

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 14 of 2010

23 December 2010

Supreme Court Amendment Rules 2010 Probate Amendment Rules 2010

These amendment rules are made as a consequence of the *Intestacy Act 2010* and are expected to be gazetted on 29 December 2010. The Act repeals Part V of the *Administration and Probate Act 1935* and requires changes to the *Supreme Court Rules 2000* and the *Probate Rules 1936*.

The Act was developed as a consequence of the national Uniform Succession Laws Project. I am advised that the *Intestacy Act 2010* will commence on 1 January 2011. The amendments to the rules will commence on the day the *Intestacy Act 2010* commences.

In summary, the rule changes are:

Supreme Court Rules 2000

- Amendment of Rule 90 to provide that applications under the *Intestacy Act* are made to a judge in chambers.

Probate Rules 1936

- Rescinding of r3A – this removes the definition of “partner” from the Probate Rules as it is only relevant to r22;
- New Rule 22 to provide for the order of priority of right to a grant where there is no will;
- Inclusion of definition of “spouse” in new r22; and
- New form XXII and deletion of current forms XXII, XXIIA and XXIIB.

E A Knight
REGISTRAR