

## SCHEDULE 2

### PART 19

#### PARTIES AND GROUP LITIGATION

##### **Death**

**19.8.**—(1) Where a person who had an interest in a claim has died and that person has no personal representative the court may order—

- (a) the claim to proceed in the absence of a person representing the estate of the deceased; or
- (b) a person to be appointed to represent the estate of the deceased.

(2) Where a defendant against whom a claim could have been brought has died and—

- (a) a grant of probate or administration has been made, the claim must be brought against the persons who are the personal representatives of the deceased;

(b) a grant of probate or administration has not been made—

- (i) the claim must be brought against “the estate of” the deceased; and
- (ii) the claimant must apply to the court for an order appointing a person to represent the estate of the deceased in the claim.

(3) A claim shall be treated as having been brought against “the estate of” the deceased in accordance with paragraph (2)(b)(i) where—

- (a) the claim is brought against the “personal representatives” of the deceased but a grant of probate or administration has not been made; or
- (b) the person against whom the claim was brought was dead when the claim was started.

(4) Before making an order under this rule, the court may direct notice of the application to be given to any other person with an interest in the claim.

(5) Where an order has been made under paragraphs (1) or (2)(b)(ii) any judgment or order made or given in the claim is binding on the estate of the deceased.