STATUTORY INSTRUMENTS

2017 No. 1034 (L. 15)

SENIOR COURTS OF ENGLAND AND WALES

The Non-Contentious Probate (Amendment) Rules 2017

Made - - - -	*26th October 2017*
Laid before Parliament	*30th October 2017*
Coming into force in accordance with rule 1	

The President of the Family Division of the High Court (the judicial office holder nominated by the Lord Chief Justice), with the agreement of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 127 of the Senior Courts Act 1981(**1**).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 2017, and come into force 21 days after the day on which they are laid.

(2) In these Rules, a reference to a rule by number alone means the rule so numbered in the Non-Contentious Probate Rules 1987(**2**).

Amendments to the Non-Contentious Probate Rules 1987: applications through solicitors or probate practitioners

2.—(1) In rule 4 (applications for grants through solicitors or probate practitioners), after paragraph (1) insert—

"(1A) A person applying for a grant through a solicitor or probate practitioner may also apply for a grant at any registry under rule 4A if invited to do so by that registry.".

(2) After rule 4, insert—

"**Alternative procedure for applications through solicitors or probate practitioners**

4A.—(1) An application under this rule must be made by completing and sending an online application form in accordance with instructions given by the registry.

(2) Where an application is made under this rule, rule 8 does not apply, and—

(**1**) 1981 c.54. Section 127 was amended by sections 12(2) and 146 of, and paragraphs 11 and 12 of Part 2 of Schedule 1 and Part 1 of Schedule 18 to, the Constitutional Reform Act 2005 (c.4); and section 59(5) of, and paragraph 1 of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 provided for the Supreme Court Act 1981 to be cited as the Senior Courts Act 1981.

(**2**) S.I. 1987/2024. Relevant amendments were made by S.I. 1998/1903, and other amendments by S.I. 1991/1876, S.I. 1999/1015, S.I. 2003/185, S.I. 2004/2985, S.I. 2005/3504, S.I. 2007/1898, S.I. 2009/1893, S.I. 2014/852 and S.I. 2016/972.

(a) the application must be verified by a statement of truth in the online application form;

(b) rule 10(1)(a) applies as if for "signatures of the applicant and the person before whom the oath is sworn" there were substituted "signature of the applicant or of the solicitor or probate practitioner through whom the application is made";

(c) rule 27(1) applies as if at the end there were inserted "or, where the application is made under rule 4A, the solicitor or probate practitioner through whom the application is made shall confirm in accordance with instructions given by the registry that such notice has been given";

(d) rule 36 applies as if—

(i) in paragraph (1), for "such officer shall depose in the oath" there were substituted "the statement of truth must include a statement";

(ii) in paragraph (2)(b), for "it shall be deposed in the oath" there were substituted "the statement of truth must include a statement";

(iii) in paragraph (4)(c), for "nominee or attorney shall depose in the oath" there were substituted "statement of truth must include a statement".

(3) Where original documents are required by instructions given by the registry to be sent in support of the application, they must be sent separately to the registry in accordance with such instructions.".

Amendments to the Non-Contentious Probate Rules 1987: personal applications

3.—(1) In rule 5 (personal applications), after paragraph (9) insert—

"(10) In any case where an application is made under rule 5B (personal applications using statement of truth), this rule applies with the exceptions and modifications provided by that rule.".

(2) After rule 5A, insert—

"**Personal applications using statement of truth**

5B.—(1) A personal applicant may apply for a grant at any registry under this rule if invited to do so by that registry.

(2) An application under this rule must be made by completing and sending an application form in accordance with instructions given by the registry.

(3) Where an application is made under this rule, rule 5 applies with the following exceptions and modifications—

(a) paragraphs (1), (7) and (8) do not apply;

(b) paragraph (5) applies as if for the words "the district judge or registrar may approve" there were substituted "required by instructions given by the registry"; and

(c) paragraph (6) applies as if for the words after "information" there were substituted "required by instructions given by the registry".

(4) Where an application is made under this rule, rule 8 does not apply, and—

(a) the application must be verified by a statement of truth by the applicant in the application form;

(b) rule 9 applies as if for "shall depose to" there were substituted "state in the application";

(c) rule 10(1)(a) applies as if for "signatures of the applicant and the person before whom the oath is sworn" there were substituted "signature of the applicant";