
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 57

[^{F1}PROBATE AND INHERITANCE]

***[^{F2}IV CLAIMS UNDER THE INHERITANCE (PROVISION
FOR FAMILY AND DEPENDANTS) ACT 1975***

[^{F1}]^{F2}Procedure for claims under section 1 of the Act

57.16.—(1) A claim under section 1 of the Act must be made by issuing a claim form in accordance with Part 8.

(2) Rule 8.3 (acknowledgment of service) and rule 8.5 (filing and serving written evidence) apply as modified by paragraphs (3) to (5) of this rule.

(3) The written evidence filed and served by the claimant with the claim form must have exhibited to it an official copy of—

- (a) the grant of probate or letters of administration in respect of the deceased's estate; and
- (b) every testamentary document in respect of which probate or letters of administration were granted.

(4) The time within which a defendant must file and serve—

- (a) an acknowledgment of service; and
- (b) any written evidence,

is not more than 21 days after service of the claim form on him.

(5) A defendant who is a personal representative of the deceased must file and serve written evidence, which must include the information required by the practice direction.]]

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 Pt. 57 Section 4 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 4 Pt. 2](#)

Status:

Point in time view as at 02/12/2002. This version of this provision has been superseded.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 57.16.