
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 57

[^{F1}PROBATE, INHERITANCE AND PRESUMPTION OF DEATH]

SECTION 1—PROBATE CLAIMS

[^{F1}Lodging of testamentary documents and filing of evidence about testamentary documents

57.5.—(1) Any testamentary document of the deceased person in the possession or control of any party must be lodged with the court.

(2) Unless the court directs otherwise, the testamentary documents must be lodged in the relevant office—

- (a) by the claimant when the claim form is issued; and
- (b) by a defendant when he acknowledges service.

(3) The claimant and every defendant who acknowledges service of the claim form must in written evidence—

- (a) describe any testamentary document of the deceased of which he has any knowledge or, if he does not know of any such testamentary document, state that fact, and
- (b) if any testamentary document of which he has knowledge is not in his possession or under his control, give the name and address of the person in whose possession or under whose control it is or, if he does not know the name or address of that person, state that fact.

(A specimen form for the written evidence about testamentary documents is annexed to [^{F2}Practice Direction 57].)

(4) Unless the court directs otherwise, the written evidence required by paragraph (3) must be filed in the relevant office—

- (a) by the claimant, when the claim form is issued; and
- (b) by a defendant when he acknowledges service.

(5) Except with the permission of the court, a party shall not be allowed to inspect the testamentary documents or written evidence lodged or filed by any other party until he himself has lodged his testamentary documents and filed his evidence.

(6) The provisions of paragraphs (2) and (4) may be modified by a practice direction under this Part.]

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)

Status: Point in time view as at 01/10/2017.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 57.5. (See end of Document for details)

F2 Words in rule 57.5 substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **32(b)(i)**

Status:

Point in time view as at 01/10/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 57.5.