

South Australia

Supreme Court (Probate Fees) Variation Regulations 2016

under the *Supreme Court Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Supreme Court (Probate Fees) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 28 February 2016.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Supreme Court Regulations 2005*

4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *corporation* insert:

gross value, of a deceased estate, means the value of the estate without deduction for debts, encumbrances or funeral expenses as disclosed to the Registrar in accordance with the rules of court made under the Act;

5—Variation of regulation 6—Fees in probate jurisdiction

Regulation 6—after subregulation (2) insert:

- (3) If, after an application has been lodged under clause 1, 1A or 1B of Schedule 2 in respect of a deceased estate, the Registrar determines, on further inquiry, that the gross value of the estate is other than disclosed at the time of the application, the Registrar must—
- (a) where the gross value of the estate is less than originally disclosed—refund to the applicant an amount equal to the difference between the application fee charged and the fee that would have been charged had the original gross value disclosed been accurate; or
 - (b) where the gross value of the estate is more than originally disclosed—require the applicant to pay an amount equal to the difference between the application fee charged and the fee that would have been charged had the original gross value disclosed been accurate.

6—Variation of Schedule 2—Fees in probate jurisdiction

Schedule 2, table—delete clause 1 and substitute:

1	On lodging an application for a grant of probate or administration in respect of a deceased estate the gross value of which—	
	(a) is \$200 000 or less	\$750.00
	(b) is more than \$200 000 but less than or equal to \$500 000	\$1 500.00
	(c) is more than \$500 000 but less than or equal to \$1 million	\$2 000.00
	(d) is more than \$1 million	\$3 000.00
1A	On lodging an application for the sealing of a grant under section 17 of the <i>Administration and Probate Act 1919</i> in respect of a deceased estate the gross value of which—	
	(a) is \$200 000 or less	\$750.00
	(b) is more than \$200 000 but less than or equal to \$500 000	\$1 500.00
	(c) is more than \$500 000 but less than or equal to \$1 million	\$2 000.00
	(d) is more than \$1 million	\$3 000.00
1B	On lodging an application for an order under section 9 of the <i>Public Trustee Act 1995</i> in respect of a deceased estate the gross value of which—	
	(a) is \$200 000 or less	\$750.00
	(b) is more than \$200 000 but less than or equal to \$500 000	\$1 500.00
	(c) is more than \$500 000 but less than or equal to \$1 million	\$2 000.00

- (d) is more than \$1 million \$3 000.00

Note—

The fees under clauses 1 to 1B (inclusive) cover—

- (a) photocopies required of the will or other document (if any) for the grant and record or other purposes; and
- (b) preparing and sealing any probate or letters of administration, with or without the will annexed, and any order to the Public Trustee to administer; and
- (c) sealing any probate or letters of administration, with or without the will annexed, exemplification or other document under section 17 of the *Administration and Probate Act 1919*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 4 February 2016

No 10 of 2016

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