



I want to make a Will – Where do I start?

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A Will is one of the most important documents you can ever make in your life. At its core, a Will is a legal document which governs the distribution of your assets – assets which you may have accumulated through hard work in the course of your entire lifetime.

It is highly recommended that you do a Will, so that you may decide how your assets (known as your “estate” after death) are distributed after your death. Without a Will, your estate would fall to be distributed according to the default rules laid out in the Intestate Succession Act 1967 (for Non-Muslims), without any regard to your personal preferences and circumstances.

Furthermore, it is relatively smoother and more cost-efficient to apply for a Grant of Representation to administer your estate in the event that you die with a Will (this is known as a Grant of Probate in cases where you die leaving a Will), as compared to if you die without a Will (this is known as a Grant of Letters of Administration in cases where you die without leaving a Will).

There are a few things to consider before getting started on your Will.

Who are your Beneficiaries?

In Singapore, non-Muslims enjoy testamentary freedom, and may freely decide who their beneficiaries are, i.e., who gets to inherit their estate. This means that you may decide who

inherits your estate – whether this be your spouse, children, grandchildren, boyfriend or girlfriend, friends or even charitable organisations and religious institutions.

Unlike in other jurisdictions (or the *syariah* law for Muslims) with forced heirship rules, you are not obligated to bequeath assets to your next-of-kin if you do not wish to (Disclaimer: this testamentary freedom is subject to narrow limitations imposed by the Inheritance (Family Provision) Act 1966, which is beyond the scope of this article).

In a typical Will, there may be specific bequests (where you gift a specific property or asset to a specific beneficiary) and there is almost always a residuary (where the balance assets are pooled together) to be distributed to chosen beneficiaries in stated percentages or proportions.

Doing a Will thus ensures that your wishes are given effect to in the distribution your estate, as you are best placed to take into account your relationships and personal and family circumstances in deciding how your estate is to be distributed.

If you have minor beneficiaries, it is also strongly recommended to incorporate a testamentary trust into your Will, where you appoint a trustee to hold assets on trust for minor beneficiaries until they attain the age of 21.

Who is your intended executor(s)?

Your Will would not automatically execute itself after your death. As such, you would need to appoint an executor or executors to execute your Will after your demise. As legal requirements go, the executor(s) should be at least 21 years of age at the time of executing the Will (it is not necessary for him or her to be 21 years old at the date of you signing your Will), and not be an undischarged bankrupt.

While not strictly necessary, it is recommended that the executor(s) be resident and based in Singapore, as the executor would need to apply for the Grant of Probate and subsequently administer the estate in accordance to the instructions stated in your Will. The process of administering the estate entails visits by the executor(s) to banks to close your bank accounts, selling or transferring your property, etc.

Needless to say, the appointed executor(s) should be someone you trust. There is no prohibition on a beneficiary also acting as the executor of your Will.

Which assets would fall to be distributed under your Will and which assets would not?

Monies in your Central Provident Fund (“CPF”) accounts do not form part of your estate. If you have done a CPF nomination, your CPF monies would be paid to your nominated beneficiaries, and this falls outside the ambit of your Will.

Similarly, if you have insurance policies and you have made nominations for the same, the death benefits/proceeds will be paid out to the nominated beneficiaries and thus fall outside the ambit of your Will.

Properties held in joint tenancy would devolve to the surviving joint tenant in accordance with the right of survivorship. As such, a property which you hold as a joint tenant would not fall to be distributed under your Will if you are not the last surviving joint tenant.

Disclaimer: This article is for informative purposes only and does not constitute legal advice. Please seek independent legal advice if you have queries relating to drafting or preparing a Will.

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