

SOUTH AUSTRALIA

SUPREME COURT (PROBATE FEES) REGULATIONS, 1987

REGULATIONS UNDER THE SUPREME COURT ACT, 1935

Supreme Court (Probate Fees) Regulations, 1987

being

No. 278 of 1987: *Gaz.* 3 December 1987, p. 1765¹

as varied by

No. 236 of 1988: *Gaz.* 24 November 1988, p. 1833²

No. 215 of 1989: *Gaz.* 7 December 1989, p. 1707³

No. 236 of 1990: *Gaz.* 29 November 1990, p. 1650⁴

No. 176 of 1991: *Gaz.* 15 August 1991, p. 582⁵

No. 25 of 1992: *Gaz.* 27 February 1992, p. 595⁶

No. 160 of 1992: *Gaz.* 2 July 1992, p. 242⁷

No. 157 of 1993: *Gaz.* 1 July 1993, p. 367⁸

No. 91 of 1994: *Gaz.* 23 June 1994, p. 1800⁹

No. 63 of 1995: *Gaz.* 10 May 1995, p. 2018¹⁰

No. 102 of 1996: *Gaz.* 30 May 1996, p. 2693¹¹

No. 67 of 1997: *Gaz.* 13 May 1997, p. 1842¹²

No. 59 of 1998: *Gaz.* 28 May 1998, p. 2305¹³

- 1 Came into operation 14 December 1987: reg. 2.
- 2 Came into operation 5 December 1988: reg. 2.
- 3 Came into operation 18 December 1989: reg. 2.
- 4 Came into operation 1 December 1990: reg. 2.
- 5 Came into operation 1 September 1991: reg. 2.
- 6 Came into operation 1 March 1992: reg. 2.
- 7 Came into operation 6 July 1992: reg. 2.
- 8 Came into operation 1 July 1993: reg. 2.
- 9 Came into operation 1 July 1994: reg. 2.
- 10 Came into operation 1 July 1995: reg. 2.
- 11 Came into operation 1 July 1996: reg. 2.
- 12 Came into operation 1 July 1997: reg. 2.
- 13 Came into operation 1 July 1998: reg. 2.

2.

1. These regulations may be cited as the *Supreme Court (Probate Fees) Regulations, 1987*.

2. These regulations will come into operation on 14 December, 1987.

3. The *Supreme Court (Probate Fees) Regulations, 1984* (No. 14 of 1984, see *Gazette*, 9 February, 1984, p. 302) as varied, are revoked.

4. In these regulations, unless the context otherwise requires—

"**the Act**" means the *Administration and Probate Act, 1919*;

"**the Registrar**" means the Registrar of Probates and any acting or a deputy Registrar of Probates;

"**the Registry**" means the office of the Registrar of Probates.

5. The fees set out in the Schedule are the fees to be taken in the Registry in respect of the items set out in the Schedule subject to and in accordance with the directions set out in the Schedule.

SCHEDULE
Fees

\$

Grants

1. On lodging an application for—

- | | |
|--|--------|
| (a) a grant of probate or administration | 460.00 |
| (b) the sealing of a grant under section 17 of the Act | 460.00 |
| (c) an order under section 9 of the <i>Public Trustee Act 1995</i> | 460.00 |

(Note: This fee includes—

- (i) photocopies required of the will or other document (if any) for the grant and record or other purposes;
- (ii) preparing and sealing any probate or letters of administration with or without the will annexed, and any order to Public Trustee to administer;
- (iii) sealing any probate or letters of administration with or without the will annexed, exemplification or other document under section 17 of the Act;
- (iv) any application for a grant of administration with or without the will annexed made pursuant to an order obtained under section 79 of the Act.)

Miscellaneous dealings with Grants

2. On the lodging of an application to amend a grant or for noting on a grant that the deceased died domiciled in South Australia, if not so noted when the grant was issued (inclusive fee) 40.00

3. On the lodging of two certified photocopies of an order under the *Inheritance (Family Provision) Act 1972* for annexation to the grant and for the record (inclusive fee) 40.00

4. On the lodging of an application to revoke or impound a grant (inclusive fee) 40.00

Copies

5. For a photographic copy of a will or extract of a will or other document—for each photographic sheet supplied 2.00

6. For impressing a seal of the Court on a copy 17.00

(Note: Fee No. 6 is not payable where Fee No. 8 is payable)

7. For the Registrar's certificate in verification of a copy 17.00

8. For an exemplification of probate or letters of administration with or without the will annexed (in addition to Fee No. 5) 40.00

Caveats

9. For the entry or subduction of a caveat, for a warning to a caveat or for service of a warning to a caveat sent by the Registrar through the post 16.00

Appearances

10. On entering an appearance—for one or more persons 28.00

Citations and Subpoenas

11. For sealing a citation or a subpoena 16.00

Searches

12. For—

- (a) a search for a will or other document filed in the Registry and the issue of a search copy (inclusive fee) 9.00
- (b) handling a search by post—in respect of each will or other document 1.00

Deposit and Withdrawal of Wills

13. For depositing the will of a deceased person in the Registry—

- (a) for safe custody on renunciation of executor (inclusive fee) 16.00
- (b) under the *Crown Lands Act 1929* (inclusive fee) 16.00

14. For depositing the will or codicil of a living person for safe custody in the Registry under section 13 of the Act (inclusive fee) 55.00

15. On withdrawal of will under section 15 of the Act (inclusive fee) 27.00

Inquiry by Registrar

16. For the examination of a person or witness before the Registrar for the purpose of any inquiry or investigation—for each hour or part of an hour 70.00

Settling Documents

17. For perusing and settling citations, advertisements, oaths, affidavits or other documents—per document 21.00

(Note: This fee is not payable on application under section 16 of the Act.)

Originating Applications

18. On sealing an originating summons, presenting a petition (other than a petition for an order under section 9 of the *Public Trustee Act 1995*) or filing a notice of motion or other originating application 140.00

19. For sealing any other summons 27.00

20. On the lodging of an application for an order admitting to proof a nuncupative will, or a will contained in a copy, a completed draft, a reconstruction or other evidence of its contents 140.00

21. Hearing in Chambers or in Court where the hearing occupies more than 10 hours—
—for every additional period of 5 hours or part of 5 hours 70.00

(Note: (a) Fee No. 19 is not payable where Fee No. 1 is payable.

(b) Fees No. 18, No. 19 and No. 20 include any necessary document, affidavit or search, any interlocutory summons and the entering and sealing of any judgment, decree or order given or made in Court or in Chambers.)

Postal Applications

22. On the lodging of any application for a grant by post 5.00

(Note: This fee is payable in addition to Fee No. 1.)

Miscellaneous

23. For filing a renunciation after the issue of a grant by an executor to whom leave was reserved (inclusive fee) 27.00

24. For—

(a) a certificate under the hand of the Registrar 16.00

(b) filing or depositing an affidavit or document in the Registry 5.00

(c) for sealing an order of the Court or the Registrar (inclusive fee) 27.00

(Note: These fees are not payable where the certificate or the filing, deposit or sealing of the order is included in an application or proceeding for which another fee is payable.)

25. For administering an oath, taking an affirmation, superintending and attesting execution of a bond, or for taxing or moderating a bill of costs

The fees prescribed by the *Supreme Court (Fees) Regulations 1987*.

(Note: The fee payable in respect of a document of foreign origin that is not strictly of a type referred to in this schedule is that payable in respect of a document of the nature that, in the opinion of the Registrar, most closely corresponds to that of the foreign document.)

6.

APPENDIX

LEGISLATIVE HISTORY

Schedule:

substituted by 236, 1988, reg. 3; 215, 1989, reg. 3; 236, 1990, reg. 3; 176, 1991, reg. 3; varied by 25, 1992, reg. 3; 160, 1992, reg. 3; 157, 1993, reg. 3; 91, 1994, reg. 3; substituted by 63, 1995, reg. 3; varied by 102, 1996, reg. 3; 67, 1997, reg. 3; 59, 1998, reg. 3