

PRACTICE DIRECTION 3/2021
IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND
CHANCERY DIVISION (PROBATE)

CONSOLIDATED PROBATE PRACTICE DIRECTION (2021)

INTRODUCTION

1. This Practice Direction consolidates and updates the Probate Practice Directions and Practice Guidance Notes¹ with effect from 1st November 2021. Other relevant Practice Directions continue to apply².
2. References in this Practice Direction to ‘the Rules’ mean The Rules of the Court of Judicature (Northern Ireland) 1980.

PART 1 - GENERAL

Correspondence

3. Postal correspondence about probate business should be addressed to The Probate Office, Royal Courts of Justice, Belfast, BT1 3JF.

Applications for Grants

4. An application for a grant may be made using the NI Direct online portal at [Probate Online NI](#) or by lodging a hard copy application by post or in person with the Probate Office. Standardised printable forms which may be used for making hard copy applications together with other probate-related forms are available at [Probate Online NI](#).
5. Making an application using the online portal or, if that is not possible, using the relevant standardised printable form (‘standardised form’) will facilitate processing of the application and may reduce the number of inquiries that the Probate Master has to make before being satisfied that a grant may be issued. Applicants for grants and those representing applicants are encouraged therefore to make applications using the online portal or the standardised forms wherever possible.

¹ PN 3/2006; PN 4/2006; PN 1/2007; PN 4/2007; PD 1/2009; PD 4/2009; PD 3/2012 and PN 2/2013 are revoked and replaced by this Practice Direction.

² At the time of issue, those which apply are PD 5/2005 (Preparation of Affidavits and Exhibits) and PD 9/2006 (Unique Solicitors Reference). Practice Directions can be accessed at [Judiciary NI - Practice Directions](#).

6. This Practice Direction deals with applications which are not made, or cannot be made, through the online portal or by using the standardised forms. Where an application is made using the online portal, it must be made in accordance with instructions given through the online portal. Should those instructions diverge from this Practice Direction, the instructions in the portal should be followed.

7. Generally, errors in applications can be minimised by compliance with the relevant legislation, including Order 97 of the Rules, and by adequate use of The Law Society of Northern Ireland's publication Probate Applications Less Frequently Encountered and established textbooks. For example, Sheena Grattan's Succession Law in Northern Ireland (1996) provides guidance on many points of Northern Ireland law and practice; Margaret K M Aiken's Probate Practice Notes ('Aiken') although published in 1981, contains precedents and guidance on many points of practice and procedure; Tristram and Coote's Probate Practice (the current Edition of which is the 32nd [2021]) contains guidance on points of practice and precedents for the many common and uncommon situations where Northern Ireland law and practice coincide with those of England and Wales. The guidance and precedents obtainable from such texts should be adapted as appropriate having regard to the current requirements of the Rules, this Practice Direction and any other relevant Practice Direction or Practice Guidance Note.³

Title of Applications for Grants and Other Documents⁴

8. The title of all applications for grants of representation, originating and interlocutory processes and other related documents should include "CHANCERY OFFICE (PROBATE)" immediately below "CHANCERY DIVISION".

Checklist

9. All postal and in person applications for a grant which do not use the relevant standardised form should be accompanied by a completed and signed checklist confirming that the application has been checked for compliance with the relevant legislation, this Practice Direction and any other relevant Practice Directions and Practice Guidance Notes. Applications will not be processed unless a completed checklist is submitted. A template checklist can be accessed here:



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³ Drawn from PN 4/2007 - Points in Practice (1st Reissue)

⁴ Formerly PD 1/2009 - Transfer of Probate Business to Chancery Division

PART 2 - STATEMENTS OF TRUTH

Content of Statement of Truth

10. With effect from 11th June 2021, Order 97 of the Rules provides that an application for a grant of representation shall be supported by a Statement of Truth confirming the veracity of statements made in the application. The effect of this change is that an Oath is not required in support of an application, save in particular circumstances set out in the Rules.

11. The Statement of Truth is incorporated into applications made using the online portal ([Probate Online NI](#)) and in the standardised forms ([Probate Online NI](#)). Where these are not being used, applicants should have regard to the requirements in relation to Statements of Truth set out below and to the Schedules to this Practice Direction.

12. A Statement of Truth shall begin with the following wording:

“I/We [insert name(s) and address(es) and occupation] make the following Statement”.

13. There will then follow the substance of the Statement, which should be the same as that which was commonly used in Oaths of Executor/Administrator. The First Schedule to this Practice Direction sets out details of the requirements in relation to the contents of a Statement of Truth⁵.

14. The Statement should conclude prior to signature with the following wording:

“I/We believe that the facts stated in this witness statement are true and understand that criminal proceedings for fraud may be brought against me/us if I/we are found to have been deliberately untruthful or dishonest in the making of this Statement.”

15. The Statement should be signed by the applicant(s) personally. The signature does not need to be witnessed. Practitioners should note that they cannot sign a Statement of Truth on their client’s behalf.

⁵ Formerly contained in Schedule 2 to PN 4/2007

16. In respect of any application which proves to be disputed, it shall be for the Master to be satisfied as to the quality of the evidence and such disputed matters may be adjourned until affidavit evidence becomes available.

Statements of Truth for Administrators of Intestate Estates⁶

17. The principles of priority for entitlement to a grant in case of intestacy are set out in Order 97 rule 20 of the Rules as varied by other rules of that Order.

18. The Second Schedule to this Practice Direction sets out examples of wording (to be adapted to the particular circumstances) appropriate for use in Statements of Truth for cases where the Deceased died on or after 1 January 1956, wholly intestate and domiciled in Northern Ireland. While the sequence of examples of wording in the Second Schedule follows rules 20 and 20(2), the Rules and not the Schedule should be relied upon to determine questions of priority.

Civil Partnership Act 2004⁷

19. Schedule 14 to the Civil Partnership Act 2004 (“the 2004 Act”) assimilates rights of surviving civil partners to those of surviving spouses including the addition of Articles 13A and 13B (effects of civil partnerships and their dissolution or annulment on wills) to the Wills and Administration Proceedings (Northern Ireland) Order 1994 (“the 1994 Order”) and amendments to Part II (distribution on intestacy) of the Administration of Estates Act (Northern Ireland) 1955, at sections 6A to 11.

Revocation of Wills

20. Given the provisions about revocation of wills in Article 13A of the 1994 Order, the common averment that the testator “did not intermarry with any person” after the making of the will must, where the testator died on or after 5 December 2005, also state that the testator did not intermarry or form a civil partnership with any person after making the will. (This will not of course be appropriate where the testator did so marry or form a civil partnership but for reasons specified in Article 12 or 13A of the 1994 Order the will or part of it was not revoked.)

Intestate Estates

21. Every Statement of Truth to apply for a grant of administration to an intestate estate, and where so required, every affidavit grounding an application (for example, for appointment of a guardian) to which a civil partnership would (if it subsisted) be material,

⁶ Formerly PD 3/2012 – Oaths for Administrators of Intestate Estates

⁷ Formerly PN 1/2007 – Civil Partnership Act 2004

should clarify in express terms or by necessary implication whether the Deceased was survived by a civil partner.

22. For example, where the Deceased (a male) did not form a civil partnership: (i) a statement that the Deceased died on a date before 5 December 2005 (i.e. before the relevant commencement date) would be adequate; and (ii) a statement that the Deceased's lawful widow survived him would also be adequate; but (iii) a statement that the Deceased died a bachelor without issue would not provide adequate clarification; and (iv) a statement that the Deceased died a widower would be inadequate.

23. In the examples in paragraph 22(iii) and (iv) the possibility of a relevant civil partnership may be cleared off by words to the effect that the Deceased did not form a civil partnership, or that he did not leave a civil partner him surviving, or simply that the 2004 Act does not apply or is not relevant.

References to Surviving Civil Partners

24. Where it is relevant to any Statement of Truth or affidavit, whether in a testate or intestate estate, the Statement or affidavit should refer to a civil partner surviving a Deceased as his or her registered civil partner.

Entitlement to Grants for Use and Benefit of Minors⁸

25. In an extempore judgment delivered 21 February 2013 in an application in The Estate of Colin Black, Deceased, the Master (Chancery) ruled that, where but for his or her minority a minor would be entitled to a grant of representation to the estate of the minor's parent, the correct interpretation of Order 97 rule 27(1)(a) of the Rules following the repeal of the Guardianship of Infants Act 1886 is that, subject to the qualifications in rule 27 paragraph (3) and (4), and given the provisions of Articles 159 and 160 of The Children (Northern Ireland) Order 1995 ('the 1995 Order') as to powers to appoint a guardian for a minor in a court application or otherwise, a surviving parent is the person primarily entitled to apply for and obtain a grant for the minor's use and benefit. Accordingly, and as the brother of the Deceased in Black, Deceased in his application by summons for determination of entitlement to a grant had not established that the surviving parent, who had been divorced from the Deceased for some time prior to his death, was a person incapable of or otherwise unsuited to extracting such a grant and performing the duties of a personal representative and trustee, the brother's claim to be appointed as sole or joint administrator for the use and benefit of the Deceased's minor children was dismissed.

26. Therefore where there is no other person who has been appointed guardian by the High Court or a County Court in accordance with Article 159, or other person who has

⁸ Formerly PN 2/2013 - Entitlement To Grants For Use And Benefit Of Minors

been appointed guardian by a deceased parent or guardian in the event of his or her death in accordance with Article 160 of the 1995 Order and consequently has parental responsibility in respect of the minor or minors who would upon maturity be entitled to a grant, the surviving parent is the person first entitled to apply for a grant for the use and benefit of the minor or minors and can do so without an order of the Master. Similarly, a person already appointed as a guardian in accordance with Article 159 or 160 need not make such an application for an order for the purpose of extracting a grant or administering the estate, but a copy of the court order or the instrument which effected such appointment should be referred to in and exhibited to the Statement of Truth made by such person on his or her application for a grant. The Statement of Truth of a parent or guardian applicant should state the full name and date of birth of each minor for whose use and benefit the grant is sought, and should where the applicant is a guardian confirm that his or her appointment as guardian has not been revoked and that the applicant is not aware of any pending application for its revocation (or as the case may be).

PART 3 - LODGEMENT OF WILLS AND CODICILS⁹

27. Where a will exists, the original will and any codicil must be lodged with the application for a grant, or as soon as possible thereafter¹⁰. Additionally, a copy of the will and any codicil must always be lodged with the application. The copy will and copy of any codicil lodged must comply with the requirements set out below.

28. Where the application is made in person or by post, the back of the copy of the will lodged, and the back of the copy of any codicil lodged, must be initialled by the applicant(s) to signify that it is a true copy. Where the application is lodged online, the original and the copy must be lodged in accordance with instructions given in the online portal.

29. Where the application is lodged in person or by post and it is intended to lodge the original will and any codicil at a later stage, the application must be accompanied by an initialled copy of the will and any codicil. The application must state why the original is not being lodged at the same time as the application, when it is anticipated that it will be lodged and, where the application is lodged by a solicitor, it must be accompanied by a certificate from the solicitor certifying that the initialled copy is a true copy of the original.

Copy Wills and Codicils

30. The copy must be made, in A4 size, from the original will and any codicil. The copy should not be stapled.

⁹ Drawn from PD 4/2009 - Applications for Grants: Lodgment of Copy Wills

¹⁰ See Part B2 of the First Schedule to this Practice Direction

31. The copy must be of good quality and complete but it is not necessary to copy any additional covers or instructions as to how to sign a will etc.
32. The copy must be clear and legible. Care must be taken to ensure that any faint typing or blue ink on the original will is clear on the copy. Photocopiers may have to be adjusted accordingly.
33. The left hand margins of the copy should be clear so that the grant can be attached.
34. If it is necessary to take the will and any codicil apart to copy it a covering letter should inform the Probate Office: (i) that this was done, (ii) that the will and any codicil have been restored to the same plight and condition that they were in before they were copied, and (iii) that nothing of a testamentary nature was further attached or detached.

Engrossments of Wills and Codicils¹¹

35. Attention is drawn to the requirements of Order 97 rule 8 of the Rules which makes provision regarding lodgement of engrossments. The purpose of this section is to provide guidance on the particular circumstances in which a typed or printed engrossment of a will (for this purpose to include a codicil) should be included in the papers to be lodged in the Probate Office on an application for a grant.

36. An engrossment should be lodged with the application in any of the following circumstances:-

(a) The will contains an alteration not admissible to probate (except where (i) the original has been altered but not re-executed or re-published and there exists a photocopy of the original executed document, or (ii) inadmissible words on the same page below the testator's signature can be masked out, or (iii) a complete page or pages of the will are to be excluded).

(b) The will has been rectified by an order pursuant to Article 29(1) of the Wills and Administration Proceedings (Northern Ireland) Order 1994.

(c) The will is illegible.

(d) The will is otherwise unsuitable for photocopying e.g. because it or any documents to be incorporated in it are of a size or shape or contain ink or print which would not be compatible with clear and satisfactory A4 photographic reproduction.

37. A handwritten or home-made will need not be the subject of an engrossment provided it does not fall within any of the categories listed in paragraph 36. A will upon which there is pencil writing need not be engrossed unless it falls within one of those

¹¹ Formerly PN 4/2006 - Engrossments of Wills and Codicils

categories, but a copy (whether engrossed or photographic) marked in accordance with rule 8(4) must be lodged.

38. Where an engrossment is lodged it must be (i) prepared strictly in accordance with rule 8(3) and (ii) certified at its end or foot by the lodging solicitor or applicant in person as a true copy of the original will (adding where appropriate: "as rectified by Order dated ...", and/or "excluding all material not admissible to probate", and/or "pencil writing on the will/codicil being shown underlined in red ink on this engrossment").

PART 4 - PREPARATION OF OATHS/AFFIDAVITS¹²

39. Oaths, where required, and other affidavits and their exhibits (save wills and codicils which should not be certified as an exhibit pursuant to Order 41 rule 11(2) and (3), but signed or initialled as per paragraph 20(1) of the First Schedule) should be prepared in accordance with Practice Direction 5/2005: Preparation of Affidavits and Exhibits.

A handwritten signature in black ink, appearing to read 'Siobhan Keegan', with a large, stylized flourish at the end.

The Rt Hon. Dame Siobhan Keegan

Lady Chief Justice of Northern Ireland

22nd October 2021

¹² Formerly contained in PN 4-2007

FIRST SCHEDULE¹³
POINTS IN PRACTICE

PART A - CONTENTS OF PART B

	<u>Paragraph</u>
PART B1 - STATEMENT OF TRUTH DETAILS	
Names	1
Addresses	2
Occupations	3
Entitlement to Grant.....	4
Entitlement under another Grant	5
Relationships	6
Cases with a Judge's or Master's Order	7
Renunciations	8
Powers of Attorney	9
Trust and other Corporations	10
Decree Absolute or Conditional Order Made Final.....	11
Age	12
Date and Place of Death	13
Domicile	14
Filing Clause	15
Gross and Net Values of the Estate.....	16
Jurat (where Oath required).....	17
Amendments to a Sworn Document	18
PART B2 - OTHER DOCUMENTS	
Application	19

¹³ Formerly First and Second Schedules to PN 4/2007. Part 2 of this Practice Direction refers.

Wills	20
Probate Engrossment	21
Inheritance Tax Account/Forms.....	22
Guarantee Bond/Sureties Guarantee	23
Fees.....	24

PART B1 - STATEMENT OF TRUTH DETAILS

Note: Where an Oath must be lodged, for example, where the Master so directs under rule 39(2) of Order 97, the requirements which are set out below in respect of Statements of Truth shall apply with such variations as the circumstances require.

1. *Names*

- (1) The full names of all parties should be used in the Statement of Truth.
- (2) Any discrepancies between names in other documents (e.g. a maiden name used in the will) should be clarified after the name in the Statement of Truth.
- (3) Any discrepancies between names and signatures or initials (e.g. William signing as Bill) should be clarified after the name in the Statement of Truth.

2. *Addresses*

The full current postal addresses of all parties should be used in the Statement of Truth. These should include the postcodes, if known, and if the address is outside Northern Ireland, the country.

3. *Occupations*

- (1) The occupation (or former occupation if the person has retired or is currently unemployed) of the Deceased and the statement maker should be used in the Statement of Truth.
- (2) If the Deceased did not at death or the statement maker does not have an occupation, his or her marital status (or, if appropriate, status as a registered civil partner) or other description will suffice.

4. *Entitlement to Grant*

- (1) In cases of intestacy, the entitlement of the applicant to apply must be made clear. (See, for example, paragraphs 17 and 18 of and the Second Schedule to this Practice Direction, and Aiken pages 64 to 67.)
- (2) Where there is a will, the applicant's entitlement to apply must be clarified and, if there are any other non-proving executors named in the will, the Statement of Truth should state their names *and either* :-

- (a) that power is reserved to the other executor (or executors) so named; *or*
- (b) that the other executor has renounced or predeceased the testator or survived the testator and then died, stating the date of death.

(3) Generally, if there is any person who appears entitled to apply in priority to the applicant, that person's full name and the reason why he or she is not applying must be stated.

5. *Entitlement under another Grant*

If the entitlement of an applicant is as the legal personal representative of another party, concise details of the relevant grant should be recited in the Statement of Truth and either the original grant or a sealed and certified copy grant should accompany the application.

6. *Relationships*

In an application for a grant of letters of administration with will annexed, or any other application for a grant where there is a will and it is necessary to prove entitlement to the grant, if the applicant is a relative (by blood or marriage) or a surviving registered civil partner of the Deceased, this should be stated in the Statement of Truth.

7. *Cases with Judge's or Master's Order*

Where a relevant Master's or Judge's order has been made, reference should be made to this in the Statement of Truth, including the date the order was made, and a copy of the order should accompany the application.

8. *Renunciations*

If a person entitled to make an application is renouncing or reserving their power, the appropriate form should be lodged with the application. The form can be found at [Probate Online NI](#) or at page 70 of Aiken. (See also paragraph 4(2) and (3) above.) The original renunciation must be exhibited to the Statement of Truth.

9. *Power of Attorney*

(1) If the person entitled to apply has executed a power of attorney in favour of the actual applicant, the appropriate form should be lodged with the application. Specimen forms of powers of attorney for the specific purposes of applications for grants, and of averments for Oaths for donees of such powers which can be applied to Statements of Truth as appropriate, can be found at [Probate Online NI](#) or at pages 68 and 69 of Aiken.

(2) Where the person entitled to the grant is incapable but an enduring power of attorney executed by that person is relied on (i) the original or Office-certified copy power should be lodged, (ii) the Statement of Truth should confirm that the Office of Care and Protection has not authorised anyone else to apply, and (iii) the Statement of Truth or a solicitor's letter should confirm that the Office of Care and Protection has been given notice of the application (normally at least 14 days in advance).

(3) Where an executor entitled to a grant resides outside Northern Ireland, notice of an application pursuant to Order 97 rule 26(1) of the Rules for a grant to his attorney must be

given to the other executors (if any), unless such notice is dispensed with by the Master. A request by solicitor's letter to dispense with such notice will be considered but the request should normally be made before the signing of the Statement of Truth as the latter should clarify whether notice has been served or dispensed with.

(4) Attention is drawn to the requirement in Order 97 rule 26(2) that the Master must be satisfied by affidavit of the desirability of making a grant to the attorney of a person entitled to a grant and resident in Northern Ireland.

10. *Trust and other Corporations*

(1) If the application is being made pursuant to a resolution authorising an officer of a trust corporation to apply, either an original sealed resolution or a sealed and certified copy resolution should be lodged with the application and concise details of the resolution should be recited in the Statement of Truth; all consents required by Order 97 rule 30 of the Rules should be lodged and the Statement of Truth should state that it is a trust corporation and that its appointee has power to accept the grant.

(2) If the applicant is a corporation other than a trust corporation, the Statement of Truth shall state that fact and the application shall be accompanied by a sealed copy of the relevant resolution or power of attorney appointing its nominee. Concise details of the resolution or power should also be stated in the Statement of Truth.

11. *Decree Absolute or Conditional Order Made Final*

In cases of intestacy where the deceased person was divorced or had a civil partnership dissolved, a photocopy of the Northern Ireland Decree Absolute or Conditional Order Made Final, as the case may be, (or a sealed and certified copy of the equivalent document if the divorce or dissolution was granted outside the jurisdiction) should be lodged and reference should be made in the Statement of Truth to the details of the Decree Absolute or Conditional Order Made Final (or equivalent document if the divorce or dissolution was granted outside the jurisdiction).

12. *Age*

The age of the Deceased should be completed in the Statement of Truth.

13. *Place and date of death*

The place and date of death should be completed in the Statement of Truth.

14. *Domicile*

The domicile of the Deceased should be completed in the Statement of Truth. (Should the domicile not be Northern Ireland, Probate Applications Less Frequently Encountered published by The Law Society of Northern Ireland includes notes on making an application with a foreign domicile.)

15. *Filing Clause*

Where the application is to be lodged by solicitors a filing clause must be completed at the foot of the Statement of Truth. The name of the solicitor's firm, the unique solicitor's reference in accordance with PD 9/2006¹⁴, and the full address of the lodging office should be completed.

16. *Gross and net values of the estate*¹⁵

(1) In light of the Inheritance Tax (Delivery of Accounts) (Excepted Estates) Regulations 2004 (S.I. 2004/2543), regulation 4, a Statement of Truth accompanying an application for a grant must identify the precise amounts of the gross and net estates as follows:-

“To the best of my (our) knowledge, information and belief, the gross estate passing under the grant amounts to £... and the net estate amounts to £...”

(2) Where the estate is within a category of excepted estates as defined by regulation 4 or any other provision the Statement must continue:-

“and this is not a case in which an inheritance tax account is required to be delivered.”

(3) Queries about IHT liability or forms should not be directed to the Probate Office. The HMRC Inheritance Tax Office website is [HMRC IHT](#) and the IHT Office contact details are at [HMRC Probate & IHT Queries](#).

17. *Jurat (where Oath is required)*

(1) The jurat in the Oath should be completed appropriately giving the place of swearing, date of swearing, name of applicant, entitlement of Commissioner/solicitor to swear the Oath and jurisdiction in which the Commissioner/solicitor is entitled to swear the Oath.

(2) Please note that a jurat in an Oath will be treated as valid for six months only and after this period a letter from a solicitor will be required to confirm that no details in the Oath have changed since it was sworn. If any details have changed since it was sworn, then a fresh Oath or a supplemental Oath must be lodged.

18. *Amendments to a sworn document*

(1) If the original Oath has to be re-sworn, a fresh jurat is required either below the existing jurat or on the back of the Oath document, providing the details of the re-

¹⁴ PD 9/2006 – Unique Solicitors Reference

¹⁵ Formerly contained in PN 3/2006 – Oaths for Grants and Inheritance Tax Accounts

swearing. The standard wording for a jurat should be used, with 'Re-sworn' replacing 'Sworn'.

(2) If a fresh Oath is required, the original will (if any) must be collected from the Probate Office by the lodging individual or solicitor and re-signed or initialled on its back by the applicant(s) and the Commissioner/solicitor swearing the Oath.

PART B2 - DOCUMENTS OTHER THAN STATEMENTS OF TRUTH

19. *Application*

Where the online portal or the standardised form is not used when making an application for a grant, a written notice of application must always be lodged. The notice of application may incorporate the said Statement of Truth, in which case it must be so entitled, or it may be supported by a separate Statement of Truth. The particulars contained in the application should correspond with those stated in the Statement of Truth, where relevant, and the IHT form.

20. *Wills*

(1) If the Deceased died testate, the original will and any codicil should be lodged with the application, signed or initialled on the back by the applicant(s).

(2) No paperclips, staples or similar should be attached to the original will, otherwise a letter or affidavit confirming the reason for the attachment and that nothing of a testamentary nature was attached to the will is required.

(3) If there have been any amendments to bequests, figures, names or dates within the will (unless either these have been initialled by the testator/testatrix and attesting witnesses to the will, or the amendment has been recorded adequately in the attestation clause), an affidavit of an attesting witness to the will is required, confirming (if appropriate) that the amendments were made prior to the execution of the will.

(4) Similarly, if correction fluid has been used on the original will, an affidavit of an attesting witness to the will is required, stating that the relevant amendment was made prior to the execution of the will.

(5) If the attestation clause in the original will is incomplete, an affidavit of an attesting witness to the will is required to confirm the will was executed correctly. (An example of such an affidavit can be found on page 57 of Aiken.)

(6) If there are any issues regarding the signature of the testator/testatrix, an Affidavit of Handwriting will be required. (An example of such an affidavit can be found on page 60 of Aiken.)

21. *Probate Engrossment*

A probate engrossment will be required in the circumstances set out in paragraph 36 of this Practice Direction. This engrossment should be an exact typed or printed copy of the original will and should be printed on either probate engrossment paper or yellow deed paper. The probate engrossment should be headed as such and must be prepared and certified as per paragraph 38 of this Practice Direction.

22. *Inheritance Tax Account/Forms*

(1) The correct Inheritance Tax form must accompany the application for a grant whether or not there is any liability for IHT. Currently, where no IHT is due, the application should be accompanied by a fully completed IHT205 form. Where IHT is due, the application should be accompanied by a stamped IHT421 form.

(2) If another form of tax account or return is required, the Inheritance Tax Office, not the Probate Office, should be contacted to ascertain which form should be used. The IHTO's contact details are at [HMRC Probate & IHT Queries](#).

23. *Guarantee Bond/Sureties Guarantee*

(1) In cases where a Guarantee Bond/Sureties Guarantee is required to be lodged with the application, this should cover the gross value of the estate.

(2) If a Sureties Guarantee is being lodged, as opposed to a Bond, it should be from two independent parties and should be accompanied by either a justification of sureties or a letter from the solicitor confirming that both of the parties are solvent to the extent of the gross value of the estate.

24. *Fees*

Information regarding the relevant fees payable can be found by accessing the Court of Judicature (Non-Contentious Probate) Fees at [Court Fees NI](#).

SECOND SCHEDULE

STATEMENTS OF TRUTH FOR ADMINISTRATORS OF INTESTATE ESTATES¹⁶

A. The principles of priority for entitlement to a grant in case of intestacy are set out in Order 97 rule 20 of the Rules (as varied by other rules of that Order). While the sequence of examples of wording in this Schedule follows rules 20 and 20(2), the Rules and not this Schedule should be relied upon to determine questions of priority.

B. The following are examples of wording (to be adapted to the particular circumstances) appropriate for use in Statements of Truth for cases where the Deceased died on or after 1 January 1956, wholly intestate and domiciled in Northern Ireland.

1.1 Spouse/Civil Partner

A.B. died intestate;

I am the surviving spouse/registered civil partner of the said Deceased and the only person now entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.2 Son/Daughter

A.B. died intestate without spouse or civil partner (him) (her) surviving;

I am the lawful (son) (daughter) and next of kin of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.2 Grandson/Granddaughter (being a child of a predeceased son/daughter of the Deceased)

A.B. died intestate without spouse or civil partner (him) (her) surviving;

I am the lawful (grandson) (granddaughter) and next of kin of the said Deceased being the lawful (son) (daughter) of C.D. who died during the lifetime of the said Deceased, and am the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.2 Great Grandson/Great Granddaughter (being a child of a predeceased grandchild who was a predeceased child of the Deceased)

¹⁶ Formerly PD 3/2012 - Oaths for Administrators of Intestate Estates

A.B. died intestate without spouse or civil partner (him) (her) surviving;
I am the lawful great (grandson) (granddaughter) and next of kin of the said Deceased, being the lawful (son) (daughter) of C.D., a lawful (grandson) (granddaughter) who died during the lifetime of the Deceased and who was a lawful (son) (daughter) of E.F. a lawful (son) (daughter) of the Deceased, both the said C.D. and E.F. having died during the lifetime of the Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.3 Father/Mother

A.B. died intestate without spouse or civil partner or issue (him) (her) surviving;
I am the lawful (father) (mother) and next of kin of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.4 Brother/Sister

A.B. died intestate without spouse or civil partner or issue or parent (him) (her) surviving;
I am the lawful (brother) (sister) and next of kin of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

1.4 Nephew/Niece (being a child of a predeceased brother/sister of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent (him) (her) surviving;
I am the lawful (nephew) (niece) and next of kin of the said Deceased being the lawful (son) (daughter) of C.D. a lawful (brother) (sister) of the said Deceased who died during the lifetime of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

C. The following are examples of wording (to be adapted to the particular circumstances) appropriate for use in Statements of Truth where (i) the Deceased died wholly intestate leaving no spouse or civil partner, and (ii) no person in any of the classes in sub-paragraphs 1.2 to 1.4 above has survived the Deceased, and (iii) one of the following persons has a beneficial interest in the estate of the Deceased.

2.1 Grandfather/Grandmother

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue (him) (her) surviving;
I am the lawful (grandfather) (grandmother) of the said Deceased and the only person

entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.2 Uncle/Aunt

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent (him) (her) surviving;

I am the lawful (uncle) (aunt) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.2 First Cousin (being a child of a predeceased uncle/aunt of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent (him) (her) surviving;

I am the lawful first cousin of the said Deceased being the lawful (son) (daughter) of C.D. a lawful (uncle) (aunt) of the said Deceased who died during the lifetime of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.2 First Cousin Once Removed (being a child of a predeceased first cousin who was child of a predeceased uncle/aunt of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent him (her) surviving;

I am the lawful first cousin once removed of the said Deceased being the lawful (son) (daughter) of C.D. a lawful first cousin of the said Deceased who was the lawful (son) (daughter) of E.F. a lawful (uncle) (aunt) of the said Deceased, both the said C.D. and E.F. having died during the lifetime of the said Deceased, and am the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.3 Great-Grandparent

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue (him) (her) surviving;

I am the lawful (great-grandfather) (great-grandmother) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.4 Grand-Uncle / Grand-Aunt

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent (him) (her) surviving;

I am the lawful (grand-uncle) (grand-aunt) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.5 Great-Great-Grandparent

No example of wording is provided as this entitlement is unlikely to arise in practice.

2.6 Great-Grand-Uncle / Great-Grand Aunt

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent or grand-uncle or grand-aunt or great-great-grandparent (him) (her) surviving;

I am the lawful (great-grand-uncle) (great-grand-aunt) of the said Deceased and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.6 First Cousin Once Removed (being a child of a predeceased grand-uncle or grand-aunt of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent or brother or sister or their issue or grandparent or uncle or aunt or their issue or great-grandparent or grand-uncle or grand-aunt or great-great-grandparent (him) (her) surviving;

I am the lawful first cousin once removed of the said Deceased being the lawful (son) (daughter) of C.D. a lawful first cousin of the said Deceased who was the lawful (son) (daughter) of E.F. a lawful (uncle) (aunt) of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

2.7 Great-Great-Great-Grandparent

No example of wording is provided as this entitlement is unlikely to arise in practice.

2.8 Second Cousin (being a child of a predeceased child of a predeceased grand-uncle or grand-aunt of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grand-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grand-uncle or grand-aunt (him) (her) surviving;

I am the lawful second cousin of the said Deceased being the (son) (daughter) of C.D. a lawful (son) (daughter) of E.F. a lawful (grand-uncle) (grand-aunt) of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] (her) (her) estate.

2.8 First Cousin Twice Removed (being a child of a predeceased great-grand-uncle or great-grand-aunt of the Deceased)

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grand-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grand-uncle or grand-aunt (him) (her) surviving;

I am the lawful first cousin twice removed of the said Deceased, being the (son) (daughter) of C.D. a lawful (great-grand-uncle) (great-grand-aunt) of the said Deceased and am the only person entitled to [or one of the persons entitled to share in] (h i s) (her) estate.

2.9 Other next of kin of nearest degree

A.B. died intestate without spouse or civil partner or issue or parent or other lineal ancestor or brother or sister or their issue or uncle or aunt or their issue or grand-uncle or grand-aunt or great-grand-uncle or great-grand-aunt or child of grand-uncle or grand-aunt or child of child of grand-uncle or grand-aunt or child of great-grand-uncle or great-grand-aunt (him) (her) surviving;

I am the next of kin of nearest degree, being [*describe precisely the blood relationship between the applicant and the Deceased*] and the only person entitled to [or one of the persons entitled to share in] (his) (her) estate.

APPLICATION FOR GRANT OF PROBATE OR ADMINISTRATION**CHECKLIST FOR APPLICATIONS MADE BY POST OR IN PERSON NOT USING THE STANDARDISED FORM****(updated November 2021)**

<ul style="list-style-type: none"> Practice Direction 3/2021 Consolidated Probate Practice Direction Practice Direction 9/2006: Unique Solicitor's Reference Practice Direction 5/2005: Preparation of Affidavits and Exhibits 	Insert ✓ or N/A
<p>Current requirements for preparation of applications for grants are set out in PD 3/2021 which should be referred to and complied with when preparing the documents listed below.</p>	
<p>Correct fee has been paid</p> <p>https://www.justice-ni.gov.uk/sites/default/files/publications/justice/crf-court-judicature-non-contentious-probate-fees-01-10-19.pdf</p>	
Application for Grant and Statement of Truth lodged	
Inheritance Tax Form lodged	
Original Will (and any codicil) and one initialled copy of the will (and any codicil) lodged	
Original Grant or sealed and certified copy lodged (if relevant)	
Judge's / Master's order lodged (if relevant)	
Form of Reserving Power or of Renunciation lodged (if applicable)	
Power of Attorney / Enduring Power of Attorney form lodged (if applicable)	
Original or sealed and certified copy of resolution lodged (if applicable)	
Decree absolute lodged (if applicable)	
Probate Engrossment lodged (if required)	
Guarantee Bond / Sureties Guarantee lodged (if required)	

I confirm that this application has been checked for compliance with the relevant legislation (including Order 97 of the Rules of the Court of Judicature (Northern Ireland) 1980) and the Practice Directions referred to above which are available on the JudiciaryNI website

Signed

[Solicitor for the Applicant] [Applicant]