

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 37 OF 2023

The Wills and Administration of Testate Estates Act
(Laws, Volume 5, Cap. 60)

**The Wills and Administration of Testate Estates (Probate)
Rules, 2023**

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IN EXERCISE of the powers contained in section 68 of the Wills and Administration of Testate Estates Act, the following Rules are made:

PART I

PRELIMINARY

- | | |
|---|--------------------|
| 1. These Rules may be cited as the Wills and Administration of Testate Estates (Probate) Rules, 2023. | Title |
| 2. In these Rules, unless the context otherwise requires— | Interpretation |
| “applicant” means a person who makes or has made an application for a grant of probate or other relief under the Act or these Rules; | |
| “Assistant Registrar” means the Assistant Registrar of the Judiciary appointed under section 7 of the Judiciary Administration Act, 2016, and designated to perform the functions under rule 5; | Act No. 26 of 2016 |
| “citor” means a person who seeks the issuance of a citation under Part IV of these Rules; | |
| “certified copy” means a copy of a document or record, signed and certified as a true copy of the original by the commissioner for oaths; | |
| “District Registry” means a registry within a district for the purposes of testate proceedings and includes a place at which sittings of the High Court are authorised to be held outside Lusaka; | |
| “executor” has the meaning assigned to the word in the Act; | |
| “grant” means a grant of probate or letters of administration with a will annexed; | |
| “personal representative” means a person to whom a grant has been made and is still subsisting; | |
| “practitioner” has the meaning assigned to the word in the Legal Practitioners Act; | Cap. 30 |
| “Registrar” means the Registrar of the Family and Children’s Division of the High Court appointed under section 7 of the Judiciary Administration Act, 2016 and includes a District Registrar; | Act No. 26 of 2016 |
| “Registry” means the Family and Children’s Division Registry of the High Court and includes a District Registry; | |
| “testator” has the meaning assigned to the word in the Act; and | |
| “will” has the meaning assigned to the word in the Act. | |

Application
Cap. 61
Cap. 27

3. (1) Subject to these Rules and any other law, the Probates (Resealing) Rules and the High Court Rules shall apply to the commencement of proceedings and to the practice and procedure in testate proceedings pending in the court.

Cap. 1

(2) Subject to the Constitution, where there is any inconsistency between these Rules and any other Rules relating to testate proceedings, these Rules shall prevail to the extent of the inconsistency.

PART II

REGISTRY

Registry

4. (1) The Chief Justice may establish a Registry at a place that the Chief Justice considers necessary for the purpose of these Rules.

(2) The Registrar shall be responsible for the administration of the Registry.

Functions of
Registrar

5. (1) The Registrar shall keep and maintain a register of each application for a grant filed in the Registry.

(2) The register referred to under sub-rule (1) shall specify the—

(a) full names of the deceased;

(b) title of proceedings;

(c) address of the deceased;

(d) date of death;

(e) place of death; and

(f) domicile at date of death.

(3) The Registrar shall keep the original written will from which a grant is issued in the depository referred to under rule 6.

S.I. No. 91 of
2021

(4) The register shall be open for public inspection during normal working hours on payment of a fee set out in the High Court (Civil Jurisdiction) (Family Court Fees) Regulations, 2021.

(5) The Registrar may delegate the functions under this rule to the Assistant Registrar.

Depository
for wills of
testator

6. (1) The Registrar shall provide a safe and convenient depository for the custody of a will at the Registry.

S.I. No.91 of
2021

(2) A testator or a testator's practitioner who intends to deposit a will in the depository specified under sub-rule (1) shall seal the will and, on payment of a fee set out in the High Court (Civil Jurisdiction) (Family Court Fees) Regulations, 2021, file the will together with a docket in Form I set out in the Schedule.

(3) A will deposited under sub-rule (1) may be withdrawn by the testator or the testator's practitioner on payment of a fee set out in the High Court (Civil Jurisdiction) (Family Court Fees) Regulations, 2021 and on production of satisfactory evidence that the will was deposited by that testator or that testator's practitioner.

S.I. No.91 of 2021

(4) The Registrar shall, on proof of the death of a testator, supply a copy of the will to the executor or another person that the Registrar may determine to be entitled to the will.

PART III

APPLICATION FOR GRANT

7. (1) A person may, within a period of twelve months of the death of a testator, apply for a grant by filing originating summons and an affidavit in support of the application.

Application for grant

(2) An application for a grant under sub-rule (1), may be made in person or through a practitioner.

(3) Where an application for a grant is not made within the time specified under sub-rule (1), the application shall be made with leave of court.

(4) An applicant shall publish the application made under sub rule (1) in a daily newspaper of general circulation in the Republic inviting objections to be made within fourteen days from the date of the publication.

8. (1) An applicant under rule 7 shall file a lodgement schedule in Form II set out in Schedule on payment of a fee set out in the High Court (Civil Jurisdiction) (Family Court Fees) Regulations, 2021.

Documents to be filed by applicant S.I. No. 91 of 2021

(2) An application in sub-rule (1) shall be accompanied by—

(a) an affidavit in support of the application containing certified copies of the certificate of death or any other authentic document to prove the death of a testator, national registration card or any other authentic document to identify the deceased and a copy of the will;

(b) an executor's oath in Form III set out in the Schedule;

(c) an administration bond in Form IV set out in the Schedule;

(d) a declaration of the deceased's estate in Form V set out in the Schedule; and

(e) a fee sheet in Form VI set out in the Schedule.

Joinder of
executor to
application
for
grant of
probate

9. (1) Where more than one executor is appointed in a will and not all the executors have made an application for a grant, an executor who subsequently intends to apply for a grant and has not renounced the right to a grant may apply to be joined to the application before or after the grant is made.

(2) An application made under sub rule (1) shall be made by filing summons and an affidavit in support of the application.

(3) A court may, on receipt of an application under sub-rule (1), require the grant already issued and its certified copies to be filed in the Registry.

Application
for proof of
oral will

10. A person may apply for proof of an oral will by filing originating summons and an affidavit in support of the application containing evidence relating to

- (i) the making and date of the will;
- (ii) the exact words of a testator;
- (iii) the name and address of an executor;
- (iv) the name and address of witnesses;
- (v) whether the testator satisfied section 6 (4) of the Act at both the time of making the will and at the testator's death; and
- (vi) whether the deceased at any time executed or caused to be executed a written will.

Application
by trust
corporation
Cap. 62

11. (1) An application for a grant to a trust corporation shall be made by an officer authorised under section 4 of the Administration of Estates (Trust Corporation) Act by filing originating summons and an affidavit in support of the application.

(2) An officer referred to under sub-rule (1) shall depose in the affidavit that a corporation is a trust corporation and has power to accept a grant.

(3) An application made under sub-rule (1) shall be accompanied by consent of all persons entitled to a grant and proof of authority of the officer making the application.

Notice to
court of
facts
relevant to
application
for grant

12. (1) A person, whether or not a party to the application for a grant, may file a notice supported by an affidavit to notify the court of—

- (a) the making or contents of a will of the deceased whether written or oral;
- (b) the rights of a dependant or a person who may be entitled to an interest in the estate of the deceased; or

(c) a matter which may require further investigation before a grant is made.

(2) A person who files a notice and an affidavit under sub-rule (1) may be required to give evidence before the court.

13. (1) A person may apply to the court for a grant of a codicil discovered after a will is proved, by filing summons and an affidavit in support of the application under the action in which the original grant was made.

Application
for grant of
codicil

(2) A deponent to an affidavit in support of the application under sub-rule (1) shall exhibit the codicil and state the reason the codicil was not submitted for proof together with the will and further facts as may be necessary for consideration by the court.

PART IV

RENUNCIATION OF GRANT

14. (1) An executor who intends to renounce the right to a grant shall—

Renunciation
of grant

(a) notify the court orally at the hearing of the application for a grant; or

(b) where there is—

(i) an action before court, make an application by filing summons and an affidavit in support of the application; or

(ii) no action before court, by filing originating summons and an affidavit in support of the application.

(2) An executor who renounces the right to a grant may make an application before the Registrar to withdraw the renunciation by filing a summons and an affidavit in support of the application.

15. Where an executor who has not renounced the right to a grant dies before the testator or survives the testator but dies before making an application for a grant, an applicant for a grant shall file a certificate of death or other evidence that the court may require as proof of the death of the executor.

Death of
executor
who
has not
renounced
right to grant

16. (1) A creditor or a person who claims an interest in the estate of a deceased person shall, on payment of a fee set out in High Court (Civil Jurisdiction) (Family Court Fees) Regulations, 2021 cause to be issued by the court a citation in Form VII set out in the Schedule and an affidavit in support of that citation.

Citation

S.I. No. 91
of 2021

(2) The court may, if the court considers it necessary, accept an affidavit sworn by a citor's practitioner.

(3) A citor shall serve the citation on the person cited personally or by delivering the citation at the address of the person cited.

(4) A citor shall prove service of the citation by filing an affidavit of service.

(5) A person cited shall enter appearance in Form VIII set out in the Schedule within fourteen days of being served with the citation.

(6) A person cited in a citation who intends to accept or take a grant may, after entering an appearance, apply for a grant by filing originating summons and an affidavit in support of the application.

Citation to
propound
codicil

17. (1) A citation to propound a codicil shall be supported by an affidavit and be directed to—

(a) the executor; and

(b) a person interested in the estate.

(2) A citation under sub-rule (1) may be issued at the instance of a citor who has an interest contrary to that of the executor or other person.

(3) A citor may apply for a grant as if the will is not a valid document where the fourteen days under rule 16 (5) for entering an appearance has elapsed and the person cited has not—

(a) entered an appearance in the Registry; or

(b) propounded the codicil.

(4) The court may, when hearing an application under sub-rule (3) and before making a grant make inquiries and orders that the court considers necessary.

Order to bring
will or to
attend
examination

18. (1) A person who has an interest in the estate of a testator may apply to court by filing summons and an affidavit in support of the application for an order requiring a person to produce a document which is or appears to be a testamentary instrument executed by the testator which is believed to be in the possession of that person.

(2) A person served with summons and an affidavit referred to under sub-rule (1), may file an affidavit in opposition to the application.

(3) Despite sub-rule (2), any other person may file an affidavit if that person is in possession or control of a

document under sub -rule (1) by virtue of that person being-

(a) a practitioner for testator by whom, or by whose, direction the document was executed; or

(b) a professional advisor in relation to the testator.

PART V

MAKING OF GRANT

19. A court may, on hearing an application under rule 7, grant probate or letters of administration with a will annexed in Form IX set out in the Schedule. Making of grant
20. (1) A personal representative who seeks to rectify an error in the grant in accordance with section 63 of the Act shall apply to the court by filing *ex-parte* summons and an affidavit in support of the application setting out the reasons for the application. Rectification of grant
- (2) An application under sub rule (1) shall be filed within twenty one days of the making of the grant.
21. (1) The court may, on the application of a person who is not entitled to a grant and on being satisfied that the matter is of urgency, make a limited grant for the protection of the assets of the deceased. Limited grant
- (2) An application for a limited grant under sub-rule (1) shall be made in accordance with rule 7.
- (3) A grant made under sub rule (1) shall be expressly limited for the purpose only of collecting and doing acts that may be necessary for the preservation of the estate of the deceased until a further grant is made.
- (4) A copy of a limited grant when issued shall be served on all persons with beneficial interest and proof of such service shall be filed before court.
- (5) An earlier limited grant made shall cease to have effect without any prejudice to an act or other thing lawfully done under that limited grant where a grant is made under the Rules.
- (6) A holder of a limited grant shall account to court for assets collected, payments made and expenses incurred by that holder of a limited grant.
22. The making of a limited grant under rule 21 shall not prejudice the right of a personal representative to apply for a grant to the estate of the deceased under these Rules. Limited grant not to prejudice making of full grant

PART VI

CONFIRMATION, RESEALING, RECTIFICATION AND REVOCATION OF
GRANT

Resealing of
grant issued
outside
Republic
Cap. 61

23. (1) A personal representative to whom a grant is made or that person's practitioner may apply to the court for the resealing of a grant issued by the court outside the Republic by filing an originating summons and an affidavit in support of the application.

(2) An application under sub-rule (1) shall be accompanied by—

(a) a certified copy of the grant;

(b) a certified duplicate copy of the grant sealed with the seal of the court of probate which issued the grant; and

(c) an oath of the personal representative.

(3) A creditor may, before an application for resealing a grant is determined, bring an application before court for security of payment of a debt from the estate of the deceased by filing a notice of motion and an affidavit in support of the application in accordance with section 5 of the Probates (Resealing) Act.

(4) A person who intends to object to an application for resealing of a grant may file a notice of objection in Form X set out in the Schedule and an affidavit in support of the notice.

(5) The court may, where all the necessary requirements are complied with in accordance with the Act and these Rules, make an order for resealing of the grant.

(6) A personal representative shall advertise a notice of resealing in Form XI set out in the Schedule in a daily newspaper of general circulation in the Republic.

(7) A personal representative shall file an affidavit showing proof of advertisement of the notice of resealing of a foreign grant before obtaining the resealed grant.

Evidence of
foreign law

24. (1) Where an application for a grant requires evidence of the law of another country, the court may accept an affidavit of a person who practices or has practiced as a practitioner in that other country.

(2) The court may not accept an affidavit under sub-rule (1) where the deponent is the person claiming to be entitled to the grant or the person's practitioner.

(3) The court may, in special circumstances, accept an affidavit of a person who is not a practitioner if the court is satisfied that the person has knowledge of the relevant law of that country.

25. (1) A person may apply before the court for revocation or annulment of a grant in accordance with section 51 of the Act by filing a summons and an affidavit in support of the application within twelve months of the date—

Revocation or annulment of grant

(a) of issuance of the grant; or

(b) on which the executor has been called on to furnish an account of administration of the deceased's estate.

(2) An affidavit under sub rule (1) shall contain the—

(a) facts on which the application is made; and

(b) extent to which the estate has been administered with any material information in relation to the estate.

(3) An application made under sub-rule (1) shall be served on the personal representative and any person with a beneficial interest in the deceased's estate.

(4) A person served with an application under sub-rule (3) may file an affidavit stating whether that person

supports or opposes the application and the grounds on which that person relies.

PART VII

APPLICATION FOR FAMILY PROVISION

26. (1) A person may apply to the court for provision in a will by filing a writ of summons accompanied by a statement of claim, before or after a grant is made.

Application for provision in will

(2) A statement of claim under sub-rule (1) shall state—

(a) the date of death of the testator;

(b) the date of the last will and whether oral or written;

(c) the relationship of the applicant to the testator and the grounds on which, having regard to section 20 of the Act, the applicant claims to have been a dependant of the testator at the time of death;

(d) the name and address of each dependant of the deceased at the time of death;

(e) where a grant to the estate of the deceased has been issued, to whom it was granted and the date of issue;

(f) the nature, situation and amount of the property of the deceased and the value of the net estate;

- (g) the past, present or future capital or income of the applicant derived or expected to be derived from any source;
- (h) the existing and future means and needs of the applicant;
- (i) whether during the lifetime of the testator, the testator had made an advancement or other gift to the applicant;
- (j) the conduct of the applicant in relation to the testator;
- (k) the situation and circumstance of the other dependants of the testator and of a beneficiary under a will of the testator; and
- (l) the nature of the case including the testator's reason for not making provision for the applicant.

(3) An applicant shall, where an application has been granted, serve the writ of summons and statement of claim referred to under sub-rule (1) on the personal representative and representatives of the person who appears to be entitled to apply for a grant where a grant has not been made.

PART XI

GENERAL PROVISIONS

- Wills register 27. The Registrar shall establish and maintain a Wills Register which shall contain the—
- (a) name of the testator;
- (b) serial number assigned to the will; and
- (c) date of deposit of the will.
- Furnishing of translation 28. Where a will is written in a language other than English, a translation made by a competent person shall be exhibited in the application for a grant with a verification of the translation in Form XII set out in the Schedule.
- General application 29. (1) Where there are no testate proceedings before court, a person may make an application relating to the estate of a deceased person for which no provision is made elsewhere in these Rules by filing an originating summons and an affidavit in support of the application.
- (2) Where there are testate proceedings before court, a person may make an application relating to the estate of a deceased person for which no provision is made elsewhere by filing summons and an affidavit in support of the application.

<p>30. (1) Where an application under these Rules relates to a will and there are no proceedings pending under the Act, the application shall be headed as in Form XIII set out in Schedule.</p>	<p>General heading</p>
<p>(2) Where at the time of making an application relating to a will there are pending, or there has previously been, proceedings under the Act regarding that will or any other will or the property of the deceased, the application shall bear the cause number of that proceeding.</p>	
<p>31. Except as otherwise provided in these Rules, where there are matters in contention between parties in relation to a will, an action shall be commenced by way of writ of summons accompanied by a statement of claim.</p>	<p>Form of proceedings</p>
<p>32. A personal representative who intends to sell the property of the testator's estate shall apply to the court by filing summons and an affidavit in support of the application containing proof of-</p>	<p>Application to sell</p>
<p>(a) the grant; (b) ownership of the property by the testator; and (c) consent to sell from the beneficiaries, if any.</p>	
<p>33. A personal representative shall, when ordered by the court or on an application by an interested party—</p>	<p>Rendering of account</p>
<p>(a) produce in court, a full inventory of the estate of the deceased; and (b) render an account on the administration of the estate of the deceased by filing an affidavit with supporting documentation.</p>	
<p>34. Where a period is fixed by these Rules or by an order of the court for the performance of an act, the court may, on application by a party, extend the period.</p>	<p>Extension of time</p>
<p>35. (1) These Rules shall, on the date of commencement of these Rules, apply to every application and proceedings before the court.</p>	<p>Application of Rules to pending proceedings</p>
<p>(2) Subject to sub rule (1), these Rules shall not invalidate anything previously done or made in lawful compliance with the practice and procedure existing and in force on the date of commencement of these Rules.</p>	
<p>36. Nothing in these Rules limits or otherwise affects the inherent powers of the court to make orders that may be necessary in the interest of justice or prevent abuse of court process.</p>	<p>Saving of inherent powers of court</p>

Appeals
against
decision of
Registrar

37. A person who is aggrieved with the decision of the Registrar may appeal to a Judge in chambers by filing a notice of appeal within seven days of the date of the decision.

SCHEDULE

PRESCRIBED FORMS
(Rules 6, 8, 16, 20, 26, 30, 32)

Form I
(Rule 6(2))

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

DEPOSIT DOCKET ON LODGING WILL /CODICIL

(General Heading)

I,
of
hereby deposit in the Principal/District Registry of High Court For Zambia
at the following document, that is to say-
.....
.....
.....

Dated theday of....., 20.....

Signed
Full name
Address
Designation

Note. - This docket shall after being duly completed, be deposited in duplicate whereupon it shall be stamped by the Registry and the duplicate copy returned to the depositor for retention. A separate docket shall be obtained in respect of each will/ codicil lodged.

Form II
(Rule 8(1))

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

LODGMET SCHEDULE

(General heading)

To: THE REGISTRAR

Documents:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

Messrs

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

OATH/AFFIRMATION OF EXECUTOR

(General Heading)

I, _____, of [insert address] make oath and say as follows-

1. That the deceased died on the
2. That I am the named Executor/Executrix in the will of the deceased AB.
3. That the deceased left behind the following properties with an estimated value of [List all the assets and liabilities at the date of death, including those that may have arisen or become know since the date].
4. That I will faithfully gather and administer according to the law all the estate that by law devolves to and vests in the personal representative of the said deceased.
5. That I will exhibit a true inventory of the said estate and render a true account thereof whenever required by law to do so, and that the gross value of the said estate amounts to.....
and no more to the best of my knowledge, information and belief;
6. That I will deliver up the grant when required by the court.
7. That I depose to the facts herein as true and correct to the best of my knowledge, information and belief.

Sworn By the Said _____ }
_____ }
Deponent

At _____

This _____ Day of _____ }
_____ 20 _____ }

Before Me _____
Commissioner for Oath

Form IV
(Rule 8(2))

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

ADMINISTRATION BOND

(General Heading)

Estate of the Late (Deceased)

I..... of in the

Province in the Republic of Zambia being the named Executor/ Executrix of the deceased named herein am bound to the Family Registrar in the sum of

K for the payment of which I bind Myself.

The Condition and obligation is such that I the intended Executor /Executrix of all the estate which by law devolves to and vests in the personal representative of the said deceased do, when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of the said estate which has or shall come to the hands, possession or knowledge of the said intended Executor /Executrix to exhibit the said inventory of cause to be exhibited in the Registry when required by law to do so;

AND DO WELL and truly Administer the said estate according to law

AND FURTHER do make or cause to be made an account the Executor/Executrix whenever required by law to do so

AND FURTHER do if so required to render and deliver up the letters of Probate in the High Court if it shall hereafter appear that the intended Executor /Executrix has acted in contravention of the Intestate Act of the laws which provided that such letters of Probate be allowed and approved accordingly then this obligation shall be void and of no effect but shall otherwise remain in full force and effect.

Signed Sealed and Delivered)

By the said)

At Lusaka this _____

day of _____ 20

BEFORE ME: _____

Commissioner for Oath

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

DECLARATION OF THE DECEASED’S ESTATE

(General Heading)

I ofin the
Province in the Republic of Zambia **DO HEREBY DECLARE** as follows:-

1. That my full names and residential address are as stated above.
2. That am a National.
3. That the Deceased left a will dated the day of 20
4. That I am the named Executor/Executrix in that will.
5. That the deceased died on the Day of 20.... at.....
6. That at the time of death the deceased was domiciled in
(Country)
7. That the value of the estate is approximately K
8. That there is a mortgage /no mortgage against the properties known to me.
9. That there are (no) debt or creditors known to me.
10. That the medical and funeral expenses were K
11. That I depose to the facts herein as true and correct to the best of my knowledge, information and belief.

DECLARED by the said)
At _____)

Day of 20

BEFORE ME:

Commissioner for Oath

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

FEE SHEET

From

..... 20

To: The Registrar
(Probate Registry),
High Court,
P.O. Box
LUSAKA

Sir,

PROBATE FEES

The attached application (as the case may be forwarded for necessary action.
I attach hereto stamps to the value of K
made as follows:

<i>No.</i>	<i>Item</i>	<i>Amount of Fee</i> <i>K n</i>

The grant of representation (or as the case may be) should be forwarded to:

Yours faithfully,

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

CITATION TO ACCEPT OR REFUSE GRANT OF PROBATE

(General Heading)

To: EF of (address and designation)

.....
.....
.....
.....

WHEREAS it appears by the affidavit of of (address and designation) sworn on the..... day of....., 20....., that the above named AB of (address) died on the day of....., 20....., having made and duly executed the deceased's last will dated the day of....., 20....., (and a codicil thereto dated the day of....., 20.....), wherein the deceased appointed you the said to be the sole executor but did not name any residuary legatee (or as the case may be):

.....
.....
.....

AND WHEREAS it further appears by the said affidavit that the deceased died without leaving a surviving spouse, issue or parent and that the said CD is the lawful (state relationship) of the deceased and one of the persons entitled to share in the indisposed estate:

NOW this is to direct that you the said EF within fourteen days after service hereof on you do cause an appearance to be entered for you either in the Registry designated by the Chief Justice and accept or refuse probate of the said will (and codicil) or show cause why letters of administration with the said will (and codicil) annexed of all the estate which by law devolves to, and vests in, the personal representative of the deceased should not be granted to the said CD:

AND TAKE NOTICE that in default of your so appearing and accepting and extracting probate of the said will (and codicil) this court may proceed to grant a grant of probate of a will (and codicil) annexed of the said estate to the said CD.

Dated the.....day of....., 20.....

.....
Registrar

Filed by—
CD (or his advocated) (address)

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

ENTRY OF APPEARANCE TO CITATION

(General heading)

WHEREAS a citation dated the Day of, 20,
was served personally (or by post) on EF of
in this matter on theday of....., 20.....

NOW an appearance to such cited is hereby entered for the said EF whose address for service is
(state):

.....
.....
.....

Dated the.....Day of, 20.....

.....

Practitioner for Objector

Filed by:.....

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

GRANT OF PROBATE

(General Heading)

BE IT KNOWN that.....

died at domiciled in
..... on the day of 20
.....testate domiciled in

AND BE IT FURTHER KNOWN that at the date hereunder written, a Grant of all the estate which by law devolves to and vests in the personal representative of the said Testator was granted by this Court to.....

Dated at Lusaka the day of 20

Judge

NOTE- If this Grant affects land or any interest in land, it is required by law to be registered in the Lands and Deeds Registry within twelve months from the date it was issued.

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

**NOTICE OF OBJECTION TO APPLICATION FOR RESEALING
OF GRANT OF PROBATE**

(General Heading)

To: THE REGISTRAR

.....
.....
.....
.....

TAKE NOTE that EF of (address and designation)

.....

hereby objects to the application of resealing of a grant to the estate of the above named AB who died on the Day of

....., 20 as sought in the application of CD of (address)

.....

filed in the (name of Registry) on the

..... day of, 20

the interest of the said EF in the estate is (state)

.....

Dated the Day of, 20.....

.....

Objector/Practitioner for Objector

Address for service

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

NOTICE OF RESEALING OF FOREIGN GRANT

(General Heading)

To: THE REGISTRAR

.....
.....
.....
.....

TAKE NOTICE that an application for resealing of a grant made to the estate of AB
..... who died on theday of
, 20 domiciled in the (Name of State)..... was granted on the
.....day of 20

Dated the Day of 20

.....

Registrar

Form XII
(Rule 28)

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

VERIFICATION OF TRANSLATION

(General Heading)

I (name) a (occupation) of
..... (full address) declare that I have read and perfectly understood the
language and character of the original will of

..... (name of deceased) which is written in the

..... language and that the above is a true and accurate English translation
thereof.

.....

Name of Translator

The Wills and Administration of Testate Estates Act
(Law, Volume 5, Cap.60)

The Wills and Administration of Testate Estates (Probate) Rules, 2023

GENERAL HEADING

In the High Court of Zambia /HPF/P.....

Family and Children’s Division

Holden at Lusaka

(Family Jurisdiction)

In the Matter of: (Deceased)

and

In the Matter of: (indicate provision)

Between

..... Applicant

and

..... Respondent

DR. M. MALILA,
Chief Justice

LUSAKA
17th August, 2023

