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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 57**

**[<sup>F1</sup>PROBATE, INHERITANCE AND PRESUMPTION OF DEATH]**

**[<sup>F1</sup>Scope of this Part and definitions**

**57.1.**—(1) This Part contains rules about—

- (a) probate claims;
- (b) claims for the rectification of wills; <sup>F2</sup>...
- (c) claims and applications to—
  - (i) substitute another person for a personal representative; or
  - (ii) remove a personal representative [<sup>F3</sup>, <sup>F4</sup>...
- (d) claims under the Inheritance (Provision for Family and Dependants) Act 1975][<sup>F5</sup>; and
- (e) proceedings under the Presumption of Death Act 2013].

(2) In this Part:

- (a) “probate claim” means a claim for—
  - (i) the grant of probate of the will, or letters of administration of the estate, of a deceased person;
  - (ii) the revocation of such a grant; or
  - (iii) a decree pronouncing for or against the validity of an alleged will;not being a claim which is non-contentious (or common form) probate business;

(Section 128 of the Supreme Court Act 1981(1) defines non-contentious (or common form) probate business.)

- (b) “relevant office” means—
  - (i) in the case of High Court proceedings in a Chancery district registry, that registry;
  - (ii) in the case of any other High Court proceedings, Chancery Chambers at the Royal Courts of Justice, Strand, London, WC2A 2LL; and
  - [<sup>F6</sup>(iii) in the case of County Court proceedings, the office of the County Court hearing centre in question;]
- (c) “testamentary document” means a will, a draft of a will, written instructions for a will made by or at the request of, or under the instructions of, the testator, and any document purporting to be evidence of the contents, or to be a copy, of a will which is alleged to have been lost or destroyed;

*Status: Point in time view as at 31/01/2019. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 57.1. (See end of Document for details)*

(d) “will” includes a codicil.]

#### **Textual Amendments**

- F1** Pt. 57 inserted (15.10.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rule 1(b), [Sch.](#) (with rule 19)
- F2** Word in rule 57.1(1)(b) omitted (2.12.2002) by virtue of [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), [23\(c\)\(i\)](#)
- F3** Rule 57.1(1)(d) and word inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), [23\(c\)\(ii\)](#)
- F4** Word in rule 57.1(1)(c) repealed (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), rules 2, [10\(c\)\(i\)](#)
- F5** Rule 57.1(1)(e) and word substituted for full stop(1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), rules 2, [10\(c\)\(ii\)](#)
- F6** Rule 57.1(2)(b)(iii) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [24\(a\)](#); S.I. 2014/954, art. 2(a)

**Status:**

Point in time view as at 31/01/2019. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 57.1.