

Intestate Succession Bill

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Bill No: 47/1966

Read the first time: 26th October 1966

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Intestate Succession Bill

Bill No. 47/1966

Read the first time on 26th October 1966.

An Act to make provision for the distribution of intestate estates.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows: —

Short title

1. This Act may be cited as the Intestate Succession Act, 1966.

Application

2. Nothing in this Act shall apply to the estate of any Muslim or shall affect any rules of the Muslim law in respect of the distribution of the estate of any such person.

Interpretation

3. In this Act —

“child” means a legitimate child and includes any child adopted by virtue of an order of court under any written law for the time being in force in Singapore, or Malaysia or Brunei;

“intestate” includes any person who leaves a will but dies intestate as to some beneficial interest in his property;

“issue” includes children and the descendants of deceased children.

Law regulating distribution

4.—(1) The distribution of the movable property of a person deceased shall be regulated by the law of the country in which he was domiciled at the time of his death.

(2) The distribution of the immovable property of a person deceased shall be

regulated by this Act wherever he may have been domiciled at the time of his death.

Property of an intestate to be distributed

5. After the coming into operation of this Act, if any person shall die intestate, he being at the time of his death domiciled in Singapore, and being possessed beneficially of property, whether movable or immovable, or both, situated in Singapore, and, if any person shall die intestate, he being at the time of his death domiciled outside Singapore and being possessed beneficially of immovable property situated in Singapore, such property or the proceeds thereof, after payment thereof of the expenses of due administration as prescribed by the Probate and Administration Ordinance (Cap. 17) shall be distributed among the persons entitled to succeed beneficially thereto.

Persons held to be similarly related to deceased

6. For the purpose of distribution —

- (a) there shall be no distinction between those who are related to a person deceased through his father and those who are related to him through his mother nor between those who were actually born in his lifetime and those who at the date of his death were only conceived in the womb but who have subsequently been born alive; and
- (b) those related to a person deceased by the half blood shall rank immediately after those of the whole blood related to him in the same degree.

Rules for distribution

7. In effecting such distribution the following rules shall be observed: —

Rule 1.

If an intestate dies leaving a surviving spouse, no issue, no parent and no brother or sister the spouse shall be entitled to the whole of the estate.

Rule 2.

If an intestate dies leaving a surviving spouse and issue the spouse shall be entitled to one-half of the estate.

Rule 3.

Subject to the rights of the surviving spouse, if any, the estate (both as to the undistributed portion and the reversionary interest) of an intestate who leaves issue shall be distributed by equal portions per stirpes to and amongst the children of such person dying intestate and such persons as legally represent such children, in case any of the said children be then dead.