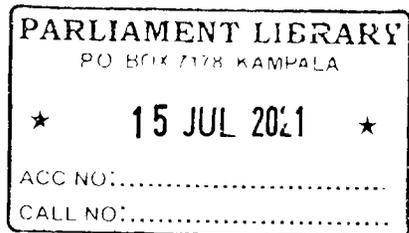




THE REPUBLIC OF UGANDA



**THE ESTATES OF MISSING PERSONS
(MANAGEMENT) (AMENDMENT) ACT, 2021.**

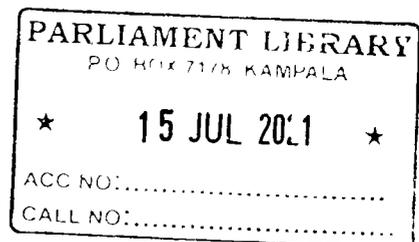


THE REPUBLIC OF UGANDA

I SIGNIFY my assent to the bill.

Y. Museveni

.....
President



Date of assent: *13/7/2021*

THE ESTATES OF MISSING PERSONS (MANAGEMENT)
(AMENDMENT) ACT, 2021

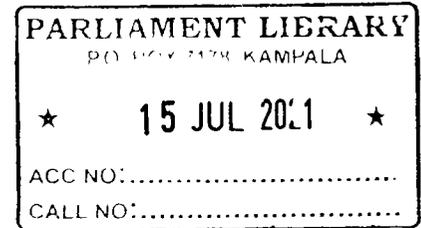
ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 1 of the Estates of Missing Persons (Management) Act
2. Amendment of section 3 of principal Act
3. Amendment of section 7 of principal Act
4. Replacement of section 9 of principal Act



THE REPUBLIC OF UGANDA



**THE ESTATES OF MISSING PERSONS (MANAGEMENT)
(AMENDMENT) ACT, 2021**

An Act to amend the Estates of Missing Persons (Management) Act, Cap. 159; to align the age of children in the Act to the age in the Constitution of the Republic of Uganda; to provide for the rights of children with disabilities and to revise the monetary jurisdiction of the Magistrates courts to conform to the Magistrates Courts Act, Cap. 16.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

1. Amendment of section 1 of the Estates of Missing Persons (Management) Act

The Estates of Missing Persons (Management) Act, in this Act referred to as the principal Act, is amended in section 1 by—

Act *Estates of Missing Persons (Management)* **2021**
(Amendment), Act

- (a) inserting a new paragraph immediately after paragraph (1) (a) the following—

“Currency Point” has the value assigned to it in the Schedule to this Act;”

- (b) substituting for the words “or daughter of or above eighteen years of age” appearing in subsection (1) (b) (i), the words “a son or daughter above eighteen years of age but below twenty five years of age, where he or she is still in school and is not married and a son or daughter with a disability”;

- (c) substituting the words “twenty-one years” appearing in subsection (2) with the words “eighteen years”; and

- (d) inserting immediately after subsection (2) the following—

“(3) Notwithstanding subsection (2), court shall have the discretion to determine whether a person who is otherwise qualified to administer an estate under the subsection, is fit and proper to do so and court may refuse to grant an order for the management of an estate of a missing person, where an applicant is not suitable.”

2. Amendment of section 3 of principal Act

The principal Act is amended in section 3 by—

- (a) repealing subsection (1) (a);
- (b) substituting for the words “exceeds ten thousand shillings but does not exceed fifty thousand shillings” appearing in subsection (1) (b), the words “does not exceed one thousand currency points”;

- (c) substituting for the words “exceeds fifty thousand shillings but does not exceed one hundred thousand shillings” appearing in subsection (1) (c), the words “does not exceed two thousand five hundred currency points”; and
- (d) by substituting for paragraph (1)(d) the following—
 - “(d) the High Court, where the value of the estate exceeds the values prescribed in paragraph (b) and (c),”

3. Amendment of section 7 of principal Act

Section 7 of the principal Act is amended by inserting immediately after subsection (2) the following—

“(2a) For the purpose of this Act, an order for the management of an estate of a missing person shall not be granted to any person under the age of eighteen years.”

4. Replacement of section 9 of principal Act

The principal Act is amended by substituting for section 9, the following—

“9. Intermeddling with property of a missing person

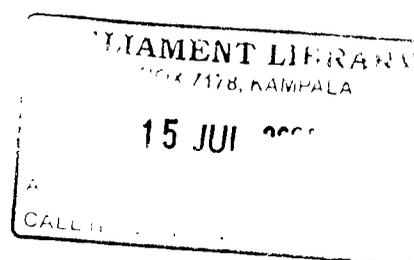
(1) “A person who intermeddles with the estate of a missing person commits an offence and is liable, on conviction, to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.

(2) A person is taken to intermeddle in the estate of a missing person where that person, while not being the manager—

- (a) takes possession or disposes of a missing person’s property;

Act *Estates of Missing Persons (Management)
(Amendment), Act* **2021**

- (b) unlawfully refuses or neglects to deliver to the manager any property in his or her possession belonging to the estate of the missing person; or
- (c) does any other act which belongs to the office of the manager.
- (3) Subsection (1) shall not apply in cases where the intermeddling is by a spouse or lineal descendant of the missing person and it happens before the grant of an order under section 7 of this Act, in circumstances prescribed in subsection (4).
- (4) The circumstances referred to in subsection (3) are where the intermeddling is for the purpose of—
 - (a) preserving the estate of a missing person;
 - (b) providing for the welfare of the missing person's lineal descendants;
 - (c) providing immediate necessities of the missing person's family;
 - (d) preserving and prudent management of the missing person's business, including preserving the missing person's goods of trade; or
 - (e) receiving money or other funds belonging to the missing person.
- (5) The duration for which a person referred to in subsection (3) may intermeddle in the estate of a missing person is six months from the date the person is presumed to be missing or until the grant of an order under section 7, whichever occurs first.



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(Amendment), Act

(6) A person intermeddling with the estate of a missing person pursuant to subsection (3) shall forthwith report particulars of the property and steps taken to the manager or Administrator General or its agent.

(7) A person who has reason to believe that the person intermeddling in the estate of a missing person pursuant to subsection (4) has caused loss or damage to the estate or that there are reasonable grounds for ending the intermeddling may apply to the Administrator General or his or her agent for redress.

(8) A person who intermeddles in the estate of a missing person pursuant to subsection (3) shall be personally liable for any loss occasioned to the estate arising from the intermeddling and shall make good the loss caused to the estate.

(9) A person who intermeddles in the estate of a missing person beyond the time prescribed in subsection (5) commits an offence and is liable to a fine not exceeding one thousand currency points or imprisonment not exceeding ten years, or both.”

Act *Estates of Missing Persons (Management)*
(Amendment), Act **2021**

SCHEDULE

Section 1

Currency point

A currency point is equivalent to twenty thousand shillings.



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.



.....
Clerk to Parliament

Date of authentication: 27th/05/2021