



**SUPREME COURT**  
**(PROBATE JURISDICTION)**  
**FALKLAND ISLANDS**

**PR1**

**PETITION FOR A GRANT OF REPRESENTATION**

**WITH A WILL (AND CODICIL)**

<i>For court office use:</i>	
<b>Case Reference:</b>	<b>PRO/</b>
<b>Date Filed:</b>	
<b>Date Advert in Paper:</b>	
<b>Date Advert published in Gazette:</b>	

**CHECKLIST**

Before filing your Petition with the court, please ensure you have included the following documents where applicable.

**For all Petitions:**

- A certificate of death as issued by the Registry (or Interim Certificate of the Fact of Death if applicable)
- A copy of photographic identification for each person applying to the court for the Grant
- The original last will and testament of the deceased
- The original of all codicils (if applicable)

**Other documents:**

- Form of Renunciation
- Power of Attorney
- Medical Certificates
- Copy of Court of Protection Order
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**PART 1: ABOUT YOU (THE PETITIONER(S))**

Note 1

1.1.1 About the first Petitioner

Title	
Surname	
First & Middle Names:	
Address	
Telephone Number	
Email Address	
Preferred method of contact:	

All petitioners must be aged 18 or over and a maximum of 4 may apply.

Only list petitioners who wish to be named on the grant in this section and they will be required to attend a commissioner of oaths to swear this petition.

Please note that the names you provide here must match the names provided on your formal ID, e.g. passport or driving licence.

Where there are no executors applying and there are persons under the age of 18 benefitting from the estate, then two application will need to apply.

1.1.2 Are you a named executor on the will (and codicil)

<input type="checkbox"/>	Yes, please go to 1.1.3.
<input type="checkbox"/>	No, please go to 1.1.4

1.1.3 Is your name different in the will (and codicil)?

<input type="checkbox"/>	No
<input type="checkbox"/>	Yes, please see note 1.1.3

Note 1.1.3

If your name is spelt incorrectly or the will and/or codicil refer to a previous or alternate name you are known by, you will need to file an affidavit with this petition. Please see Form PR6

1.1.4 Why are you making this petition?

<input type="checkbox"/>	There are no executors able or willing to act and I am an entitled person. <i>Please complete Part 2</i>
<input type="checkbox"/>	I am an Attorney on behalf of a named executor.

Note 1.1.4

Please see the guidance note 'who can apply?' for further information about entitled persons.

1.1.5 Please state your relationship to the person who has died:

<input type="text"/>
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1.2.1 About the second Petitioner

Title	
Surname	
First & Middle Names:	
Address	
Telephone Number	
Email Address	
Preferred method of contact:	

1.2.2 Are you a named executor on the will (and codicil)

- Yes, please go to 1.2.3.
- No, please go to 1.2.4.

Note 1.2.3

If your name is spelt incorrectly or the will and/or codicil refer to a previous or alternate name you are known by, you will need to file an affidavit with this petition. Please see Form PR6

1.2.3 Is your name different in the will (and codicil)?

- No
- Yes, please see note 1.2.3

Note 1.2.4

Please see the guidance note 'who can apply?' for further information about entitled persons.

1.2.4 Why are you making this petition?

- There are no executors able or willing to act and I am an entitled person. *Please complete Part 2*
- I am an Attorney on behalf of a named executor.
- I am applying to be a co-administrator

1.2.5 Please state your relationship to the person who has died:

1.3.1 About the third Petitioner

Title	
Surname	
First & Middle Names:	
Address	
Telephone Number	
Email Address	
Preferred method of contact:	

1.3.2 Are you a named executor on the will (and codicil)

- Yes, please go to 1.3.3.
- No, please go to 1.3.4.

Note 1.3.3

If your name is spelt incorrectly or the will and/or codicil refer to a previous or alternate name you are known by, you will need to file an affidavit with this petition. Please see Form PR6

1.3.3 Is your name different in the will (and codicil)?

- No
- Yes, please see note 1.3.3

1.3.4 Why are you making this petition?

- There are no executors able or willing to act and I am an entitled person. *Please complete Part 2*
- I am an Attorney on behalf of a named executor.
- I am applying to be a co-administrator

Note 1.3.4

Please see the guidance note 'who can apply?' for further information about entitled persons.

1.3.5 Please state your relationship to the person who has died:

**1.4.1 About the fourth Petitioner**

Title	
Surname	
First & Middle Names:	
Address	
Telephone Number	
Email Address	
Preferred method of contact:	

**1.4.2 Are you a named executor on the will (and codicil)**

<input type="checkbox"/>	Yes, please go to 1.4.3.
<input type="checkbox"/>	No, please go to 1.4.4

**Note 1.4.3**

If your name is spelt incorrectly or the will and/or codicil refer to a previous or alternate name you are known by, you will need to file an affidavit with this petition. Please see Form PR6

**1.4.3 Is your name different in the will (and codicil)?**

<input type="checkbox"/>	No
<input type="checkbox"/>	Yes, please see note 1.4.3

**Note 1.4.4**

Please see the guidance note 'who can apply?' for further information about entitled persons.

**1.4.4 Why are you making this petition?**

<input type="checkbox"/>	There are no executors able or willing to act and I am an entitled person. <i>Please complete Part 2</i>
<input type="checkbox"/>	I am an Attorney on behalf of a named executor.

**1.4.5 Please state your relationship to the person who has died:**

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**PART 2: ABOUT NAMED EXECUTORS WHO ARE NOT MAKING THIS PETITION**

Name any executors who are not making this application, and explain why.

**Reasons for executors not applying:**

- A** - They died before the person who has died
- B** - They died after the person who has died (please include the date they died by their name)
- C** - Power reserved: they have chosen not to apply, but reserve the right to do so later. If any executors are having power reserved, you must notify them of the application in writing. The Grant of Representation will only be issued to those people named in Part 1 of this form.
- D** - Renunciation: they have chosen not to apply, and give up all rights to apply. That person will need to complete Form PR2 and that should be filed at the same time as this petition.
- E** - Power of Attorney: they have appointed, or wish to appoint another person to act as their attorney to take a Grant of Representation on their behalf. If an executor wishes to appoint an attorney, or they already have an attorney, Form PR3 will need to be completed and filed at the same time as this petition.
- F** - They 'lack capacity' (are incapable of managing their property and financial affairs) to act as executor. If this is the reason, a medical certificate, Form, PR4, will need to be completed and filed at the same time as this petition.

Note Part 2

Executors are the first person who can apply for a grant. The court needs to know why any executors aren't included in this petition. This includes any executors who have pre-deceased.

2.1 Table of Executors Not Petitioning

FULL NAME(S) OF THE EXECUTOR(S) NOT APPLYING	Reason (A,B, C, D, E or F)

2.2 The undersigned declare that written notice has been given to all executors who have power reserved to them and are not making this application.

**PART 3: ABOUT THE PERSON WHO HAS DIED (THE TESTATOR)**

3.1 Personal Details

Surname:	
First & Middle Names:	
Date of birth:	
Date of death:	
Residential Address:	

Note 3.1

The information here should be taken from the certificate of death where appropriate.

3.2 What was the marital status of the person when they died?

- Never married
- Widowed, their lawful spouse or civil partner having died before them
- Married/in a civil partnership - give date
  
- Divorced/civil partnership is dissolved - give date
  
- Judicially separated - give date

3.3 Was the person who has died or any of their relatives legally adopted in or out of the family?

- Yes, go to 3.4
- No, go to 3.5

3.4 Please name the legally adopted relatives and give their relationship to the person who has died. Please state whether they were adopted into the family of the person who has died, or ‘adopted out’ (become part of someone else’s family).

Name	Relationship	Adopted in or out

3.5 Did the person who has died own any foreign assets?

- No
- Yes, please provide estimation of the value of their foreign assets

3.6 Was the person who has died known by any other name in which they held assets?

- No
- Yes, give details of any other names by which the person who has died held assets.

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**Note 3.6**  
 These names must be ones that will appear on the grant because an asset is in that name. We do not need to know the asset.

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**PART 4: THE WILL AND ANY CODICILS**

*This section is about the will. You must submit the most recent original will and codicils made since the last will, if there are any.*

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Note Part 4

A will does not have to be a formal document. Please make sure that you enclose the original will with your petition.

4.1 What is the date of the will you are submitting to the court?

4.2 Did the person who has died also leave any codicils, made since that will?

Yes, please provide the original document(s) with your petition and list below the dates of the codicil(s) you are submitting to the court.

If you have been unable to locate the original will or any codicil and only have a copy and have made all reasonable attempts to locate the original please contact the court office.

No

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*Definition - Codicil*

*A codicil is a document that amends a will.*

4.3 Did the person who has died marry or enter into a Civil Partnership after the date of the will or any codicils?

No

Yes, please give the date of the marriage or civil partnership

4.4 Is there anyone **under** 18 years old who receives a gift in the will or codicil?

No

Yes, there **must be at least two petitioners** when there is a minority interest in the will.

4.5 Did you separate the will for photocopying purposes?

No

Yes, please explain the details in the box below including who separated it, when they did and why they did.

4.6 Can you confirm the will consisted of the pages now being submitted and no other pages or documents of a testamentary nature or other nature were attached.

Yes

No

**PART 5: APPLYING AS AN ATTORNEY**

Note Part 5

5.1 Are you applying as an attorney on behalf of one or more people who are entitled to apply for a Grant of Representation?

If you are applying on behalf of more than one person, please provide the information requested in this section for the other people you represent on a separate sheet of paper. You will need to provide a PR3 Form for each executor.

Yes, please provide Form PR3 with this petition in relation to each executor or entitled person you act for.

No, please move on to Part 6.

5.2 Please give the full name(s) of the person or people on whose behalf you are applying.

You will need to complete and file a signed Form PR3 with this petition.

5.3 Please give their address(es)

You will need to bring the signed attorney form to us with this application. The attorney of one executor and an executor acting in their own right may not apply for a joint Grant of Representation.

5.4 Is the person on whose behalf you are applying unable to make a decision for themselves due to an impairment of or a disturbance in the functioning of their mind or brain?

Where there are persons aged under 18 benefiting from the estate then at least two applicants will be needed in Part 1. See 'Who can apply and How can I apply?' for more information about who is eligible to apply.

Yes, please provide a medical certificate in support of this petition.

No

5.5 Has anyone been appointed by the Court of Protection to act on behalf of a person on whose behalf you are applying including the right for grant of a representation?

Yes, please provide an official copy of the court order with your application

No

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Note 5.4

If you do not already have medical evidence from a qualified practitioner or are using a registered LPA a short form of medical evidence will be required - see Form PR4

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5.6 Has a person on whose behalf you are applying appointed an attorney under an Enduring Power of Attorney (EPA) or a Property and Financial Affairs Lasting Power of Attorney (LPA)?

Yes, please provide the original EPA/LPA (or a certified copy) with your petition.

No

5.7 Has the Enduring Power of Attorney (EPA) been registered?

Yes

No

**PART 6: FOREIGN DOMICILE**

6.1 Are you petitioning for a reseal?

No - you do not need to complete this section.

Yes

6.2 What was the country where the person who died either lived permanently at the date of death or intended to return to live permanently?

6.3 Has an entrusting document been issued by the court where the person who has died was domiciled?

Yes, please provide the official document with your application; if it is not in English, please also provide an official translation .

No

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Note 6.3 and 6.4

These documents may help to support your application. If you do not have any of these documents, you may wish to seek legal advice.

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6.4 Has a succession certificate, inheritance certificate or equivalent document been issued by a court or Notary in the country of domicile of the person who has died?

Yes, please provide the official document with your application; if it is not in English, please also provide an official translation.

No

Please now make an appointment with Registrar of the Supreme Court and check you have all the necessary documents to support your petition. All of the petitioners named in Part 1 will need to attend this appointment.

**Do not complete the final page of this petition until you are at your appointment with the Registrar.**

Contact details:

Email: enquiries@courts.gov.fk

Telephone: (+500) 27271

Address: Town Hall, Ross Road, Stanley, Falkland Islands, FIQQ 1ZZ.

<u>Appointment details</u>	
Date:	
Time:	

**PART 7: PRAYER & OATH**

The petitioner(s) therefore pray(s) that:-

- Probate of the said will of the deceased; or
- Letters of Administration with the said will annexed

May be granted to [him] [her] [them]

- With power reserved to:
- With no power reserved.

To administer the estate of the person who has died.

And in support [I] [we] [swear] [affirm] that:

1. The particulars set out in this petition are true; and
2. The paper writing marked by [me] [us] and submitted with this petition contains the last will and testament of the person who has died; and
3. If [Probate of the said will of the person who has died] [Letters of Administration with the will annexed]

[is] [are] granted to [me] [us], [I] [we] will well and faithfully administer the estate of the deceased according to law and render to the Supreme Court

1. A true and complete inventory of the estate within 6 months of the date of the Grant thereof; and
2. A true and just account of the estate within 1 year of the Grant thereof.

Further, to the best of [my] [our] knowledge information and belief the net value of the estate of the deceased [exceeds £5,000] [does not exceed £5,000] and [I] [we] undertake to pay the prescribed fee if the net value of the estate is found to exceed £5,000.

Signed by

Petitioner 1:	Date:
Petitioner 2:	Date:
Petitioner 3:	Date:
Petitioner 4:	Date:

[Sworn] [Affirmed] at:

Before me:

*Commissioner for Oaths*

Dated:

<i>For office use: Fee paid?</i>	
	Yes - receipt number/bank transfer:
	No