



Supreme Court 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.
- (2) No grant shall be made by a district probate registrar—
 - (a) in any case where there is contention, until the contention is disposed of; or
 - (b) in any case where it appears to him either—
 - (i) that a grant ought not to be made without the directions of the High Court under subsection (4), or
 - (ii) that a grant ought not to be made until any particular matter relating to the grant, or to an application for it, has been determined by the High Court otherwise than under that subsection.
- (3) In any case where subsection (2)(b)(i) applies, the district probate registrar shall send a statement of the matter in question to the Principal Registry for the directions of the court.

Status: This is the original version (as it was originally enacted).

- (4) Where its directions are sought under subsection (3), the High Court may either direct the district probate registrar to proceed with the matter in accordance with such instructions as it may think necessary, or direct him to take no further action in relation to the matter.

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has been made in respect of that estate or, as the case may be, that part of it and has not been either refused or withdrawn.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

- (1) Subject to subsections (2) and (3), no grant shall be made, and no grant made outside the United Kingdom shall be resealed, except on the production of an account prepared in pursuance of Part III of the Finance Act 1975 showing by means of such receipt or certification as may be prescribed by the Commissioners of Inland Revenue (in this and the following section referred to as "the Commissioners") either—
- (a) that the capital transfer tax payable on the delivery of the account has been paid ; or
 - (b) 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 this section in such cases as may be specified in the arrangements that the receipt or certification of an account may be dispensed with or that some other document may be substituted for the account required by Part III of the Finance Act 1975.
- (3) Nothing in subsection (1) applies in relation to a case where the delivery of the account required by that Part of that Act has for the time being been dispensed with by any regulations under section 94(1) (a) of the Finance Act 1980.

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 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.