
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART III

OTHER MATRIMONIAL ETC PROCEEDINGS

Further proceedings on application under rule 3.3

3.4.—(1) Without prejudice to his powers under RSC Order 15(1)(which deals with parties and other matters), the district judge may at any stage of the proceedings direct that any person be added as a respondent to an application under rule 3.3.

(2) RSC Order 15, rule 13 (which enables the court to make representation orders in certain cases) shall apply to the proceedings as if they were mentioned in paragraph (1) of the said rule 13.

(3) Where the application is in a county court, the references in paragraphs (1) and (2) to RSC Order 15 and Order 15, rule 13 shall be construed as references to CCR Order 5 and Order 5, rule 6 respectively.

(4) A respondent who is a personal representative of the deceased shall, within 14 days after the time limited for giving notice of intention to defend, file an affidavit in answer to the application stating—

- (a) full particulars of the value of the deceased's estate for probate, after providing for the discharge of the funeral, testamentary and administration expenses, debts and liabilities payable thereout, including the amount of the estate duty and interest thereon;
- (b) the person or classes of persons beneficially interested in the estate (giving the names and addresses of all living beneficiaries) and the value of their interests so far as ascertained, and
- (c) if such be the case, that any living beneficiary (naming him) is a minor or a patient within the meaning of rule 9.1.

(5) If a respondent who is a personal representative of the deceased does not file an affidavit stating the matters mentioned in paragraph (4) the district judge may order him to do so.

(6) A respondent who is not a personal representative of the deceased may, within 14 days after the time limited for giving notice of intention to defend, file an affidavit in answer to the application.

(7) Every respondent who files an affidavit in answer to the application shall at the same time lodge a copy, which the proper officer shall serve on the applicant.