

Types of **Limited grants** in Law of Succession

Introduction

Limited grants are those grants issued for a specific purpose and for a limited duration, pending the issuance and confirmation of a full grant of representation.

They do not confer full powers of administration and are typically used to preserve the estate or enable specific actions where delay would cause prejudice.

Section 54 of the Law of Succession Act and Rule 73 of the Probate and Administration Rules allows the court to issue grants tailored to urgent or exceptional situations whereas the Fifth Schedule of the Law of Succession Act outlines the various forms such limited grants may take .

Limited grants are therefore temporary and purposive.

They do not go through the process of confirmation under Section 71, and remain in force only until a full grant is issued and confirmed or when the duration of its applicability lapses.

Grant ad Colligenda Bona Defuncti

To authorize the collection and preservation of a deceased person's assets in situations where no full grant of representation has been issued. It is typically used in urgent cases—such as when the estate is at risk of loss, waste, or interference—before the rightful administrator or executor is determined.

Grant ad litem

To enable a person to represent the estate of a deceased in legal proceedings, either as a plaintiff or defendant, where no full grant of representation has yet been issued. It is a limited grant issued specifically for the purpose of litigation and does not confer authority to administer or distribute the estate.

Grant pedente lite

To preserve the estate during the pendency of a dispute concerning the validity of a will or entitlement to a grant of representation. It is issued where probate proceedings are contested, and there is a risk of the estate being wasted or mismanaged. The person appointed under this grant acts as an administrator under the direction and control of the court, with no authority to distribute the estate. Its purpose is purely custodial, ensuring that the estate is maintained intact until the dispute is resolved and a full grant can be properly issued.

Grant de bonis non administratis

Issued to deal with the unadministered portion of an estate where the original administrator or executor has died, been removed, or is otherwise unable to complete the administration. Its role is to ensure the proper conclusion of estate administration by appointing a new personal representative to manage and distribute the residue of the estate not dealt with under the initial grant.

Limited Grant Cessate

issued when an earlier limited grant—such as a grant pendente lite or ad colligenda bona—has come to an end, and there is a need to continue the administration of the estate before a full grant is confirmed. Its role is to take over from a lapsed or expired limited grant, ensuring that administration continues smoothly without interruption. The person appointed under a grant cessate steps in to preserve and manage the estate, but still does not have powers of full distribution unless and until a full grant is issued and confirmed.

Grant durante estate minore

Issued when the person entitled to administer or the sole beneficiary of an estate is under the age of majority and thus legally incapable of performing the duties of an executor or administrator. This grant appoints a suitable adult representative to manage and preserve the estate on behalf of the minor until they attain full legal capacity. Its primary purpose is to safeguard the estate during the period of age of minority, ensuring that the assets are properly maintained and protected without conferring full powers of distribution or permanent administration.

Grant durante absentia

A grant durante absentia is a limited grant issued when the person entitled to administer an estate is temporarily absent from the jurisdiction and unable to perform their duties. This grant appoints an administrator to manage and preserve the estate during the period of absence. Its role is to ensure that the estate is protected and maintained until the rightful executor or administrator returns or a full grant is issued. Like other limited grants, it does not confer full powers of distribution and is temporary in nature.



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