

Unvalidated References:

Public Curator Act 1951

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 81.

Public Curator Regulation 1952

ARRANGEMENT OF SECTIONS.

1. Commission.
2. Administration fees.
3. Audit fees.
4. Expenses.
5. Charges may be reduced.
6. Investment of estate moneys.
7. Investment of interest.
8. Deposit and withdrawal of moneys and securities.

SCHEDULE 1 – Commission to be taken by the Public Curator.

SCHEDULE 2 – Administration fees charged by Public Curator.

Public Curator Regulation 1952

MADE under the *Public Curator Act 1951*.

Dated 200 .

1. COMMISSION.

(1) Subject to this Regulation, the commission to be taken by the Public Curator in estates administered by him is as set out in Schedule 1.

(2) The minimum amount of commission payable under Subsection (1) in relation to an estate is K10.00.

(3) In any case under this section where—

- (a) the existence or the identity of any or all persons beneficially entitled to share in an estate, or the next of kin, as the case may be, is unknown or is not definitely established; and
- (b) it is necessary for the Public Curator to make inquiries, or to advertise outside the country, for the purpose of locating any the persons or next of kin,

there shall be charged against—

- (c) the estate; or
- (d) the share of it in respect of which it is necessary to make such inquiries or so to advertise,

such additional commission not exceeding 2½% of the net value of the estate or the share of the estate (after payment of original claims) as the Public Curator thinks just and reasonable.

2. ADMINISTRATION FEES.

In addition to the commission prescribed by Section 1, the Public Curator shall charge administration fees as set out in Schedule 2.

3. AUDIT FEES.

(1) Subject to Subsection (2), on every estate administered by the Public Curator an audit fee of K2.00 shall be charged on 30 June in each year and on final distribution or completion.

(2) Where an estate referred to in Subsection (1) is finally distributed or completed within six months, or within six months of the charging of an annual fee of K2.00, the total fee or the final fee, as the case may be, is K1.00.

4. EXPENSES.

(1) The Public Curator shall charge all expenses including exchange, telegrams, auctioneers' and agents' charges, freight, court fees, legal expenses or legal assistance or legal proceedings, advertising and all other out-of-pocket expenses and expenses incurred in the administration of an estate.

(2) The Public Curator shall charge 10t per folio of 72 words, or part of a folio, for every office copy.

5. CHARGES MAY BE REDUCED.

If on consideration of all the circumstances he thinks it just and reasonable, the Public Curator may in a particular case reduce or dispense with any of the commissions, fees or charges prescribed by this Regulation.

6. INVESTMENT OF ESTATE MONEYS.

(1) Where by the Act the Public Curator is required to invest money standing to the credit of an estate, he shall invest it—

- (a) by placing it with the Papua New Guinea Banking Corporation on fixed deposit for such period as he thinks proper; or
- (b) by placing it in a savings bank account with the Papua New Guinea Banking Corporation; or
- (c) by placing part of the money on such fixed deposit and the residue in such a savings bank account; or
- (d) by purchasing securities of or guaranteed by Australia or a State of Australia.

(2) For the purposes of the administration or distribution of the estate, the Public Curator may at any time realize any investment under Subsection (1).

(3) In any case in which he thinks fit to do so, the Public Curator may apply to the National Court for directions as to the manner of investment of any money.

7. INVESTMENT OF INTEREST.

Where money is invested by direction of the National Court under Section 6—

- (a) it is not necessary for the Public Curator to apply to the Court for directions as to the investment of the interest on the money; and
- (b) the interest may be invested by him in the same manner as the principal money may be invested under this Regulation.

8. DEPOSIT AND WITHDRAWAL OF MONEYS AND SECURITIES.

(1) All investments of moneys under this Regulation shall be in the name of the “Public Curator”, to which designation there shall be added the name of the estate on behalf of which the investment is made.

(2) Where any money has been deposited with a bank in accordance with this Regulation, it may be withdrawn by cheque or written order (as the case may be) signed by the Public Curator and countersigned by a person appointed for the purpose by the Secretary for Finance.

(3) Any securities referred to in Section 6(1)(d) that have been purchased under this Regulation—

- (a) shall immediately be lodged with the Papua New Guinea Banking Corporation for safe custody; and
- (b) shall not be released by the Bank except on a written order signed by the Public Curator and countersigned by the person appointed by the Secretary for Finance under Subsection (2).

SCHEDULE 1 – COMMISSION TO BE TAKEN BY THE PUBLIC CURATOR.

Reg., Sec. 1.

1.	On the realization of an estate, or part of an estate, as to which the deceased died intestate-on the gross amount realized–			
			Commission.	
			5%	
		up to K4,000.00	10%	
		in excess of K4,000.00 and up to K20,000.00	2½%	
		in excess of K20,000.00	1%	
2.	On the realization of an estate, or part of an estate, as to which the deceased died testate-on the gross amount realized–			
		up to K1,000.00	5%	
		up to K1,000.00	10%	
		in excess of K1,000.00 and up to K20,000.00	2½%	
		in excess of K20,000.00	1%	
3.	On the gross amount of interest or on gross income from an estate, including any part of an estate set aside and invested for beneficiaries			5%
4.	On unrealized property (except money) transferred or delivered, unconverted into money, to a devisee, legatee, beneficiary, <i>cestui qui trust</i> , widower, widow, next of kin or other person of a like character, under any will, settlement, trust or intestacy administered by the Public Curator-on the value of the property as fixed by the Public Curator–			
		(a) if transferred or delivered to a person originally exclusively entitled to the entirety of the property–	50% of the commission that would have been payable had the property been realized at the value so fixed.	
		(b) in any other case	the same commission as would have been payable had the property been realized at the value so fixed.	

SCHEDULE 2 – ADMINISTRATION FEES CHARGED BY PUBLIC CURATOR.

Reg., Sec. 2.

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1.	For every probate, order under Section 10 of the Act, reseal under Section 118 of the <i>Wills, Probate and Administration Act</i> or order under Section 66 of that Act-where the assets in the estate appear to be–		
		under K100.00	0.75
		K100.00 or more but under K400.00	1.50
		K400.00 or more but under K1,000.00	2.00
		K1,000.00 or more	3.00
2.	For the preparation of an instrument (other than an instrument that is incidental to obtaining probate or administration)-for every folio of 72 words		.10
3.	For the preparation of succession duty statements where the asset–		
		do not exceed K2,000.00	0.50
		exceed K2,000.00 but do not exceed K5,000.00	1.00
		exceed K5,000.00 but do not exceed K10,000.00	2.00
		exceed K10,000.00 but do not exceed K15,000.00	3.00
		exceed K15,000.00 but do not exceed K20,000.00	4.00
		exceed K20,000.00	5.00

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