

SUPREME COURT OF TASMANIA
CIRCULAR TO PRACTITIONERS

No. 7 of 2011

23 March 2011

AMENDMENTS TO PROBATE RULES
Probate Amendment Rules 2011 (SR 16/2011)

Amendments to the *Probate Rules* 1936 rules will come into effect on 13 April 2011. The amendments relate to non-contentious probate work and:

- Update the terminology in the Rules to make it consistent with the *Legal Profession Act 2007*
- Increase the fees as shown on the attached table
- Reinstate the fee payable for filing an election to administer
- Rescind Rules 95 to 101 which will remove the ad valorem scale for professional costs for preparing documents for grant of probate or letters of administration. These amendments apply only to probate work undertaken in respect of a person who dies after the commencement of the amendments. The costs for this non-contentious probate work will be governed by the *Legal Profession Act 2007* and the *Rules of Practice*.
- Make a minor amendment to the new Form XXII Administrator's Oath.



Elizabeth Knight
REGISTRAR

Probate fees: FEES PAYABLE PURSUANT TO *PROBATE RULES 1936*,

PT 1

	<i>Item</i>	<i>Fee \$</i>	<i>New Fee \$</i>
1	For granting probate or letters of administration or for resealing a foreign grant –		
	(a) if the gross value of the estate in Tasmania as stated in the oath is less than \$50,000	100	110
	(b) if that gross value is equal to or greater than \$50,000 but is less than \$100,000	250	270
	(c) if that gross value is equal to or greater than \$100,000	400	430
2	Filing an election to administer -		
	(a) If the gross value of the estate in Tasmania is less than \$50,000		50
	(b) If the gross value of the estate in Tasmania is \$50,000 or more		90
3	Searches, copies or certificates –		
	(a) for search	15	16.50
	(b) for exemplification or a certified copy of a document	50	55
	(c) For office copy of a document	1 each page or part of a page	1 each page or part of a page
	(d) for preparation and sealing of a certified copy, or an exemplification, of any probate or letters of administration, or for resealing a foreign grant	50	55