

**2004 No.2985 (L.17)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Non-Contentious Probate (Amendment) Rules 2004**

<i>Made</i> - - - -	<i>12th November 2004</i>
<i>Laid before Parliament</i>	<i>16th November 2004</i>
<i>Coming into force</i> - -	<i>7th December 2004</i>

The President of the Family Division, in exercise of the powers conferred upon her by section 127(1) of the Supreme Court Act 1981(a), and with the concurrence of the Lord Chancellor, makes the following Rules:

1. These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 2004 and shall come into force on 7th December 2004.
2. In the definition of “probate practitioner” in rule 2 of the Non-Contentious Probate Rules 1987(b) after “section 23(2) of that Act” insert “or section 55 of the Courts and Legal Services Act 1990(c);”.

*Elizabeth Butler-Sloss, P.*

Dated 10th November 2004

I concur, on behalf of the Lord Chancellor,

*David Lammy*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs

Dated 13th November 2004

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(a) 1981 c.54.  
(b) S.I. 1987/2024, amended by S.I. 1998/1903; there are other amending instruments but none is relevant.  
(c) 1990 c.41.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Rules, with effect from 7th December 2004, amend the definition of “probate practitioner” in rule 2 of the Non-Contentious Probate Rules 1987 (S.I. 1987/2024) so that a probate practitioner means a person to whom section 23(1) of the Solicitors Act 1974 (c.47) does not apply by virtue of either section 23(2) of that Act or section 55 of the Courts and Legal Services Act 1990 (c.41). Section 55 of the Courts and Legal Services Act 1990 provides that persons may be granted exemption from the provisions of section 23(1) of the Solicitors Act 1974 by an approved body and gives the circumstances in which such exemption will be granted.

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