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STATUTORY INSTRUMENTS

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**1987 No. 2024**

**The Non-Contentious Probate Rules 1987**

**Order of priority for grant where deceased left a will**

**20.** Where the deceased died on or after 1 January 1926 the person or persons entitled to a grant in respect of a will shall be determined in accordance with the following order of priority, namely—

- (a) the executor (but subject to rule 36(4)(d) below);
- (b) any residuary legatee or devisee holding in trust for any other person;
- (c) any other residuary legatee or devisee (including one for life) or where the residue is not wholly disposed of by the will, any person entitled to share in the undisposed of residue (including the Treasury Solicitor when claiming bona vacantia on behalf of the Crown), provided that—
  - (i) unless a registrar otherwise directs, a residuary legatee or devisee whose legacy or devise is vested in interest shall be preferred to one entitled on the happening of a contingency, and
  - (ii) where the residue is not in terms wholly disposed of, the registrar may, if he is satisfied that the testator has nevertheless disposed of the whole or substantially the whole of the known estate, allow a grant to be made to any legatee or devisee entitled to, or to share in, the estate so disposed of, without regard to the persons entitled to share in any residue not disposed of by the will;
- (d) the personal representative of any residuary legatee or devisee (but not one for life, or one holding in trust for any other person), or of any person entitled to share in any residue not disposed of by the will;
- (e) any other legatee or devisee (including one for life or one holding in trust for any other person) or any creditor of the deceased, provided that, unless a registrar otherwise directs, a legatee or devisee whose legacy or devise is vested in interest shall be preferred to one entitled on the happening of a contingency;
- (f) the personal representative of any other legatee or devisee (but not one for life or one holding in trust for any other person) or of any creditor of the deceased.

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**Commencement Information**

**II** [Rule 20](#) in force at 1.1.1988, see [rule 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Non-Contentious Probate Rules 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Third Sch. inserted by [S.I. 2020/1059 rule 3\(4\)](#)
- rule. 32(1)(a)(iii) words inserted by [S.I. 2005/3504 art. 4\(a\)](#)
- rule. 32(1)(ab) inserted by [S.I. 2005/3504 art. 4\(b\)](#)
- rule. 32(1)(ba)(bb) inserted by [S.I. 2005/3504 art. 4\(c\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Table of Contents words inserted by [S.I. 1998/1903 rule 2\(a\)](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words inserted by [S.I. 1998/1903 rule 2\(b\)](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words substituted by [S.I. 2003/185 rule 4](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be updated dynamically when its provision are revised)
- Sch. 1 Form 6 words inserted by [S.I. 2005/2114 art. 2\(6\)Sch. 6 para. 2\(5\)](#)
- Rules modified in part by [S.I. 1991/2684 art. 45Sch. 1](#)
- rule 2A inserted by [S.I. 2020/1059 rule 4\(2\)](#)
- rule 3A inserted by [S.I. 2020/1059 rule 2\(1\)](#)
- rule 4(1A) inserted by [S.I. 2017/1034 rule 2\(1\)](#)
- rule 4(1A) words substituted by [S.I. 2019/1057 rule 3](#)
- rule 4A inserted by [S.I. 2017/1034 rule 2\(2\)](#)
- rule 4A omitted by [S.I. 2020/1059 rule 3\(3\)](#)
- rule 4A substituted by [S.I. 2019/1057 rule 4](#)
- rule 4A(2) omitted by [S.I. 2018/1137 rule 3](#)
- rule 5(9) inserted by [S.I. 2016/972 rule 2\(1\)](#)
- rule 5(9) substituted by [S.I. 2018/1137 rule 4\(5\)](#)
- rule 5(10) inserted by [S.I. 2017/1034 rule 3\(1\)](#)
- rule 5(10) substituted by [S.I. 2018/1137 rule 4\(6\)](#)
- rule 5A inserted by [S.I. 2016/972 rule 2\(2\)](#)
- rule 5A heading substituted by [S.I. 2019/1057 rule 6](#)
- rule 5A heading words substituted by [S.I. 2018/1137 rule 6\(2\)](#)
- rule 5A(2) words inserted by [S.I. 2018/1137 rule 6\(3\)](#)
- rule 5A(3)(b) omitted by [S.I. 2018/1137 rule 6\(4\)](#)
- rule 5A(4) omitted by [S.I. 2018/1137 rule 6\(4\)](#)
- rule 5B inserted by [S.I. 2017/1034 rule 3\(2\)](#)
- rule 5B omitted by [S.I. 2018/1137 rule 7](#)
- rule 5ZA inserted by [S.I. 2018/1137 rule 5](#)
- rule 5ZA(1) word substituted by [S.I. 2019/1057 rule 5](#)
- rule 8(1)(a)(b) and words substituted for words in rule 8(1) by [S.I. 2018/1137 rule 8\(3\)](#)
- rule 27(1)(1A) substituted for rule 27(1) by [S.I. 1991/1876 rule 8\(1\)](#)
- rule 27(1A) words omitted by [S.I. 1998/1903 rule 7\(1\)](#)
- rule 32(1)(a)(i) substituted by [S.I. 2009/1893 rule 3](#)
- rule 32(1)(b) word inserted by [S.I. 1998/1903 rule 8\(2\)](#)

- rule 32(1)(c) inserted by [S.I. 1998/1903 rule 8\(3\)](#)
- rule 32(1)(aa) inserted by [S.I. 1998/1903 rule 8\(1\)](#)
- reg. 32(1)(aa) words substituted by [S.I. 2014/852 art. 3](#)
- rule 37(2A) inserted by [S.I. 1998/1903 rule 10](#)
- rule 43(1)(a)-(c) and word substituted for words in rule 43(1) by [S.I. 2018/1137 rule 13\(2\)](#)
- rule 44(2)(b)(i)(ii) and word substituted for words in rule 44(2)(b) by [S.I. 2018/1137 rule 14\(2\)](#)
- rule 44(3)(a)(i)-(iii) and word substituted for words in rule 44(3)(a) by [S.I. 2018/1137 rule 14\(3\)](#)
- rule 44(15) inserted by [S.I. 1998/1903 rule 11\(3\)](#)
- rule 61(5)(6) inserted by [S.I. 2018/1137 rule 17](#)
- rule 62A inserted by [S.I. 1998/1903 rule 14](#)
- rule 65(3) inserted by [S.I. 2003/185 rule 6](#)