
STATUTORY INSTRUMENTS

1987 No. 2024

The Non-Contentious Probate Rules 1987

Grants in respect of nuncupative wills and copies of wills

54.—(1) Subject to paragraph (2) below, an application for an order admitting to proof a nuncupative will, or a will contained in a copy or reconstruction thereof where the original is not available, shall be made to a registrar.

(2) In any case where a will is not available owing to its being retained in the custody of a foreign court or official, a duly authenticated copy of the will may be admitted to proof without the order referred to in paragraph (1) above.

(3) An application under paragraph (1) above shall be supported by an affidavit setting out the grounds of the application, and by such evidence on affidavit as the applicant can adduce as to—

- (a) the will's existence after the death of the testator or, where there is no such evidence, the facts on which the applicant relies to rebut the presumption that the will has been revoked by destruction;
- (b) in respect of a nuncupative will, the contents of that will; and
- (c) in respect of a reconstruction of a will, the accuracy of that reconstruction.

(4) The registrar may require additional evidence in the circumstances of a particular case as to due execution of the will or as to the accuracy of the copy will, and may direct that notice be given to persons who would be prejudiced by the application.