
STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

Resealing under Colonial Probates Acts 1892 and 1927

39.—(1) An application under the Colonial Probates Acts 1892 and 1927⁽¹⁾ for the resealing of probate or administration granted by the court of a country to which those Acts apply may be made by the person to whom the grant was made or by any person authorised in writing to apply on his behalf.

(2) On any such application an Inland Revenue affidavit or account shall be lodged.

(3) Except by leave of a registrar, no grant shall be resealed unless it was made to such a person as is mentioned in sub-paragraph (a) or (b) of paragraph (1) of rule 30 or to a person to whom a grant could be made under sub-paragraph (a) of paragraph (3) of that rule.

(4) No limited or temporary grant shall be resealed except by leave of a registrar.

(5) Every grant lodged for resealing shall include a copy of any will to which the grant relates or shall be accompanied by a copy thereof certified as correct by or under the authority of the court by which the grant was made, and where the copy of the grant required to be deposited under subsection (1) of section 2 of the Colonial Probates Act 1892 does not include a copy of the will, a copy thereof shall be deposited in the registry before the grant is resealed.

(6) The registrar shall send notice of the resealing to the court which made the grant.

(7) Where notice is received in the Principal Registry of the resealing of a grant issued in England and Wales, notice of any amendment or revocation of the grant shall be sent to the court by which it was resealed.

⁽¹⁾ 1892 c. 6, 1927 c. 43.