



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART V

#### PROBATE CAUSES AND MATTERS

##### *Provisions as to documents*

#### **124 Place for deposit of original wills and other documents.**

All original wills and other documents which are under the control of the High Court in the Principal Registry or in any district probate registry shall be deposited and preserved in such places [<sup>F1</sup>as may be provided for in directions given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005]; and any wills or other documents so deposited shall, subject to the control of the High Court and to probate rules, be open to inspection.

#### **Textual Amendments**

**F1** Words in s. 124 substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 13, 148, [Sch. 2 para. 5](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 7

#### **125 Copies of wills and grants.**

An office copy, or a sealed and certified copy, of any will or part of a will open to inspection under section 124 or of any grant may, on payment of [<sup>F2</sup>the fee prescribed by an order under section 92 of the Courts Act 2003 (fees)], be obtained—

- (a) from the registry in which in accordance with section 124 the will or documents relating to the grant are preserved; or
- (b) where in accordance with that section the will or such documents are preserved in some place other than a registry, from the Principal Registry; or

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*Changes to legislation: Senior Courts Act 1981, Cross Heading: Provisions as to documents is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) subject to the approval of the Senior Registrar of the Family Division, from the Principal Registry in any case where the will was proved in or the grant was issued from a district probate registry.

**Textual Amendments**

- F2** Words in s. 125 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 262; S.I. 2005/910, art. 3(y)

**126 Depositories for wills of living persons.**

- (1) There shall be provided, under the control and direction of the High Court, safe and convenient depositories for the custody of the wills of living persons; and any person may deposit his will in such a depository on payment of [<sup>F3</sup>the fee prescribed by an order under section 92 of the Courts Act 2003 (fees)] and subject to such conditions as may be prescribed by regulations made by the President of the Family Division with the concurrence of the Lord Chancellor.
- (2) Any regulations made under this section shall be made by statutory instrument which shall be laid before Parliament after being made; and the <sup>M1</sup>Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations under this section in like manner as if they had been made by a Minister of the Crown.

**Textual Amendments**

- F3** Words in s. 126(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 262; S.I. 2005/910, art. 3(y)

**Marginal Citations**

- M1** 1946 c. 36.

**Changes to legislation:**

Senior Courts Act 1981, Cross Heading: Provisions as to documents is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)