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STATUTORY INSTRUMENTS

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**2020 No. 1059**

**The Non-Contentious Probate (Amendment) Rules 2020**

**Amendment to the Non-Contentious Probate Rules 1987: using the online procedure for applications through solicitors or probate practitioners**

3.—(1) In rule 2(1) (Interpretation), in the definition of “online portal” for “rules 4A (Online procedure for applications through solicitors or probate practitioners)” substitute “rules 4 (Applications for grants through solicitors or probate practitioners)”.

(2) For rule 4 (Application for grants through solicitors or probate practitioners) substitute—

“4.—(1) A person applying for a grant through a solicitor or probate practitioner, other than a grant listed in the Third Schedule, must apply using the online portal, unless invited to apply at a registry by that registry.

(2) A person applying through a solicitor or probate practitioner for a grant listed in the Third Schedule may apply either using the online portal, in accordance with instructions given through the online portal, or at any registry.

(3) An application using the online portal must be made in accordance with instructions given through the online portal, by completing and sending the online application form provided through the online portal and electronically paying the appropriate fee.

(4) Where original documents are required to be sent in support of an application using the online portal, these must be sent separately to the registry in accordance with instructions given through the online portal.

(5) Every solicitor and probate practitioner through whom an application for a grant is made must give the address of their place of business within England and Wales.”.

(3) Omit rule 4A (Online procedure for applications through solicitors or probate practitioners).

(4) After the Second Schedule, insert—

“THIRD SCHEDULE

EXCEPTIONS TO THE REQUIREMENT TO USE THE  
ONLINE PORTAL FOR APPLICATIONS FOR GRANTS MADE  
THROUGH SOLICITORS OR PROBATE PRACTITIONERS

Rule 4

A grant of administration including a grant of administration with will annexed.

A second grant of probate in respect of the same estate.

A grant where the person entitled has been convicted of murder or manslaughter of the deceased or has otherwise forfeited the right to apply.

A grant in respect of a foreign will.

A grant accompanied by an application to prove a copy of the will.

A grant, where all those entitled are deceased, to any of their legal personal representatives.

A grant accompanied by an application for rectification or fiat copy of the will.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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A grant under rule 25 (Joinder of administrator).

A grant under rule 27 (Grants where two or more persons entitled in same degree).

A grant under rule 30 (Grants where deceased died domiciled outside England and Wales), except a grant under rule 30(3)(b).

A grant under rule 31 (Grants to attorneys).

A grant under rule 36 (Grants to trust corporations and other corporate bodies).

A grant under rule 39 (Resealing under Colonial Probates Acts 1892 and 1927).

A grant under rule 52 (Grants of administration under discretionary powers of court, and grants ad colligenda bona).”.