

# **NORTHERN TERRITORY OF AUSTRALIA**

## **ADMINISTRATION AND PROBATE REGULATIONS**

As in force at 30 August 2002

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 30 August 2002. Any amendments that commence after that date are not included.

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## ADMINISTRATION AND PROBATE REGULATIONS

### Regulations under the *Administration and Probate Act*

#### **Part I                      Introductory**

##### **1                      Citation**

These Regulations may be cited as the *Administration and Probate Regulations*.

##### **1A                    Application**

The estate of a deceased person is to be administered in accordance with these Regulations as in force at the date of the death of the person.

##### **2                      Fees**

The Fees payable in respect of any matter under the Act are as specified in Schedule 1.

##### **2AA                  Relevant countries**

For the purposes of the definition of ***relevant country*** in section 6 of the Act, the countries and parts of countries specified in Schedule 2 are prescribed.

##### **2A                    Prescribed amounts for small estate**

- (1) The prescribed amount for the purposes of section 106 of the Act is \$20,000.
- (2) The prescribed amount for the purposes of section 108 of the Act is \$20,000.

**2B Notice of intention to administer estate (prescribed information) – section 110A(3)**

For the purposes of section 110A(3) of the Act, a notice given under section 110A(2) of the Act is to contain the following information:

- (a) the name and address of the professional personal representative who intends to administer the estate;
- (b) the name, address and occupation of the deceased person;
- (c) a statement to the effect that the deceased died leaving a will or died without leaving a will (as the case may be);
- (d) a statement to the effect that the professional personal representative intends to administer the estate under section 110A of the Act;
- (e) a statement to the effect that all persons having claims against the estate are requested to submit their claims in writing to the professional personal representative within 2 months after the date on which the notice is published, after which date the professional personal representative will distribute the estate having regard to the claims of which notice has been given.

**2C Maximum fee chargeable by professional personal representative – section 110D(2)**

For the purposes of section 110D(2) of the Act, the maximum fee that a professional personal representative may charge is \$1 500.

**3 Schedule 6 to Act**

- (1) For the purposes of item 2 in Part 1 of Schedule 6 to the Act:
  - (a) the prescribed value of the intestate estate under paragraphs (a) and (b) is \$120,000; and
  - (b) the prescribed sum to be paid out of the intestate estate under paragraph (b) is \$120,000.
- (2) For the purposes of item 3 in Part I of Schedule 6 to the Act:
  - (a) the prescribed value of the intestate estate under paragraphs (a) and (b) is \$500,000; and
  - (b) the prescribed sum to be paid out of the intestate estate under paragraph (b) is \$500,000.

**Schedule 1 Fees**

section 152A(d)

regulation 2

\$

- |    |   |      |
|----|---|------|
| 1. | For a certified office copy, reproduced by photographic process, of a will or other document.....       | 5.00 |
|    | and in addition, for each page.....   | 1.00 |
| 2. | For an office copy, reproduced by photographic process, of a will or other document, for each page..... | 1.00 |

## **Schedule 2 Relevant countries or parts of countries**

regulation 2AA

Antigua and Barbuda	Mozambique
Bahamas, The	Namibia
Bangladesh	Nauru
Barbados	New Zealand
Belize	Nigeria
Botswana	Pakistan
Brunei Darussalam	Papua New Guinea
Canada	St Kitts and Nevis
Cyprus	St Lucia
Dominica	St Vincent
Fiji	Seychelles
Gambia, The	Sierra Leone
Ghana	Singapore
Grenada	Solomon Islands
Guyana	South Africa
Hong Kong Special Administrative Region	Sri Lanka
India	Swaziland
Ireland	Tanzania
Jamaica	Tonga
Kenya	Trinidad and Tobago
Kiribati	Tuvalu
Lesotho	Uganda
Malawi	United Kingdom (including The Channel Islands)
Malaysia	Vanuatu
Maldives	Western Samoa
Malta	Zambia
Mauritius	Zimbabwe

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Administration and Probate Regulations (SL No. 35, 1983)***

Notified	28 October 1983
Commenced	28 October 1983

***Amendments of Administration and Probate Regulations (SL No. 48, 1998)***

Notified	11 November 1998
Commenced	1 December 1998 (r 1)

***Amendments of Administration and Probate Regulations (SL No. 8, 1999)***

Notified	1 April 1999
Commenced	1 April 1999

***Amendment of Administration and Probate Regulations (SL No. 29, 2002)***

Notified	30 August 2002
Commenced	30 August 2002

### 3 LIST OF AMENDMENTS

r 1A	ins No. 48, 1998, r 3
r 2	amd No. 8, 1999, r 3
r 2AA	ins No. 8, 1999, r 4
r 2A	ins No. 48, 1998, r 4
rr 2B – 2C	ins No. 29, 2002
r 3	amd No. 48, 1998, r 5
sch 1 hdg	amd No. 8, 1999, r 5
sch 2	ins No. 8, 1999, r 6