

South Australia

Supreme Court (Probate Fees) Regulations 1999

under the *Supreme Court Act 1935*

Contents

- 1 Short title
- 2 Commencement
- 3 Revocation
- 4 Interpretation
- 5 Fees

Schedule—Fees

Legislative history

1—Short title

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

2—Commencement

These regulations will come into operation on 1 July 1999.

3—Revocation

The *Supreme Court (Probate Fees) Regulations 1987* (see *Gazette 3.12.1987 p1765*), as varied, are revoked.

4—Interpretation

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.

5—Fees

- (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 | \$545 |
| | (b) the sealing of a grant under section 17 of the Act | \$545 |
| | (c) an order under section 9 of the <i>Public Trustee Act 1995</i> | \$545 |

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) | \$45.75 |
| 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) | \$45.75 |
| 4 | On lodging an application to revoke or impound a grant (inclusive fee) | \$45.75 |

Copies

- | | | |
|---|---|---------|
| 5 | For a photographic copy of a will or extract of a will or other document—for each photographic sheet supplied | \$2.20 |
| 6 | For impressing a seal of the court on a copy | \$20.70 |

Note—

This fee is not payable where the fee under clause 8 is payable.

- | | | |
|---|--|---------|
| 7 | For the Registrar's certificate in verification of a copy | \$20.70 |
| 8 | For an exemplification of probate or letters of administration, with or without the will annexed (in addition to the fee under clause 5) | \$45.75 |

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 | \$19 |
|---|---|------|

Appearances

- | | | |
|----|---|------|
| 10 | On entering an appearance—for one or more persons | \$33 |
|----|---|------|

Citations and subpoenas

- | | | |
|----|--------------------------------------|------|
| 11 | For sealing a citation or a subpoena | \$19 |
|----|--------------------------------------|------|

Searches

12	For a search for a will or other document filed in the Registry and the issue of a search copy (inclusive fee)	\$11.20
	and, in addition, for handling a search by post—in respect of each will or other document	\$1.10

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)	\$19
	(b) under the <i>Crown Lands Act 1929</i> (inclusive fee)	\$19
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)	\$63
15	On withdrawal of a will under section 15 of the Act (inclusive fee)	\$30.75

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	\$79
----	---	------

Settling documents

17	For perusing and settling citations, advertisements, oaths, affidavits or other documents—per document	\$24
----	--	------

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 <i>Public Trustee Act 1995</i>) or filing a notice of motion or other originating application	\$160
19	For sealing any other summons	\$30.75

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	\$160
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	\$79

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.

Miscellaneous

23	For filing a renunciation after the issue of a grant by an executor to whom leave was reserved (inclusive fee)	\$30.75
24	For—	
	(a) a certificate under the hand of the Registrar	\$19
	(b) filing or depositing an affidavit or document in the Registry	\$5.70

Supreme Court (Probate Fees) Regulations 1999—1.7.2003 to 30.6.2004
Schedule—Fees

(c) sealing an order of the court or the Registrar (inclusive fee) \$30.75

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.

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	66	<i>Gazette 27.5.1999 p2825</i>	1.7.1999: r 2
2000	61	<i>Gazette 25.5.2000 p2717</i>	1.7.2000: r 2
2001	48	<i>Gazette 31.5.2001 p1949</i>	1.7.2001: r 2
2002	86	<i>Gazette 20.6.2002 p2583</i>	1.7.2002: r 2
2003	86	<i>Gazette 29.5.2003 p2228</i>	1.7.2003: r 2
2004	58	<i>Gazette 27.5.2004 p1470</i>	1.7.2004: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
r 5	substituted by 48/2001 r 3	1.7.2001
Sch	varied by 61/2000 r 3(a)—(r), (t)—(v)	1.7.2000
	varied by 48/2001 r 4	1.7.2001
	varied by 86/2002 r 3	1.7.2002
	varied by 86/2003 r 4	1.7.2003
<i>cl 22</i>	<i>deleted by 61/2000 r 3(s)</i>	<i>1.7.2000</i>