

AUSTRALIAN CAPITAL TERRITORY.

No. 16 of 1950.

AN ORDINANCE

To amend the Administration and Probate Ordinance 1929-1947.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909-1938 and the *Seat of Government (Administration) Act* 1910-1947, as follows:—

1.—(1.) This Ordinance may be cited as the *Administration and Probate Ordinance* 1950.* Short title and citation.

(2.) The *Administration and Probate Ordinance* 1929-1947 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Administration and Probate Ordinance* 1929-1950.

2.—(1.) Section seventy-one of the Principal Ordinance is repealed and the following section inserted in its stead:—

“71.—(1.) Subject to this section, the costs to be allowed and paid out of the estate of a deceased person to a barrister or solicitor for professional services rendered in connexion with the obtaining of a grant of probate or administration shall, where no contention has arisen, be in accordance with the following scale:— Limits of professional charges for obtaining probate or letters of administration.

Where the Net Value of Estate is—	The Costs shall be—
	£ s. d.
Not more than £500	12 12 0
More than £500 but not more than £1,000	15 15 0
More than £1,000 but not more than £2,000	18 18 0
More than £2,000 but not more than £5,000	26 5 0
More than £5,000 but not more than £10,000	34 13 0
More than £10,000 but not more than £20,000	43 1 0
More than £20,000 but not more than £30,000	49 7 0
More than £30,000 but not more than £40,000	57 15 0
More than £40,000 but not more than £50,000	65 2 0
More than £50,000	73 10 0

“(2.) The amounts specified in the last preceding sub-section do not include necessary disbursements, or the charges for preparing and passing the statement for duty or the payment of duty, which amounts shall be allowed and paid out of the estate.

* Notified in the *Commonwealth Gazette* on 21st December, 1950.

" (3.) Where the net value of the estate exceeds Two thousand pounds, a barrister or solicitor may deliver a bill of costs to the executor or administrator and cause it to be submitted for taxation and the amount of the bill when so taxed and no more shall be allowed and paid out of the estate.

" (4.) Where the net value of the estate does not exceed Two thousand pounds, the Court or the Judge may, in any case where the work has been of exceptional length or difficulty, grant leave to the barrister or solicitor to submit his bill of costs for taxation, and the amount of the bill when so taxed and no more shall be allowed and paid out of the estate.

" (5.) An application for leave under the last preceding sub-section shall be supported by an affidavit setting forth the exceptional circumstances upon which the applicant relies.

" (6.) Where a bill of costs is taxed under sub-section (3.) or sub-section (4.) of this section and the amount of the bill (exclusive of the costs of submitting it for taxation and of amounts referred to in sub-section (2.) of this section) does not, after taxation, exceed the amount which would otherwise have been payable under sub-section (1.) of this section, the costs of submitting the bill for taxation shall be paid by the barrister or solicitor."

(2.) Notwithstanding the repeal of section seventy-one of the Principal Ordinance, the provisions of that section shall apply in relation to all applications for probate or administration filed prior to the date upon which this Ordinance comes into operation.

3. Section seventy-two of the Principal Ordinance is amended by omitting sub-section (2.).

4. Section seventy-three of the Principal Ordinance is repealed and the following section inserted in its stead:—

" 73. A taxing officer of the Court shall tax and settle all bills of costs submitted for taxation in pursuance of section seventy-one of this Ordinance."

5. Section seventy-four of the Principal Ordinance is amended by omitting the words "Subject to the provisions of the last preceding section, the" and inserting in their stead the word "The".

Dated this fourteenth day of December, 1950.

W. J. McKELL

Governor-General.

By His Excellency's Command.

J. A. SPICER

for and on behalf of the Minister of
State for the Interior.

By Authority: L. F. JOHNSON, Commonwealth Government Printer, Canberra.

Additional
charge where
necessary to
employ agent.

Bill to be taxed
by taxing
officer.

Taxing rates
to apply.