

1993—No. 443

**WILLS, PROBATE AND ADMINISTRATION ACT 1898—
REGULATION**

(Wills, Probate and Administration Regulation 1993)

NEW SOUTH WALES



[Published in Gazette No. 94 of 27 August 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Wills, Probate and Administration Act 1898, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,
Attorney General.

Citation

1. This Regulation may be cited as the Wills, Probate and Administration Regulation 1993.

Commencement

2. This Regulation commences on 1 September 1993.

Definition

3. In this Regulation:

“the Act” means the Wills, Probate and Administration Act 1898.

Prescribed amount—value of intestate estate for purposes of distribution

4. (1) The object of this clause is to set the amount at or below which a deceased person’s spouse is entitled to the whole of the deceased person’s 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 \$150,000 is prescribed.

Prescribed rate—interest on legacies and annuities

5. (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 8 per cent per year.

Repeal

6. The Wills, Probate and Administration Regulation is repealed.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Wills, Probate and Administration Regulation. The new Regulation:

- (a) sets \$150,000 as the amount at or below which a deceased person’s spouse is entitled to the whole of the deceased person’s 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 (clause 4); and
- (b) sets 8 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 5); and
- (c) makes other provision of a minor, consequential or ancillary nature (clauses 1, 2, 3 and 6).

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This Regulation is made under the Wills, Probate and Administration Act 1898, including section 153 (the general regulation making power) and sections 61A and 84A.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
