

NORTHERN TERRITORY OF AUSTRALIA

ADMINISTRATION AND PROBATE REGULATIONS 1983

As in force at 24 May 2017

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 24 May 2017

ADMINISTRATION AND PROBATE REGULATIONS 1983

Regulations under the *Administration and Probate Act 1969*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Administration and Probate Regulations 1983*.

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.

Part 2 General matters

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

For section 110D(2) of the Act, the maximum fee that a professional personal representative may charge is as follows:

- (a) for a professional personal representative other than a trustee company – a fee equal to the amount determined under section 74(2) of the *Public Trustee Act 1979* that the Public Trustee may charge;
- (b) for a trustee company – the fee that the company may charge under Part 5D.3 of the Corporations Act 2001.

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.

Part 3 Transitional matters for Administration and Probate Amendment Regulations 2017

4 Application of regulation 2C

- (1) Regulation 2C, as amended by the amending Regulations, applies only in relation to the administration of an estate that commences after the commencement.
- (2) Regulation 2C, as in force immediately before the commencement, continues to apply in relation to the administration of an estate that commenced before the commencement.
- (3) In this regulation:

amending Regulations means the *Administration and Probate Amendment Regulations 2017*.

commencement means the commencement of the amending Regulations.

Schedule 1 Fees

section 152A(d)

regulation 2

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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 = Gazette	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

Administration and Probate Amendment Regulations 2017 (SL No. 10, 2017)

Notified	24 May 2017
Commenced	24 May 2017

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2C.

4 LIST OF AMENDMENTS

pt 1 hdg	om No. 29, 2016, r 3
	ins No. 10, 2017, r 3
r 1A	ins No. 48, 1998, r 3
pt 2 hdg	ins No. 10, 2017, r 4
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
r 2B	ins No. 29, 2002
r 2C	ins No. 29, 2002
	sub No. 10, 2017, r 5
r 3	amd No. 48, 1998, r 5
	sub No. 29, 2016, r 5
pt 3 hdg	ins No. 10, 2017, r 6
r 4	ins No. 10, 2017, r 6
sch 1 hdg	amd No. 8, 1999, r 5
sch 2	ins No. 8, 1999, r 6