
Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Non-Contentious Probate Rules 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

PROSPECTIVE

Interpretation

2.—(1) In these Rules, unless the context otherwise requires—

“the Act” means the Supreme Court Act 1981;

“authorised officer” means any officer of a registry who is for the time being authorised by the President to administer any oath or to take any affidavit required for any purpose connected with his duties;

“the Crown” includes the Crown in right of the Duchy of Lancaster and the Duke of Cornwall for the time being;

“grant” means a grant of probate or administration and includes, where the context so admits, the resealing of such a grant under the Colonial Probates Acts 1892 and 1927(1);

“gross value” in relation to any estate means the value of the estate without deduction for debts, incumbrances, funeral expenses or inheritance tax (or other capital tax payable out of the estate);

“oath” means the oath required by rule 8 to be sworn by every applicant for a grant;

“personal applicant” means a person other than a trust corporation who seeks to obtain a grant without employing a solicitor, and “personal application” has a corresponding meaning;

“registrar” means a registrar of the Principal Registry and includes—

(a) in relation to an application for a grant made or proposed to be made at a district probate registry, and

(b) in rules 26, 41 and 61(2) in relation to a grant issued from a district probate registry, and

(c) in relation to rules 46, 47 and 48,

the registrar of that district probate registry;

“registry” means the Principal Registry or a district probate registry;

“the Senior Registrar” means the Senior Registrar of the Family Division or, in his absence, the senior of the registrars in attendance at the Principal Registry;

“statutory guardian” means a surviving parent of a minor who is the guardian of the minor by virtue of section 3 of the Guardianship of Minors Act 1971(2);

“testamentary guardian” means a person appointed by deed or will to be guardian of a minor under the power conferred by section 4 of the Guardianship of Minors Act 1971(2);

(1) 1892 c. 6, 1927 c. 43.

(2) 1971 c. 3.

(2) 1971 c. 3.

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“the Treasury Solicitor” means the solicitor for the affairs of Her Majesty’s Treasury and includes the solicitor for the affairs of the Duchy of Lancaster and the solicitor of the Duchy of Cornwall;

“trust corporation” means a corporation within the meaning of section 128 of the Act as extended by section 3 of the Law of Property (Amendment) Act 1926(3).

(2) A form referred to by number means the form so numbered in the First Schedule; and such forms shall be used wherever applicable, with such variation as a registrar may in any particular case direct or approve.

Commencement Information

II Rule 2 in force at 1.1.1988, see [rule 1](#)

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (exc rules 20, 22, 38, 46 and sch 1) by
- Instrument amended by
- Instrument amended by
- Instrument amended by
- Third Sch. inserted by [S.I. 2020/1059 rule 3\(4\)](#)
- Arrangement of Rules amended by [S.I. 1998/1903 rule 2](#)
- rule 2 defin(s) am by [S.I. 2004/2985 rule 2](#)
- rule 2 words substituted by [S.I. 2009/3348 art. 7](#)
- rule. 32(1)(a)(iii) words inserted by [S.I. 2005/3504 art. 4\(a\)](#)
- rule. 32(1)(ab) inserted by [S.I. 2005/3504 art. 4\(b\)](#)
- rule. 32(1)(ba)(bb) inserted by [S.I. 2005/3504 art. 4\(c\)](#)
- am (exc rule 27(1) substituted by

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Table of Contents words substituted by [S.I. 2003/185 rule 4](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be updated dynamically when its provision are revised)
- Sch. FIRST coming into force by [S.I. 1987/2024 rule 1](#)
- Sch. SECOND coming into force by [S.I. 1987/2024 rule 1](#)
- Sch.I Forms 246 amended by
- Sch. 1 Form 3 amended by [S.I. 1998/1903 rule 16](#)
- Sch.1 Form 4 amended by [S.I. 1998/1903 rule 17](#)
- Sch.1 Form 5 amended by [S.I. 1998/1903 rule 18](#)
- Sch. 1 Form 6 words inserted by [S.I. 2005/2114 art. 2\(6\)](#)[Sch. 6 para. 2\(5\)](#)
- rule 2A inserted by [S.I. 2020/1059 rule 4\(2\)](#)
- rule 3A inserted by [S.I. 2020/1059 rule 2\(1\)](#)
- rule 4(1A) inserted by [S.I. 2017/1034 rule 2\(1\)](#)
- rule 4(1A) words substituted by [S.I. 2019/1057 rule 3](#)
- rule 4A inserted by [S.I. 2017/1034 rule 2\(2\)](#)
- rule 4A omitted by [S.I. 2020/1059 rule 3\(3\)](#)
- rule 4A substituted by [S.I. 2019/1057 rule 4](#)
- rule 4A(2) omitted by [S.I. 2018/1137 rule 3](#)
- rule 5(9) inserted by [S.I. 2016/972 rule 2\(1\)](#)
- rule 5(9) substituted by [S.I. 2018/1137 rule 4\(5\)](#)
- rule 5(10) inserted by [S.I. 2017/1034 rule 3\(1\)](#)
- rule 5(10) substituted by [S.I. 2018/1137 rule 4\(6\)](#)
- rule 5A inserted by [S.I. 2016/972 rule 2\(2\)](#)
- rule 5A heading substituted by [S.I. 2019/1057 rule 6](#)
- rule 5A heading words substituted by [S.I. 2018/1137 rule 6\(2\)](#)
- rule 5A(2) words inserted by [S.I. 2018/1137 rule 6\(3\)](#)
- rule 5A(3)(b) omitted by [S.I. 2018/1137 rule 6\(4\)](#)

- rule 5A(4) omitted by [S.I. 2018/1137 rule 6\(4\)](#)
- rule 5B inserted by [S.I. 2017/1034 rule 3\(2\)](#)
- rule 5B omitted by [S.I. 2018/1137 rule 7](#)
- rule 5ZA inserted by [S.I. 2018/1137 rule 5](#)
- rule 5ZA(1) word substituted by [S.I. 2019/1057 rule 5](#)
- rule 8(1)(a)(b) and words substituted for words in rule 8(1) by [S.I. 2018/1137 rule 8\(3\)](#)
- rule 27(1A) inserted by
- rule 27(1A) rev. in pt. by [S.I. 1998/1903 rule 7\(1\)](#)
- rule 32(1)(b) amended by [S.I. 1998/1903 rule 8\(2\)](#)
- rule 32(1)(c) added by [S.I. 1998/1903 rule 8\(3\)](#)
- rule 32(1)(aa) added by [S.I. 1998/1903 rule 8\(1\)](#)
- reg. 32(1)(aa) words substituted by [S.I. 2014/852 art. 3](#)
- rule 37(2A) added by [S.I. 1998/1903 rule 10](#)
- rule 43(1)(a)-(c) and word substituted for words in rule 43(1) by [S.I. 2018/1137 rule 13\(2\)](#)
- rule 44(2)(b)(i)(ii) and word substituted for words in rule 44(2)(b) by [S.I. 2018/1137 rule 14\(2\)](#)
- rule 44(3)(a)(i)-(iii) and word substituted for words in rule 44(3)(a) by [S.I. 2018/1137 rule 14\(3\)](#)
- rule 44(15) added by [S.I. 1998/1903 rule 11\(3\)](#)
- rule 61(5)(6) inserted by [S.I. 2018/1137 rule 17](#)
- rule 62A added by [S.I. 1998/1903 rule 14](#)
- rule 65(3) inserted by [S.I. 2003/185 rule 6](#)