

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

Personal applications

- 5.—(1) A personal applicant may apply for a grant at any registry or sub-registry.
- (2) Save as provided for by rule 39 a personal applicant may not apply through an agent, whether paid or unpaid, and may not be attended by any person acting or appearing to act as his adviser.
- (3) No personal application shall be proceeded with if—
- (a) it becomes necessary to bring the matter before the court by action or summons;
 - (b) an application has already been made by a solicitor on behalf of the applicant and has not been withdrawn; or
 - (c) the registrar so directs.
- (4) After a will has been deposited in a registry by a personal applicant, it may not be delivered to the applicant or to any other person unless in special circumstances the registrar so directs.
- (5) A personal applicant shall produce a certificate of the death of the deceased or such other evidence of the death as the registrar may approve.
- (6) A personal applicant shall supply all information necessary to enable the papers leading to the grant to be prepared in the registry.
- (7) Unless the registrar otherwise directs, every oath or affidavit required on a personal application shall be sworn or executed by all the deponents before an authorised officer.
- (8) No legal advice shall be given to a personal applicant by an officer of a registry and every such officer shall be responsible only for embodying in proper form the applicant's instructions for the grant.

Commencement Information

II Rule 5 in force at 1.1.1988, see [rule 1](#)

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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. 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](#)