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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

[<sup>F1</sup>PART 64 **E+W**

ESTATES, TRUSTS AND CHARITIES

**SECTION I: CLAIMS RELATING TO THE  
ADMINISTRATION OF ESTATES AND TRUSTS**

[<sup>F1</sup>Parties **E+W**

**64.4.**—(1) In a claim to which this Section applies, other than an application under section 48 of the Administration of Justice Act 1985—

- (a) all the trustees must be parties;
- (b) if the claim is made by trustees, any of them who does not consent to being a claimant must be made a defendant; and
- (c) the claimant may make parties to the claim any persons with an interest in or claim against the estate, or an interest under the trust, who it is appropriate to make parties having regard to the nature of the order sought.

(2) In addition, in a claim under the Variation of Trusts Act 1958, unless the court directs otherwise any person who—

- (a) created the trust; or
- (b) provided property for the purposes of the trust,

must, if still alive, be made a party to the claim.

(The court may, under rule 19.2, order additional persons to be made parties to a claim.)]

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**Textual Amendments**

**F1** Pt. 64 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 5](#)

**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Point in time view as at 02/12/2002. This version of this provision has been superseded.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 64.4.