Senior Courts Act 1981

1981 CHAPTER 54

PART V

PROBATE CAUSES AND MATTERS

Revocation of grants and cancellation of resealing at instance of court

121 Revocation of grants and cancellation of resealing at instance of court.

(1) Where it appears to the High Court that a grant either ought not to have been made or contains an error, the court may call in the grant and, if satisfied that it would be revoked at the instance of a party interested, may revoke it.

(2) A grant may be revoked under subsection (1) without being called in, if it cannot be called in.

(3) Where it appears to the High Court that a grant resealed under the Colonial Probates Acts 1892 and 1927 ought not to have been resealed, the court may call in the relevant document and, if satisfied that the resealing would be cancelled at the instance of a party interested, may cancel the resealing.

In this and the following subsection "the relevant document" means the original grant or, where some other document was sealed by the court under those Acts, that document.

(4) A resealing may be cancelled under subsection (3) without the relevant document being called in, if it cannot be called in.

Changes to legislation:
Senior Courts Act 1981, Section 121 is up to date with all changes known to be in force on or before 20 April 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)