



New South Wales

Wills, Probate and Administration Regulation 1998

under the

Wills, Probate and Administration Act 1898

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Wills, Probate and Administration Act 1898*.

JEFFREY SHAW, Q.C., M.L.C.,
Minister for Industrial Relations

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 1993*. 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 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 minor, consequential 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 sections 61A and 84A.

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

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Wills, Probate and Administration Regulation 1998

1 Name of Regulation

This Regulation is the *Wills, Probate and Administration Regulation 1998*.

2 Commencement

This Regulation commences on 1 September 1998.

3 Definition

In this Regulation:

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

4 Notes

The explanatory note and table of contents 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 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.

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.

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Clause 6 Wills, Probate and Administration Regulation 1998

7 Repeal

- (1) The *Wills Probate and Administration Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the commencement of this Regulation, had effect under the *Wills Probate and Administration Regulation 1993* is taken to have effect under this Regulation.