

**PARLIAMENT OF SINGAPORE**

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**First Session**

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**REPORT OF THE SELECT COMMITTEE ON THE  
INTESTATE SUCCESSION BILL**

**Parl. 5 of 1967**

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**Presented to Parliament  
7th March, 1967**

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The Intestate Succession Bill was committed to a Select Committee by a resolution of Parliament passed on 12th December, 1966.

2. The Select Committee consisted of the following Members: -

Mr. Speaker (Mr. P. Coomaraswamy, M.P.) (Chairman).

Mr. E. W. Barker, M.P., Minister for Law and National Development.

Mr. Chor Yeok Eng, M.P., Parliamentary Secretary to the Minister for Health.

Mr. S. V. Lingam, M.P.

Mr. S. Ramaswamy, M.P., Parliamentary Secretary to the Minister for Finance.

Mr. Tay Boon Too, M.P.

Mr. Teong Eng Siong, M.P.

Mr. Yeoh Ghim Seng, M.P.

3. Clerk to the Select Committee: Mr. P. C. Tan, Acting Clerk-Assistant, Parliament.

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## REPORT OF THE SELECT COMMITTEE ON THE INTESTATE SUCCESSION BILL

The Select Committee to whom the Intestate Succession Bill was committed have agreed to the following report: -

1. In accordance with standing Order No. 74 (*Advertisement when Bill committed to a Select Committee*), an advertisement inviting the public to make written representations on the Bill was published in the 24th December, 1966, issue of the *Utusan Melayu*, *Sin Chew Jit Poh*, *Nanyang Siang Pau*, *Tamil Malar* and *Straits Times*. Publicity to the invitation was also given in a press release and in broadcast over Radio and TV Singapura. Written representations could be submitted in Malay, Chinese, Tamil or English, and the closing date was 24th January, 1967.

2. No written representation was received.

3. Your Committee held two meetings.

4. Your Committee do not recommend any amendment to the Intestate Succession Bill, the text of which is annexed to this report as Appendix I.

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*Reprint of the Intestate Succession Bill.*

A BILL

*intituled*

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:-

1. This Act may be cited as the Intestate Succession Act, 1967. Short title.

5     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. Application.

3. In this Act -

10     "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;

Interpre-  
tation

"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.

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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.

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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 shall be distributed among the persons entitled to succeed beneficially thereto.

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Cap. 17.

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

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(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:-

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### 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.

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## **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.**

- 5 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  
10 legally represent such children, in case any of the said children be then dead.

Proviso No. (1) - The persons who legally represent the children of an intestate are their descendants and not their next-of-kin.

- 15 Proviso No. (2) - Descendants of the intestate to the remotest degree stand in the place of their parent or other ancestor, and take according to their stocks the share which he or she would have taken.

## **Rule 4.**

- 20 If an intestate dies leaving a surviving spouse and no issue but a parent or parents the spouse shall be entitled to one-half of the estate and the parent or parents to the other half of the estate.

## **Rule 5.**

- 25 If there are no descendants the parent or parents of the intestate shall take the estate, in equal portions if there be two parents, subject to the rights of the surviving spouse (if any) as in rule 4 provided.

## **Rule 6.**

- 30 If there are neither surviving spouse, descendants, nor parents, the brothers and sisters and children of deceased brothers or sisters of the intestate shall share the estate in equal portions between the brothers and sisters and the children of any deceased brother and sister shall take  
35 according to their stocks the share which he or she would have taken.

### **Rule 7.**

If there are no surviving spouse, descendants, parents, brothers and sisters or children of such brothers and sisters but grandparents of the intestate the grandparents shall take the whole of the estate in equal portions.

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### **Rule 8.**

If there are no surviving spouse, descendants, parents, brothers and sisters or their children or grandparents but uncles and aunts of the intestate the uncles and aunts shall take the whole of the estate in equal portions.

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### **Rule 9.**

In default of distribution under the foregoing rules the Government shall be entitled to the whole of the estate.

Special provision if the intestate leaves lawful widows.

8. If any person so dying intestate shall leave surviving him more wives than one, such wives shall share among them equally the share that the wife of the intestate would have been entitled to, had such intestate left one wife only surviving him.

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Children's advancements not to be taken into account.

9. Where a distributive share of the property of a person dying intestate is claimed by a child or any descendant of a child of such person no money or other property which the intestate may during his life have given, paid or settled to or for the advancement of the child by whom or by whose descendant the claim is made shall be taken into account in estimating such distributive share.

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Application to cases of partial intestacy.

10. Where any person dies leaving a will beneficially disposing of part of his property, the provisions of this Act shall have effect as respects the part of his property not so disposed of, subject to the provisions contained in the will:

Provided that the personal representative shall, subject to his rights and powers for the purposes of administration, be a trustee for the persons entitled under this Act in respect of the part of the estate not expressly disposed of unless it appears by the will that the personal representative is entitled to take such part beneficially.

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Statute of Distribution to cease to apply. 22 & 23 Cap. 11 c. 10.

11. The Statute of Distribution shall cease to apply to Singapore.

## APPENDIX II

### MINUTES OF PROCEEDINGS OF THE SELECT COMMITTEE ON THE INTESTATE SUCCESSION BILL

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#### 1st Meeting

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THURSDAY, 16TH FEBRUARY, 1967

2.30 p.m.

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PRESENT:

Mr. P. Coomaraswamy (*in the Chair*).

Mr. E. W. Barker.

Mr. Chor Yeok Eng.

Mr. S. V. Lingam.

Mr. S. Ramaswamy.

Mr. Tay Boon Too.

Mr. Teong Eng Siong.

Mr. Yeoh Ghim Seng.

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1. The Committee deliberated.

Adjourned to 2.30 p.m. on  
Thursday, 2nd March, 1967.



## 2nd Meeting

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THURSDAY, 2ND MARCH, 1967

2.30 p.m.

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### PRESENT:

Mr. P. Coomaraswamy (*in the Chair*).

Mr. E. W. Barker.

Mr. S. V. Lingam.

Mr. S. Ramaswamy.

Mr. Tay Boon Too.

Mr. Yeoh Ghim Seng.

### ABSENT:

Mr. Chor Yeok Eng (*with apologies*).

Mr. Teong Eng Siong.

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1. The Committee deliberated.
2. The Bill considered clause by clause.

#### Clause 1:

Alteration made, in page 1, line 4, to leave out "1966" and insert "1967".

Clause 1 agreed to.

Clauses 2 to 11 inclusive agreed to.

Bill to be reported.

### Report

3. The Chairman's report brought up and read the first time.
  4. Resolved, "That the Chairman's report be read a second time paragraph by paragraph".  
Paragraphs 1 to 4 inclusive read and agreed to.
  5. Resolved, "That this report be the report of the Committee to Parliament".
  6. Agreed, that the Chairman do present the report to Parliament upon printed copies thereof being available for distribution to Members of Parliament.
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