya ogundi. Kandi okushaba kwaba kuri okw'amabaruha g'okugabana ebintu, nabaasa kugaheereza garikwemariirira, nari gaine obugarukiro (garikukwata aha itungo eriri omu mwanya gw'amatware ge ryonka).

242. Okumara kw'amabaruha ga purobeti nari g'okugabana ebintu.

(1) Amabaruga ga purobeti nari ag'okugabana ebintu garyagira okukora okurikuhika ah'itungo ryona, ebirikutsimbuka n'ebitarikutsimbuka ebya nyakufa ebirikushangwa omuri Uganda kandi garyaba nigamara ahari abo abaabaire nibabanja nyin'oburagwa nari abaabaire baine itungo haza riri erye.

(2) Amabaruha ga purobeti garyaba nigamara kuhamya abarikubanja nyakufa ngu nibaza kushashurwa, n'okuhaisa obuteeka boona abarikureeta itungo rya nyakufa, eri baabaire baine ahari ogwo oine amabaruha aga.

243. Okumara kw’okushaba kw’amabaruha ga purobeti hamwe n’ag’okugabana itungo.

Okushaba kw’amabaruha ga purobeti hamwe n’ag’okugabana itungo rya nyakufa, kwakorwa kandi kukahamibwa omu buryo oburikworekwa omu, kuryaba nikumara, ahabw’okwikirizibwa kuheebwa amabaruha ago, kandi okuheerezibwa okuribaho tikuribaasa kuhakanisibwa ngu ahabw’okuba nyin’oburagwa nari nyantatsiga-buragwa, aha kufa kwe, akaba ataine mwanya gwe g’obutuuro nari itungo omu mwanya ogwo. Okuhakanisibwa kuryabaasika ku haribaho orubanja omu kooti rw’okuhenda amabaruha ago ngu ahabw’okuba gakaheebwa omu buryo bw’okugingirira.

244. Okushaba ebaruha ya Purobeti.

Okushaba amabaruha ga purobeti kuryakorwa kurikushoboorka, kuhandiikirwe omu Rungyereza kandi kutairweho oburagwa kurikworeka ebi;—

- (a) Obunaku bw’okufa kwa nyin’oburagwa;
- (b) Ngu ekihandiiko ekitairweho nikyo buragwa bw’aha muheru hamwe n’okuragaana kwa nyin’oburagwa ngu kandi bukahamibwa omu bwijwire;
- (c) itungo erikubaasa kuteebwa omu mikono y’owashaba amabaruha; hamwe n’eky’okugira ngu;
- (d) Owaashaba niwe muhikiiriza orikworekwa omu buragwa obwo.

Reero okwongyerera ahari ebyo, okushaba kwaba nikuza ow’omujwekyerwa wa disiturikiti, okushaba okwo nikuza kwongyera kugire ngu nyakufa, aha kufa kwe, akaba aine omwanya gwe gw’obutuuro hamwe n’itungo rimwe, eririkutsimbuka nari eritarikutsimbuka, omu matware g’omujwekyerwa ogwo.

245. Okuvunuura kw’oburagwa oburikuteebwa aha kushaba okwo.

Oburagwa ku buriba buhandiikire omu rurimi orundi rutari rungyereza, haryabaho ekivunuuro kyabwo ekiraateebwe aha kushaba okwo, obwo kikoziro omuvunuuzi wa kooti, obwo orurimi orwo, rwaba ruri oru omuvunuuzi ogwo yateereirweho. Oburagwa ku buriba buri omu rurimi orundi, omuvunuuzi weena ondiijo orikubaasa kubuvunuura aryakoresibwa, reero omuntu ogwo aryahamya ekivunuuro kyabwo omu buryo obu—

“Nyowe, _____, hati nindangirira ngu nshomire kandi nayetegyereza gye orurimi hamwe n’entima y’oburagwa obukuru, kandi ebiteerwe ahaiguru n’okuvunuura kwabwo okw’amazima, kandi okuhikire”.

246. Okushaba kw’amabaruha g’okugabana ebya nyakufa.

Okushaba kw’amabaruha g’okugabana ebya nyakufa kuryakorwa kushoboorkire omu Rungyereza kandi kurikworeka ebi —

- (a) obwire n’omwanya ahu nyakufa yafeereire;
- (b) eka hamwe n’abanyabuzaare ba nyakufa hamwe n’ei buri omwe arikutuura;
- (c) ekiti eki orikushaba amabaruha arikugashabiramu;
- (d) ngu nyakufa akatsigaho itungo omu matware ga Kooti Nkuru nari g’omujwekyerwa wa disiturikiti ei okushaba oku kuriyo nikukorerwamu; hamwe na
- (e) omubaro gw’ebintu ebirikubaasa kuteebwa omu mikono y’owashaba, reero okushaba kwaba nikuza ow’omujwekyerwa wa disiturikiti, orikushaba naija kwongyeraho ngu, nyakufa, aha kufa kwe, akaba natuura omu matware g’omujwekyerwa ogwo.

247. Okushaba kuteebwaho omukono kukahamibwa.

Okushaba amabaruha ga purobeti nari ag’okugabana ebya nyakufa, obutoosha, kuryahamibwa owashaba hamwe na puriida we (ku ariba ariho), obwo burikuhamibwa owaashaba omu buryo obu nari oburi nk’obu —

“Nyowe, _____, omushabi omu kushaba okwayorekwa aha ruguru, nindangirira ngu ebihandiikiremu n’amazima kurugirira omu kumanya n’okwikiriza kwangye”.

248. Okuhamibwa kw’okushaba kwa Purobeti kukorwa kareebi omwe w’oburagwa.

Ahu okushaba kurikuba kuri okwa Purobeti, okushaba okwo kuryagaruka kuhamibwe kareebi nk’omwe w’oburagwa, yaaba nabaasa kutungwa, haza akuhamye omu buryo obu nari oburi nk’obu—

“Nyowe, _____, omwe ahari baakareebi b’oburagwa bw’aha muheru hamwe n’okuragaana kwa nyin’oburagwa, oburikugambwaho omu kushaba oku, nindangirira ngu nkaba ndiho nareeba nyin’oburagwa naabutaho omukono gwe, akamanyiso nari ekinkumu kye nari ngu nyin’oburagwa akaikiriza, omu maisho gangye, ngu ekihandiiko eki ekyateebwa aha kushaba oku, n’oburagwa bwe bw’aha muheru kandi okuragaana kwe”.

249. Ekifubiro ky’okuhamya ebishuba omu kushaba nari okurangirira.

Okushaba kwona nari okurangirira kwona okurikwetenga kuhamibwa, kwashangwa kuba kwine ebihamiibwe, ebi omuntu obihamize arikumanya kandi arikwikiriza ngu ti mazima, omuntu ogwo aryateebwaho ekifubiro nk’oku kiteereirweho omu biragiro ebiriba nibikora omu bunaku obwo, ahabw’okufubira obuhenda biragiro bw’ekika ky’okuha mushinja w’ebishuba nari kugingirira mushinja.

250. Kooti ekuru nari omujwekyerwa wa disiturikiti nabaasa kubuuzza owaashaba nk’omuntu, amushabe mushinja endiijo n’ebindi.

(1) Buri hamwe, omujwekyerwa wa disiturikiti nari Omuramuzi nabaasa, ku yaakukiteekateeka,—

(a) kubuuzza owaashaba nk’omuntu (atajwekyeize) obwo yaheza kumurahiza nari kumuhamya n’endahiro;

(b) kumushaba mushinja endiijo y’okuhamya gye oburagwa nari y’obushoboorozi bwe nk’owaashaba kuheebwa amabaruha g’okugaba ebya nyakufa, nk’oku kiriba kiri; kandi

(c) ashohoze ebirango ebirikweta abantu boona abaine eki barikwereeberamu omu itungo rya nyakufa kwija omu kooti nari omu maisho g’omujwekyerwa wa disiturikiti, obwo atakahaire amabaruha ga purobeti nari ag’okugaba ebya nyakufa.

(2) Okurangirira okurikushohozibwa ahansi ya (1) kuryateebwa omu mwanya gwa kooti ogurikureebwa baingi hamwe n’omu ofiisi ya komishona wa disiturikiti nari obundi kushohozibwe omu by’amakuru nari kurangwe omu buryo obu omuramuzi nari omujwekyerwa wa disiturikiti araayorekyerere.

251. Omugabi omukuru (Administrator General) tarikwihwa mu kuheebwa.

Tihariho ekiri omu kacweka aka ak’iteeka eri ekiritwarwa nk’ekirikuzibira—

(a) Omugabi omukuru (Administrator General) kushaba kooti kuheebwa amabaruha g’okugaba ebya nyakufa;

(b) Kooti kuheereza Omugabi omukuru (Administrator General) amabaruha g’okugaba ebintu. Aha mwanya gwona, ahu kooti ehairwe obugabe ahansi y’akacweka aka, nari ahansi y’iteeka eri, eryabaasa kuheereza omuntu weena amabaruha g’okubagana, atari omuhikiiriza otairweho omu buragwa bwa nyin’oburagwa.

252. Tihariho baruha ya Purobeti nari y’okugaba eziriheebwa satifiketi y’omuhwezi wa komishona w’amatungo.

Oihireho obu okushaba kuriba kukozirwe omugabi omukuru (Administrator General), tihariho mabaruha ga purobeti, nari ag’okugaba ebya nyakufa, nari okugaruka bakahamya amabaruha ago, okuriheebwa kooti nari omujwekyerwa wa disiturikiti, kureka satifiketi y’omuhwezi wa komishona w’amatungo yabanza yareetwa omu kooti nari ow’omujwekyerwa wa disiturikiti nk’oku kiriba kiri, erikworeka ngu naahamiza kimwe ku, ebirikwetengyesa ebihandiikire omu biragiyo, ebiine akakwate n’okurinda itungo, n’eby’okushashura, bikurateirwe nari nibiza kukuraturwa.

253. Kaviyeti aha Purobeti hamwe n’amabaruha g’okugaba ebya nyakufa.

Kaviyeti y’okwemereza okuheereza kw’amabaruha ga purobeti nari ag’okugaba ebya nyakufa nebaasa kureetwa omu kooti enkuru nari ow’omujwekyerwa wa disiturikiti, kandi kope ya kaviyeti eyataahibwa ow’omujwekyerwa wa disiturikiti eryayoherezibwa omu kooti enkuru aho n’aho.

254. Enshusha ya kaviyeti.

Kaviyeti ekoreirwe ahansi y’akacweka ka 253 eryaba eri eti —

“Otaikiriza ekintu kyona kukorwa omu nshonga y’itungo rya _____, nyakufa wa _____, owaafiire, aha kiro _____ ky’okwezi _____, omwaka _____, ahari _____, otabandize kumanyisa _____, owa _____.”

255. Kaviyeti ku erikuteebwamu, tihariho birikubaho aha kushaba ow’eky’okwemereza atakamanyisiibwe.

Tihariho ekirikorwa aha kushaba kw’amabaruha ga Purobeti nari ag’okugabana ebintu bwanyima ya kaviyeti kuteebwaho aha kushaba kw’owashaba amabaruha, ow’omuramuzi nari owa ofiisa weena ou okushaba kukozirweho, nari omanyisiibwe ku kaviyeti etairweho ow’omujwekyerwa weena, okuhitsya obu okumanyisa kurihika ogwo owaataho kaviyeti nk’oku kooti erashangye kihikire.

256. Obushoboerozi bw’okuhitsya ekihandiiko omu Kooti enkuru ahu hariho okubangaanisa, nangwa kutari na kuhakanisa.

Ku hariba hatariho kuhakanisa, kwonka kikareebeka omu maisho g’omujwekyerwa wa disiturikiti ngu hariho okubangaanisa, yaaba amabaruha ga purobeti nari ag’okugabana agashemereire kuheebwa, nari obundi kutahabwa, nari haagira ekibuuzo ekyaimukaho ekirikukwata aha kuheebwa kw’amabaruha ago, omujwekyerwa wa disiturikiti, yaaba nagira ngu kihikire, nabaasa kwohereza ekihandiiko ky’enshonga egyo omu kooti enkuru. Kooti enkuru nebaasa kworekyerera omujwekyerwa ogwo, kugumizamu omu nshonga, arikugyendera aha bi kooti erashangye ngu nikiyetengyesa nari eragiire kwemereza ebirikukorwa omujwekyerwa omu nshonga egyo. Aho omujwekyerwa aryareka omuntu oshabire amabaruha kutwara okushaba kwe omu kooti enkuru.

257. Entwaza, kuhariba hariho okuhakanisa, nari ahu omujwekyerwa wa disiturikiti arikuteekateeka ngu kooti ye teshemereire kuha ebaruha ya purobeti.

Hona aharishangwaho okuhakanisa, nari ahu omujwekyerwa wa disiturikiti arikureeba ngu kooti ye teshemereire kuha ebaruha ya purobeti nari ey’okugaba ebya nyakufa, okushaba,

hamwe n'ebihandiiko byona ebirikubaasa kuba byakutairweho biryagarurirwa ogwo oriba akukozire, ngu bibaase kutwarwa omu kooti enkuru, kureka omujwekyerwa wa disiturikiti ku arireeba ngu, ahabw'oburingaaniza, ashemereire kukwata ebipapura ebyo, ebi ariba aine obushoboorozi kukwata. Ku kiriba kityo, aryabyohereza omu kooti enkuru.

258. Okuheereza kwa Purobeti kukorwa n'akabonero ka kooti.

Ku kirisiimwa omu maisho g'omuramuzi wa kooti enkuru nari omujwekyerwa wa disiturikiti ngu ebaruha ya Purobeti y'oburagwa eshemereire kuheebwa, aryaha ebaruha egyo n'akabonero ka kooti ye omu buryo obu —

“Nyowe, _____, Omuramuzi wa Kooti Enkuru (*nari Omujwekyerwa wa disiturikiti*) otairweho kuha amabaruha ga purobeti nari amabaruha g'okubagana ebya nyakufa omuri _____, (*taho obugarukiro bw'okukora kw'omujwekyerwa*) nindangirira ngu aha kiro _____ ky'okwezi _____, omu mwaka _____, Oburagwa bw'aha muheru bwa _____, owa _____, nyakufa, obwo kope yaabwo etairweho, bukahamibwa kandi bwataahibwa omu maisho gangye, kandi ngu okugabana kw'itungo hamwe n'amagoba ga nyakufa, kandi omu buryo bwona oburikukwata aha buragwa bwe, kukaheebwa _____, Omuhikiiriza orikworekwa omu buragwa, we obu aikiriize kuhikiiriza oburagwa obu, kandi akanjura omu bwijwire hamwe n'omu mazima eby'itungo hamwe n'amagoba, akabimurika omu kooti egi omu meezi mukaaga (6) kuruga aha kiro ky'okushohozibwa kw'ebaruha ya Purobeti egi, nari omu bwire oburikwongyerwaho omu kooti eriguma netaho, kandi akaguma naaha kooti egi enyanjura y'amazima erikukwata aha itungo hamwe n'amagoba omu bunaku bw'omwaka gumwe kuruga aha kiro nikyo kimwe, nari kukikora omu bunaku obwongyeirweho nk'oku kooti eriguma neetaho”.

259. Okuha kw'amabaruha g'okugabana ebya nyakufa kukorwa n'akabonero ka kooti.

Ku kirireebeka omu maisho g'omuramuzi nari omujwekyerwa wa disiturikiti ngu amabaruha g'okugabana ebya nyakufa, yaaba gaine nari gataine kope y'oburagwa gaheebwe, aryaha amabaruha ago n'akabonero akarikuhama aka kooti ye omu buryo obu —

“Nyowe _____, Omuramuzi wa Kooti Enkuru (*nari omujwekyerwa wa disiturikiti*) otairweho ahabw'okuha amabaruha ga purobeti nari ag'okugabana ebya nyakufa omuri _____, (*taho obugarukiro bw'okukora kw'omujwekyerwa*) nindangirira ngu ha kiro _____ ky'okwezi _____, amabaruha g'okubagana ebya nyakufa (*gatairweho nari gatatairweho buragwa nk'oku kiriba kiri*), itungo n'amagoba bya _____, owa _____, nyakufa, gaheebwa _____, ishe (*nari nk'oku kirba kiri*) wa nyakufa, we obu aikiriize kugaba itungo n'amagoba, kandi akanjura omu bwijwire hamwe n'omu mazima eby'itungo hamwe n'amagoba, akabimurika omu kooti egi omu meezi mukaaga (6) kuruga aha kiro ky'okushohozibwa kw'ebaruha ya Purobeti egi, nari omu bwire oburikwongyerwaho omu kooti eriguma netaho, kandi akaguma naaha kooti egi enyanjura y'amazima erikukwata aha itungo hamwe n'amagoba omu bunaku bw'omwaka gumwe kuruga aha kiro nikyo kimwe, nari kukikora omu bunaku obwongyeirweho nk'oku kooti eriguma neetaho.”

260. Eky'okugabana ekiineho omutango.

Kooti, etakahaire omuntu amabaruha g'okugabana ebya nyakufa, nebaasa kushaba omuntu ogwo kuhayo omutango aha muramuzi wa Kooti Enkuru nari omujwekyerwa wa disiturikiti kuhamya okubaho kwe aha Muramuzi nari Omujwekyerwa ahabw'akaanya ako, obwo aine

omuhanya we nari abahanya be abarikukora okushorooza, obwo nabo bateirwemu kugabana ebya nyakufa. Omutango ogwo guryagira oburyo obu Kooti Enkuru eriguma neragiira, nk'okwihaihana kw'obwire oku kuri.

261. Ah'okuta omutango gw'okugabana ebya nyakufa.

Kooti, obwo yaaheza kushabwa, kanmdi eherize n'okuhanya ngu okuteebwaho kw'omutango kwona tikuhikiriziibwe, kandi hoona erikugyenderera eby'okurinda nari okutaho ngu sente ezaakiirwe zishashurwe omu kooti, nari zishashurwe okundi nk'oku eraasiime, nebaasa kuragiira ngu omutango guheebwe omuntu ati, abahikiiriza be nari abagabi b'ebye. Ogwo, bwanyima y'ekyo, aryaba aine obugabe kutabaariza aha mutango ogwo omu eiziina rye, oshushe oti omutango, n'okwiha ira, gukaba gumuhairwe, gutahairwe muramuzi wa kooti enkuru nari mujwekyerwa wa disiturikiti. Aryagira obushoboorozi bw'okugwenza omu eiziina ry'abo boona abu gushemereire kugasira - nizo sente zoonza, ez'omutango ogwo, ezi okutaheebwa kwazo kurikubarwa nk'okuhenda ebiragiyo.

262. Obunaku bw'okuha Purobeti hamwe n'amabaruha g'okugabana.

Tihariho baruha ya Purobeti y'oburagwa eriheebwa hatakarengire ebiro mushanju (7) nyin'oburagwa afaire, kandi tihariho baruha z'okugabana eziriheebwa hatakarengire biro ikumi na bina (14) nyantatsiga-buragwa afaire.

263. Okuteebwa aha fayiro kw'oburagwa obukuru oburikuhaisa ebaruha ya purobeti nari y'okugabana eriho oburagwa.

Omuramuzi wa kooti enkuru nari omujwekyerwa wa disiturikiti aryataasya kandi arinde oburagwa bwona obukuru obu amabaruha ga purobeti n'ag'okugabana garikuheebwa we obwo gatairweho oburagwa. Aryabubiika omu bihandiiko bya kooti ye okuhitsya obu ibikiro rya boona ery'oburagwa ririteebwaho. Kandi minisita aryataho oburyo bw'okuguma narinda kandi narambura oburagwa oburiba butairwe aha fayiro butyo.

264. Oihairwe purobeti nari amabaruha g'okugabana kuba niwe wenka owatabaariza, okuhitsya obw'okuheereza kurishazibwamu.

Bwanyima y'okuha amabaruha ga purobeti nari ag'okugabana ebya nyakufa, tihariho ondiijo, atari ogwo ohairwe amabaruha ago, origira obushoboorozi bw'okutabaaza nari kuza omu mushango gwona nari kukora nk'omujwekyerwa wa nyakufa, okuhitsya obu amabaruha ga purobeti nari ag'okugabana ebya nyakufa ago, garihendwa nari gakacubwa busha.

265. Entwaza, ku haribaho obutaikirizana.

Omu mushango gwona, omuri Kooti Enkuru, ogu haribamu obutaikirizana, entwaza yaagwo eryashushana, nk'oku kiriba nikibaasika, ey'omushango gw'obutoosha nk'oku ebiteerweho ebirikukwata aha ntwaza y'emanja z'ahagati y'omuntu na mugenzi we. Obwo omushabi w'amabaruha ga purobeti nari ag'okugabana (nk'oku kiriba kiri) aryaba kitabaarizibwa reero owaija kuhakanisa ekye kuheebwa amabaruha ago abe kitabaariza.

266. Okushashura kw'omuhikiiriza nari omugabi, amabaruha ga purobeti nari ag'okugabana ebya nyakufa gatahenzirwe.

Ahu amabaruha ga purobeti nari ag'okugabana garikuhendwa, okushashurwa kwona okukozirwe kuhikire okurikuza aha muhikiiriza w'oburagwa nari omugabi w'ebya nyakufa, ahansi y'amabaruha ago, kuryabarirwa nk'okwakozirwe kuhikire omu biragiyo, kandi omuhikiiriza weena nari omugabi, owaakozire ahansi y'amabaruha ago agahenzirwe, nabaasa kugumya esente ezimuhairwe nari kuzishashuza kuruga ahari ogwo weena oriheebwa amabaruha ago omu biragiyo bwanyima.

267. Okujurira kw'ebiragiirwe omujwekyerwa wa disiturikiti.

Buri kuragiira okukozirwe omujwekyerwa wa disiturikiti ahabw'obushoboorozi obumuhairwe, kuryaguma kwineho eky'okujurirwa omu Kooti Enkuru ahansi y'engyenderwaho y'okujurira okurikukorerwa omu manja z'ahagati y'omuntu na mugenzi we.

Ekicweka XXXII- ABAGABA EBI BATAINEHO BUSHOBOOROZI

268. Okwetaasyataasyamu, n'ebindi.

Omuntu orikwetaasyataasya omu itungo rya nyakufa nari orikukora ekikorwa ekindi kyona ekyakubaire nikorwa omuhikiiriza w'oburagwa, obwo haaba hatariho muhikiiriza nari mugabi ohikire, naayahindura muhikiiriza w'okugwa kwe, kureka—

(a) Okutaahataaha omu bya nyakufa kwenda kubirinda n'okutunga eby'orufu rwe nari kugabiirira ebyetengo by'abe nari by'itungo rye, nari

(b) Okukora nk'entwaza y'obutoosha oku eri, aha bintu bya nyakufa ebyakiirwe nibiruga ahandi; ogwo tariba muhikiiriza w'okugwa kwe.

269. Okujunaanwa kw'omuhikiiriza w'okugwa kwe.

Omuntu, ku aba akozire ekirikumureetera kuba omuhikiiriza w'okugwa kwe, aba ari ow'okubuuzibwa omuhikiiriza ohikire nari omugabi ohikire, nari ahari orikubanja nyakufa, nari nyin'omugabo wa nyakufa, ahabw'ebyo ebya nyakufa, ebirikubaasa kuba byagiire omu mikono ye, bwanyima y'okwihaho okushashurwa okwagiire ow'omuhikiiriza ohikire nari omugabi ohikire, hamwe n'ezindi ezikoresiibwe omu kugabana ebya nyakufa.

Ekicweka XXXIII- OBUSHOBOOROZI BW'ABAGABI B'EBINTU

270. Okugaba itungo.

Omuhiiriza nari omugabi w'ebya nyakufa aine obushoboorozi kugaba itungo rya nyakufa, yaaba ryona nari akacweka kaaryo, omu buryo bwona nk'oku arisiima, obwo arikugyenderera ebiri omu kacweka ka 26 ka shedyu ya kabiri.

271. Okugura itungo rya nyakufa.

Omuhiiriza nari omugabi w'ebya nyakufa, yaagura akacweka k'itungo rya nyakufa, yaaba nk'omuntu nari arikurabira omu ndiijo, okugura okwo nikuba kutarikukora, habaho ondiijo orikwenda ekintu ekyo ekyaguzibwa.

272. Obushoboorozi bw'abahikiiriza baingi n'ebindi, kukoresibwa omwe.

Ku haribaho abahikiiriza baingi nari abagabi b'ebya nyakufa baingi, obushoboorozi bwa boona, ku hariba hatabaireho eky'okuhakanisa, buryaba nibubaasa kukoresibwa omwe omuri bo ohamize oburagwa, nari ohairwe eky'okuba omugabi.

273. Abarigumaho bari abahikiiriza nari abagabi.

Aha kufa kw'omwe aha bahikiiriza nari abagabi b'ebya nyakufa, obushoboorozi bwa boona buryaza ahari abo abariba bagumireho.

274. Omugabi w'ebitakagabirwe.

Omugabi w'ebintu ebitakagabirwe, aha bintu ebyo, aryagira obushoboorozi nk'obw'ogwo, omu kubanza, owaabaire ari omuhikiiriza nari omugabi w'ebintu.

275. Eky'okugaba haaba hariho omuto.

Omugabi, oriba we, ahaiguru y'omuto, aryagira obushoboorozi bw'omugabi ow'obutoosha.

276. Eby’omukazi oshweire obaire omugabi nari omuhikiiriza

Amabaruha ga purobeti nari g’okugaba, ku gariheebwa omukazi oshweirwe, aryagira obushoboorozi obwijwire nk’omuhikiiriza nari omugabi ow’obutoosha.

Ekicweka XXXIV- EMIRIMO Y’ABAGABI B’EBINTU

277. Orufu rwa nyakufa.

N’obujunaanizibwa bw’omuhikiiriza, kukora orufu rwa nyakufa omu buryo obushemereire embeera ye, nyakufa yaaba arekireho itungo eririkumara ahabw’omurimo ogwo.

278. Okutebeekanisa hamwe n’okwanjura eby’itungo.

(1) Omuhikiiriza, nari omugabi, aryamurikira kooti orukarara rw’ebintu byona nari omubaro gw’ebintu byona ebi aine hamwe n’amagoba goona n’ebi arikubanjibwa byona, omu kiti kye nk’omuhikiiriza nari omugabi. Eki, aryakikora omu meezi mukaaga (6) kuruga aha kuheebwa ebaruha ya purobeti, nari ey’okugaba ebya nyakufa, nari omu bunaku obundi nk’oku kooti, eyaamuhaire amabaruha, eriguma neetaho. Omu buryo nibwo bumwe, omu mwaka gumwe obwo aherize kuheebwa amabaruha nari omu bunaku obundi nk’oku kooti egamuhaire eryoreka, aryamurikira kooti enyanjura y’itungo, arikworeka ebi yakwatsibwe hamwe n’oku bikoresiibwe nari bigabirwe.

(2) Aha kuheza kw’omurimo gw’okugaba itungo rya nyakufa, oihireho amatungo agarikugabirwa ahansi y’omugabi okurikwetwa Administration of Estates (Small Estates) (Special Provisions) Act, omuhikiiriza nari omugabi aryata omu kooti enyanjura ey’aha muheru erikukwata aha itungo ri yakwatsibwe. Enyanjura egyo eryahamibwa ekihandiiko ky’okurahira kandi kope zaakyo ziryateebwa, emwe omu kooti, endiijo omu ofiisi y’omugabi omukuru (Administrator General).

(3) Omuramuzi omukuru, omu kaire aka nari akandi, nabaasa kutaho oburyo oburyebempera enyanjura erikoresibwa ahansi y’akacweka k’ekiragiyo aka, kumurika ebikozirwe ah’itungo rya nyakufa.

(4) Omuhikiiriza nari omugabi, ku arishabwa kooti kumurika orukarara rw’itungo, nari kwanjura nk’oku kitairwe omu kacweka k’ekiragiyo eki, reero akanga nkana kukikora, ninga kukwatanisa n’okushaba okwamuheebwa, omuntu ogwo aryaba nk’okozire orubanja ahansi y’akacweka 116 k’ekiragiyo kya Penal Code Act.

(5) Okumurika okurikorwa omuhikiiriza nari omugabi, okurishangwa kwine ebishuba ebigyendereirwe, ahansi y’akacweka aka ak’ekiragiyo eki, kuryabarirwa omushango ahansi y’akacweka ka 94 ak’iteeka rya Penal Code Act.

279. Itungo rya nyakufa.

Omuhiikiiriza nari omugabi aryarundaana, itungo rya nyakufa aihuze n’abu nyakufa yaabaire nabanja, aha kufa kwe, n’obwerinzi obushemeire hamwe n’obweziriki bwona.

280. Ebikuru ebihikire kubanza bikashashurwa.

Esente z’okuziika ziringaniire kurugiirira aha kitiinisa n’obuteeka bwa nyakufa, hamwe n’enshozoza y’obu yaabaire arembire aha kitanda, obariiremu n’ez’okumujanjaba, eby’ahu abaire naraara okwezi kumwe atakafiire, bishemereire kushashurirwa amabanja agandi gatakashashwirwe.

281. Ebindi eby’okushashurwa kukurata ebikuru ebyo.

Enshohoza y’okutunga amabaruha ga purobeti nari ag’okugaba ebya nyakufa, obariiremu n’enshozoza erikukwata aha bibaire omu kooti, ebyayetengyeise okuta omu buteeka itungo rya nyakufa, ebi nibyo birishashurwa bwanyima y’eby’okurwaza n’okuziika kwa nyakufa.

282. Emishaara n'amabanja agandi.

Emishaara hamwe n'ebishare by'abaabaire nibaheereza nyakufa, omu meezi ashatu atakafiire, yaaba n'aba riija riija, ab'omuka nari abapakasi boona, nibiija kushashurwa nabyo, reero amabanja ga nyakufa agandi gashashurwe.

283. Amabanja agandi goona kushashurwa omu kipimo kirikwingana.

Kureka ku kiriba kiri nk'ebiteereirweho omu bicweka 280, 281 na 282, tihariho orikubanja weena origira obushoborozi bw'okubandiza abandi kushashurwa ngu ahabw'okuba ibanja rye rikateebwaho akamanyiso nari ahabw'enshonga endiijo, kwonka omuhikiiriza nari omugabi aryashashura amabanja goona nk'oku arikugamanya, otaiemu n'amabanja age, omu buryo bw'ekipimo kirikwingana nk'oku itungo rya nyakufa rirabaase kugashashura.

284. Okushashurwa kw'amabanja, ahu obutuuro bw'omuntu bwabaire butari mu Uganda.

Obutuuro bwa nyakufa ku buriba bwabaire buri aheeru ya Uganda, okushaba kw'itungo rye eririkutsimbuka ahabw'okushashura amabanja ge kuryategyekwa ekiragiyo kya Uganda.

285. Oshashwirwe ekicweka kutabaasa kweyendeza eby'itungo eritarikutsimbuka.

Tihariho orikubanja, oshashwirwe ekicweka ky'ibanja rye, nk'oku kiri omu kacweka ka 284, oriba ahikire kuheebwa ebirikuruga omu itungo eritarikutsimbuka rya nyakufa, kureka ku ariba nayenda kushashurwa ahabw'okugasira abandi abarikubanja.

286. Amabanja kushashurwa ebiragirwe bitakahairwe.

Amabanja, nk'oku garikushoboorwa kwona, garyabanza gashashurwe reero abaragirwe babone kushashurwa ebi baaragirwe.

287. Omuhikiriza n'abandi tibaryetenga kushashura emigabo eby'amabanja byaba bitarikumara.

Itungo rya nyakufa ku ririba riine amabanja agaririho, omuhikiiriza w'oburagwa bwaryo taryetengyesibwa kushashura emigabo y'abaragirwe yaaba nareeba ngu ebirikutsigaraho tibirikubaasa kushashura bikaheza amabanja ahu kiriyetengwa.

288. Okugwa kw'emigabo y'okutwariza hamwe.

Bwanyima y'okushashura amabanja hamwe n'ebishare ebindi hamwe n'emigabo eyehereire, itungo rya nyakufa eririkutsigaraho, ku ririba ritarikubaasa kushashura emigabo y'okutwariza hamwe omu bwijwire, emigabo egyo eryaba egwire nari etuubire omu kipimo kirikwingana, kandi omuhikiriza taine bushoborozi bw'okushashura nyin'omugabo omwe, arikumweshumbisa mugyenzi we, nari kugumya sente yoona ngu n'ey'omugabo gwe, nari gw'omuntu ondiijo ou agugiriire.

289. Okutagwa kw'omugabo ogwehereire

Ku hariba hariho omugabo ogwehereire, reero itungo rikashangwa kuba nirimara kushashura amabanja n'ebishare ebirikwetengyesa, ekintu ekiragirwe kyehereire nikiteekwa kuheebwa nyin'omugabo hatariho kugwa.

290. Eby'omugabo gw'obwihwa ahu itungo ririkumara okushashura amabanja hamwe n'ebishare ebindi.

Ku hariba hariho omugabo gw'obwihwa, reero itungo rikashangwa kuba nirimara ahabw'okushashura amabanja hamwe n'ebishare ebirikwetengyesa, reero nyin'omugabo

akashangwa aine okubanza kushashurwa kuruga omu sente ezi omugabo gwe gwateirweho ngu zigushashure okuhitsya obu zirihwaho, esente ezo ku zirihwaho, reero akacweka k'omugabo ogwo kakaba katakashashwirwe, nyin'omugabo ogwo aryaheebwa okubanza omu kushashurwa kw'itungo eririba rigumireho ahabw'akacweka k'omugabo gwe akaagumireyo.

291. Okugwa kw'emigabo eyehereire.

Itungo ku ririba ritarikumara ahabw'amabanja hamwe n'emigabo eyehereire, okugwisibwa kuryabaho ahabw'emigabo egyo omu kipimo kiringaniire n'emigabo yoon.

292. Emigabo kubarwa nk'ey'obutoosha ahabw'okugwisibwa kwayo.

Ahabw'ekigyendererwa ky'okugwisibwa kw'emigabo, omugabo oguhairwe omuntu kuhitsya obu arifa, sente ezitairweho oburagwa kushashura sente za buri mwaka hamwe n'ekingano kya sente z'omwaka ahu sente zirikuba zitateirweho kuzishashura, egyo yoon eryabarwa nk'emigabo y'obutoosha nari ya rufaaya.

Ekicweka XXXV – OMUKONO GW'OMUGABI W'EBINTU AHA BIRAGIRWE

293. Omukono kwetengyesibwa ahabw'okuhikisa nyin'omugabo eki aragirwe.

Omukono gw'omuhikiiriza w'oburagwa guryayetengwa omu kuhikisa nyin'omugabo kubarirwa omugabo gwe.

294. Okukora kw'omukono gw'omuhikiiriza aha mugabo ogwehereire.

(1) Omuhikiiriza kuta omukono aha kuha okwehereire, kiryamara okurekura ekintu eki ainiire abandi nk'omuhikiiriza, kikaza ow'ou kiragirwe, kureka obuhangwa nari embeera y'ekiragirwe byakyatengyesa kukiha nyin'omugabo omu buryo obundi.

(2) Okusiima kw'omuhikiiriza nikubaasa kugambwa, kandi nikubaasa kukorwa butunu nari kubarwe nk'okukozirwe ahabw'entwaza y'omuhikiiriza.

295. Okusiima okuteereirweho oburomborombo.

Okusiima kw'omuhikiiriza ahabw'okugabwa kw'omugabo nikubaasa kukorwa kwine oburomborombo, kandi akaromborombo kaaba kari ako aku aine obushoboorozi kukoresa, reero kakaba katakozirwe, biri okusiima kwe tikubaireho.

296. Okusiima kw'omuhikiiriza aha mugabo ogurikuza owe.

(1) Omuhikiiriza ku ariba nawe ari nyin'omugabo, okusiima kwe nakwo kuryayetengwa ahabw'okumuhikisa kutunga omugabo gwe omu buryo obu n'abandi barikwetenga okusiima kwe aha migabo yaabo. Okusiima kwe, nk'ahandi, nikubaasa kukorwa nari kworekwe nk'okukozirwe.

(2) Okusiima kuryabarwa nk'okukozirwe, we, omu ntwaaza ye y'okugaba itungo rya nyakufa, yaakora kyona ekirikworekyereza aha ku arikweyeta nka nyin'omugabo kutari ku arikweyeta nk'omuhikiiriza w'oburagwa.

297. Okukora kw'okusiima kw'omuhikiiriza.

Okusiima kw'omuhikiiriza aha mugabo, nikuguhaisa okukora kuruga aha kufa kwa nyin'oburagwa.

298. Okushashura omugabo, n'ebindi.

Omuhikiiriza taine kirikumugyema kuha nari kushashura ebiragirwe abantu omu buragwa kuhitsya haahwaho omwaka nyin'oburagwa afiire.

299. Okubaganisamu.

(1) Omuntu weena oine eki ashemereire kutunga omu itungo rya nyakufa eritarikutsimbuka, eritairwe omu mikono y'omujwekyerwa wa nyakufa nabaasa kushaba kooti ngu ebaganise itungo, kandi kooti ku eriba nereeba ngu okubaganisa nikwija kugasira abantu boona abarikwenda kandi ngu tikirikuza kubura amakuru omu by'entaasya, nabaasa kutaho omwe nari bamwe aha bagarukanisa baayo kuhikiiriza okubaganisa okwo.

(2) Ripoota hamwe n'okuha kw'abagarukanisa ba kooti, erikworeka gye ebirikukwata aha itungo eritarikutsimbuka, ebihairwe buri omwe omu babishemereire, biryahaisa buri omwe akacweka akariba kamubariirwe. Eki kiryaba nikigyenderera ebiragiro ebirikukwata aha nshonga ezo ebiriba nibikora aha bunaku obwo, kandi buri omwe obariirwe eky'okuheebwa, aryata omukono aha kihandiiko ky'okuha okwo reero kigarukye kihamibwe okuragiira kwa kooti. Kandi okuha kukurikorwa kuketengeysa omwe aha bahairwe kuha nari kuheebwa sente ahabw'okuringaaniza ebibahairwe, okugyereka kwa sente ezo kuryagyenderera oburomborombo oburikukwata aha bunaku hamwe n'eshashura ebiriba byorekirwe omu kihandiiko ky'okuha okwo.

Ekicweka XXXVI- OKUSHASHURA N'OKUBAGANISA ESENTE Z'OKUHEEBWA BURI MWAKA

300. Okutandika kukora kw'esente z'okuheebwa za buri mwaka ahu oburagwa burikuba butakitaireho.

Esente z'okushashurwa buri mwaka, ku ziriba zitairweho oburagwa, reero bukashangwa kuba butaraziteereireho butandikiro, okutandika kukora kwazo kuryabarirwa aha kufa kwa nyin'oburagwa, kandi okushashura kwazo kw'okubanza kuryabaho omwaka gumwe ku gurihwa nyin'oburagwa aherize kufa.

301. Ahu okushashura kw'esente za buri mwaka, omu bicweka, kurikubanza kwarema.

Ku hariba hariho enyorekyerera ngu esente za buri mwaka zishashurwe omu bicweka bya buri kwezi nari buri meezi ashatu, reero bwanyima y'okwezi nari ameezi ashatu bukahika obwire bw'okushashura, omuhikiiriza, ku arireeba ngu kishemereire kuzishashura obu ziteereirweho, aryakikora. Kwonka tihariho ekiriba nikimugyema kuzishashura kureka okuhwa kw'omwaka.

302. Okushashura okurikugarukaho, okushashura kw'okubanza kwaba kworekyereirwe obu kuraakorwe.

Ku hariba hariho okworekyerera ngu okushashurwa kw'esente z'omwaka okw'okubanza kukorwe omu kwezi kumwe nari obunaku bwona nk'oku bubaganisiibwemu bwanyima y'okufa kwa nyin'oburagwa, nari aha kiro kiti, okushashura okurikugarukaho kuryakorwa bwanyima y'omwaka ogurikukurata ekiro eki oburagwa burikuba buteereireho okushashura okw'okubanza. Kandi nyin'omugabo ku yaakufa ekiro kirikugarukaho kitakahikire, akacweka ka sente z'omwaka ezo karyashashurwa omujwekyerwa we.

Ekicweka XXXVII- OKUSHUUBUZA SENTE Z'OKUHIKIIRIZA OBURAGWA

303. Okushuubuza esente eziragirwe ahu omugabo gurikuba guhairwe kuhitsya aha kufa.

Ahu omugabo, ogutari ogwehereire, gurikuba guhairwe omuntu kuhitsya obu arifa, esente ezirikuba zimuragirwe, bwanyima y'omwaka, ziryashubuzibwa omu migabo erisiimwa nk'oku ekiragiro kiri, kandi amagoba agariba nigarugamu garyashashurwa nyin'omugabo nk'oku gariba gamushemereire.

304. Okushuubuza kw'omugabo gw'omuri rufaaya ogw'okushashurwa omu bunaku bw'omu maisho.

(1) Ahu omugabo gw'omuri rufaaya gurikuteebwaho kushashurwa omu biro by'omu maisho, omuhikiiriza aryashuubuza sente ezihikire kushashurwa omu migabo y'ekika ekirikugambwaho omu kicweka 303.

(2) Amagoba ag'aho n'aho garyabarirwa kuza omu bishaagire by'itungo rya nyin'oburagwa.

305. Entwaza ahu sente za buri mwaka zitateereirweho h'okuziha.

Ahu sente z'okuheebwa buri mwaka zirikuteebwaho, reero hakabura kworekwa sente ezirikoresibwa kukihikiiriza nari eziriihwa omu buragwa kukoresibwa, sente za buri mwaka za gavumenti ziyagurwa, kandi ku ziriba zitarikubaasa kutungwa, sente ezirikumara kurugwamu sente za buri mwaka ziyashubuzibwa omu migabo eikiriziibwe omu biragiro.

306. Omugabo gutaine nyinagwo kuza owa nyin'ogabo owa bwanyima.

Ahu omugabo gurikuba gutaine nyinagwo, omuhikiiriza naaba ataine kirikumugyema kushubuza sente zaagwo, kwonka nabaasa kuta ebishaagireho byona by'itungo rya nyakufa omu mikono ya nyin'omugabo owa bwanyima, ogwo nyin'omugabo yaheza kworeka obuhame burikumara ngu nabaasa kushashurira omugabo obunaku bwakyo bwaheza kuhika.

307. Okushuubuza kw'ebishaagireho ebiragirwe omuntu kuhitsya ahu arifeera.

Nyin'oburagwa, ku ariba aragire ebishaagire by'itungo rye omuntu weena, ngu abigire kuhitsya aha kufa kwe, reero atataireho oku bishemereire kushuubuzibwa omu migabo eti, ekicweka ky'itungo ekiriba kitari mu migabo egyo, ehikire omu biragiro, aha kufa kwa nyin'oburagwa, kiryahindurwamu sente kandi sente ezo ziteebwe omu migabo egyo.

308. Okushubuza sente z'ebishaagire eziragirwe omuntu okuhitsya aha kufa kwe omu migabo eti.

Ahu nyin'omugabo arikuba aragire ebishaagire by'itungo rye omuntu weena kubigira okuhitsya aha arifeera reero, akoorekyerera ngu sente ezo zishuubuzibwe omu migabo eti, ekicweka ky'itungo rye erishaagireho, ekiriba kitateirwe omu migabo nk'egyo kiryahindurwamu sente, reero ziteebwe omu migabo egyo.

309. Okuhindurwa hamwe n'okushuubuza.

Okuhindurwa hamwe n'okushuubuza okurikuteekateekwaho omu bicweka 307 na 308 kuryakorwa omu bwire nan'oburyo obu omuhikiiriza arireeba ngu bihikire, kandi, okuhitsya obu okuhindura hamwe n'okushubuza biriba bikoziirwe bihwaire, omuntu oriba ashemereire entaasya yaabyo ahabw'omwanya ogwo aryatunga amagoba gaabyo aha kipimo ky'obucweka 4 ahari 100 nk'oku kiriba nikibarwa omu butare. Okubarwa kwazo kuryakorwa aha ku biriba biri aha bunaku bw'okufa kwa nyin'oburagwa ahabw'akacweka k'itungo akariba katakateirwe omu migabo ehikire omu biragiro nari etairweho.

310. Entwaza, omuto ku ariba ahikire kushashurwa nari kuheebwa aha kuha okuragirwe.

(1) Nk'oku kyorekirwe omu kuha, ahu nyin'omugabo orikuba ahikire kushashurirwaho, nari kugira esente, nari ekintu ekiragirwe, arikuba ari omuto, kandi kitoorekirwe omu buragwa ngu kishashure nari kiheebwe ondiijo ahabw'omuto ogwo, omuhikiiriza nari omugabi aryakireeta omu Kooti Ekuru nari ow'omujwekyerwa wa disiturikiti owagabirwe ahaire amabaruha ga purobeti nari g'okubagana ebintu againeho oburagwa, reero kiteebwe ahari akaunta ya nyin'omugabo kandi okushashura okwo kuryaba nikumara kuhitsya ebishashwirwe.

(2) Sente ezo, ku zirikushashurwa, nizibaasa kushubuzibwa nk'oku omuramuzi nari omujwekyerwa wa disiturikiti araragiire.

311. Entwaza erikukwata aha kirikubaganwaho omuto ahabwa nyantatsiga-buragwa.

(1) Ahu omuntu weena ohikire kutunga akacweka omu kugabana aha itungo rya nyantatsiga-buragwa arikuba ari omuto, omujwekyerwa wa nyakufa aryashashura nari areete omugabo gw'omwana omu kooti erikuba ehaire ebaruha za purobeti nari ez'okugabana ebya nyakufa, reero biteebwe ahari akaunta y'omuto kandi omugabo ogwo nigubaasa kushubuzibwa omu migabo erikwikirizibwa omu biragirowe.

(2) N'obu kiraabe kiri kityo omuri (1), kooti nebaasa, yaaba eyesiimire, nari erikugarukamu okushaba kw'omujwekyerwa wa nyakufa, nari ondiijo muntu weena, kutaho omuzaire nari omukuza w'omuto nari omujwekyerwa wa nyakufa nari omuntu weena orikwesigwa omu bantu, kwakiira omugabo gw'omuto, kugumurindira. Kandi ku kiriba kiri kityo, okushashura okuriza ow'omuntu ogwo oriba atoorainwe kuryamara ahabw'okwiha obujunaanizibwa aha mujwekyerwa wa nyakufa.

(3) Ebiri omu kacweka k'ekiragirowe eki aka biryaba bitarikukora aha Mugabi omukuru (Administrator General).

Ekicweka XXXVIII- AMAGOBA AGARIKURUGA OMU BIRAGIRWE

312. Okuhika kwa nyin'omugabo kutunga ebirugire omu mugabo ogwehereire.

(1) Omu kukorera ahansi ya (2), nyin'omugabo w'omugabo ogwehereire aryaba ahikire kugira byona ebigurigiremu, ku biriba biriho, kuruga aha kufa kwa nyin'oburagwa.

(2) Okuha okwehereire, oku owaakukoreirwe yafiire, reero kukaza aha ndiijo, tikurigira magoba rwagati y'okufa kwa nyin'oburagwa n'okuheebwa kwa nyin'omugabo omusya, kureka amagoba ago garyaza aha bishaagire by'itungo rya nyin'oburagwa.

313. Okuhika kwa nyin'omugabo owa bwanyima kuheebwa ebirugire omu bishaagire ebya nyin'oburagwa.

(1) Omu kukorera ahansi ya (2), nyin'omugabo w'ebishaagire by'itungo rya nyin'oburagwa aryaba ahikire kutunga ebirugire omu bishaagire okuruga aha kufa kwa nyin'oburagwa.

(2) Okuha kw'ebishaagire, okutwariza hamwe, oku owaakukoreirwe yafiire, reero kukaza aha ndiijo, tikuribarirwa sente eziriba zizairwe nk'amagoba ga sente ezaahairwe, aga kuruga nyin'oburagwa afa kuhitsya obu nyin'omugabo omusya agushemera. Sente z'amagoba, z'obunaku obwo ziryabarwa nk'ezitakagabirwe.

314. Amagoba.

Ahu obunaku burikuba butateirweho bw'okushashura omugabo gw'omu rufaaya, amagoba nigabarwa kutandikira ahu omwaka gurikuhwera bwanyima y'okufa kwa nyin'oburagwa, kureka kukiribaho ngu—

(a) omugabo guhairwe omu kwihura ibanja omu bwijwire;

(b) nyin'oburagwa akaba ari omuzaire nari obukomooko bwa haihi bwa nyin'omugabo w'omugabo ogwo, nari ngu akeetaho omu mwanya gw'omuzaire wa nyin'omugabo ogwo; nari ngu

(c) esente ezo zikaragwa omuto n'endagiiriro y'okugira ngu zikoresibwe kumutungwa. Ku kiriba kiri kityo, amagoba garyashashurwa kuruga aha kufa kwa nyin'oburagwa.

315. Amagoba ku gariteerwaho obwire kushashurwa.

Ahu obwire burikuba butairweho ahabw'okushashura omugabo gw'omuri rufaaya, amagoba nigatandika kubarirwa aha kiro ekirikuba kitairweho, kandi amagoba agarikuba gaagiiremu

enyima y'ebiro ebyo nigabarwa omu bishaagire by'itungo rya nyin'oburagwa. Nikitaana, nyin'oburagwa ku ariba yaabaire ari omuzaire nari obukomooko bwa haihi bwa nyin'omugabo nari ku ariba yaayetaireho omu mwanya gw'omuzaire wa nyin'omugabo, kandi nyin'omugabo ogwo akaba ari omuto. Ku kiriba kiri kityo, omugabo ogwo guryabarirwa amagoba kuruga aha kufa kwa nyin'oburagwa, kureka ku hariba hariho sente ezitairwe aha rubaju omu buragwa ez'okutunga omuto ogwo.

316. Ekipimo ky'amagoba.

Ekipimo ky'amagoba kiriyaza aha bucweka 4 ahari 100 buri mwaka.

317. Okutateebwaho magoba aha sente za buri mwaka omu mwaka gw'okubanza.

Tihariho magoba agariba ag'okushashurwa aha sente z'okuheebwa buri mwaka omu mwaka gw'okubanza nyin'oburagwa aherize kufa, n'obu harikuba haatairweho obunaku bw'okushashura okw'okubanza aha sente ezo rwagati y'omwaka ogwo.

318. Amagoba ga sente ezishuubuziibwe kurugwamu sente za buri mwaka.

Ahu esente zirikuba ziragiirwe kushuubuzibwa ngu zirugwemu sente z'okuha eza buri mwaka, amagoba gaazo garyazibarirwa kuruga aha kufa kwa nyin'oburagwa.

Ekicweka XXXIX – OKUGARURAYO KW'EBYABAGANISIIBWE

319. Okugarurwayo kw'omugabo ogushashwirwe aha kuragiira kw'omuramuzi.

Ahu omuhikiiriza arikuba ashashwire omugabo bwanyima y'omuramuzi kuragiira, omuhikiiriza aryaba aine obushoboorozi bw'okweta nyin'omugabo kugarura ebi yaahairwe, yashanga ngu ebisigaireho tibirikubaasa kushashura bikahezayo emigabo eragirwe yona.

320. Tihariho kugarurira, ku ariba abishashwirwe ayekundiire.

Ahu omuhikiiriza ashashwire omugabo ayekundiire, naaba ataine bushoboorozi kweta nyin'omugabo kugugaruraho yaheza kureeba ngu ebisigaireho tibirikubaasa kushashura bikahezayo emigabo eragirwe yona.

321. Okugaruraho kw'omugabo ahu guhikiire nigwetengyesa eky'okukora.

Obunaku obutairweho oburagwa ahabw'okugira ekyakorwa nk'ekirikwetengyesa ku burihwayo kitakakozirwe, kandi obwo omuhikiiriza akaba yaagabire ebintu omu butabiryangatanisa, ku kiriba kityo, reero hakagira obwire obwayongyerwaho ahansi y'akacweka aka 124 ahabw'okukorwa kw'ekirikwetengyesa, haza ekirikwetengyesa kikajja kikakorwa nk'oku kishemereire, omugabo niguba gutakibanjibwa omuhikiiriza w'oburagwa, kureka nibagubanja abo abu yaagushashwire, kandi nibaba bari ab'okugaruraho sente ezo.

322. Ahu buri nyin'omugabo arikuba nagyemwa kugira eki yagarura.

Omuhiikiiriza ku arikuba yaashashwire ebintu ahabw'oku biragirwe, reero bwanyima akashangwa nabanjibwa eki yaabaire atakamanyisiibwe, omuhikiiriza aryaba aine obushoboorozi kweta buri nyin'omugabo weena kugarura aha bye akacweka k'ekingano kimwe.

323. Okugabana kw'ebintu.

Ahu omuhikiiriza nari omugabi w'ebya nyakufa arikuba akozire okurangirira nk'oku kwakukozirwe Kooti Enkuru, ahabw'okushoboorora itungo rya nyakufa, ahabw'abarikubanja hamwe n'abandi kwohereza ebi barikubanja itungo rya nyakufa; bwanyima y'okuhwayo kw'obwire bw'ekirango ekyo, aryaba aine obugabe bw'okugaba ebintu nari akacweka kaabyo

omu kwihura amabanja goona agu arikumanya ngu n'ag'amazima, kandi tarigiibwaho rubanja rw'okugira ngu tarahaire ondiijo ou yaabaire atatungireho eki arikubanja itungo rya nyakufa, aha bunaku bw'okugaba kw'ebintu. Kwonka, tihariho kintu omu kacweka k'iteeka eri ekirizibira orikubanja nari orikugira ngu ebye bikaheebwa ondiijo kubukurata akaza kubyenza ogwo ou byahairwe.

324. Orikubanja nabaasa kwenza nyin'omugabo kushashura.

Orikubanja, otakatungire okushashurwa ahabw'ibanja rye, nabaasa kuryenza nyin'omugabo, ohairwe ebi yaaragirwe, kumushashura omu kubigaruraho, yaaba itungo rya nyin'oburagwa ryabaire nirimara, aha kufa kwe, kushashura amabanja hamwe n'ebiragirwe, yaaba omuhikiiriza akamuha ebi yaaragirwe ayekundiire nari atekundiire.

325. Ahu nyin'omugabo otamazirwe nari ogyemire kugarura ebi yaahairwe atarikubaasa kwenza owaashashwirwe omu bwijwire kubigarurayo.

Ebintu ku birikuba byabaire nibimara kushashura oburagwa bwona aha kufa kwa nyin'oburagwa, nyin'omugabo otakashashwirwe ahabw'omugabo gwe, nari ogyemirwe kugira ebi yagarurayo ahansi y'ekicweka kya 324 takayenza owaashashwirwe omugabo gwe omu bwijwire kubigarurayo, yaaba omugabo gukagabwa gumushashwirwe gutarabire mu kooti nari gurabiremu, n'obu itungo rya nyakufa ryakuba riherize kutuuba ahabw'omuhikiiriza kubishiisha.

326. Ahu nyin'omugabo otamazirwe arikuteekwa kubanza yaayenza omuhikiiriza, omuhikiiriza yaaba nabaasa.

Itungo rya ny'oburagwa, ku riraabe ryabaire ritakubaasa kushashura rikaheza ebiragirwe byona aha kufa kwa kwe, nyin'omugabo otakatungire okushashurwa kw'omugabo gwe, atakagiire ow'ogwo owashashwirwe ogwe gukahwayo, nateekwa kubanza yaaza ow'omuhikiiriza w'oburagwa obwo, omuhikiiriza ogwo yaaba nabaasa. Kwonka omuhikiiriza yaaba ataine zirikumara nari atarikujunaanizibwa ibanja eryo, nyin'omugabo, otakamazirwe, nabaasa kwenza boona abaahairwe ebyabo bikahwayo kugira ebi bamuhaho omu kubigarurayo; akacweka akaringaniriire buri omwe.

327. Obugarukiro bwa nyin'omugabo omwe kugarurira ondiijo.

Okugarurira okurikorwa nyin'omugabo omwe arikuheereza ondiijo tikurirenga ekipimo eki abaahairwe ebi baaragirwe omu bwijwire baakubaire nibatuubizibwa aha bi baahairwe, okugabana kuri kwabaire kugyenzire gye.

328. Okugarurayo tikugira magoba.

Okugarurayo kwona okurikorwa kuryaba kutaine magoba.

329. Ebishaagire kushashurwa owa nyin'omugabo owa bwanyima.

Ebishaagire nari ebigumireho aha itungo rya nyakufa, bwanyima y'okushashura ebiragirwe hamwe n'amabanja goona biryaheebwa nyin'omugabo owa bwanyima otairweho omu buragwa.

330. Okutwara ebintu kuruga omu Uganda ngu biheebwe omuhikiiriza nari omugabi w'ebya nyakufa omu ihanga ry'obutuuro ahabw'okugabana.

Ahu omuntu otaine butuuro bwe omuri Uganda arikufa akatsiga ebintu omuri Uganda hamwe n'omu ihanga erindi eri yabaire ainemu obutuuro aha kufa kwe, reero amabaruha ga purobeti nari ag'okugaba ebintu gakaheebwa omuri Uganda ahabw'ebintu ebirimu, reero amabaruha agandi g'okugaba ebintu gakaheebwa omu ihanga ry'obutuuro ahabw'ebintu ebiriyo,

omuhikiiriza nari omugabi (nk'oku kiriba kiri), ow'omuri Uganda, bwanyima y'okumanyisibwa nk'oku kiri omu kacweka 323, kandi na bwanyima ye, aha kuhwayo kw'omwanya ogw'okuranga, okushashura boona abu arikumanya ngu nibabanja nyakufa omu mazima; omu mwanya gwe kuba niwe yaagaba ebintu ebishaagire aha bya nyakufa ahari abo ab'aheru y'eihanga ababihikire, nabaasa kubiheereza omuhikiiriza nari omugabi waabyo w'omu eihanga erindi eryo bwanyima y'okwikirizana nawe, reero ebyo ebishaagire ow'eihanga erindi abe niwe yaabibagabira.

331. Entwaza ahu nyakufa arikuba arekire itungo omuri Tanzania nari Kenya.

(1) Omuntu weena orikushaba Kooti enkuru ngu emuhe amabaruga ga Purobeti nari g'okugabana ebintu, aha mwanya gwona ogu arihamya ngu nyakufa hariho ebi yatsigire omuri Tanzania nari Kenya, aryamanyisa kooti atyo.

(2) Kooti, aha bunaku bw'okuha amabaruga ga purobeti nari g'okugabana, nari aha kaire koono aka bwanyima, ku eriheza kumanyisibwa ngu hariho itungo rya nyakufa omuri Tanzania nari Kenya, nebaasa kuragiira ngu hatagira okushaba kwona okwakorwa aha itungo okuhitsya obu okuragiira okwo kurihunduuka bwanyima y'ameezi ikumi na munaana (18).

(3) Ekihandiiko, ekitairweho omukono kooti erikukirayo eya Kenya nari Kooti erikukirayo eya Tanzania, reero kikateebwa omu kooti enkuru eya Uganda omu bunaku obutairweho omuri (2), kirikworeka itungo hamwe n'ebirikubanjibwa bya nyakufa, omu matware ga kooti ezo; ekihandiiko ekyo nikibaasa kukorwaho kandi kooti nebaasa kuragiira ngu itungo rye rigabwe omu buryo bw'okwihura abarikubanja nyakufa batari abarikuba basiimirwe kubanza kuheebwa ebintu. Okwihura amabanja okwo kuryakorwa aha mihendo erihambwa omuri kooti ya Kenya nari Tanzania nk'oku kyorekirwe ahansi y'akacweka k'ekiragiro aka.

(4) Kooti nebaasa kuragiira ngu ebiriba bishaagireho biri omu mikono y'omuhikiiriza nari omugabi bwanyima y'okushashurwa kw'amabanja omuri Uganda, yaaba gaihurwa obu bwijwire nari ekicweka nk'oku kiteereirweho akacweka k'ekiragiro aka, ebishaagire ebyo nibabaasa kuheebwa, byona nari akacweka kaabyo, omuhikiiriza nari omugabi w'ebintu omuri Tanzania nari Kenya.

(5) Omuhikiiriza nari omugabi, omu mutima murungi, bwanyima y'okuragiirwa kooti nk'oku kyaheza kworekwa, taribaasa kutabaarizibwa omu birikukwata aha bi yaakora aha itungo eryo.

Ekicweka XL – OKUHIKIIRIRWA KW'OMUGABI AHABW'OKUSIISIKARA KW'EBINTU

332. Okuhikiirirwa kw'omuhikiiriza nari omugabi ahabw'okusiisikara kw'ebintu.

Omuhikiiriza nari omugabi yaakwata kubi itungo rya nyakufa nari akarireetera kubura nari kusiisikara, aryaba nabanjibwa kugaruraho ebyabura nari ebyasisikara.

333. Okuhikiirirwa kw'omuhikiiriza nari omugabi ahabw'okunagaho ebintu.

Omuhikiirirwa nari omugabi w'ebintu, yareetaho okufeerwa aha itungo rya nyakufa ahabw'okwanga kwetaasya omu kacweka koono k'itungo eryo, aryaba ahikire kushashura omuhendo gw'okufeerwa okuriba kubaireho.

Ekicweka XLI- EBINDI EBYONGYEIRWEHO

334. Obushoboorozi bwa minisita kuzibira ekika ky'abantu kyona kukorwaho iteeka eri.

(1) Minisita, omu kwihaihana kw'obwire, aryagira obushoboorozi, obwo arikukoresa okuragiira kw'entebe ye, yaaba okuragiira aha byabaireho iteeka eri ritakateibweho, nari ebiribaho, kuzibira iteeka eri, nari akacweka kaaryo kukoresibwa aha muntu nari abantu omuri Uganda, nari ebicweka by'abantu bamwe omuri Uganda, abu arikuteekateekaho ngu

tikirikubaasika nari tibashemereire kuteebwaho ebihandiikire omu iteeka eri, nari akacweka kaaryo.

(2) Minisita nabwo aryagira obushoboorozi, omu kwihaihana kw'obwire, obwo arikukoresa okuragiira kw'entebe ye, kushazamu okuragiira kwona okukoreirwe ahansi ya (1), kwonka okukora kw'okusharwamu okwo kuryaba kutarikugaruka enyima.

335. Okuhayo kw'amabaruha ga purobeti nari ag'okugaba ebintu.

(1) Okuheereza kw'amabaruha ga purobeti nari ag'okugaba ebintu ku kurishazibwamu ahansi y'iteeka eri, omuntu weena oriba ahairwe amabaruha ago aryagagaruriraho omu kooti eyamuhairwe amabaruha aga.

(2) Omuntu ogwo ku aryanga kugagarura nkana nari ataine nshonga eyaamuremesa, aryagiibwaho ekifubiro ky'okushashura sente zirikubaasa kuhika Sh. 2,000 nari akomwe ahabw'omwanya ogutarikurenga ameezi ashatu nari byombi.

336. Okukora kw'iteeka eri aha mahe.

Tihariho ekiri omu iteeka eri ekiribaasa kukora ahari byona ebiteerweho ahabw'okugaba nari ahabw'ebya nyantatsiga-buragwa ebiri omu ngyenderwaho z'iteeka ry'abanyamahe erya Armed Forces Act, nk'oku ririba rihindwirwe omu bwire obu nari obundi.

337. Emyanya etairweho kurinda oburagwa bw'abahuriire.

(1) Ofiisi y'omuhandiiki mukuru nari omuhwezi we, aba Kooti Enkuru, niyo myanya etairweho kurinda gye oburagwa bw'abahuriire.

(2) Minisita, obwo arikukoresa okuragiira kw'entebe ye, nabaasa kutaho omwanya nari emyanya ahabw'okuhikiiriza okubiika okwo.

338. Obushoboorozi bw'okukora ebiragiro by'ebishare n'enshonga ezindi.

Omuramuzi omukuru (Chief Justice) aryagira obushoboorozi, bwanyima y'okwikirizibwa minisita, kukora ebiragiro ebirikukwata aha nshonga ezi—

(a) Okutaho esente ez'okushashurwa aha kubiika nari okwihayo oburagwa;

(b) Eby'okuhikiiriza waaba nootayo nari noihayo oburagwa;

(c) Ebindi byona abirikwija kwetengyesa ahabw'okuta omu nkora ebiri omu iteeka eri.

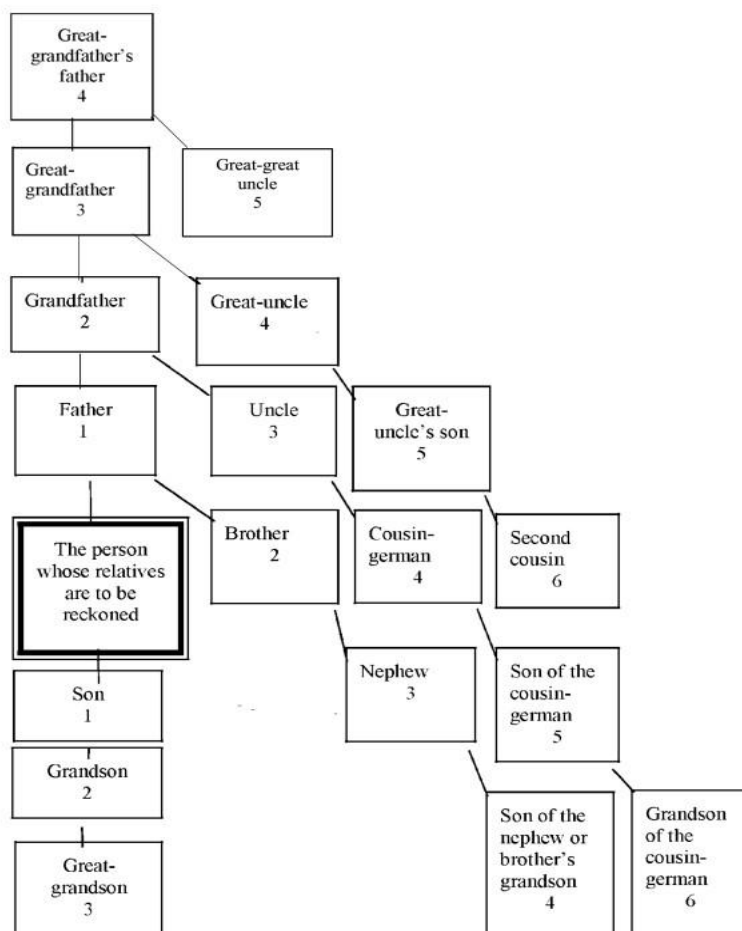
339. Okuta omu nkora ebicweka 37 kuta ahari 40.

Ebicweka 37 kuta ahari 40 biryaba nibikora ahari buri buragwa oburikorwa aha kiro kya 26.01.1971 hamwe n'ebiro ebirikukigarukaho.

ZAA SHEDYU

Ey'okubanza

EBY'OBUZAARWA-HAMWE



No	Word	Runyankore Rukiga Translation
a	Great grandfather's father	Ishe w'Ishenkuruza
b	Great grandfather	Ishenkuruza
c	Grandfather	Ishenkuru
d	Father	Ishe
e	The person whose relatives are to be reckoned	Omuntu w'okubarirwa abanyabuzaaare
f	Son	Omutabani
g	Grandson	Omwijukuru w'omwojo
h	Great Grandson	Omwijukuruza ow'omwojo
i	Great great uncle	Ishento w'Ishenkuru
j	Great uncle	Ishento ishe
k	Uncle	Ishento
l	Great Uncle's son	Mwene-w'ishento ishe
m	Brother	Mwene- ishe
n	Cousin german	Mwene-ishento
o	Second cousin	Omwojo mwijukuru w'ishento ishe
p	Nephew	Omwojo ou ari ishento
q	Son of Cousin german	Omwojo mwijukuru w'Ishento
r	Son of the nephew or brother's grandson	Omwijukuru w'omu mwojo we nari omwojo mwijukuru wa mwene-ishe
s	Grandson of the Cousin german	Omwojo mwijukuru wa mwene-ishento

Shedyu yakabiri

Ebiragirow ebirikukwata aha kutuura omu maju.

1. Abantu abahikire kugatuuramu.

(1) Aha nju eyaabaire netuurwamu nyin'oburagwa aha kufa kwe nk'oburaaro bwe obukuru, omukazi nari iba (nk'oku kiriba kiri) nari abaana boona abatakahikize emyaka 18 (baaba bari aboojo) nari emyaka 21 (baaba bari abaishiki batacashweirwe) abaabaire nibatuura obutoosha nawe, nibaba bahikire kuguma nibatuuramu.

(2) Ahu enju eyaabaire eri eya nyantatsiga-buragwa nk'enju ye enkuru kwonka etari ei yabaire natuuramu ahabw'okuba akaba natuura omu nju eyaabaire eri ey'ondiijo, omukazi we nari omushaija we (nk'oku kiriba kiri), hamwe n'abaana boona abatakahikize emyaka 18 (baaba bari aboojo) nari emyaka 21 (baaba bari abaishiki batacashweirwe) abaabaire nibatuura nawe obutoosha, nibaba bahikire kuguma nibatuuramu.

(3) Ku haribaho enju ei nyantatsiga-buragwa yabaire ari mukama waayo, omukazi we nari omushaija we (nk'oku kiriba kiri), hamwe n'abaana boona abatakahikize emyaka 18 (baaba bari aboojo) nari emyaka 21 (baaba bari abaishiki batacashweirwe), abaabaire nibatuura nawe obutoosha, nibaba bahikire kuguma nibagituuramu.

(4) Amaju agandi goona agaabaire gari aga nyantatsiga-buragwa agatoorekirwe ahansi ya (1), (2) or (3) y'ebigambo ebi, biryabarwa nk'akacweka k'itungo rya nyantatsiga-buragwa ery'okugabana omu kugyenderera ekicweka kya 27 ky'ekiragirow eki.

2. Obugabe bw'okuhingamu n'ebindi.

Omukazi weena, nari omushaija, nari omwana oyosire nahinga nari nabyara ebihingwa nari nayeza ebyokurya omu itaka eriri aha rubaju rw'enju ei nyantatsiga-buragwa, aha kufa kwe, yabaire ari Mukama waayo, aryagira obugabe bw'okuguma nahingaho yaaba naakituuraho.

3. Entwaza ahu omuto ariba abihikire.

Ahu omwana nari abaana barikuba bahikire kutuura omu nju ahansi ya 1 omu kacweka k'iteeka aka, kandi kwo bakaba nibatuuramu, omuntu okwatsibwe okureeberera omwana ogwo nari abaana abo omu biragirow, aryatuura omu nju egyo nari ateho ondiijo omukuru nari abandi bakuru abahikire kutuura omu nju egyo, obunaku bwona obu abaana abo nari omwana ogwo ariba natuuramu. Omu buryo obwo, omuntu oriba natuura omu nju aryagiibwaho obujunaanizibwa n'ebyetengo bya weena orikutuura omu nju egyo; kureka, okutuuramu kw'omuntu ogwo okwatsibwe kureeberera omwana nari ou yaataho ngu akimukorere, omuramuzi, yaashabwa omujwekyerwa wa nyakufa nari ondiijo muntu orikwenda ahabwe, nabaasa kwikiriza omuntu ogwo kuba niwe yatuura omu nju egyo nk'oku kyaheza kugambwaho.

4. Satifiketi y'okutuuramu.

Bwanyima y'okuhambwa, ekihandiiko ky'okurahira nari ekindi ,ngu omuntu, beitu obwo ku ariba ariho, ahikire buzima kandi yaherize kutandika kutuuramu n'ekigyendererwa ky'okuguma natuuramu nari ngu tihariho ndiijo muntu ohikire eky'okutuuramu, kooti eryashohoza satifiketi eri omu Foomu B ya shedyu yakashatu y'iteeka eri, egihe omujwekyerwa wa nyakufa, reero kope yaayo egihe ogwo oizire kutuuramu, ku ariba ariho.

5. Okuhamya.

Omujwekyerwa wa nyakufa nabaasa kuhandiika arikuhamya eky'okuha enju nari ekicweka kyayo omuntu nari abantu abarikuba bagihikire ahansi y'ekiragirow eki obwo bitarikutaana n'ebiragirow ebirikukwata aha kuza omu nju okuhikire. Kwonka ekihandiiko kyona ekirikweshushaniriza nk'ekirikuhamya tikirigasha kureka biri satifiketi ehairwe ahansi y'orunyiriri rwa 4 rwa shedyu egi yayorekwa omu kuhandiika, kandi satifiketi nari ebaruha

ehamiibwe yaayo yateebwa aha kihandiiko. Kiryataana ahari orikugura, obwo ahaire omujwekyerwa sente ezimuhikire, nangwa n'obu okurangirira kuriba kutakozirwe, ahakuba we taryetenga kureeba yaaba satifiketi ehairwe nari tehairwe.

6. Okwehandiikisa.

(1) Okutaahamu n'okutuura omu nju biryabarwa nk'okwenda itaka eririkubaasa kurindwa kaviyeti erikushohozibwa ahansi y'ekiragiyo kya Registration of Titles Act, kandi ondiijo muntu ku yaakwenda taribaasa kukihindura. Kwonka okuzamu kutuura tikuribarwa kutyo kwaba kuri okw'okupangisa.

(2) Okutaahamu kutuura okurikugambwaho omuri (1) tikurizibira otungire omwanya ogwo na rooni ya mogegi owaakikozire nyanyatsiga-buragwa akiriho.

7. Amaju agakiri omu ndagaano n'ebindi.

Okutaahamu kutuura omu nju kuryategyekwa endagaano zoon, emihingo hamwe n'oburomborombo ebi enju egyo nari akacweka kaayo karikubaasa kuba katairwemu aha kufa kwa nyantatsiga-buragwa, kandi kwongyerera ahari ebyo, kuryahikiiriza kandi kugyenderere ebi ebitairweho —

(a) Owaagitaahamu aryashashura emishoro n'ebishare byona ebiriho hamwe n'ebiribaho nk'oku arigyerekyerwa, byona ebiriteebwa aha nju nari ahari mukama waayo nari ahari ogwo ogirimu, kandi aryashashura ez'obupangisa n'ebishare ebindi ebitairweho riizi, ku biriba biriho, ebirikukwata aha kuba n'enju nk'egyoy;

(b) Owaagitaahamu aryarinda ebyombeko byona ebigikwaitseho, n'eby'amaizi, n'orugo, n'ebisiika by'amaju, biri gye kandi birikubaasa kupangisibwa, agihunduuze, agihunde; otuntu tukye tw'okukura nitwo yaakwitira eriisho, kureka owagitaahamu yaamanyisibwa ngu tashemereire kugishemeza kukira oku yaabaire eri aha kufa kwa nyantatsiga-buragwa;

(c) Owaagitaahamu tariheereza ndiijo n'obukwakuba okubagana n'ondiijo okuza kwe omu nju egyo nari akacweka kaayo

(d) Owaagitaahamu aryaikiriza omuntu ogihikire omu biragiyo (nka mukama waayo) nari omujwekyerwa we kutaahamu n'abakozi, nari atabaine, aha shaaha yoon ehikire, kureeba embeera y'enju egyo. Bwanyima omuntu ogwo nabaasa kumanyisa owaagitaahamu n'ekihandiiko arikworeka okuhunduuza okushemereire kukorwa kandi amanyise owaagitaahamu kukukoreraho. Omu meezi abiri g'okumanyisibwa, owaagitaahamu yaaba atakakozire eby'okuhunduuza ebyo, omuhandiikiire nabaasa kugumizamu agihunduuze, kandi ogitaahiremu nateekwa kwikiriza abantu kutaahamu kugihunduuza, reero esente z'okuhunduuza okwo riryaba ibanja ry'ogitaahiremu eri barikubaasa kumwenza kifuba, yaaba aikiriize kuguma omu nju egyo;

(e) Ogitaahiremu nabaasa kuhinga itaka ryona erihereire enju egyo, eririkukira kuhingwa omu buryo obuhikire, okugira ngu atarihezamu ensha nari orwezo kandi aryarinda itaka eryo riri gye;

(f) Ogitaahiremu taritema nari okubeija embaaho aha mwanya atatungire orusa kuruga ahari Mukama w'omwanya omu biragiyo. Ekiriikirizibwa n'ekiriba kiringaniire ahabw'emirimo y'obutoosha y'ogitwiremu;

(g) Ogitaahiremu taryombeka nari kwikiriza kwombekwa nari kwimutysa ekyombeko kyona aha nju egyo, tarigihindura, tarigyongyeraho, atabandize kwikirizibwa omuntu ogihikire omu biragiyo;

(h) ku aritunga okumanyisibwa, okuragiirwa nari okworekyererwa kuruga omu b'obushoboorozi obw'amazima, ebirikukwata nari birikubaasa kugira akakwate n'enju egyo, yaaba kwamumanyisibwa nk'omuntu, nari yatunga kope yaakwo kuruga aha muntu, nk'oku okumanyisibwa nari okuragiirwa, nari okworekyerera nari ekihandiiko oku kiriba kiri, ogitaahiremu aryaba ari ow'okukora ekishabirwe akahikiiriza ebimumanyisiibwe omu sente

ze, kandi aryamanyisizaho omuntu ogwo ohikire enju egyo omu biragiro okumanyisa oku ahairwe.

(i) ogitaahiremu tarikora nari kwikiriza kukorwa aha nju egyo ekintu kyona ky'okugwisa kubi nari kujumisa, nari kuhutaaza nari kwekora eky'okurabanisamu enju egyo nari ahu eri nari ogihikire nka mukama waayo omu biragiro, nari kukora ekintu kyona ekirihaho nari kikaremesa okukora kwa inshuwarensi, nari kyareetaho okwongyera kw'ebishare byayo bya buri mwaka;

(j) ogitaahiremu tarikorera omu nju egyo omurimo gwona ogwabaire gutarikukorerwamu aha kufa kwa nyantatsiga-buragwa, atakatungire rusa kuruga ahari ogwo ogihikire omu biragiro;

(k) obutuuzi bwe kuburyemerezibwa, ogitaahiremu aryahayo enju egyo na byona ebigiriho, eminyororo n'ebindi ebigikomireho omu mbeera nungi y'okupangisibwa nk'oku kitairweho omu kicweka ky'iteeka eki.

8. Okwemerezibwa ahabw'ebibaireho.

(1) Okutuura omu nju kuryashazibwamu aho n'aho ebi ku biribaho;

(a) ogitaahiremu yaaba ari muka nyakufa, okugituumamu kuryasharwamu ku arigaruka akashwerwa;

(b) ogitaahiremu nari abagitaahiremu ku barifa;

(c) ogitaahiremu ku ariba ari muto nari bari bato, okutaahamu kwabo kuryashazibwamu ku omwana w'omwojo arihitsya emyaka 18 nari ow'omwishiki ku arihitsya emyaka 21 nari omwishiki ku arishwerwa;

(d) abagitaahiremu nari ogitaahiremu okutagituumamu kuhitsya nari kurenga ameezi 6 agakurataine batagirairemu;

(e) ogitwiremu ku arigihayo omu buhandiikye, yaaba ari mukuru akataho omukono, nari kooti ekakihama yaaba ari muto, nari bari bato, kureka ahu okushoboorora kw'abaana kuri okw'orunyiriri rwa 1 rwa shedyu egi. Abaana abo ku baraabe baabaire batwire n'ogitwiremu kandi abatungire ekyo kitakabaireho. Ku kiriba kiri kityo, okutuura omu nju tikurigwa kureka omwana nari abaana baryakuhungura.

9. Okwemerezibwa okuragiira kwa kooti.

(1) Kooti yona eriba eine obushoboorozi aha nju, obwo erikugyenderera omuhendo gwayo, bwanyima y'okushabwa mukama waayo ogihandiikirweho ow'obunaku obwo, nebaasa kuragiira okutuumwamu kw'egyo nju nari akacweka kaayo bwanyima y'okuhama ku hariho eki nari ebi —

(a) ngu ogitwiremu agumire naremwa kuhikiiriza nari kukwatanisa na kimwe nari byona ebitairweho omu runyiriri rwa 7 rwa shedyu egi;

(b) ngu oburaaro obundi obushemeire buriho ahabw'ogitwiremu hamwe nabu agitwiremu nabo, nari abu atungire, ngu kandi tibarikuza kugumirwa baaza omu buraaro obundi butari nju egyo;

(c) ngu tihariho kugumirwa okurireetwaho ogitwiremu nari abagitwiremu nawe nari abu atungire, yaheza kushashurwa esente ezirishwijumwa kooti, omu mwanya gw'okwikirizibwa kutaaha omu nju egyo, nari omu kacweka kaayo nk'oku kiriba kiri; reero owaashaba naija kushashuriraho ogitwiremu esente ezo eziragambweho.

(2) Kooti eryayetengyesa kuragiira okusharwamu n'obu enshonga ezindi nari abandi bariba bariho.

(3) Ahu okushaba oku kurikukorwa omwaka gurikukurata okufa kwa nyantatsiga-buragwa gutakahwaire, reero hakabaho omuntu ondijjo nari abantu abandi abaakubaire bahikire kuturamu, kwonka ahabw'orikutuumamu kubaho, omuntu nari abantu abo baryateebwa omu mushango, kandi kooti, bwanyima y'okuhurira mushinja eyareetwamu, nebaasa kuragiira ngu okutuumwamu kwihwe ahari ogwo ogitwiremu kuze ahari ogwo nari abo abashabire.

(4) Omuntu weena ohikire kugituuramu orikuhurira ateganisiibwe okusharamu kwa kooti, nabaasa kujurira ebi kooti eshaziremu omu biro bitarikurenga makumi ashatu.

10. Obuhenda biragiho.

Kiryabarwa nk'obuhenda biragiho oburifubirwa n'okukomwa omwanya gutarengire ameezi mukaaga, nari okutangisibwa sente zitarikurenga 1,000 nari byombi, omuntu kutuntumura nari kuteeraho kutuntumura omukazi nari omwana wa nyantatsiga-buragwa kuruga omu nju, satifiketi erikworekwa omu runyiriri rwa 4 etakahairwe obwo baaba babaire nibagituuramu okw'obutoosha, aha kufa kwa nyantatsiga-buragwa, nari omuntu ogwo ku arikora ekintu ekirikureebwa kuba kiri eky'okushendashenda nari okugyema omukazi nari omwana kuruga omu nju egyo satifiketi etakashohozibwe.

Shedyu yakashatu.

s. 31.

Zaafomu.

Eihanga rya Uganda

Foomu A.

Foomu y'okumanyisa ngu hatairweho Omusika w'omu by'Enzaarwa.

Ahari: Omujwekyerwa wa _____ na

Ahari: Administrator General,

Itungo rya _____, owafiire.

Okushaba kwa Purobeti hamwe n'okugabana Namba. _____ ya 20 _____.

Itwe _____ ab'obushoboorozi bw'okutaho omu by'enzaarwa) aba _____ hamwe nanye,

_____ (omusika w'omu by'enzaarwa) wa

_____, hati nitukumanyisa ngu omu

kukurata ebitairwe omu kicweka 31 by'Iteeka ry'Obuhunguzi, ngu aha kiro _____ ky'okwezi

_____ kw'omwaka , 20 _____, ahari _____ omu disitukiti

/ekyanga _____ ngu _____

(omusika) akateebwaho kuba omusika kandi omuhunguzi wa _____

_____, owafiire, omu kugyenderera n'ekiragiho ky'eby'enzaarwa

ekya'Oruganda rwa _____ oru _____,

oru nyakufa yaabaire arimu, kandi naanye, _____,

(omusika) nindangirira ku nyine eki ndikwereberamu omu itungo rya

_____, nyakufa, ekimpikire nk'omusika omu by'enzaarwa.

Omukono gwangye

Omukono gwa kareebi

Omukono gw'owa gavumenti

Ofiisi ei arikujwekyera

Foomu B.

Satifiketi y'okutaaha omu nju .

Omuri Kooti Enkuru ya Uganda erikushangwa

Enshonga ya Purobeti n'ey'Okugabana, Namba. _____.

Ka kimanywe ngu _____ owa _____
Omuri disiturkiti/ekyanga _____ naahamibwa/tihariho ndiijo muntu
ohikire omu biragiyo kutuura omu nju ahansi y'ekicweka kya 26 kya, hamwe na Shedyu ya
kabiri y'Iteeka ry'Obuhunguzi ahabw'itaka eririkumanywa nka
_____ erihandiikirwe omu bitabo by'amataka ebya Registry
of Titles ahansi y'ekyapa, Namba. _____ ekirikushoboororwa omu puraani hati
eyateebwaho aha omu n'akacumu karikutukura.

(Akamanyiso ka kooti)

Shedyu yakana .

Foomu y’oburagwa etairweho gavument.

1. Amaziina g’orikukora Oburagwa	Amaziina	
	Ei arikushangwa	
2. Amaziina g’omuhikiiriza/ abahikiiriza		
3. Okuteebwaho kw’omusika		
4. Amaziina g’omukuza/ abakuza b’abato		
5. Amaziina g’abantu abahairwe ebirabo omu buragwa obu (ebirikubaasa kuba sente, amataka nari agandi matungo)	Eiziina	Ekintu eki ahairwe
	Eiziina	Omugabo ogu ahairwe
6. Omukono nari akabonero k’owakora Oburagwa		
7. Emikono nari obubonero bwa baakareebi 2, ei barikuruga n’ebi barikukora	Kareebi w’okubanza	
	Omukono/akabonero ke	
	Eiziina rye	
	Ei arikuruga	
	Omurimo gwe	
	Kareebi wa kabiri	
	Omukono/akabonero ke	
	Eiziina rye	
	Ei arikuruga	
	Omurimo gwe	