

ADMINISTRATION AND PROBATE AMENDMENT REGULATIONS 2016

Purpose

To amend the *Administration and Probate Regulations* by:

- (a) prescribing the minimum value of an estate required before a professional personal representative must apply to the Supreme Court for a grant of probate or letters of administration in order to represent and administer the estate of a deceased person; and
- (b) increasing the prescribed value of an estate that may automatically pass to the surviving spouse of an intestate person who is survived by issue.

Summary of key provisions

Clause 3 of the *Administration and Probate Amendment Regulations 2016* removes the heading for Part 1 of the *Administration and Probate Regulations* so as to better reflect the nature of that Part. Part 1 covers substantive matters in addition to introductory matters. The present heading "Introductory" does not reflect this.

Clause 4 of the *Administration and Probate Amendment Regulations 2016* amend regulation 2A of the *Administration and Probate Regulations* and insert new sub-regulations (3) and (4) to prescribe increased minimum values of an estate required before a professional personal representative must apply to the Supreme Court for a grant of probate or letters of administration in order to represent and administer the estate of a deceased person under sections 110A and 110B of the *Administration and Probate Act* from \$20,000 to \$75,000 for section 110A and from \$85,000 to \$150,000 for section 110B.

Clause 5 of the *Administration and Probate Amendment Regulations 2016* amends regulation 3(1) to increase the prescribed value of an estate that may automatically pass to the surviving spouse of an intestate person who is survived by issue under section 66 of the *Administration and Probate Act* from \$120,000 to \$350,000.

Clause 5 of the *Administration and Probate Amendment Regulations 2016* also amends regulation 3(2)(a) to replace "prescribed value" with "prescribed amount" for consistency and interpretation considerations.

Legislative Authority

Section 152A of the *Administration and Probate Act*.