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Ibirimo/Summary/Sommaire

Law/n° 22/99 of 12/11/1999

Law to supplement book one of the civil code and to institute part five regarding matrimonial regimes, liberalities and successions

J.O. n° 22 of 13/11/1999

LAW N° 22/99 OF 12/11/1999 TO SUPPLEMENT BOOK I OF THE CIVIL CODE AND TO INSTITUTE PART FIVE REGARDING MATRIMONIAL REGIMES, LIBERALITIES AND SUCCESSIONS.

We, Pasteur BIZIMUNGU,
President of the Republic,

THE TRANSITIONAL NATIONAL ASSEMBLY HAS ADOPTED AND WE SANCTION, PROMULGATE THIS LAW AND ORDER THAT IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The Transitional National Assembly meeting in its session of October 19, 1999;

Given the Fundamental Law, in particular the Constitution of June 10, 1991, articles 24, 69 and 97 and the Arusha Peace Agreement in its section on Power-Sharing in articles 6-d; 40; 72 and 73;

Given law n° 42/1988 of 27 October 1988 establishing the Preliminary Title of Book I of the Civil Code.

ADOPTS: TITLE I: MATRIMONIAL REGIMES

CHAPTER I: TYPES OF MATRIMONIAL REGIMES

Article one:

The matrimonial regime is a body of rules to be fixed by this law governing the agreement between spouses on the management of their property.

Article 2:

Upon entering marriage spouses shall choose one of the following matrimonial regimes:

1. community of property;
2. limited community of acquests;
3. separation of property.

In case no provision is made, the spouses shall be deemed to be married under the regime of community of property.

Section I: Regime of community of property

Article:

The regime of community of property is a contract by which the spouses opt for a marriage settlement based on joint ownership of all their property-movable as well as immovable and their present and future charges.

Article:

In the event the regime of community of property is altered in accordance with article 19 of this law, the spouses shall equally share the assets and liabilities of the common property.

Creditors can claim payment of debts contracted before the alteration of the regime of community of property. This payment shall be made in accordance with modalities prescribed in article 23 paragraph 1 of this law.

Article 6:

In the event of a partition of assets and liabilities in accordance with article 4 of this law, items of personal use, such as clothing, jewellery and tools, shall remain within the patrimony of the spouse they belong to.

Section II: Regime of limited community of acquests**Article 7:**

The regime of limited community of acquests is a contract by which spouses agree to pool their respective properties owned on the day of marriage celebration, to constitute the basis of the acquests as well as the property acquired during marriage by a common or separate activity, donation, legacy or succession.

Article 8:

At the marriage celebration, the spouses who opted for the regime of limited community of acquests shall establish and submit to the officer of civil status a signed inventory of assets and liabilities defined by each spouse to constitute the community.

Any property that is not inventoried as common property shall, be presumed to be personal property:

Article 9:

In the event the spouses wish to alter marital regime in accordance with article 19 adopting that of limited community of acquests, they shall have to indicate in the inventory the liabilities intended for the community.

The copy of this inventory shall be appended to, the extract of the judgement by the court clerk and forwarded to the officer of civil status.

Article 10:

The debts, other than those included in the community at the time of marriage, contracted by one of the spouses before and after his or her marriage for his or her personal use, shall be discharged from the personal property of the spouse debtor.

Section III: Regime of separation of property

Article 11:

The regime of separation of property is a contract by which spouses agree to contribute to the expenses of the household in proportion to their respective abilities while retaining the right of enjoyment, administration and free disposal of their personal property.

Article 12:

Upon request by one of the spouses or any interested third party, the spouse who imperils the interest of the household by depreciating or dissipating his or her property may be divested of the right of administration and enjoyment in accordance with article 11 of the present law.

Request shall be submitted under summary procedure before the Court of First Instance of the place of residence of the spouses.

Unless it appears necessary that a judicial administrator be appointed, the judgement shall endow the applicant spouse with the power to administer the personal property of the divested spouse and to collect the fruits thereof which shall be used for the household, and the rest shall be held as a deposit.

The divested spouse shall keep the ownership without usufruct of his or her property.

The divested spouse may subsequently address a request to the court for the restoration of his or her rights once it is established that the underlying cause of the divestment no longer exists.

Article 13:

When during the marriage one of the spouses transfers to the other the administration of his or her patrimony, the rules of mandates shall be applied.

CHAPTER II: COMMON PROVISIONS TO MATRIMONIAL REGIMES

Article 14:

Spouses' are to abide by the rights and duties resulting from their marriage as well as the rules of parental authority, legal administration and tutorship.

Article 15:

All agreements on matrimonial regimes shall be authenticated by notarial deed. Otherwise, they shall be presented or declared before the Registrar of the place where the marriage is celebrated by the bride and groom together with one representative of each family and two witnesses.

Deeds entered into before a notary shall be presented to the Registrar at the time the marriage is recorded in the register of marriage acts, to be recorded in the latter and in the act of marriage.

Article 16:

Before reading the banns the Registrar shall explain to the bride and groom to be the various matrimonial regimes to allow them to choose which one suits them.

Where one of the spouses is or subsequently becomes a business person after marriage, the contract of marriage and its modifications have to be published in accordance with the legislation on commerce and business persons.

Article 17:

The management of the patrimony shall include powers to administer, to enjoy and to dispose, subject to exceptions provided by law.

In case of marriage under the regime of community of property of that of limited community of acquests, the spouses shall choose who, among themselves, shall be responsible of the management of the common patrimony, they are also equally entitled to monitor, to represent.

Each spouse shall administer the patrimony and properties put to his or her personal use.

Article 18:

Where either the bride or groom-to-be is a minor, the choice of the regime shall be made by the person exercising parental authority over him or her.

Where either the bride or groom-to-be is a person of full age but under legal incompetence the choice of the matrimonial regime shall be made by his or her trustee.

Article 19:

On application by the spouses or by one spouse during the marriage, the matrimonial regime may be modified. The applicant has to prove that modification is required in the interest of the household or by a significant change that has occurred in the situation of the spouses or of one spouse.

The request shall be submitted under summary procedure before the Court of First Instance of the place of residence of the spouses.

In case the request is dismissed by a final decision, no other such request may be made, but only two years after this decision, and basing on new evidence.

Article 20:

Within one month of the date on which the modifying decision was made and no appeal may be brought there from, the ruling on this modification shall be sent by the Court clerk on request by the applicant, to the Registrar of the place where the marriage was celebrated, for transcription in the deed of marriage. Within the same period, the interim ruling shall also be published in two most widely read newspapers by the Court clerk at the expenses of the applicant spouse.

Where one of the spouses is a business person, the ruling on modification of the matrimonial regime shall be recorded in the business register within the indicated period.

The notations provided for in the foregoing paragraphs may be requested by the concerned persons upon presentation of the extract of the interim ruling.

Article 21:

Whatever be the matrimonial regime chosen and the management modalities of the patrimony of the spouses, the agreement of both spouses shall be required for the donation of an immovable property and of any other property in the community, as well as for the acknowledgement of any right attached to these properties.

Article 2:

When one of the spouses is involved in a transaction which requires the consent of the other spouse, he or she shall obtain this consent at the time of ratification of this transaction or within six months thereafter.

This consent shall be notified to the third contracting party by a written notice. Where no reply from the latter is made within a month following the date of notification, his or her consent shall be deemed definitely given.

Where, for some reasons the spouse whose consent is required is not available or due to serious reasons beyond his/her control could not give it,

transaction shall be deemed final one year after its ratification for movable property and five years for immovable property.

22Article 23:

The debts contracted by one of the spouses for the benefit of the household even when paid from his or her separate property shall be reimbursed from the common patrimony if the spouses are married under the regime of community of property or that of limited community of acquests.

When the common patrimony cannot cover the entire debt, the balance outstanding shall be paid in equal parts from the patrimony of each spouse.

When the spouses are married under the regime of separation of property, these debts shall be ' paid on equal contribution from the separate property.

Article 24:

The regime of community of property and that of limited community of acquests shall be dissolved by:

- divorce;
- legal separation;
- modification of the marital regime.

In case of dissolution of the community, spouses shall share common assets and liabilities.

TITLE II: DONATIONS AND SUCCESSIONS

CHAPTER I: DONATIONS

Section I: General provisions regarding donations

Article 25:

A donation is an act by. which a person transfers to another by gratuitous act a patrimonial right.

Article 26:

The only donations admitted by law are:

1. donation inter vivos;
2. the, descending partition;
- 3.legacy;
4. promised donation.

Article 27:

Donations are made by an authentic deed or under private agreement or by a simple transfer.

Article 28:

A donation shall only be effective, starting on the day of its acceptance by the beneficiary.

The acceptance may be written or oral.

The donor shall be bound starting from the date he or she is notified of the acceptance.

Article 29:

The ownership of the object donated shall be transferred, to the beneficiary, once the transfer is completed.

Reception of the object donated implies acceptance of donation and is subject to no other formal condition.

Article 30:

The following shall be void:

1. any donation submitted to conditions for which the execution depends on the sole wish of the donor;
2. any donation that requires the beneficiary to pay the debts or other charges of the donor, other than those existing at the time of the donation or those mentioned in the act of donation;
3. any donation inter vivos in which the donor keeps the right to dispose of one or several objects donated.

Article 31:

Everyone has the right to make donations from his or her own patrimony, provided that he or she does not exceed the owned property.

Whatever matrimonial regime is opted for, the transferable quota shall not exceed 1/5 of the patrimony of the donor if he/she has a child.

However; when the donor has no child, the transferable quota shall not exceed 1/3 of his or her patrimony.

The surplus on the transferable quota shall be made up by the/difference between the personal patrimony of the donor and his/her debts on the date of donation.

Article 32:

Any donation of which the object is contrary to the public order and good morals shall be null.

Any donation involving the property of another person shall be null.

Section II: Donation inter vivos

Article 33:

The donation inter vivos is a beneficial contract by which the donor irrevocably transfers a patrimonial right to another person who accepts it.

Article 34:

Any act by onerous title which simulated a liberality shall be reputed to be a disguised donation. Any disguised donation shall be subject to rules applicable to donation inter vivos.

Any donation which simulates an act by onerous title shall be reputed and dealt with as such.

Article 35:

Any stipulation in favour of another person, any letting off of debts, any renunciation which conveys a right and any payment for another shall be reputed indirect donation as far as they are performed by gratuitous act and without any simulation:

Article 36:

Donations between the bride and groom to be, are revocable whenever the marriage is not celebrated.

Any donation shall be revocable for the following reasons:

1. non -fulfillment by the donee of obligations under which it was made;
2. ingratitude;

Article 38:

A donation shall only be revoked for reasons of ingratitude in the following cases:.

1. when the donee has intentionally caused the death or has made an attempt on the life of the donor;
2. when the donee has been found guilty of grave physical cruelty or insult towards the donor;
3. when the donee refuses to help and assist the donor when in need.

Article 39:

In the event of revocation of the donation, the donee shall not be obliged to restitute the donation with benefits he/she has gained from it.

Article 40:

The action in revocation of the donation for reasons of ingratitude of the donee or for non fulfillment of his or her obligations shall be brought before court within a period of one year, starting from the day the offence charged against him or her was committed or the day the donor was notified of it.

Notwithstanding the stipulations of the first paragraph of this article, this revocation shall neither be claimed by the donor against the heirs of the donee nor by the heirs of the donor against the donee unless, in the latter case, the action was brought against the donee by the donor or the latter died during the year the charged offence was committed.

Article 41:

Revocation for reasons of ingratitude or non-fulfillment of obligations stipulated at the time of the donation shall not be prejudicial to expenses made by the donee, pawns and other charges he or she may have attached to the object of donation.

In case of revocation, the donee shall refund the value of the alienated objects as well as the fruits there from as from the day action in revocation was instituted.

Section III Ascending partition

Article 42:

The ascending partition is an act accomplished by parents while they are still alive, by which they share their patrimony between their children or their descendants who acquire, each for the portion devolved to him or her, full ownership. This partition shall be regarded as the accomplishment of parents' duties to educate their children and to provide them with a personal patrimony.

Article 43:

All children, without distinction between girls and boys, alive or where deceased before parents their descendants, excluding those banished due to misconduct or ingratitude, have a right to the partition made by their ascendants.

Section IV: Promise of donation**Article 44:**

Promise of donation is a contract of donation based on prospective property.

Article 45:

Promise of donation is prohibited except between:

- bride and groom to be;
- spouses;
- parents and their children or their descendants, born or to be born .

The promise of donation shall be valid even when the donor has died.

Section V: Legacy**Article 46:**

Legacy is a patrimony devolved as a donation by the owner while alive and for which the legatee acquires full ownership only after the death of the donor.

Article 47:

The legacy can be of universal title, general title or particular title:

- a legacy by universal title shall consist of the whole of the patrimony of the testator or testatrix;
- a legacy by general title shall consist of a share of the patrimony of the testator or testatrix;
- a legacy by particular title shall consist of particular things bequeathed by the testator or testatrix.

Every legacy shall indicate to whom it is instituted.

Article 48:

Where the testator or testatrix bequeaths his or her property to' the poor of a given region, the bequeaths legacy shall be collected at the time of the liquidation of succession by their Commune, which shall hand it over to the legatees.

Where the testator or testatrix bequeaths his or her property to the poor in general, the legacy shall be handed to the benefit of the poor living in the Sector of

the de cuius or those where the deceased, being of foreign nationality, had his/her residence.

CHAPTER II: SUCCESSIONS

Section I: General provisions regarding successions

Article 49:

Succession is an act by which the rights and obligations on the patrimony of the de cuius are transferred to the heir.

The succession goes through probate at the death of the cuius, at his/her domicile or residence.

Article 50:

All legitimate children of the de cuius, in accordance with civil laws, inherit in equal parts without any discrimination between male and female children.

Article 51:

At the time of the settlement of the succession between children, the family council shall determine the part of the patrimony to be earmarked for the raising of minors and the part to be shared between all the children of the de cuius.

When all children have reached the age of majority, they shall equally share the rest of the patrimony initially earmarked for raising the minors.

Article 52:

Every heir is, in case of acceptance of the succession, obligated to bear the liabilities of the latter in proportion to the part of the patrimony which makes up his or her share.

Article 53:

Every legal heir or legatee shall be excluded from succession if he or she:

1. was convicted of having intentionally caused the death of the de cuius or had made an attempt on his or her life;
2. was convicted of false accusation or perjury which could have resulted in the de cuius being sentenced to six months, at least, in prison;
3. has, during the lifetime of de cuius, deliberately broken off the parental relationship with the latter;
4. has deliberately neglected to provide the needed care to the cuius during his or her

last days of illness, although he or she was bound by law or by tradition to do so;

5. has abused the physical or mental incapacity of the de. cujus by taking the whole or part of the inheritance;
6. has intentionally disposed, destroyed or altered the last will of the de cujus without his or her consent or has taken advantage of a will which became worthless.

Article 54:

In accordance with the points 3, 4, 5 and 6 of article 53, the Court of First Instance, located in the domicile or residence of the de cujus, shall be competent to order the forfeiture of inheritance rights. The request shall be submitted under the summary procedure.

Article 55:

The succession of the de cujus shall be wholly or partially intestate or testamentary.

Section II.: Testamentary succession

Article 56:

A testament is an act by which a person decides on the destination of his/her patrimony after his/her death and fixes provisions of his/her last will.

The property which the de cujus has not disposed of by testament shall be devolved in accordance with the provisions of intestate succession.

Article 57:

The testament can be oral, holographic or authentic.

Article 58:

An authentic testament is the one established by the testator/testatrix before either the notary or the registrar of his/her domicile or residence.

Where the testament is established before the registrar or the notary the latter shall keep the original and write down, in a special testament register, the date of its establishment as well as the names and the domicile or residence of the testator/testatrix.

The original and the register shall be confidential and shall only be consulted after the death of the testator/testatrix and only by persons concerned in the said testament.

Article 59:

An holographic testament is the one that is entirely written, dated and personally signed by the testator/testatrix.

Article 60:

In the event the testator/testatrix cannot write or can but is unable to draft or sign his/her testament, he/she can appoint somebody to do it for. him/her.

The testament so drafted must, on pain of nullity, be legalised by the Registrar or the notary of the place where it was drafted and in the presence of the testator/testatrix.

Article 61:

An oral testament is the one made by the testatrix in the presence of all or some of the rightful heirs who cannot be disinherited and in the presence of at least two witnesses of major age.

In the case of unavailability of the rightful heirs the number of witness shall be four at least.

Article 62:

Testamentary provisions may be contained in several testaments which shall as far as possible be jointly executed.

When provisions of two or several testaments are not compatible, preference shall be given to provisions contained in the most recent testament.

Article 63:

Any testament may be revoked as a whole or in part by the testator/ testatrix within the required forms of its validity.

Article 64:

The testator/ testatrix can appoint one or several executors who shall be in charge of executing the succession.

Section III : Intestate succession**Article 65:**

An intestate succession is a succession which is legally made where no testament was made.

Article 66:

In the case of marriage under the regime of separation of property, the order of heirs in succession shall be as follows

- 1- the children of the de cujus ;
- 2- the father and mother of the deceased ;
- 3- the full brothers and full sisters of the deceased ;
- 4- the half- brothers and half -sisters of the deceased;
- 5- the uncles and aunts paternal as well as maternal of the deceased.

With the exception of the father and the mother of the deceased, all other legatee heirs deceased before the de cujus shall be represented at the succession by their descendants.

Article 67:

Each rank excludes the others in the succession order.

Article 68:

Succession of each of the spouses married under the regime of separation of property is possible, in case of death to his/her own heirs in the order provided in article 66 of this law.

Article 69:

Half- brothers and half- sisters of the de cujus, paternal and maternal uncles and aunts, parents- in law as well as brothers-and sisters - in- law who have no common ancestors with the de cujus, cannot succeed to an estate inherited by the deceased from his/her family, unless it is proven that there is no other survivor among the descendants of the aforementioned ancestor.

Article 70:

Succession of spouses married under the regime of community of property shall be carried out as follows.

- 1- in case of death of one of the spouses, the surviving spouse shall ensure the administration of the entire patrimony while assuming the duties of raising the children and assistance to the needy parents of the de cujus;
- 2- when both spouses die leaving children behind, the latter shall succeed to the entire patrimony, but must also assist their grand-fathers and grand- mothers
When the children are not blood- related, the patrimony shall be divided in two, and each child shall succeed to the part of his or her respective parent
- 3- when the spouses die without leaving a child behind, the patrimony shall be divided in two, one half being allocated to the successors of the husband, the other being allocated to the successors of the wife;

- 4- in the event that the widower/widow did not have a child with the de cujus, the former takes one half of the patrimony, and the heirs of the de cujus share the other half
- 5- when the widower or the widow does not fulfill his/her duty of assistance to the parents of the de cujus, the family council shall allocate to the parents the succession part of the deceased;
- 6- in case the surviving spouse fails to fulfill his/her duties to raise the children of the de cujus, his/her succession shall be cut back by 3/4 which shall be given to the children;
- 7- the surviving spouse who no longer has any children under his/her care and wants to remarry shall obtain full ownership of the 1/2 of the patrimony and another half shall be given to the deceased's heirs;
- 8- in case of remarriage of the surviving spouse who is still bound by the duty of raising the children of the de cujus; she or he shall obtain full ownership of 1/4 of the succession and shall continue to administer the remaining 3/4 for the benefit of the children;
- 9- Where the surviving spouse did not remarry but gave birth to an illegitimate child, the 1/2 of the patrimony shall, on the day when the children are entitled to inherit, be devolved to the children of the de cujus and the other 1/2 shall be devolved to the other children of the widow or widower in equal parts without any discrimination between legitimate and illegitimate children.

Article 71:

The succession of spouses married under the regime of limited community of acquests follows, concerning the acquest, the rules stipulated in this law for the succession of spouses married under the regime of community of property, and concerning the separate property those of the succession of spouses married under the regime of separation of property.

Article 72:

When there is no heir or legatee, the succession is in a situation of escheat and devolves to the State.

Article 73:

The escheat procedure shall be as follows

- 1- the court of First Instance of the place where the succession goes through probate takes notice of the escheat of the succession by the petition of the Bourgmestre or public prosecutor from the place where probation is or where the property of the succession is located;

- 2- the publication shall be made by the President of the Court of First Instance from the place where the succession goes through probate in two newspapers of the country, one of which should be in the region where the succession goes through probate or by any other means ensuring more publicity;
- 3- within the period of one year, starting from the date of publication of escheat, the Bourgmestre in charge, or in his/her absence the public prosecutor, shall Address a petition to the Court where the case was submitted in order to declare the escheat effective ;
- 4- the Court of First Instance where the case was submitted has to reach a Verdict within the period of one month, starting from the date of submission;
- 5- the Court shall appoint a natural or moral person who will temporarily be in charge of the administration of the property for the benefit of the State. This person shall present every year a management report which shall be submitted to the Ministry in charge of Social Affairs, with a copy to the Bourgmestre of the Commune;
- 6- after five years for movable things and fifteen years for immovable things, the escheat shall, upon request of the Bourgmestre and/or the public prosecutor, be declared final by the Tribunal, the succession being devolved to the State;
- 7- the heirs who appear before the end of these deadlines shall receive the succession in its actual state after deduction of keeping costs, publicity, management and possible safeguarding measures made by the State.

Section IV: Property in the succession

Article 74:

An inventory of the property making up the inheritance patrimony shall be established from the day of 'the death of the de cujus.

It does not include the common patrimony of spouses , except in case of remarriage of the surviving spouse.

Article 75:

The surviving spouse remains the usufructuary of the conjugal house as well as of the movable furniture where they are the only property in the succession or are part of the inheritance property.

In the event of remarriage of the surviving spouse , the Council of Succession can, in the interest of the children, allow him or her to remain the usufructuary of the same patrimony,.

Article 76:

In the event the Council of Succession considers the alienation, the constitution of a mortgage or the exchange undertaken by the surviving spouse on

the patrimony to which he or she is usufructuary damaging to the household, it can institute a petition for a summary judgement of forfeiture of that right

Article 77:

In principle, the partition of the property in the succession shall be made in kind.

However, where it is impossible to establish equal shares in kind, the council of succession determines the compensation to be given by the heirs who receive a share greater than, their legal or testamentary share of the succession, for the benefit of the heirs who received a smaller share.

Article 78:

Every legal heir may claim retrocession in the reserve of succession, the part of the donation composing the surplus of the available quota defined in Article 31 of this law.

The surviving spouse and the children are the beneficiaries of the reserve of succession.

Article 79:

A property which has been given away three years earlier, starting from the date when the succession goes through probate, cannot be retroceded.

Section V: Liquidation and partition of the property in succession

Article 80:

The liquidation and the partition of property in succession shall be carried out by an executor/executrix, appointed by the de cujus. If no executor was appointed they shall be carried out by the Council of Succession or a legal liquidator.

Article 81:

The Council of Succession shall include ;

- the surviving spouse;
- a child delegated by the children of the deceased, where there are any who are of majority age;
- a delegate of the family of the de cujus;
- a delegate of the family of the surviving spouse;
- a friend or a person of good behaviour appointed by the family of the surviving spouse;
- a friend or person of good behaviour appointed by the family of the de cujus.

Article 82:

The family of the deceased shall appoint the President of the Council of Succession and that of the surviving spouse shall appoint the Secretary.

The decisions of the Council of Succession are taken in the presence of all members who undersign them.

Article 83:

The President of the Court of First Instance shall, either by petition of the public prosecutor or Bourgmestre of the place of succession or on the request of one of the heirs, appoint a legal liquidator when the heirs are not yet known or have all renounced the succession, or in case of grave contesting of the partition.

Article 84:

The legal liquidator shall:

- 1- administer the succession;
- 2- pay the exigible debts contracted by the de cujus;
- 3- make a final determination as to who is entitled to inherit;
- 4- decide on partition controversies;
- 5- report on the management to those entitled to the succession or to the Court.

Article 85:

In settling the charges over the succession, the liquidator shall comply with the following order:

- 1- the funeral expenses of the de cujus;
- 2- wages and salaries payable by the de cujus;
- 3- the expenses of administering and liquidating the succession;
- 4- the debts of the de cujus;
- 5- legacies by particular title made by the de cujus.

Article 86:

No one shall be bound to accept any succession or legacy to which he or she is called for.

The acceptance shall be express on the part of the heir who publicly declares his or her quality of heir.

The acceptance of the heir shall be irrevocable and shall go back to the death of the de cujus.

Article 87:

The heir who renounces the succession has to do it within three months, starting from the date he or she was informed by the liquidator of his/her quality or from the day he or she has notified his/her right to inherit.

Article 88:

Renunciation shall be made in writing with a notification to the liquidator of the succession before the expiration of the period set in Article 87. If the heir cannot write he/she can make a verbal declaration within the appointed period in the presence of two witnesses. In case of silence after he/she was informed, this silence is considered as acceptance to inherit.

Article 8:

The effect of renunciation by the heir is that the heir is deemed never to have been entitled to inherit from the de cujus. The renunciation shall become irrevocable only upon expiry of the time allowed in Article 87, unless the renunciation was obtained by fraud, violence or threats and that a legal action was set in motion within six months following the date on which those acts stopped. In this case, the delay is extended only where convincing proof and reasons are submitted.

CHAPTER III: GENERAL PROVISIONS REGARDING DONATIONS AND SUCCESSIONS

Article 90:

The partition and the donation of an estate forming part of the property in succession are subject to land regulations.

Article 91:

A property which does not exceed an area of one hectare and any other undivided thing cannot be partitioned. The owners have rather to agree on the modalities of their sale or exploitation and share the fruits there from.

Article 92:

The statutory provisions on the capacity to contract and on conditions of validity of acts shall apply to donations and to successions.

TITLE III: TRANSITIONAL AND FINAL PROVISIONS

Article 93:

Subject to provisions of Article 19 of this law, spouses who are governed by a matrimonial regime before this law comes into force, shall continue to be bound by that contract, unless, within two years, they make a joint declaration of option before the Registrar, modifying that regime.

Article 94:

Any previous statutory or regulatory provisions that are contrary to this law are repealed.

Article 95:

This law comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, 12/11/1999

Pasteur BIZIMUNGU
President of the Republic
(sé)

Pierre Celestin RWIGEMA
Prime Minister
(se)

Angelina MUGANZA
Minister of Gender and
Women in Development
(sé)

Seen and Sealed with the Seal of the Republic:

Jean de Dieu MUCYO
Minister of Justice
(sé)