STATUTORY INSTRUMENTS

1962 No. 2653 (L. 26)

SUPREME COURT OF JUDICATURE, ENGLAND

PROCEDURE

The Non-Contentious Probate (Amendment) Rules 1962

Made - - - -	*4th December* 1962
Laid before Parliament	*11th December* 1962
Coming into Operation	*17th December* 1962

I, the Right Honourable Sir Jocelyn Simon, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, in exercise of the powers conferred upon me by section 100 of the Supreme Court of Judicature (Consolidation) Act 1925(a), and with the concurrence of the Lord Chancellor and the Lord Chief Justice of England, do hereby make the following Rules:—

1. These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 1962 and shall come into operation on the 17th December 1962.

2. At the end of paragraph (12) of Rule 44 of the Non-Contentious Probate Rules 1954(b), as amended(c), there shall be inserted the following sub-paragraph:—

"(*c*) if no caveat is in force at the commencement of a probate action, the commencement of the action shall operate to prevent the sealing of a grant as if a caveat had been entered immediately before such commencement."

Dated 4th December 1962.

J. E. S. Simon, P.

We concur.

Dilhorne, C.
Parker of Waddington, C.J.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

The effect of this amendment to the Non-Contentious Probate Rules 1954 is to ensure that after a probate action has been commenced no grant of representation may issue until the action has been determined.

(a) 15 & 16 Geo. 5. c. 49. (b) S.I. 1954/796 (1954 II, p. 2202).
(c) The amending instrument is not relevant.