



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

RULES OF COURT

87 Particular matters for which rules of court may provide.

- [^{F1}(1) Rules of court may make provision for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings in the High Court or in the civil division of the Court of Appeal or on any application in connection with or at any stage of any such proceedings.
- (2) Rules of court may make provision—
- (a) for enabling proceedings to be commenced in the High Court against the estate of a deceased person (whether by the appointment of a person to represent the estate or otherwise) where no grant of probate or administration has been made;
 - (b) for enabling proceedings purporting to have been commenced in that court against a person to be treated, if he was dead at their commencement, as having been commenced against his estate, whether or not a grant of probate or administration was made before their commencement; and
 - (c) for enabling any proceedings commenced or treated as commenced in that court against the estate of a deceased person to be maintained (whether by substitution of parties, amendment or otherwise) against a person appointed to represent the estate or, if a grant of probate or administration is or has been made, against the personal representatives.]

(3) Rules of court [^{F2}made under section 84] may amend or repeal any statutory provision relating to the practice and procedure of the [^{F3}Crown Court [^{F4}(except so far as relating to criminal causes or matters)]] so far as may be necessary in consequence of provision made by the rules.

Changes to legislation: Senior Courts Act 1981, Section 87 is up to date with all changes known to be in force on or before 13 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. (See end of Document for details) View outstanding changes

- (4) [^{F5}Criminal Procedure Rules] may require courts from which an appeal lies to the criminal division of the Court of Appeal to furnish that division with any assistance or information which it may request for the purpose of exercising its jurisdiction.
- (5) [^{F6}Rules of court made under section 84] may amend or repeal any statutory provision about appeals to the Crown Court so far as it relates to the practice and procedure with respect to such appeals [^{F7}(except so far as relating to criminal causes or matters)].

Textual Amendments

- F1** S. 87(1)(2) omitted (26.4.1999) by virtue of 1997 c. 12, s. 10, **Sch. 2 para. 1(6)(a)**; S.I. 1999/1009, **art. 3(d)**
- F2** Words in s. 87(3) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 17(2)(a)** (with art. 2(2))
- F3** Words in s. 87(3) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 1(6)(b)**; S.I. 1999/1009, **art. 3(d)**
- F4** Words in s. 87(3) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 17(2)(b)** (with art. 2(2))
- F5** Words in s. 87(4) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 17(3)** (with art. 2(2))
- F6** Words in s. 87(5) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 17(4)(a)** (with art. 2(2))
- F7** Words in s. 87(5) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 17(4)(b)** (with art. 2(2))

Changes to legislation:

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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\(2\)](#)