SCHEDULE 5

SECTION I:

CLAIMS RELATING TO THE ADMINISTRATION OF ESTATES AND TRUSTS

Scope of this Section

64.2 This Section of this Part applies to claims—

(a) for the court to determine any question arising in—

(i) the administration of the estate of a deceased person; or

(ii) the execution of a trust;

(b) for an order for the administration of the estate of a deceased person, or the execution of a trust, to be carried out under the direction of the court ("an administration order");

(c) under the Variation of Trusts Act 1958(**1**); or

(d) under section 48 of the Administration of Justice Act 1985(**2**).

Claim form

64.3 A claim to which this Section applies must be made by issuing a Part 8 claim form.

Parties

64.4.—(1) In a claim to which this Section applies, other than an application under section 48 of the Administration of Justice Act 1985—

(a) all the trustees must be parties;

(b) if the claim is made by trustees, any of them who does not consent to being a claimant must be made a defendant; and

(c) the claimant may make parties to the claim any persons with an interest in or claim against the estate, or an interest under the trust, who it is appropriate to make parties having regard to the nature of the order sought.

(2) In addition, in a claim under the Variation of Trusts Act 1958, unless the court directs otherwise any person who—

(a) created the trust; or

(b) provided property for the purposes of the trust,

must, if still alive, be made a party to the claim.

(The court may, under rule 19.2, order additional persons to be made parties to a claim.)

(**1**) 1958 c. 53.
(**2**) 1985 c. 61. Section 48 has been amended by the Courts and Legal Services Act 1990 (c. 41).