

South Australia

SUPREME COURT (PROBATE FEES) REGULATIONS 1999

REGULATIONS UNDER THE SUPREME COURT ACT 1935

Supreme Court (Probate Fees) Regulations 1999

being

No. 66 of 1999: *Gaz.* 27 May 1999, p. 2825¹

as varied by

No. 61 of 2000: *Gaz.* 25 May 2000, p. 2717²

No. 48 of 2001: *Gaz.* 31 May 2001, p. 1949³

¹ Came into operation 1 July 1999: reg. 2.

² Came into operation 1 July 2000: reg. 2.

³ **Came into operation 1 July 2001: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

3.

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Fees

SCHEDULE

Fees

APPENDIX

LEGISLATIVE HISTORY

Citation

1. These regulations may be cited as the *Supreme Court (Probate Fees) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 July 1999.

Revocation

3. The *Supreme Court (Probate Fees) Regulations 1987* (see *Gazette* 3 December 1987 p. 1765), as varied, are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

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

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

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

Fees

5. (1) The fees set out in the Schedule are payable as specified in the Schedule.

(2) The fees payable for inspection or copying of material under section 131 of the *Supreme Court Act 1935* are the appropriate fees set out in the Schedule.

SCHEDULE*Fees***Grants**

1. On lodging an application for—
- | | |
|--|-------|
| (a) a grant of probate or administration | \$503 |
| (b) the sealing of a grant under section 17 of the Act | \$503 |
| (c) an order under section 9 of the <i>Public Trustee Act 1995</i> | \$503 |

Note: This fee covers—

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

Miscellaneous dealings with grants

- | | |
|--|---------|
| 2. On lodging 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) | \$42.50 |
| 3. On lodging two certified photocopies of an order under the <i>Inheritance (Family Provision) Act 1972</i> for annexation to the grant and for the record (inclusive fee) | \$42.50 |
| 4. On lodging an application to revoke or impound a grant (inclusive fee) | \$42.50 |

Copies

- | | |
|---|---------|
| 5. For a photographic copy of a will or extract of a will or other document—
for each photographic sheet supplied | \$2.10 |
| 6. For impressing a seal of the court on a copy | \$19 |
| <i>Note: This fee is not payable where the fee under clause 8 is payable.</i> | |
| 7. For the Registrar's certificate in verification of a copy | \$19 |
| 8. For an exemplification of probate or letters of administration, with or without the will annexed (in addition to the fee under clause 5) | \$42.50 |

Caveats

- | | |
|--|---------|
| 9. For the entry or withdrawal 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 | \$17.50 |
|--|---------|

Appearances

- | | |
|---|---------|
| 10. On entering an appearance—for one or more persons | \$30.50 |
|---|---------|

Citations and subpoenas

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|--|---------|
| 11. For sealing a citation or a subpoena | \$17.50 |
|--|---------|

Searches

- | | |
|--|---------|
| 12. For a search for a will or other document filed in the Registry and the issue of a search copy (inclusive fee) | \$10.30 |
| and, in addition, for handling a search by post—in respect of each will or other document | \$1 |

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) \$17.50
 - (b) under the *Crown Lands Act 1929* (inclusive fee) \$17.50
- 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) \$57.50
- 15. On withdrawal of a will under section 15 of the Act (inclusive fee) \$28.50

Inquiry by Registrar

- 16. For the examination of a person or witness before the Registrar for the purpose of an inquiry or investigation—for each hour or part of an hour \$73

Settling documents

- 17. For perusing and settling citations, advertisements, oaths, affidavits or other documents—per document \$22.20
- Note: This fee is not payable on an 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 \$147
 - 19. For sealing any other summons \$28.50
- Note: This fee is not payable where the fee under clause 1 is payable.*
- 20. On lodging an application for an order admitting to proof a nuncupative will, a will contained in a copy, a completed draft, a reconstruction or other evidence of its contents \$147
 - 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 \$73
- Note: The fees under clauses 18, 19 and 20 cover 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.*

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Miscellaneous

- 23. For filing a renunciation after the issue of a grant by an executor to whom leave was reserved (inclusive fee) \$28.50
- 24. For—
 - (a) a certificate under the hand of the Registrar \$17.50
 - (b) filing or depositing an affidavit or document in the Registry \$5.30
 - (c) sealing an order of the court or the Registrar (inclusive fee) \$28.50

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 1999*.

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 the document specified in this Schedule to which, in the opinion of the Registrar, the foreign document most closely corresponds.

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 5:	substituted by 48, 2001, reg. 3
Schedule:	varied by 61, 2000, reg. 3(a)-(r), (t)-(v); 48, 2001, reg. 4
Clause 22:	revoked by 61, 2000, reg. 3(s)