
STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

Citations

46.—(1) Any citation may issue from the Principal Registry or a district probate registry and shall be settled by a registrar before being issued.

(2) Every averment in a citation, and such other information as the registrar may require, shall be verified by an affidavit sworn by the person issuing the citation (in these Rules called the “citor”), provided that the registrar may in special circumstances accept an affidavit sworn by the citor’s solicitor.

(3) The citor shall enter a caveat before issuing a citation and, unless a registrar of the Principal Registry by order made on summons otherwise directs, any caveat in force at the commencement of the citation proceedings shall, unless withdrawn pursuant to paragraph (11) of rule 44, remain in force until application for a grant is made by the person shown to be entitled thereto by the decision of the court in such proceedings, and upon such application any caveat entered by a party who had notice of the proceedings shall cease to have effect.

(4) Every citation shall be served personally on the person cited unless the registrar, on cause shown by affidavit, directs some other mode of service, which may include notice by advertisement.

(5) Every will referred to in a citation shall be lodged in a registry before the citation is issued, except where the will is not in the citor’s possession and the registrar is satisfied that it is impracticable to require it to be lodged.

(6) A person who has been cited to appear may, within eight days of service of the citation upon him (inclusive of the day of such service), or at any time thereafter if no application has been made by the citor under paragraph (5) of rule 47 or paragraph (2) of rule 48, enter an appearance in the registry from which the citation issued by filing Form 5 and shall forthwith thereafter serve on the citor a copy of Form 5 sealed with the seal of the registry.