
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 57

PROBATE CLAIMS

RECTIFICATION OF WILLS

SUBSTITUTION AND REMOVAL OF PERSONAL REPRESENTATIVES

SECTION I—PROBATE CLAIMS

[^{F1}Counterclaim

57.8.—(1) A defendant who contends that he has any claim or is entitled to any remedy relating to the grant of probate of the will, or letters of administration of the estate, of the deceased person must serve a counterclaim making that contention.

(2) If the claimant fails to serve particulars of claim within the time allowed, the defendant may, with the permission of the court, serve a counterclaim and the probate claim shall then proceed as if the counterclaim were the particulars of claim.]

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Point in time view as at 15/10/2001. This version of this provision has been superseded.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 57.8.