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STATUTORY INSTRUMENTS

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**2016 No. 972 (L. 17)**

**SENIOR COURTS OF ENGLAND AND WALES**

**The Non-Contentious Probate (Amendment) Rules 2016**

<i>Made</i>	- - - -	<i>3rd October 2016</i>
<i>Laid before Parliament</i>		<i>7th October 2016</i>
<i>Coming into force</i>	- -	<i>1st November 2016</i>

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 Senior Courts Act 1981<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 2016, and come into force on 1st November 2016.

(2) In these Rules, a reference to a rule by number alone means the rule so numbered in the Non-Contentious Probate Rules 1987<sup>(2)</sup>.

**Amendments to the Non-Contentious Probate Rules 1987**

2.—(1) In rule 5 (personal applications), after paragraph (8) insert—

“(9) In any case where an application is made under rule 5A (alternative procedure for personal applications), this rule applies with the exceptions and modifications provided by that rule.”.

(2) After rule 5, insert—

**“Alternative procedure for personal applications**

5A.—(1) A personal applicant may apply for a grant at any registry under this rule if invited to do so by that registry.

(2) An application under this rule must be made by completing and sending an online application form in accordance with instructions given by the registry.

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(1) 1981 c.54. Section 127 was amended by sections 12(2) and 146 of, and paragraphs 11 and 12 of Part 2 of Schedule 1, and Part 1 of Schedule 18 to, the Constitutional Reform Act 2005 (c.4), and section 59(5) of, and paragraph 1 of Part 1 of Schedule 11 to, the Constitutional Reform Act 2005 provided for the Supreme Court Act 1981 to be cited as the Senior Courts Act 1981.

(2) S.I. 1987/2024. Relevant amendments were made by S.I. 1998/1903, and other amendments by S.I. 1991/1876, S.I. 1999/1015, S.I. 2003/185, S.I. 2004/2985, S.I. 2005/3504, S.I. 2007/1898, S.I. 2009/1893 and S.I. 2014/852.

- (3) Where an application is made under this rule, rule 5 applies with the following exceptions and modifications—
- (a) paragraphs (1), (7) and (8) do not apply;
  - (b) paragraph (5) applies as if for the words “the district judge or registrar may approve” there were substituted “required by instructions given by the registry”; and
  - (c) paragraph (6) applies as if for the words after “information” there were substituted “required by instructions given by the registry”.
- (4) Where an application is made under this rule, rule 8 does not apply, and—
- (a) the application must be verified by a statement of truth by the applicant in the online application form;
  - (b) rule 10(1)(a) applies as if for “signatures of the applicant and the person before whom the oath is sworn” there were substituted “signature of the applicant”;
  - (c) rule 27(1) applies as if at the end there were inserted “or, where the application is made under rule 5A, the applicant shall confirm in accordance with instructions given by the registry that such notice has been given”.
- (5) Where original documents are required by instructions given by the registry to be sent in support of the application, they must be sent separately to the registry in accordance with such instructions.”

*James Munby, P.*

I allow these Rules  
Signed by authority of the Lord Chancellor

3rd October 2016

*Sir Oliver Heald QC*  
Minister of State  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Non-Contentious Probate Rules 1987 ([S.I. 1987/2024](#)) (“the 1987 Rules”) in order to enable a personal applicant for a grant of probate to make the application online if invited to do so by the registry to which the application is to be made, allowing for an online process to be introduced on a pilot basis. There are two amendments. First, rule 5 of the 1987 Rules (which makes provision about the process for making a personal application) is amended to provide that it applies with modifications and exceptions where an application proceeds under the new rule 5A (which makes provision for the circumstances in which such an application may be made online and the process of making it, including the modifications and exceptions to rule 5). Second, the new rule 5A itself is inserted immediately after rule 5.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.