

2009 No. 1893 (L. 18)

SUPREME COURT OF ENGLAND AND WALES

The Non-Contentious Probate (Amendment) Rules 2009

Made - - - - - *14th July 2009*

Laid before Parliament *16th July 2009*

Coming into force - - - *1st September 2009*

The President of the Family Division of the High Court (the judicial office holder nominated by the Lord Chief Justice), with the agreement of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 127 of the Supreme Court Act 1981(a) and in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005(b).

Citation and commencement

1. These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 2009 and shall come into force on 1st September 2009.

Amendment to the Non-Contentious Probate Rules 1987

2. The Non-Contentious Probate Rules 1987(c) are amended in accordance with rule 3.
3. In rule 32(1)(a) (grants on behalf of minors), for sub-paragraph (i) substitute—
“(i) section 2(1), 2(1A), 2(2), 2(2A), 4 or 4ZA of the Children Act 1989(d).”

10th July 2009

Sir Mark Potter
President

I agree

Signed on the authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

14th July 2009

(a) 1981,c.54. Section 127 was amended by section 12(2) of, and paragraphs 11 and 12 of Part 2 of Schedule 1 to, the Constitutional Reform Act 2005 (c.4).
(b) 2005, c.4.
(c) S.I. 1987/2024. Rule 32 was amended by SI 1991/1876, 1998/1903 and 2005/3504.
(d) 1989, c.41. Sections 2(1A) and (2A), and section 4ZA, were added by the Human Fertilisation and Embryology Act 2008 (c.22), section 56 and Schedule 6, Part I, paragraphs 26(1)-(3) and 27 respectively.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Non-Contentious Probate Rules (SI 1987/2024) by substituting in rule 32(1)(a) (grants on behalf of minors) a new sub-paragraph (i) to reflect relevant amendments made to the Children Act 1989 by the Human Fertilisation and Embryology Act 2008. The Rules come into force on the same date as the 2008 Act provisions in question.

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