

SCHEDULE 4

PART II

IV CLAIMS UNDER THE INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

Scope of this Section

57.14 This Section contains rules about claims under the Inheritance (Provision for Family and Dependents) Act 1975(1) (“the Act”).

Proceedings in the High Court

57.15.—(1) Proceedings in the High Court under the Act shall be issued in either—

- (a) the Chancery Division; or
- (b) the Family Division.

(2) The Civil Procedure Rules apply to proceedings under the Act which are brought in the Family Division, except that the provisions of the Family Proceedings Rules 1991(2) relating to the drawing up and service of orders apply instead of the provisions in Part 40 and its practice direction.

Procedure for claims under section 1 of the Act

57.16.—(1) A claim under section 1 of the Act must be made by issuing a claim form in accordance with Part 8.

(2) Rule 8.3 (acknowledgment of service) and rule 8.5 (filing and serving written evidence) apply as modified by paragraphs (3) to (5) of this rule.

(3) The written evidence filed and served by the claimant with the claim form must have exhibited to it an official copy of—

- (a) the grant of probate or letters of administration in respect of the deceased’s estate; and
- (b) every testamentary document in respect of which probate or letters of administration were granted.

(4) The time within which a defendant must file and serve—

- (a) an acknowledgment of service; and
- (b) any written evidence,

is not more than 21 days after service of the claim form on him.

(5) A defendant who is a personal representative of the deceased must file and serve written evidence, which must include the information required by the practice direction.

(1) 1975 c. 63.

(2) S.I. 1991/1247. There are no relevant amending instruments.