

Can a next of kin withdraw funds from a deceased person's account upon the death of an account holder under the laws of Uganda ?

When a person dies, they either die testate or intestate. A person dies testate when he or she wrote and left a valid will concerning the distribution of his or her property upon their death. A person dies intestate when they pass away without leaving a valid will. A will is a written document made while a person is still alive in which he or she gives instructions as to how his/her property and other affairs should be managed or taken care of after death.

Whereas financial institutions ask their customers to provide details of their next of kin on account opening, it is not intended that these become their beneficiaries upon demise. These are meant solely for contact purposes in case of an emergency or in the event the account owner cannot be contacted using the information provided to the Bank.

A bank account is the property of the account holder and is subject to the Succession laws of Uganda. If an account holder therefore passes on, the funds in his account can only be accessed after certain legal requirements are met. Therefore, a next of kin is not an automatic beneficiary of a deceased person's funds held in the bank.

A deceased person's property can only be accessed by someone who has Letters of Administration in case the deceased did not leave a will or a grant of probate beneath the will which are granted by the Magistrates Court or High Court depending on the value of the estate.

Letters of Administration is a legal document issued by a competent Court, that allows the Administrator(s) to manage and distribute the deceased's estate.

The process of obtaining Letters of Administration includes obtaining a Certificate of No objection from the office of the Administrator General before making an application to the Magistrates Court or High Court for Letters of Administration.

The easiest way to leave your money to a specific person is by opening of a joint account with the right of Survivorship upon death as a must. If the right of survivorship is not provided for the living owner cannot automatically takeover the management of the account upon death of the other owner.

Whoever wants to access money on the account of a deceased person must prove that they have the Legal right, the Bank shall ask for certified Letters of Administration or Letter of Probate.

It is therefore very important to know that when death occurs, the next of kin will not have any access to the money on a deceased person's account unless that person is a Joint owner of the account with a right to survive the deceased account owner or is appointed Administrator of the Estate or Granted Letters of Probate.