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STATUTORY INSTRUMENTS

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**1987 No. 2024**

**The Non-Contentious Probate Rules 1987**

**Grants where two or more persons entitled in same degree**

27.—(1) Subject to paragraphs (2) and (3) below, where, on an application for probate, power to apply for a like grant is to be reserved to such other of the executors as have not renounced probate, the oath shall state that notice of the application has been given to the executor or executors to whom power is to be reserved.

(2) Where power is to be reserved to partners of a firm, notice for the purposes of paragraph (1) above may be given to the partners by sending it to the firm at its principal or last known place of business.

(3) A registrar may dispense with the giving of notice under paragraph (1) above if he is satisfied that the giving of such a notice is impracticable or would result in unreasonable delay or expense.

(4) A grant of administration may be made to any person entitled thereto without notice to other persons entitled in the same degree.

(5) Unless a registrar otherwise directs, administration shall be granted to a person of full age entitled thereto in preference to a guardian of a minor, and to a living person entitled thereto in preference to the personal representative of a deceased person.

(6) A dispute between persons entitled to a grant in the same degree shall be brought by summons before a registrar.

(7) The issue of a summons under this rule in a district probate registry shall be notified forthwith to the registry in which the index of pending grant applications is maintained.

(8) If the issue of a summons under this rule is known to the registrar, he shall not allow any grant to be sealed until such summons is finally disposed of.

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**Commencement Information**

**II** [Rule 27](#) 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 27(1) words substituted by [S.I. 2018/1137 rule 11](#)
- 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](#)