This Statutory Instrument has been made in part in consequence of a defect in S.I. 2018/1137 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2025 No. 1004 (L. 8)

SENIOR COURTS OF ENGLAND AND WALES

The Non-Contentious Probate (Amendment) Rules 2025

Made - - - -	*5th September 2025*
Laid before Parliament	*9th September 2025*
Coming into force - -	*3rd November 2025*

The President of the Family Division of the High Court (the judicial office holder(**a**) nominated by the Lord Chief Justice), with the agreement of the Lord Chancellor, makes these Rules in exercise of the powers conferred by section 127 of the Senior Courts Act 1981(**b**) and section 2(5) of the Colonial Probates Act 1892(**c**).

Citation, commencement and extent

1.—(1) These Rules may be cited as the Non-Contentious Probate (Amendment) Rules 2025 and come into force on 3rd November 2025.

(2) These Rules extend to England and Wales.

Amendment of the Non-Contentious Probate Rules 1987

2. The Non-Contentious Probate Rules 1987(**d**) are amended in accordance with the following rules.

Amendment to rule 2 (interpretation)

3. In rule 2(**e**), in the definition of "online portal"(**f**), for the words from "or 5A" to the end, substitute ", 5A (alternative online procedure for personal applications) or 36 (grants to trust corporations and other corporate bodies)".

(**a**) The President of the Family Division of the High Court is a judicial office holder by virtue of section 109(4)(a) and (5)(c) of the Constitutional Reform Act 2005 (c. 4).

(**b**) 1981 c. 54. Section 127 was amended by paragraph 12(2) and (3) of Schedule 1 and Part 1 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4). Section 59 of, and Part 1 of Schedule 11 to, that Act also made provision amending the citation of the Supreme Court Act 1981 to the Senior Courts Act 1981.

(**c**) 1892 c. 6. Section 2(5) was amended by sections 52(2) and 59(5) of, and Part 1 of Schedule 13 to, the Finance Act 1975 (c. 7).

(**d**) S.I. 1987/2024, amended by S.I. 1991/1876, 1998/1903, 1999/1015, 2009/3348, 2018/1137, 2019/1057 and 2020/1059.

(**e**) Rule 2 was amended by paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and by S.I. 1991/1876, 1998/1903, 2009/3348, 2018/1137 and 2020/1059.

(**f**) The definition of "online portal" was inserted by S.I. 2018/1137; a relevant amendment was made by S.I. 2020/1059.

Amendment to rule 4 (application for grants through solicitors or probate practitioners)

4. In rule 4(**a**), in paragraph (5), after "Wales" insert "or Scotland".

Amendments to rule 27 (grants where two or more persons entitled in the same degree)

5. In rule 27(**b**)—

(a) after paragraph (6), insert—

"(6A) In resolving a dispute between persons entitled to a grant of administration in the same degree, the district judge or registrar may apply the following order of priority, namely—

(a) the person with the support of the majority of those entitled in the same degree;

(b) of the persons entitled in the same degree, the person who first lodges an application with the registry;

(c) a neutral person agreed by the parties to the dispute;

(d) a neutral person appointed by the registry in accordance with directions.";

(b) after paragraph (8), insert—

"(9) In paragraph (6A), "a neutral person" means any person not entitled to a grant of administration in the same degree as the parties in dispute.".

Amendments to rule 36 (grants to trust corporations and other corporate bodies)

6. In rule 36(**c**)—

(a) before paragraph (1) insert—

"(A1) An application for a grant to a trust corporation must be made using the online portal.

(A2) An application made under paragraph (A1) must be made by completing and sending the online application form provided through the online portal and electronically paying the appropriate fee.

(A3) Where original documents are required to be sent in support of an application made under paragraph (A1), these must be sent separately to the registry in accordance with instructions given by the registry.";

(b) in paragraph (2)—

(i) in sub-paragraph (a), omit "affidavits or";

(ii) in sub-paragraph (b), for "lodged" substitute "filed";

(c) in paragraph (3), for "lodged" substitute "filed".

Amendments to rule 41 (amendment and revocation of grant)

7. In rule 41(**d**)—

(a) in paragraph (1), for "paragraph (2)" substitute "paragraphs (2) and (3)";

(**a**) Rule 4 was substituted by S.I. 2020/1059.
(**b**) Rule 27 was amended by S.I. 1991/1876, 1998/1903 and 2018/1137.
(**c**) Rule 36 was amended by S.I. 1991/1876, 2018/1137 and 2020/1059.
(**d**) Rule 41 was amended by S.I. 1991/1876.

(b) after paragraph (2) insert—

"(3) Where, by reason of official error or delay, a grant has been issued (save for a grant under rule 52(b)) despite the entry or receipt in the registry of a caveat at the time of issue, a district judge or registrar must make an order revoking that grant.".

Amendments to rule 44 (caveats)

8. In rule 44(**a**)—

(a) omit paragraph (2)(a) and the "or" immediately after that sub-paragraph;

(b) in paragraph (6), at the end, insert "which must be accompanied by a statement in support of the directions sought";

(c) after paragraph (6) insert—

"(6A) In disposing of any summons for directions under paragraph (6), where two or more persons are entitled to a grant of administration in the same degree, the district judge or registrar may apply the order of priority set out in rule 27(6A).";

(d) in paragraph (7)—

(i) for "hearing" substitute "disposal";

(ii) for "above" substitute ", whether by hearing or otherwise,".

Amendment to rule 49 (address for service)

9. In rule 49, after "Wales", insert "or Scotland".

Amendment to the First Schedule (forms)

10. In the First Schedule, for Form 4 (warning to caveator)(**b**), substitute Form 4 in the Schedule to these Rules.

Amendments to the Third Schedule (exceptions to the requirement to use the online portal for applications for grants made through solicitors or probate practitioners)

11. In the Third Schedule(**c**)—

(a) after "rule 27" insert "(4) to (8)";

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

(**a**) Rule 44 was amended by S.I. 1991/1876, 1998/1903, 2018/1137 and 2020/1059.
(**b**) Form 4 was amended by S.I. 1991/1876 and 1998/1903.
(**c**) The Third Schedule was inserted by S.I. 2020/1059.

Sir Andrew McFarlane
2nd September 2025 President of the Family Division

I allow these Rules
Signed by authority of the Lord Chancellor

Alex Davies-Jones
Parliamentary Under-Secretary of State
5th September 2025 Ministry of Justice

SCHEDULE

Rule 10

FORM 4
WARNING TO CAVEATOR

In the High Court of Justice

Family Division

[*The nominated registry as defined by rule 44(15)*]

To …….. of ……. a party who has entered a caveat in the estate of …….. deceased.

You have fourteen days (starting with the day on which this warning was served on you):

(i) to enter an appearance either in person or by your solicitor or probate practitioner, at the [*name and address of the nominated registry*] setting out what interest you have in the estate of the above-named …….. of …… deceased contrary to that of the party at whose instance this warning is issued; or

(ii) if you have no contrary interest but wish to show cause against the sealing of a grant to such party, to issue and serve a summons for directions by a district judge of the Principal Registry or a registrar of a district probate registry, accompanied by a statement in support of the directions you are seeking.

If you fail to do either of these, the court may proceed to issue a grant of probate or administration in the said estate notwithstanding your caveat.

Dated the …… day of …… 20…….

Issued at the instance of ……

(Here set out the name and interest (including the date of the will, if any, under which the interest arises) of the party warning, the name of their solicitor or probate practitioner and the address for service. If the party warning is acting in person, this must be stated.)

Registrar

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Non-Contentious Probate Rules 1987 (S.I. 1987/2024) ("the 1987 Rules").

Rule 3 amends the definition of "online portal" in rule 2 of the 1987 Rules to include a reference to applications made under rule 36 of the 1987 Rules.

Rule 4 amends rule 4 of the 1987 Rules to enable a solicitor or probate practitioner based in Scotland, who is entitled to carry out probate activities in England and Wales, to provide an address of their place of business in Scotland when making applications for a grant on behalf of a client. Rule 9 makes a similar amendment to rule 49 of the 1987 Rules in relation to the provision of an address for service.

Rule 5 amends rule 27 of the 1987 Rules by introducing an order of priority that a district judge or registrar can choose to apply to a dispute between two or more people that are equally entitled to apply for a grant of administration. Rule 6 amends rule 36 of the 1987 Rules to require all applications for a grant to trust corporations to be made using the online portal. Rule 7 amends rule 41 of the 1987 Rules to require a district judge or registrar to revoke a grant issued in error, where a caveat had been entered at the time of the grant being issued.

Rule 8 amends rule 44 of the 1987 Rules to remove the ability to enter a caveat in person at a registry and to require a caveator wishing to issue and serve a summons for directions to also provide a statement in support of the directions they are seeking. It also amends rule 44, to enable a district judge or registrar to apply the new order of priority inserted into rule 27 when disposing of a summons for directions in cases where two or more people are equally entitled to apply for a grant of administration.

Rule 10 replaces Form 4, in the First Schedule to the 1987 Rules, and rule 11 amends the Third Schedule to the 1987 Rules to remove certain exceptions to the requirement that applications made by solicitors and probate practitioners are made through the online portal.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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