
STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

Grants to trust corporations and other corporate bodies

36.—(1) An application for a grant to a trust corporation shall be made through one of its officers, and such officer shall depose in the oath that the corporation is a trust corporation as defined by these Rules and that it has power to accept a grant.

- (a) (2) (a) Where the trust corporation is the holder of an official position, any officer whose name is included on a list filed with the Senior Registrar of persons authorised to make affidavits and sign documents on behalf of the office holder may act as the officer through whom the holder of that official position applies for the grant.
- (b) In all other cases a certified copy of the resolution of the trust corporation authorising the officer to make the application shall be lodged, or it shall be deposed in the oath that such certified copy has been filed with the Senior Registrar, that the officer is therein identified by the position he holds, and that such resolution is still in force.

(3) A trust corporation may apply for administration otherwise than as a beneficiary or the attorney of some person, and on any such application there shall be lodged the consents of all persons entitled to a grant and of all persons interested in the residuary estate of the deceased save that the registrar may dispense with any such consents as aforesaid on such terms, if any, as he may think fit.

- (a) (4) (a) Subject to sub-paragraph (d) below, where a corporate body would, if an individual, be entitled to a grant but is not a trust corporation as defined by these Rules, administration for its use and benefit, limited until further representation be granted, may be made to its nominee or to its lawfully constituted attorney.
- (b) A copy of the resolution appointing the nominee or the power of attorney (whichever is appropriate) shall be lodged, and such resolution or power of attorney shall be sealed by the corporate body, or be otherwise authenticated to the registrar's satisfaction.
- (c) The nominee or attorney shall depose in the oath that the corporate body is not a trust corporation as defined by these Rules.
- (d) The provisions of paragraph (4)(a) above shall not apply where a corporate body is appointed executor jointly with an individual unless the right of the individual has been cleared off.