



New South Wales

Supreme Court (Amendment No 434) Rule 2023

under the

Supreme Court Act 1970

The Supreme Court Rule Committee has made the following rule of court under the *Supreme Court Act 1970*.

REBEL KENNA
Secretary of the Rule Committee

Explanatory note

The object of this rule is to require that, with limited exceptions, non-contentious applications for a grant of probate or administration or for the resealing of a foreign grant are made and filed in the Supreme Court electronically.

Note— A PDF of the *Supreme Court (Amendment No 434) Rule 2023* was published in error on the morning of 23 June 2023. This PDF replaces the PDF published in error.

Supreme Court (Amendment No 434) Rule 2023

under the

Supreme Court Act 1970

1 Name of rule

This rule is the *Supreme Court (Amendment No 434) Rule 2023*.

2 Commencement

This rule commences on 1 August 2023 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Supreme Court Rules 1970

[1] Part 78 Probate and administration

Insert after Part 78, rule 9—

9A Making of application

- (1) An application for the following non-contentious proceedings must be made using the New South Wales Online Registry website—
 - (a) an application for the grant of probate or administration,
 - (b) an application for the resealing of a foreign grant.
- (2) Despite subrule (1), the registrar may approve the making of an application in a form approved by the Principal Registrar or the Prothonotary.

[2] Part 78, rule 10 Documents to accompany application for grant of probate or administration

Insert before rule 10(1)—

- (1A) An application for the grant of probate or administration made using the New South Wales Online Registry website must be accompanied by electronic copies of the following documents where applicable—
 - (a) the will, any codicils and any testamentary instruments,
 - (b) a certified copy of the relevant death certificate.

[3] Part 78, rule 10(1)

Omit “An application for the grant of probate or administration”.

Insert instead “Subject to subrule (1A), an application for the grant of probate or administration made in a form approved by the Principal Registrar or the Prothonotary”.

[4] Part 78, rule 11 Documents to accompany application for resealing of foreign grant

Insert before rule 11(1)—

- (1A) An application for the resealing of a foreign grant made using the New South Wales Online Registry website must be accompanied by an electronic version of a certified copy of—
 - (a) the original grant of probate or administration, or
 - (b) an exemplification or copy of the original grant bearing the original seal of the court in which the grant was made.

[5] Part 78, rule 11(1)

Omit “An application for the resealing of a foreign grant”.

Insert instead “Subject to subrule (1A), an application for the resealing of a foreign grant made in a form approved by the Principal Registrar or the Prothonotary”.

[6] Part 78, rule 12 Supporting affidavits

Insert at the end of the rule, before the note—

- (2) For an application made using the New South Wales Online Registry website, each affidavit required by subrule (1) must be filed in accordance with the *Uniform Civil Procedure Rules 2005*, Part 3, Division 3.