
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 57 E+W

[^{F1}PROBATE AND INHERITANCE]

***[^{F2}IV CLAIMS UNDER THE INHERITANCE (PROVISION
FOR FAMILY AND DEPENDANTS) ACT 1975***

[^{F1}]^{F2}Procedure for claims under section 1 of the Act E+W

57.16.—(1) A claim under section 1 of the Act must be made by issuing a claim form in accordance with Part 8.

(2) Rule 8.3 (acknowledgment of service) and rule 8.5 (filing and serving written evidence) apply as modified by paragraphs (3) to (5) of this rule.

(3) The written evidence filed and served by the claimant with the claim form must have exhibited to it an official copy of—

- (a) the grant of probate or letters of administration in respect of the deceased's estate; and
- (b) every testamentary document in respect of which probate or letters of administration were granted.

(4) [^{F3}Subject to paragraph (4A), the time] within which a defendant must file and serve—

- (a) an acknowledgment of service; and
- (b) any written evidence,

is not more than 21 days after service of the claim form on him.

[
^{F4}(4A) If the claim form is served out of the jurisdiction under rule [^{F5}6.32 or 6.33], the period for filing an acknowledgment of service and any written evidence is 7 days longer than the relevant period specified in rule [^{F6}6.35] or [^{F7}Practice Direction 6B].]

(5) A defendant who is a personal representative of the deceased must file and serve written evidence, which must include the information required by [^{F8}Practice Direction 57].]

Textual Amendments

- F1** Pt. 57 inserted (15.10.2001) by *The Civil Procedure (Amendment No. 2) Rules 2001* (S.I. 2001/1388), rule 1(b), **Sch.** (with rule 19)
- F2** Pt. 57 Section 4 inserted (2.12.2002) by *The Civil Procedure (Amendment) Rules 2002* (S.I. 2002/2058), rule 1(b), **Sch. 4 Pt. 2**
- F3** Words in rule 57.16(4) substituted (30.6.2004) by *The Civil Procedure (Amendment) Rules 2004* (S.I. 2004/1306), rules 1(b), **17(a)**

Status: Point in time view as at 22/04/2014. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 57.16. (See end of Document for details)

- F4** Rule 57.16(4A) inserted (30.6.2004) by The Civil Procedure (Amendment) Rules 2004 (S.I. 2004/1306), rules 1(b), **17(b)**
- F5** Words in rule 57.16(4A) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **30(b)(i)**
- F6** Word in rule 57.16(4A) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **30(b)(ii)**
- F7** Words in rule 57.16(4A) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **32(e)**
- F8** Words in rule 57.16(5) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **32(b)(ii)**

Status:

Point in time view as at 22/04/2014. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 57.16.