

# Administration and Probate (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states the purpose of the Bill.

*Clause 2* is a commencement provision.

*Clause 3* refers to the **Administration and Probate Act 1958** as the Principal Act.

*Clause 4* makes certain amendments consequential upon the revision of Chapter III of the Supreme Court Rules.

*Clause 5* inserts a new Division 1A providing for the depositing of wills with the Registrar of Probates.

*Clause 6* makes certain consequential amendments to the **Property Law Act 1958**.

*Clause 7* amends the provision which permits an employer to pay money owed to a deceased employee to the employee's spouse or child, in order to increase the value of the estates to which this provision applies and also to increase the level of permissible payments made by an employer.

*Clause 8* inserts a provision permitting a spouse of an intestate to purchase the matrimonial home from the estate.

*Clause 9* clarifies the date on which an intestate's residuary estate is valued and increases the spouse's share of the estate.

*Clauses 10 and 11* make amendments consequential on the revision of Chapter III of the Supreme Court Rules.

*Clause 12* increases the monetary definition of a small estate.

*Clause 13* makes minor amendments of a technical nature.

*Clause 14* amends the **Wills Act 1958** to provide that a disposition in favour of a testator's spouse is revoked by dissolution of the marriage.

*Clause 15* is a transitional provision.

