

No. 53 of 1976

AN ORDINANCE

To amend the *Administration and Probate Ordinance 1929*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-first day of October, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

R. ELLICOTT  
Attorney-General.

ADMINISTRATION AND PROBATE (AMENDMENT)  
ORDINANCE 1976

1: This Ordinance may be cited as the *Administration and Probate (Amendment) Ordinance 1976*.\* Short title.

2. This Ordinance shall come into operation on 1 November 1976. Commencement.

3. Section 4 of the *Administration and Probate Ordinance 1929*† is repealed. Repeal.

4. Section 71 of the *Administration and Probate Ordinance 1929* is amended by omitting sub-sections (1) and (1A) and substituting the following sub-sections:— Limits of professional charges for obtaining probate, &c.

“ (1) Subject to this section, where the gross value of an estate does not exceed \$20,000, the costs to be allowed out of the estate to

\* Notified in the *Australian Government Gazette* on 27 October 1976.  
† Ordinance No. 18, 1929 as amended by No. 11, 1930; No. 13, 1932; No. 9, 1933; Nos. 2 and 6, 1934; Nos. 3, 13 and 27, 1937; No. 35, 1938; No. 7, 1943; No. 15, 1947; No. 16, 1950; No. 5, 1953; No. 2, 1954; No. 6, 1960; No. 20, 1965; No. 9, 1967; No. 16, 1969; No. 25, 1970; and Nos. 27, 43 and 47, 1974.

a 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:—

Where the gross value of the estate is—	The costs shall be—
	\$
Not more than \$1,000	60.00
More than \$1,000 but not more than \$2,000	80.00
More than \$2,000 but not more than \$4,000	100.00
More than \$4,000 but not more than \$6,000	120.00
More than \$6,000 but not more than \$8,000	140.00
More than \$8,000 but not more than \$10,000	160.00
More than \$10,000 but not more than \$12,000	180.00
More than \$12,000 but not more than \$14,000	200.00
More than \$14,000 but not more than \$16,000	220.00
More than \$16,000 but not more than \$18,000	240.00
More than \$18,000 but not more than \$20,000	260.00

“(1A) Subject to this section, where the gross value of the estate exceeds \$20,000, the costs to be allowed out of the estate to a solicitor for professional services rendered in connexion with the obtaining of a grant of probate or administration are—

(a) \$260 plus an additional \$10 for each complete \$2,000 by which the gross value of the estate exceeds \$20,000;

or

(b) \$2,000,

whichever is the less.”

**Application**

5. (1) Section 71 of the *Administration and Probate Ordinance* 1929, as amended by this Ordinance, applies to, and in relation to, professional services rendered in connexion with the obtaining of a grant of probate or administration where the application for the grant was made on or after 1 November 1976.

(2) Section 71 of the *Administration and Probate Ordinance* 1929, as in force immediately before 1 November 1976, continues to apply to, and in relation to, professional services rendered in connexion with the obtaining of a grant of probate or administration where the application for the grant was made before 1 November 1976.