

AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATION AND PROBATE ORDINANCE 1974

EXPLANATORY MEMORANDUM

The purpose of this Ordinance is to amend the Administration and Probate Ordinance 1929-1970 so as to abolish all fees payable to the Registrar of Probates in connexion with matters to which the Ordinance relates except for those fees that are directly related to the performance of some service at the request of the applicant.

The amendments will reduce the cost of litigation and of obtaining a grant of representation of a deceased person's estate either by a grant of probate of a will or by a grant of letters of administration.

The existing fees are contained in the Third Schedule of the Ordinance and cover such matters as searches, issuing and serving summonses, filing documents, providing copies of documents, preparing documents and taxing costs.

The amending Ordinance repeals the Third Schedule and replaces it with another which contains only four items relating to issue and service of summonses and providing copies of documents. The amending Ordinance also repeals sub-section 76(3) which provides for fees to be payable in respect of certain small estates.