

# Succession Regulation 2020

[2020-477]



New South Wales

## Status Information

### Currency of version

Current version for 1 July 2022 to date (accessed 24 November 2024 at 9:12)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 9 April 2024

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# Succession Regulation 2020



New South Wales

## 1 Name of Regulation

This Regulation is the *Succession Regulation 2020*.

## 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This Regulation repeals and replaces the *Succession Regulation 2015*, which would otherwise be repealed on 1 September 2020 by section 10(2) of the *Subordinate Legislation Act 1989*.

## 3 Definitions

(1) In this Regulation—

**fee unit**—see section 5(1).

**the Act** means the *Succession Act 2006*.

### Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

## 4 Fee for deposit of a will—the Act, s 51

(1) For the Act, section 51(3), the prescribed fee is 1.37 fee units.

(2) The prescribed fee is to be adjusted for inflation in accordance with Schedule 1.

## 5 (Repealed)

## 6 Repeal and savings

(1) The *Succession Regulation 2015* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Succession*

*Regulation 2015*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Adjustment of prescribed fee for inflation

section 4

### 1 Definitions

In this Schedule—

**CPI number** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

**financial year** means a period of 12 months commencing on 1 July.

**Secretary** means the Secretary of the Department of Communities and Justice.

### 2 Calculation of fee unit for Regulation

(1) In this Regulation, a fee unit is—

- (a) in the financial year 2022–2023—\$103.05, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$103.05 \times \frac{A}{B}$$

where—

**A** is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

**B** is the CPI number for the December quarter of 2021.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

#### Editorial note—

Fee unit amount calculated under this clause—

Financial year	Fee unit amount
2023–24	\$110.93
2024–25	\$115.59

### **3 Rounding of fee amounts**

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

### **4 Notice of indexed fees**

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
  - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
  - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.