



NOTICE TO PRACTITIONERS

SURETIES AND DEATH CERTIFICATES

The purpose of this notice is to advise practitioners of recent changes to Chapter III of the Rules of the Supreme Court. See *Supreme Court (Chapter III Amendment No. 8) Rules 2004* S.R. No 32/2004.

With effect from 29 April 2004 the Judges of the Court have amended Chapter III relative to the requirements for Surety Guarantees and exhibiting of death certificates to supporting affidavits.

Rule 6 of the amending Rules substitutes a new Rule 7.01 of the Principal Rules. The new Rule gives further powers to the Court and Registrar where it is proposed to grant administration in circumstances where a Surety Guarantee may be required. The Rule provides that the Court or Registrar, in the circumstances set out in paragraph (1) of the Rule, may require a guarantee under Section 57 of the *Administration and Probate Act 1958* or that an application be made jointly by two or more persons or that an application be made by a trustee company. It is anticipated that this new measure will help overcome the present difficult task of finding guarantors.

In addition, the Principal Rules have been amended to revoke the requirement when filing applications to produce the "original" death certificate to the Registrar for notation and return where a copy is exhibited to the Plaintiff's affidavit. The amendment permits, a photocopy of the death certificate certified as a true copy by the person before whom the affidavit is sworn to be exhibited to the supporting affidavit. In such cases the "original" death certificate will not have to be produced.

MICHAEL J. HALPIN
Registrar of Probates
4 May 2004