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STATUTORY INSTRUMENTS

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**2014 No. 2044**

**The Civil Procedure (Amendment No. 6) Rules 2014**

**Amendments to the Civil Procedure Rules 1998**

**10. In Part 57—**

- (a) for the title to this part, substitute “PROBATE, INHERITANCE AND PRESUMPTION OF DEATH”;
- (b) in the Table of Contents, at the end insert—

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“SECTION V – PROCEEDINGS UNDER THE PRESUMPTION OF DEATH ACT 2013

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Scope and interpretation	57.17
Proceedings to be in the High Court	57.18
Procedure for claims for a declaration of presumed death or a variation order	57.19
Giving notice of claim	57.20
Advertisement of claim	57.21
Interveners	57.22
Requirement to provide information	57.23”;

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- (c) in rule 57.1—
  - (i) at the end of paragraph (1)(c), delete “and”; and
  - (ii) at the end of paragraph (1)(d), for “.” substitute—
    - “; and
    - (e) proceedings under the Presumption of Death Act 2013(1).”;
- (d) in rule 57.16—
  - (i) in paragraph (3), after “must” insert “, except in the circumstances specified in paragraph (3A),”; and
  - (ii) after paragraph (3) insert—
    - “(3A) Where no grant has been obtained, the claimant may make a claim without naming a defendant and may apply for directions as to the representation of the estate. The written evidence must—
      - (a) explain the reasons why it has not been possible for a grant to be obtained;
      - (b) be accompanied by the original or a copy (if either is available) of the will or other testamentary document in respect of which probate or letters of administration are to be granted; and

- (c) contain the following information, so far as known to the claimant—
  - (i) brief details of the property comprised in the estate, with an approximate estimate of its capital value and any income that is received from it;
  - (ii) brief details of the liabilities of the estate;
  - (iii) the names and addresses of the persons who are in possession of the documents relating to the estate; and
  - (iv) the names of the beneficiaries and their respective interests in the estate.

(3B) Where a claim is made in accordance with paragraph (3A), the court may give directions as to the parties to the claim and as to the representation of the estate either on the claimant’s application or on its own initiative.

(Section 4 of the 1975 Act as amended confirms that nothing prevents the making of an application under the Act before representation with respect to the estate of the deceased person is taken out.)”; and

- (e) at the end, insert Section V (Proceedings under the Presumption of Death Act 2013) as set out in the Schedule to these Rules.