



STATUTORY INSTRUMENTS.

**S.I. No. 590 of 2020**

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RULES OF THE SUPERIOR COURTS (PROBATE AND  
ADMINISTRATION OATHS AND BONDS) 2020

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**RULES OF THE SUPERIOR COURTS (PROBATE AND  
ADMINISTRATION OATHS AND BONDS) 2020**

We, the Superior Courts Rules Committee, constituted pursuant to the provisions of the Courts of Justice Act 1936, section 67, and reconstituted pursuant to the provisions of the Courts of Justice Act 1953, section 15, by virtue of the powers conferred upon us by the Courts of Justice Act 1924, section 36, the Courts of Justice Act, 1936, section 68 (as applied by the Courts (Supplemental Provisions) Act 1961, section 48), the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby make the following Rules of Court.

Dated this 11<sup>th</sup> day of December, 2019.

Frank Clarke (Chairperson)

George Birmingham

Peter Kelly

Elizabeth Dunne

Brian R. Murray

Deirdre Murphy

Teresa Pilkington

Stuart Gilhooly

Liam Kennedy

James Finn

John Mahon

I concur in the making of the following Rules of Court.

Dated this 9<sup>th</sup> day of September 2020.

HELEN MCENTEE

Minister for Justice and Equality

**RULES OF THE SUPERIOR COURTS (PROBATE AND  
ADMINISTRATION OATHS AND BONDS) 2020**

1— (1) These Rules, which may be cited as the Rules of the Superior Courts (Probate and Administration Oaths and Bonds) 2020, shall come into operation on the 1<sup>st</sup> day of March 2021.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2020.

2. The Rules of the Superior Courts are amended:

(i) by the substitution for rule 32 of Order 79 of the following rule:

“32. The form of administration bond specified in the Forms 4 and 5 in Appendix Q, Part I is the form prescribed by the President of the High Court for use in the case of estates of persons dying on or after the 1st January, 1967. In the case of estates of persons dying before 1st January, 1967, the forms heretofore in use in connection with such estates shall be used.”, and

(ii) by the substitution for rule 34 of Order 80 of the following rule:

“34. The form of administration bond specified in the Forms 4 and 5 in Appendix Q, Part I is the form prescribed by the President of the High Court for use in the case of estates of persons dying on or after the 1st January, 1967. In the case of estates of persons dying before the 1st January, 1967, the forms heretofore in use in connection with such estates shall be used.”

3. (1) The Forms No. 3, 4 and 5 in the Schedule shall be substituted for the forms bearing the like numbers respectively in Part I of Appendix Q to the Rules of the Superior Courts.

(2) Part II of Appendix Q shall be deleted from the Rules of the Superior Courts.

## Schedule No. 3

## **“OATH OF EXECUTOR.**

[Heading as in Form No. I].

## PART A

**Name of Deceased:**

**Address of Deceased:**

Date of Death:

## Place of Death:

**Name of Applicant:**

**Address of Applicant:**

### Gross value of Estate:

## PART B

I, the above named applicant, aged 18 years and upwards, make oath and say, that I believe the paper writing hereto annexed, and marked by me, to contain the true and original last will [or last will with .... codicils] of the above named deceased;

that same was made by the said deceased after attaining the age of 18 years, and that the said deceased did not intermarry or enter into a civil partnership with any person after the making of same;

that I am the [state relationship] of the said deceased and the \* [sole] executor/executrix in the said will [or will and codicil(s)] named:

that I will faithfully administer the estate of the said deceased, by paying the deceased's just debts and the legacies bequeathed by the deceased's said will [*or will and codicils*], so far as the same shall thereto extend and the law bind me; that I will exhibit a true inventory of the said estate, and render a true account thereof, whenever required by law so to do; that the deceased died at the above named place of death on the date of death cited above;

[where application is made in District Probate Registry add] and that the deceased had at the time of death a fixed place of abode at the above named address within the district of]

and that the whole of the estate without any deductions for debts, which devolves on and vests in the deceased's legal personal representative amounts in value to the figure cited above as the gross value of the estate and no more, to the best of my knowledge, information and belief.

Sworn etc.

Filed on the

day of.....Solicitors.

**No. 4**  
**OATH OF ADMINISTRATOR WITH THE WILL,**  
**INCORPORATING ADMINISTRATION BOND**

[Heading                 ].

**PART A**

Name of Deceased:

Address of Deceased:

Date of Death

Place of Death

Name of Applicant:

Address of Applicant:

Gross value of Estate

**PART B**

I, the above named applicant aged 18 years and upwards, make oath and say, that I believe the paper writing hereunto annexed, and marked by me, to contain the true and original last will [*or* last will with ..... codicils] of the above named deceased;

that same was made by the said deceased after attaining the age of 18 years, and that the said deceased did not intermarry or enter into a civil partnership with any person after the making of same;

and that                   *[address position regarding any executor(s) named in the will];*

and that I am the [*state relationship*] of the said deceased and

[insert basis on which entitlement to grant is claimed, e.g. residuary legatee and devisee named in the said will etc.]

that I will well and faithfully administer the estate of the said deceased, by paying the deceased's just debts and the legacies bequeathed by the deceased's said will [or will and codicils] and distributing the residue of the deceased's estate according to law; and that I will exhibit a true and perfect inventory of the said estate, and render a true account thereof whenever required by law so to do; and that the deceased died at the above named place of death on the date of death cited above;

[where application is made in District Probate Registry add] and that the deceased had at the time of death a fixed place of abode at the above named address within the district of .....];

and that the whole of the estate, without any deductions for debts, which devolves on and vests in the deceased's legal personal representative amounts in value to the figure cited above as the gross value of the estate and no more,

to the best of my knowledge, information and belief.

Sworn etc.

Filed on the      day of      20      by      Solicitors.

### PART C

I, the above named applicant am liable in full to pay to the President of the High Court the sum of double the gross value of the estate as specified in PART A above, for which payment I bind myself and my executors and administrators

Sealed with my seal this      day of      20

The condition of this obligation is that if I, the intended \* [administrator] \*[administratrix] of the estate of the said deceased do fulfil the obligations referred to in PART B above and furthermore do pay all taxes and duties payable in respect of the estate of the deceased for which the personal representative is accountable and all income tax and surtax payable out of the estate then this obligation shall be void and no effect, but shall otherwise remain in full force and effect.

Signed, Sealed and Delivered by the said

L.S.

L.S.

L.S.

in the presence of.....

Filed on the      day of      20      by.....Solicitors.

**No. 5**

**OATH OF ADMINISTRATOR INCORPORATING  
ADMINISTRATION BOND.**

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**[Heading as in Form No. I].**

**PART A**

Name of Deceased:

Address of Deceased:

Date of Death:

Place of Death:

Name of Applicant:

Address of Applicant:

Gross value of Estate:

**PART B**

I, the above named applicant aged 18 years and upwards, make oath and say that the above deceased died intestate

that I am the \_\_\_\_\_ of said deceased

and that I will well and faithfully administer the estate of the said deceased by paying the deceased's just debts and distributing the residue of said estate according to law, and that I will exhibit a true inventory of the said estate and render a true account thereof, whenever required by law so to do; that the said deceased died at the above named place of death on the date of death cited above;

[*where application is made in District Probate Registry add*] and that the said deceased had at the time of death a fixed place of abode at the above named address within the district of .....;

and that the whole of the estate without any deductions for debts, which devolves on and vests in the deceased's legal personal representative amounts in value to the figure cited above as the gross value of the estate and no more,

to the best of my knowledge, information and belief.

Sworn etc.

Filed on the    day of    20    by ..... Solicitors.

**PART C**

I, the above named applicant am liable in full to pay to the President of the High Court the sum of double the gross value of the estate as specified in PART A above, for which payment I bind myself and my executors and administrators

Sealed with my seal this    day of    20

The condition of this obligation is that if I, the intended \* [administrator] \* [administratrix] of the estate of the said deceased do fulfil the obligations referred to in PART B above and furthermore do pay all taxes and duties payable in respect of the estate of the deceased for which the personal representative is accountable and all income tax and surtax payable out of the estate and further do, if so required, render and deliver up the letters of administration in the High Court if it shall hereafter appear that any will was made by the deceased which is exhibited in the said Court with a request that it be allowed and approved accordingly then this obligation shall be void and no effect, but shall otherwise remain in full force and effect.

Signed, Sealed and Delivered by the said

in the presence of

Filed on the    day of    20    by .....



## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These rules update the language and presentation of forms contained in the schedules to the Rules. These forms provide for the oath of an executor of a will and the oath and bond of an administrator of the estate of a deceased person.

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