1952 No. 1878 (L. 11)

The Non-Contentious Probate Rules, 1952

Made - - - -	*23rd October*, 1952
Laid before Parliament	*24th October*, 1952
Coming into Operation	*27th October*, 1952

I, Frank Boyd, Baron Merriman, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, with the concurrence of Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, and Rayner, Baron Goddard, Lord Chief Justice of England, in exercise of the powers conferred upon me by section 100 of the Supreme Court of Judicature (Consolidation) Act, 1925(a) and of all other powers enabling me in this behalf, do hereby make the following Rules :—

1. In these Rules—

" The Principal Registry Rules " means the Rules and Orders and Instructions for the Registrars of the Principal Registry of the Court of Probate in respect of non-contentious business, dated the thirtieth day of July, 1862(b), as amended by subsequent Rules ;

" The District Registry Rules " means the Rules and Orders and Instructions for the Registrars of the District Registries of the Court of Probate, dated the twenty-seventh day of January, 1863(c), as amended by subsequent Rules.

2. Rule 31 of the Principal Registry Rules and Rule 37 of the District Registry Rules (which relate to grants of administration under section 73 of the Court of Probate Act, 1857(d)) are hereby revoked.

3. These Rules may be cited as the Non-Contentious Probate Rules, 1952, and shall come into operation on the twenty-seventh day of October, 1952.

Dated the twenty-third day of October, 1952.

Merriman, P.

We concur,

Simonds, C.
Goddard, C.J.

1952 No. 2048 (L. 13)

The Non-Contentious Probate (No. 2) Rules, 1952

Made - - - -	*26th November*, 1952
Laid before Parliament	*27th November*, 1952
Coming into Operation	*1st January*, 1953

I, Frank Boyd, Baron Merriman, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, with the concurrence of Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain,

(a) 15 & 16 Geo. 5. c. 49.
(b) Rev. XXII, p. 155.
(c) Rev. XXII, p. 198.
(d) 20 & 21 Vict. c. 77.

and Rayner, Baron Goddard, Lord Chief Justice of England, in exercise of the powers conferred upon me by section 100 of the Supreme Court of Judicature (Consolidation) Act, 1925(a) and of all other powers enabling me in this behalf, do hereby make the following Rules:—

1. In these Rules—

"The Principal Registry Rules" means the Rules and Orders and Instructions for the Registrars of the Principal Registry of the Court of Probate in respect of non-contentious business, dated the thirtieth day of July, 1862(b), as amended by subsequent Rules;

"The District Registry Rules" means the Rules and Orders and Instructions for the Registrars of the District Registries of the Court of Probate, dated the twenty-seventh day of January, 1863(c), as amended by subsequent Rules.

2. The following Rule shall stand as Rule 125 in the Principal Registry Rules and as Rule 118 in the District Registry Rules:—

Notice of Election to redeem life interest under section 47A of the Administration of Estates Act, 1925.

(1) Where a sole personal representative of the estate of an intestate is entitled as a surviving spouse to elect under s. 47A of the Administration of Estates Act, 1925, to have his life interest in the residuary estate redeemed, written notice of the election may be given to the Principal Probate Registrar under subsection (7) of that section by filing a notice in Form 34 either in the Principal Probate Registry or in the District Probate Registry from which representation issued.

(2) Where representation issued from a District Probate Registry, the notice must be filed in duplicate.

(3) Notices filed under this Rule shall be noted on the grant and record and shall be available to inspection by the public.

3. These Rules may be cited as the Non-Contentious Probate (No. 2) Rules, 1952, and shall come into operation on the 1st day of January, 1953.

Dated the 26th day of November, 1952.

Merriman, P.
6th November, 1952.

We concur.

Simonds, C.
26th November, 1952.

Goddard, C.J.
14th November, 1952.

Form 34. *Notice of Election to Purchase Life Interest*

IN THE HIGH COURT OF JUSTICE. PROBATE, DIVORCE AND ADMIRALTY DIVISION (PROBATE)

IN THE ESTATE OF AB DECEASED

Whereas AB of ..... deceased died on the ..... day of ..... 19 wholly/partially intestate leaving CD his/her lawful wife/husband and EF, GH, etc., lawful issue of the said AB;

(a) 15 & 16 Geo. 5. c. 49. (b) Rev. XXII, p. 155. (c) Rev. XXII, p. 198.

And whereas Probate/Letters of Administration of the estate of the said AB were granted to me, the said CD [and to XY* of ....., at the ..... Probate Registry on the ..... day of ..... 19 ;

And whereas XY* has ceased to be a personal representative because .....] and I am now the sole personal representative:

Now I, the said CD, hereby give notice that in accordance with the right conferred upon me by Section 47A of the Administration of Estates Act, 1925, I elect to redeem the life interest to which I am entitled in the estate of the late AB by retaining £.....s.....d. its capital value.

Dated this ..... day of ..... 19 .

(signed)

[*If more than one, list names and addresses.]

1952 No. 1062 (L. 6)

The Rules of the Supreme Court (No. 1), 1952

Made - - - -	*27th May*, 1952
Laid before Parliament	*28th May*, 1952
Coming into Operation	*4th June*, 1952

We, the Rule Committee of the Supreme Court, hereby make the following Rules:—

1. In Order XXXVII, Rule 34A (which relates to the duration of subpoenas) shall be amended by deleting the words " or in an action to be tried at assizes ".

2. The following amendments shall be made in Order LXII (which relates to the Registrars of the Chancery Division):—

(1) For paragraph (3) of Rule 2 there shall be substituted the following paragraph:—

" (3) The duplicate of an order may be a carbon copy of the original: Provided that, if so directed by a registrar, the duplicate of any particular order, and, if so directed by the Chief Registrar, the duplicate of every order of a particular class shall be a photographic copy or a copy produced by type lithography or other similar process. Every duplicate shall be sealed before being issued and there shall be noted thereon the number of the order, the date of entry and the amount of the stamp on the original order."

(2) In paragraph (7) of Rule 2 the words " and the scrivenery board respectively " shall be deleted.

3. The following amendments shall be made in Order LXVI:—

(1) In paragraph (6) of Rule 3 (which relates to office copies) there shall be inserted before the words " no written or typewritten copy of a document " the words " Subject to Rule 2 (3) of Order LXII ".