

NORTHERN TERRITORY OF AUSTRALIA

ADMINISTRATION AND PROBATE REGULATIONS

As in force at 1 July 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2016

ADMINISTRATION AND PROBATE REGULATIONS

Regulations under the *Administration and Probate Act*

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 estates

- (1) For section 106 of the Act, the prescribed amount is \$20 000.
- (2) For section 108(1)(b) of the Act, the prescribed amount is \$20 000.
- (3) For section 110A(1)(a) of the Act, the prescribed amount is \$75 000.
- (4) For section 110B(1)(a) of the Act, the prescribed amount is \$150 000.

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 Prescribed amounts and sums for distribution on intestacy

- (1) For Schedule 6, Part I, item 2 to the Act:
 - (a) the prescribed amount under paragraph 1(a) and (b) is \$350 000; and
 - (b) the prescribed sum under paragraph 1(b) is \$350 000.
- (2) For Schedule 6, Part I, item 3 to the Act:
 - (a) the prescribed amount under paragraph 1(a) and (b) is \$500 000; and
 - (b) the prescribed sum under paragraph 1(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 |

ENDNOTES

1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = 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 |

Administration and Probate Amendment Regulations 2016 (SL No. 29, 2016)

| | |
|-----------|-------------|
| Notified | 1 July 2016 |
| Commenced | 1 July 2016 |

3 LIST OF AMENDMENTS

| | |
|------------|-----------------------|
| pt 1 hdg | om No. 29, 2016, r 3 |
| 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 |
| | sub No. 29, 2016, r 4 |
| rr 2B – 2C | ins No. 29, 2002 |
| r 3 | amd No. 48, 1998, r 5 |
| | sub No. 29, 2016, r 5 |
| sch 1 hdg | amd No. 8, 1999, r 5 |

ENDNOTES

sch 2 ins No. 8, 1999, r 6