

CROWN LAW

CW301

PUBLIC TRUSTEE ACT 1941**PUBLIC TRUSTEE AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Public Trustee Amendment Regulations 1993*.

Principal regulations

2. In these regulations the *Public Trustee Regulations 1942** are referred to as the principal regulations.

[* *Reprinted in Gazette of 17 January 1979 at pp.103-110.*
For amendments to 1 June 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 214.]

Regulation 6 amended

3. Regulation 6 of the principal regulations is amended by deleting "The" and substituting the following —

" Subject to regulation 6AA the "

Regulation 6AA inserted

4. After regulation 6 of the principal regulations the following regulation is inserted —

" Certain costs payable by Public Trustee

6AA. Where the Public Trustee employs a solicitor, in accordance with section 53 of the Act, to obtain a grant of probate or grants of administration in relation to the estate of a deceased person, the Public Trustee shall —

- (a) pay the solicitor's costs to the solicitor from moneys in the estate; and
- (b) reduce the fees charged under item 1 (1) (a) of the Second Schedule by either —
 - (i) the fee charged by the solicitor for obtaining the grant; or

- (ii) the fee which would have been payable to the solicitor under the *Non-Contentious Probate Costs Scale 1991**,

whichever is the lesser.

[* *Determined by the Legal Costs Committee under section 58W of the Legal Practitioners Act 1893.*]

Regulation 10 repealed and a regulation substituted

5. Regulation 10 of the principal regulations is repealed and the following regulation is substituted —

“ **Public Trustee next friend of represented person**

10. Where the Public Trustee is the administrator or joint administrator of the estate of a represented person any proceeding by the Public Trustee with respect to any property of the represented person or any property in which he is interested or for the recovery of damages for conversion of or injury to that property shall be taken in the name of the represented person by the Public Trustee as his next friend.

Second Schedule amended

6. The Second Schedule to the principal regulations is amended —

- (a) in item 2 by deleting subitem (1) and substituting the following subitems —

“ (1) Subject to this item the following fees shall be charged on the gross capital value of assets realized or moneys collected by the Public Trustee in relation to the estate of a represented person according to the scale —

- (a) 3.75% on the first \$100 000;
 (b) 3% on the next \$100 000;
 (c) 2% on the next \$100 000; and
 (d) 1% on any amount in excess of \$300 000,

of that value.

(1a) Notwithstanding subitem (1) a commission shall not be charged on moneys withdrawn from a current account or fixed deposit in a Savings Bank or Trading Bank.

- (b) in item 3 by deleting “1%” and substituting the following —

“ 1.25% ”; and

- (c) after item 9A. by inserting the following item —

“ **Fees payable to the Public Trustee for examination of accounts**

9B. (1) In this item —

“value” means the gross capital value of the estate at the date of the examination.

(2) The fees specified in the Table to this subitem are payable to the Public Trustee for the annual examination of the accounts of the estate of a represented person.

TABLE

Value of estate	Fee
\$	\$
1 000 - 10 000	20
10 001 - 20 000	50
20 001 upwards	100 "

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.
