
STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

Grants where two or more persons entitled in same degree

27.—(1) Subject to paragraphs (2) and (3) below, where, on an application for probate, power to apply for a like grant is to be reserved to such other of the executors as have not renounced probate, the oath shall state that notice of the application has been given to the executor or executors to whom power is to be reserved.

(2) Where power is to be reserved to partners of a firm, notice for the purposes of paragraph (1) above may be given to the partners by sending it to the firm at its principal or last known place of business.

(3) A registrar may dispense with the giving of notice under paragraph (1) above if he is satisfied that the giving of such a notice is impracticable or would result in unreasonable delay or expense.

(4) A grant of administration may be made to any person entitled thereto without notice to other persons entitled in the same degree.

(5) Unless a registrar otherwise directs, administration shall be granted to a person of full age entitled thereto in preference to a guardian of a minor, and to a living person entitled thereto in preference to the personal representative of a deceased person.

(6) A dispute between persons entitled to a grant in the same degree shall be brought by summons before a registrar.

(7) The issue of a summons under this rule in a district probate registry shall be notified forthwith to the registry in which the index of pending grant applications is maintained.

(8) If the issue of a summons under this rule is known to the registrar, he shall not allow any grant to be sealed until such summons is finally disposed of.