



Senior Courts Act 1981

1981 CHAPTER 54

PART V

PROBATE CAUSES AND MATTERS

Procedure in probate registries in relation to grants of representation

105 Applications.

Applications for grants of probate or administration and for the revocation of grants may be made to—

- (a) the Principal Registry of the Family Division (in this Part referred to as “the Principal Registry”); or
- (b) a district probate registry.

106 Grants by district probate registrars.

- (1) Any grant made by a district probate registrar shall be made in the name of the High Court under the seal used in the registry.

^{F1}(2)

Textual Amendments

F1 S. 106(2)–(4) repealed by [Administration of Justice Act 1985 \(c. 61, SIF 37\)](#), ss. 51(2), 67(2), **Sch. 8 Pt. III**

107 No grant where conflicting applications.

Subject to probate rules, no grant in respect of the estate, or part of the estate, of a deceased person shall be made out of the Principal Registry or any district probate registry on any application if, at any time before the making of a grant, it appears to the

Changes to legislation: Senior Courts Act 1981, Cross Heading: Procedure in probate registries in relation to grants of representation is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

registrar concerned that some other application has been made in respect of that estate or, as the case may be, that part of it and has not been either refused or withdrawn.

108 Caveats.

- (1) A caveat against a grant of probate or administration may be entered in the Principal Registry or in any district probate registry.
- (2) On a caveat being entered in a district probate registry, the district probate registrar shall immediately send a copy of it to the Principal Registry to be entered among the caveats in that Registry.

109 Refusal of grant where capital transfer tax unpaid.

[^{F2}(1) No grant shall be made, and no grant made outside the United Kingdom shall be resealed, except—

- (a) on the production of information or documents under regulations under section 256(1)(aa) of the Inheritance Tax Act 1984 (excepted estates); or
- (b) on the production of an account prepared in pursuance of that Act showing by means of such receipt or certification as may be prescribed by the Commissioners either—
 - (i) that the inheritance tax payable on the delivery of the account has been paid; or
 - (ii) that no such tax is so payable.]

(2) Arrangements may be made between the President of the Family Division and the Commissioners providing for the purposes of [^{F3}subsection (1)(b)] in such cases as may be specified in the arrangements that the receipt of certification of an account may be dispensed with or that some other document may be substituted for the account required by [^{F4}the Capital Transfer Tax Act 1984].

[^{F5}(2A) In this section and the following section, “the Commissioners” means the Commissioners of Inland Revenue]

(3) [^{F6}.....]

Textual Amendments

- F2** S. 109(1) substituted (1.11.2004) by Finance Act 2004 (c. 12), s. 294(1)(a)(4); S.I. 2004/2571, art. 2
- F3** Words in s. 109(2) substituted (1.11.2004) by Finance Act 2004 (c. 12), s. 294(1)(b)(4); S.I. 2004/2571, art. 2
- F4** Words substituted by Capital Transfer Tax Act 1984 (c. 51, SIF 65), s. 276, Sch. 8 para. 20(a)
- F5** S. 109(2A) inserted (1.11.2004) by Finance Act 2004 (c. 12), s. 294(1)(c)(4); S.I. 2004/2571, art. 2
- F6** S. 109(3) repealed (1.11.2004) by Finance Act 2004 (c. 12), ss. 294(1)(d)(4), 326, Sch. 42 Pt. 4 Note 1; S.I. 2004/2571, art. 2

110 Documents to be delivered to Commissioners of Inland Revenue.

Subject to any arrangements which may from time to time be made between the President of the Family Division and the Commissioners, the Principal Registry and every district probate registry shall, within such period after a grant as the President

Changes to legislation: Senior Courts Act 1981, Cross Heading: Procedure in probate registries in relation to grants of representation is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

may direct, deliver to the Commissioners or their proper officer the following documents—

- (a) in the case of a grant of probate or of administration with the will annexed, a copy of the will;
- (b) in every case, such certificate or note of the grant as the Commissioners may require.

111 Records of grants.

- (1) There shall continue to be kept records of all grants which are made in the Principal Registry or in any district probate registry.
- (2) Those records shall be in such form, and shall contain such particulars, as the President of the Family Division may direct.

Changes to legislation:

Senior Courts Act 1981, Cross Heading: Procedure in probate registries in relation to grants of representation is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)