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SUPREME COURT ACT, 1935 AND  
ADMINISTRATION ACT, 1903

PROBATE  
(NON-CONTENTIOUS) COSTS  
RULES, 1949-1966

Crown Law Department,  
Perth, 1st May, 1972.

THE undermentioned Rules made under the provisions of the Supreme Court Act, 1935, and the Administration Act, 1903, and amended from time to time up to and including the 16th February, 1972, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

W. J. ROBINSON,  
Under Secretary for Law.

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SUPREME COURT ACT, 1935, AND  
ADMINISTRATION ACT, 1903.

**PROBATE (NON-CONTENTIOUS COSTS) RULES, 1949-1966.**

Published in the *Government Gazette* on the 6th January, 1950, and incorporating the amendments thereto published in the *Government Gazette* on the 2nd July, 1954, the 7th April, 1960, and the 26th August, 1966, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the Rules; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General, dated 28th April, 1972.

SUPREME COURT ACT, 1935, AND ADMINISTRATION ACT, 1903.

**PROBATE (NON-CONTENTIOUS COSTS) RULES, 1949-1966.**

1. These rules may be cited as The Probate (Non-contentious Costs) Rules, 1949-1966. Amended by G.G. 26/8/66, p. 2296.

2. The charges set forth in the First Schedule hereto may be paid and allowed out of the estate of any deceased person for professional services rendered by any practitioner in connection with performing such of the services detailed in the Second Schedule hereto as shall be requisite in the case in connection with the grant of or resealing in Western Australia of Probate or Letters of Administration (with or without the Will) or an Order to administer where no contention has arisen, and except as otherwise hereinafter provided in this order, no further costs in respect of such services shall be allowed as a charge against the estate.

3. In addition to the charges mentioned in the First Schedule, there shall be paid and allowed for the cost of engrossing and collating any Will and making any copy required by the Registrar for the purpose of being recorded, and one certified copy (if required) the sum of 45 cents, a folio for every folio of the Will in excess of the first five. Amended by G.G. 2/7/54, p. 1190.

4. In addition to the aforesaid charges, the charges set out in the Third Schedule hereto may be paid and allowed out of the estate (as an increment to the scale set forth in the First Schedule hereto) if the Probate, Letters of Administration, Order to administer or re-sealing is obtained by a practitioner, who has no office in the City of Perth and employs a practitioner in Perth as his agent to obtain such Probate, Letters of Administration, Order or re-sealing.

5. The charges set forth in the First and Third Schedules hereto do not include disbursements necessarily made nor any costs of and incidental to the preparation and passing of the statement of assets and liabilities required under the Administration Act, 1903-1956,<sup>1</sup> or under the Estate Duty Assessment Act, 1914-1957,<sup>2</sup> of the Commonwealth and the satisfaction of requisitions relating thereto (including the obtaining, submission and lodging of valuations and vouchers and attendances in connection therewith or arising out of any question or dispute as to duties) and the payment of any duties assessed under either or both of such Acts. Substituted by G.G. 7/4/60, p. 995.

6. Any additional charges shall be governed by the General Order as to costs, made under the Legal Practitioners Act, 1893, in operation at the time the services are rendered. Substituted by G.G. 26/8/66, p. 2295.

<sup>1</sup> Now Administration Act, 1903-1971.

<sup>2</sup> Now Estate Duty Assessment Act, 1914-1970.

Substituted by  
G.G. 26/8/66,  
p. 2296.

### First Schedule.

Where the gross value of the property in Western Australia does not ex- ceed:	\$	For the obtaining of a Grant of Probate of a Will or the Resealing in Western Australia of a Probate granted in an- other State or country:	\$	For the obtaining of Letters of Administra- tion or the Resealing in Western Australia of Letters of Administra- tion granted in another State or country:	\$
	2,000		22.00		28.00
	3,000		33.00		42.00
	4,000		38.00		46.00
	5,000		44.00		52.00
	6,000		49.00		60.00
	7,000		58.00		66.00
	8,000		60.00		72.00
	9,000		66.00		77.00
	10,000		71.50		82.50
	12,000		84.00		96.00
	14,000		90.00		102.00
	16,000		96.00		108.00
	18,000		102.00		114.00
	20,000		108.00		120.00
	30,000		134.00		147.00
	40,000		160.00		174.00
	60,000		200.00		214.00
	80,000		240.00		268.00
Where the property ex- ceeds \$80,000 ....		240.00		268.00	
		plus \$1 for every \$2,000 or part thereof by which the property exceeds \$80,000 with a maxi- mum of \$540.		plus \$1 for every \$2,000 or part thereof by which the property exceeds \$80,000 with a maxi- mum of \$600.	

### Second Schedule.

Instructions for Probate, Letters of Administration, Order to Administer, or Re-sealing Foreign Grant.

Fair copy of Will or Foreign Grant for use, not exceeding five folios.

Attendance bespeaking and uplifting Death Certificate.

Preparing Oath of Executor or Administrator or affidavit to Re-seal and marking exhibits thereto.

Preparing affidavit of attesting witness to a will and marking exhibits thereto.

Preparing affidavit verifying the Statement of Assets and Liabilities and marking exhibit thereto.

Preparing Bond and attending on execution thereof, and attempting stamping and preparing affidavits of justification.

Attendances on parties being sworn to all the above affidavits, or correspondence therefor.

Drawing and engrossing Probate (including engrossing and collating Will, where the Will does not exceed five folios, or the first five folios thereof where the Will exceeds five folios), or Letters of Administration, including copy for the Court and one certified copy (if required).

Engrossing and collating Foreign Grant and Will (where the Will does not exceed five folios and the first five folios where the Will does exceed five folios) for registration on re-sealing, and one certified copy (if required).

Preparing the motion of Probate, Administration Order to Administer, or Re-sealing.

Attendance at the Court—

- (a) to file the Motion, Will and Affidavits;
- (b) to ascertain grant made;
- (c) to ascertain and pay duty and fees, and to uplift Grant and Certificate.

Preparing notice to creditors and copies and attendances to have same settled and advertised.

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### Third Schedule.

Where the gross value of the property left in Western Australia—

	\$
Does not exceed \$2,000 .. .. .	4.20
Exceeds \$2,000 but does not exceed \$4,000 .. .. .	6.30
Exceeds \$4,000 but does not exceed \$10,000 .. .. .	8.40
Exceeds \$10,000 but does not exceed \$20,000 .. .. .	12.60
Over \$20,000 .. .. .	16.80

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