

1969 No. 1689 (L.27)

**SUPREME COURT OF JUDICATURE, ENGLAND  
PROCEDURE**

**The Non-Contentious Probate (Amendment) Rules 1969**

<i>Made</i> - - -	<i>26th November 1969</i>
<i>Laid before Parliament</i>	<i>4th December 1969</i>
<i>Coming into Operation</i>	<i>1st January 1970</i>

The President of the Probate Division, in exercise of the powers conferred on him by section 100 of the Supreme Court of Judicature (Consolidation) Act 1925(a), and with the concurrence of the Lord Chancellor and the Lord Chief Justice, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 1969 and shall come into operation on 1st January 1970.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. The amendments set out in the Schedule to these Rules shall be made to the Non-Contentious Probate Rules 1954(c), as subsequently amended(d).

Dated 24th November 1969.

*J. E. S. Simon, P.*

We concur

Dated 26th November 1969.

*Gardiner, C.*

Dated 24th November 1969.

*Parker of Waddington, C.J.*

**SCHEDULE**

**AMENDMENTS TO NON-CONTENTIOUS PROBATE RULES 1954**

1. In the definition of "Registrar" in rule 2(2) (which relates to interpretation), for the words "the registry in question", there shall be substituted the words "a district probate registry".

2. In rule 3(1) (which relates to applications for grants made through solicitors), the words "Subject to section 153 of the Act (which prescribes the places where applications for second and subsequent grants may be made)" shall be omitted.

(a) 1925 c. 49.

(b) 1889 c. 63.

(c) S.I. 1954/796 (1954 II, p. 2202).

(d) The only relevant amending instruments are S.I. 1967/748, 1968/1675 (1967 II, p. 2225; 1968 III, p. 4505).

3. The following amendments shall be made in rule 21 (which relates to the order of priority for a grant in case of intestacy):—

- (a) in paragraph (1)(ii), the words in parentheses shall be omitted;
- (b) in paragraph (1)(iii), the words from “or, in the case of” to the end of the subparagraph shall be omitted;
- (c) in subparagraph (iv) of paragraph (1) and in subparagraphs (i), (iii) and (iv) of paragraph (2), the words “during the lifetime of the deceased” shall be omitted; and
- (d) for paragraph (6) there shall be substituted the following paragraph:—

“(6) In this rule references to children of the deceased include references to his illegitimate, legitimated and adopted children and ‘father or mother of the deceased’ shall be construed accordingly”.

4. In rule 38(6) (which relates to administration bonds), the words “or sub-registry” shall be inserted after the word “registry”.

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#### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules make amendments to the Non-Contentious Probate Rules 1954, most of which are consequential upon the coming into force on 1st January 1970 of section 14 of the Family Law Reform Act 1969 which gives to illegitimate children and their parents rights to succeed on each others' intestacies: as amended, rule 21 will afford to illegitimate children and their parents the same priorities for the purposes of grants of administration as are afforded to legitimate children and their parents.

In addition, the amendment to rule 2 makes it possible for the registrar of one district probate registry to dispose of applications relating to grants issuing from another district probate registry. The Rules also make miscellaneous minor, drafting and consequential amendments. They come into force on 1st January 1970.