

Probate rules - an amendment

Synopsis: The non-contentious probate rules in England and Wales. The Government has tabled amendments which aim to modernise the non-contentious probate rules and probate delivery.

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The Non-Contentious Probate Rules 1987 (SI 1987/2024) govern practice and procedure in the Probate Registry where there is no dispute about entitlement to a grant of representation or the validity of any will or codicil

The amendments have been laid as a statutory instrument (SI), [The Non-Contentious Probate \(Amendment\) Rules 2025](#). The jurisdiction(s) which the instrument forms part of the law of is England and Wales.

Probate is the procedure for establishing entitlement to a grant of representation and assessing the validity of any will or codicil. The Non-Contentious Probate Rules govern non-contentious (or common form) probate proceedings in England and Wales. There are separate civil procedure rules for contentious probate cases.

The [explanatory memorandum](#) accompanying the SI says that the rules 'required updating to resolve issues identified during implementation, to accommodate service modernisation, and to resolve inconsistencies with other legislation.'

The amendments made by the SI are intended to clarify probate applications in the case of intestacy where there are several people who are equally legally entitled to apply for a grant of letters of administration. Rule 27 has been amended to establish priority among applicants that a district judge or registrar can apply to resolve such conflicts and disputes.

For trust corporations, the amendments are also intended to simplify matters. Previously, trust corporations were not able to apply for grants of probate online, despite other professional practitioners being required to do so. Rule 36 and the Third Schedule have therefore been revised to require all applications for grants by trust corporations to be submitted via the online portal.

Several rules and forms have also been amended to streamline caveats lodged against grants of probate. District judges and registrars can now revoke grants that were issued rapidly via the online process, but where a caveat was later found to have been lodged. Reflecting changes made to the rules in 2018, 14 days are now allowed as a period for serving notices in the caveat process.

The SI is subject to the UK Parliament's negative resolution process, meaning that it automatically becomes law unless a motion is brought to reject it. It is due to come into force on 3 November 2025.

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