



New South Wales

Succession Regulation 2015

under the

Succession Act 2006

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

GABRIELLE UPTON, MP
Attorney General

Explanatory note

The object of this Regulation is to repeal and remake, without any significant changes, the provisions of the *Succession Regulation 2008*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the fee that must accompany a will that is deposited with the Registrar under section 51 of the *Succession Act 2006*, and
- (b) includes a savings provision consequent on the enactment of the *Succession Amendment (Family Provision) Act 2008* and the repeal of the *Family Provision Act 1982*.

This Regulation is made under the *Succession Act 2006*, including sections 51 (3) and 143 (the general regulation-making power) and clause 1 (1) of Schedule 1.

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature, matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public and matters of a savings or transitional nature.

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1 Name of Regulation

This Regulation is the *Succession Regulation 2015*.

2 Commencement

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

Note. This Regulation repeals and replaces the *Succession Regulation 2008*, which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

the Act means the *Succession Act 2006*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Fee for deposit of a will

For the purposes of section 51 (3) of the Act, the prescribed fee to accompany a will that is deposited is \$122.

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died before the commencement of clause 11 of Schedule 1 to the *Succession Act 2006* as if that section had not been repealed.

6 Repeal and savings

(1) The *Succession Regulation 2008* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Succession Regulation 2008*, had effect under that Regulation continues to have effect under this Regulation.