



# Wills, Probate and Administration Regulation 2003

under the

Wills, Probate and Administration Act 1898

## Explanatory note

The object of this Regulation is to remake, without substantial changes, the *Wills, Probate and Administration Regulation 1998*. That Regulation will be repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) sets \$200,000 as the amount that the value of a deceased person's estate must not exceed for the deceased person's spouse to be entitled to the whole of that estate (to the exclusion of any children of the deceased person) in the event that the deceased person died without having made a will (clause 5), and
- (b) sets 6 per cent per year as the rate at which interest is payable on a legacy or on the arrears of any annuity granted under a will (clause 6), and
- (c) makes other provisions of a formal or ancillary nature (clauses 1, 2, 3, 4 and 7).

This Regulation is made under the *Wills, Probate and Administration Act 1898*, including section 153 (the general regulation-making power) and the sections referred to in this Regulation.

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## Wills, Probate and Administration Regulation 2003

under the

Wills, Probate and Administration Act 1898

### 1 Name of Regulation

This Regulation is the *Wills, Probate and Administration Regulation 2003*.

### 2 Commencement

This Regulation commences on 1 September 2003.

**Note.** This Regulation replaces the *Wills, Probate and Administration Regulation 1998* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

In this Regulation:

*the Act* means the *Wills, Probate and Administration Act 1898*.

### 4 Notes

Notes in this Regulation do not form part of this Regulation.

### 5 Prescribed amount—value of intestate estate for purpose of distribution

- (1) The object of this clause is to set the amount that the value of a deceased person's estate must not exceed for the deceased person's spouse to be entitled to the whole of that estate (to the exclusion of any children of the deceased person) in the event that the deceased person has died without having made a will.
- (2) For the purpose of paragraph (b) of the definition of **prescribed amount** in section 61A (2) of the Act, the amount of \$200,000 is prescribed.

Clause 6            Wills, Probate and Administration Regulation 2003

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**6 Prescribed rate—interest on legacies and annuities**

- (1) The object of this clause is to set the rate at which interest is payable on a legacy or on the arrears of any annuity granted under a will.
- (2) For the purpose of section 84A (1) of the Act, the prescribed rate is 6 per cent per year.

**7 Saving**

Any act, matter or thing that, immediately before the repeal of the *Wills, Probate and Administration Regulation 1998*, had effect under that Regulation is taken to have effect under this Regulation.