



New South Wales

Succession Amendment Regulation 2009

under the

Succession Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Succession Act 2006*.

JOHN HATZISTERGOS MLC
Attorney General

Explanatory note

The *Succession Amendment (Family Provision) Act 2008* repealed the *Family Provision Act 1982* but continued its application to the estates of person who died before the repeal. The object of this Regulation is to enable the Supreme Court to continue to grant administration to permit applications in respect of the estates of such deceased persons under the repealed Act under an associated provision of the *Probate and Administration Act 1898* that was also repealed by the 2008 Act.

This Regulation is made under the *Succession Act 2006*, including section 103 (the general regulation making power) and clause 1 (1) of Schedule 1.

2009 No 87

Clause 1 Succession Amendment Regulation 2009

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1 Name of Regulation

This Regulation is the *Succession Amendment Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Amendment of Succession Regulation 2008

Insert after clause 4:

5 Probate or administration for purpose of Family Provision Act 1982

Section 41A of the *Probate and Administration Act 1898*, as in force immediately before its repeal by the *Succession Amendment (Family Provision) Act 2008*, continues to apply in respect of a person who died before the commencement of clause 11 of Schedule 1 to the *Succession Act 2006* as if that section had not been repealed.