



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART II

LEGAL SERVICES

Probate services

54 Preparation of papers for probate etc.

F1

Textual Amendments

F1 S. 54 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 88, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)\(i\)\(viii\)\(dd\)](#) (subject to art. 6, with art. 9)

55 Preparation of probate papers etc: exemption from section 23(1) of Solicitors Act 1974.

F2

Textual Amendments

F2 S. 55 repealed (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 210, 211, Sch. 21 para. 88, [Sch. 23](#) (with ss. 29, 192, 193); S.I. 2009/3250, [art. 2\(h\)\(i\)\(viii\)\(dd\)](#) (subject to art. 6, with art. 9)

56 Administration of oaths etc. by justices in certain probate business.

- (1) Every justice shall have power to administer any oath or take any affidavit which is required for the purposes of an application for a grant of probate or letters of administration made in any non-contentious or common form probate business.

Changes to legislation: Courts and Legal Services Act 1990, Cross Heading: Probate services is up to date with all changes known to be in force on or before 12 May 2023. 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

- (2) A justice before whom any oath or affidavit is taken or made under this section shall state in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.
- (3) No justice shall exercise the powers conferred by this section in any proceedings in which he is interested.
- (4) A document purporting to be signed by a justice administering an oath or taking an affidavit shall be admitted in evidence without proof of the signature and without proof that he is a justice.
- (5) In this section—
- “affidavit” has the same meaning as in the ^{M1}Commissioners for Oaths Act 1889;
 - “justice” means a justice of the peace;
 - “letters of administration” includes all letters of administration of the effects of deceased persons, whether with or without a will annexed, and whether granted for general, special or limited purposes; and
 - “non-contentious or common form probate business” has the same meaning as in section 128 of the ^{M2}[^{F3}Senior Courts Act 1981].

Textual Amendments

- F3** S. 56: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)

Commencement Information

- I1** S. 56 wholly in force at 1.7.1991 see s. 124(3) and [S.I. 1991/1364, art. 2, sch.](#)

Marginal Citations

- M1** 1889 c. 10.
M2 1981 c. 54.

Changes to legislation:

Courts and Legal Services Act 1990, Cross Heading: Probate services is up to date with all changes known to be in force on or before 12 May 2023. 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. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)