

CHIEF REGISTRAR PRACTICE DIRECTION NO 1 OF 2024
GUIDELINES ON NON-CONTENTIOUS AND CONTENTIOUS PROBATE
MATTERS

1. Probate Office Jurisdiction

1.1 Non-Contentious Application

- a. The Probate Office has jurisdiction to entertain all non-contentious probate matters. This includes applications to invoke the Probate Officer's power under Section 5 of the Probate and Administration Act, Cap 11.
- b. "Non-contentious" refers to situations where there is no dispute regarding the right to the probate; there are no objections or disagreements from the beneficiaries or any other parties.
- c. "Contentious" refers to matters that are not non-contentious.

1.2 Filing of Non-Contentious Probate Matters

- a. Any matter relating to probate that is non-contentious in nature, whether arising before or after the grant of Letters of Administration or Probate, shall be filed with the Probate Office, unless otherwise directed.
- b. Applications for non-contentious matters should be made by way of Summons in Chambers supported by an Affidavit in Support, unless otherwise directed.
- c. Example of a non-contentious application: Where an applicant holds a beneficial interest in a deceased individual's property and the Letter of Administration has not been issued, if the matter is not disputed, then an application for administration under Section 39 of the Probate Act may be made through the Probate Office by way of Summons in Chambers supported by an Affidavit in Support.

2. Contentious Probate Matters

- a. All contentious probate matters shall be filed in the High Court through the High Court Registry.
- b. Applications for contentious matters should be made by way of Writ or Originating Summons as prescribed in the Supreme Court Rules, Cap 5.
- c. Example of a contentious matter: A contested application for the administration of the deceased's estate should be filed through the High Court either by Writ or Originating Summons.

This Circular is to take effect from 1st January 2025


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ACTING CHIEF REGISTRAR
24 December 2024

