

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**PRACTICE DIRECTIONS  
AMENDMENT NO. 1 OF 2012**

It is hereby notified for general information that the following amendments shall be made to the Subordinate Courts Practice Directions and take effect from 1 June 2012:

- (a) the existing paragraphs 117, 118, 119, 119A, 120, 121 will be deleted and replaced with the following new paragraphs 117, 118, 119, 119A, 119B, 120, 121 and 121A:

Paragraphs [117](#), [118](#), [119](#), [119A](#), [119B](#), [120](#), [121](#), [121A](#);

- (b) the existing Forms 12 and 41 of Appendix B will be deleted and replaced with the following new Forms:

Forms [12](#) and [41](#); and

- (c) the existing Form 40 of Appendix B will be deleted.

2. These amendments seek to streamline the processes in relation to probate applications to reduce the procedural steps taken for probate applications, and to revise and simplify the criteria for the provision of security for the due administration of the estate. With these amendments, the following practice requirements will apply as from 1 June 2012:

- (a) An applicant for the grant of letters of administration, whether with or without a Will annexed, must specify under “Any Other Information” in the Probate Statement—

(i) whether there are beneficiaries of the estate who lack capacity within the meaning of the Mental Capacity Act (Cap. 177) or are subject to orders made under the Mental Disorders and Treatments Act (Cap. 178); and

(ii) the names of such beneficiaries (if any),

as this information will assist the Court in deciding whether or not security should be required in accordance with the new Paragraph 119B of the Practice Directions.

- (b) There will no longer be a need for an applicant to create a Table of Exhibits for the Supporting Affidavit under Order 71, rule 5 or to detach any exhibit before filing the Supporting Affidavit.

- (c) All probate originating summonses which have been accepted will be assigned a hearing date. The practice of not fixing a matter for hearing until the Supporting Affidavit is filed will be discontinued.
- (d) A grantee of letters of administration, whether with or without a Will annexed, will be required to give security for the due administration of the estate by way of an administration bond and 2 sureties in the following circumstances:
  - (i) where the estate exceeds \$3 million in value;
  - (ii) where there is a minority interest in the estate;
  - (iii) where there is a life interest in the estate;
  - (iv) where there is any beneficiary who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177) or who is subject to any order made under the Mental Disorders and Treatments Act (Cap. 178);
  - (v) where the grantee is a creditor of the estate; and
  - (vi) in such other cases as the Registrar thinks fit to require sureties to the administration bond.
- (e) There will no longer be a general requirement for grantees of letters of administration to give security for the due administration of the estate for District Court grants.
- (f) The Registry will indicate “Amendment No. X” or “Re-grant No. Y” when generating the amended grant or re-grant in the Electronic Filing System (EFS) for record purposes.
- (g) For non-EFS files, petitioners will be required to produce 2 copies of an amended grant or re-grant on good quality beige paper with the relevant notation for signing and sealing. The practice of releasing the grant in the court file to the petitioner for amendment will be discontinued.

3. For an Originating Summons filed before 1 June 2012, an applicant who is not required to provide security under the provisions of the new paragraph 119B should file an affidavit confirming that there are no beneficiaries of the estate who lack capacity within the meaning of the Mental Capacity Act (Cap. 177) or who are subject to orders made under the Mental Disorders and Treatments Act (Cap. 178).

Dated this 2<sup>nd</sup> day of May 2012.

A handwritten signature in black ink, appearing to read "J. Marie", with a horizontal line underneath.

JENNIFER MARIE  
REGISTRAR  
SUBORDINATE COURTS

## PART XI

### PROBATE AND ADMINISTRATION MATTERS

#### 117. Applications for grant of probate or letters of administration

##### *Filing of originating summons and supporting documents*

- (1) An originating summons for the grant of probate or letters of administration under Order 71, rule 5, of the Rules of Court shall be submitted together with the statement, through the Electronic Filing Service (EFS) by entering the relevant information in the appropriate electronic template without attaching the document in the *Portable Document Format (PDF)*.
- (2) The originating summons must also be accompanied by a checklist as prescribed in Form 12 of Appendix B to these Directions (“Checklist for Originating Summons (Probate)”), which shall also be duly completed and submitted by the filing party by entering the relevant information in the appropriate electronic template.
- (3) The following supporting documents (whichever may be relevant) must be electronically filed in the same submission as related documents, but separately from the originating summons and checklist:
  - (a) in all cases, a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;
  - (b) where there is a Will, a certified true copy of the Will;
  - (c) in the case of Muslim estates, a certified true copy of the inheritance certificate;
  - (d) in relation to deaths occurring on or after 15 February 2008, two copies of Schedule of Assets listing the property comprising the estate of the deceased in accordance with Paragraph 119A of these Directions (if available); and

(e) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251), the Rules of Court or by the Court.

(The administration oath under section 28 of the Probate and Administration Act (Cap. 251) may, however, be filed at the same time as the supporting affidavit under Order 71, rule 5, of the Rules of Court as required by sub-paragraph (8).)

- (4) Prior to filing the originating summons, the applicant or his solicitor must conduct a litigation search in the record of caveats for both the Supreme Court and the Subordinate Courts to ascertain if there are any caveats in force against the estate of the deceased. The Certificate of Result of Caveat Search (Form 173 of Appendix A to the Rules of Court) together with the search reports for both Courts must be submitted when filing the originating summons.
- (5) If the originating summons and the statement are in order, they will be accepted and a Probate Number and hearing date will be assigned to the originating summons.
- (6) The original Will (if any) must then be submitted to the Probate Counter for verification by 4.30 p.m. of the next working day after the electronic filing of the originating summons. Where the original Will has been retained in the custody of a foreign court, a certified true copy of the Will by that foreign court must be submitted in place of the original. The original Will shall be retained by the Probate Counter in compliance with Order 71, rule 47A, of the Rules of Court.

*Additional information required for statement*

- (7) In addition to the information required under Form 172 of Appendix A to the Rules of Court, applicants for grants of letters of administration, whether with or without a Will annexed, shall specify in the statement:
  - (a) whether there are beneficiaries of the estate who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178); and

- (b) the names of such beneficiaries (if any).

*Filing of supporting affidavit*

- (8) Order 71, rule 5(2), of the Rules of Court provides that the statement, which is filed together with an originating summons for the grant of probate or letters of administration, must be verified by an affidavit of the applicant. The supporting affidavit under Order 71, rule 5 (“the supporting affidavit”) shall be in the prescribed format in Form 41 of Appendix B of these Directions.
- (9) The following documents must be exhibited to the supporting affidavit:
  - (a) the statement bearing the court seal, which shall be the first exhibit;
  - (b) the Schedule of Assets referred to in sub-paragraph (3)(d) above (if available) which shall be the second exhibit; and
  - (c) other supporting documents referred to in sub-paragraph (3) above.
- (10) Administration oaths, affidavits, consents of co-administrators, renunciations, Certificates of Result of Caveat Search and Checklists which have been filed are not required to be exhibited to the supporting affidavit.
- (11) In relation to applications by a trust corporation, the supporting affidavit must in addition —
  - (a) state that the applicant company is a trust company and that it has the power to accept a grant, and that the officer has been authorised by the applicant company through a resolution of their board of directors; and
  - (b) exhibit a certified true copy of the resolution under the seal of the company.
- (12) The supporting affidavit shall be filed within 14 days after the filing of the originating summons.
- (13) An order-in-terms of the originating summons will be granted if all the documents are in order and upon the filing and acceptance of the supporting affidavit. The hearing date for the originating summons will

be vacated if an order-in-terms of the originating summons has been granted.

- (14) No Court fees are payable for the filing of the supporting affidavit.

*Rejection of documents*

- (15) If there are errors in the originating summons and the statement or missing documents, the entire set of documents will be rejected and the reason(s) for rejection will be indicated on the Checklist. The onus is on the solicitor or applicant concerned to review the rejected documents, having regard to the comments on the Checklist, before re-filing a fresh originating summons and statement.

- (16) The Court may reject any document which does not comply with the above Directions, or any other directions made by the Court.

*Enquiries*

- (17) In order to minimise disruption to the smooth and expeditious processing of applications for probate or letters of administration, any enquiry on a pending matter is to be made by way of a letter to the Registrar. The full name of the deceased and his/her identification number, together with the date of the filing of the application(s), must be included in the letter.

**118. Amendment of originating summons or statement**

- (1) Where a party seeks to rectify any errors in the originating summons, an application may be made by way of a summons to amend the originating summons. The draft amended originating summons in PDF format must be annexed to the summons.
- (2) Where a party seeks to rectify, without leave of court, any error in the statement, other than errors that also appear in the originating summons prior to the order for the grant, he may do so by amending the information in the appropriate electronic template *without* attaching the amended statement in PDF format. An affidavit stating the reason(s) for the amendment shall be filed with the amended statement.
- (3) Where it is necessary to amend the information in the statement after an order is made for the grant, an application must be made by way of summons. The draft amended statement in PDF format should be annexed to the summons.
- (4) Where an order-in-terms has been made in the originating summons for the grant of probate or letters of administration and a party seeks to substitute the name of the administrator(s) or add in further administrator(s), an application must be made by way of a summons for the order to be set aside and re-granted where a grant has not been issued, or for the order to be revoked and re-granted where a grant has been issued. The draft amended originating summons and the draft amended statement in PDF format must be annexed to the summons.
- (5) A draft amended originating summons or draft amended statement in PDF format shall be prepared in accordance with Paragraph 13(4)(a) and (b) of these Directions.
- (6) An application by way of summons for the amendment of an originating summons or a statement must be supported by an affidavit stating the reason(s) for the amendment.
- (7) Where an order-in-terms is made of the application, the party shall, within 14 days of the order or such time as may be permitted in the order



of court granting leave to amend, or for the order to be set aside and re-granted or revoked and re-granted, as the case may be, file the amended originating summons and the amended statement by entering the date of the order and the relevant amendments in the appropriate electronic template *without* attaching the amended originating summons and the amended statement in PDF format. A fresh supporting affidavit under Order 71, rule 5 verifying the amended statement must be filed by the applicant within 14 days of the order or within the time directed by the Court.

**119. Filing of schedules of property for non-dutiable estates where death occurred before 15 February 2008**

- (1) In addition to the procedures and Forms SC1 to SC8 issued by the Commissioner of Estate Duties [which are available on the Inland Revenue Authority of Singapore website (<http://www.iras.gov.sg>)], the following Directions shall apply in cases where the death occurred before 15 February 2008 and no estate duty is payable:
  - (a) the executor or administrator must first determine, based on the relevant checklist (Form SC2 or SC3), that estate duty is not payable on the estate;
  - (b) upon confirmation that estate duty is not payable, the executor or administrator shall then file a statutory declaration (Form SC1) together with the checklist (Form SC2 or SC3);
  - (c) the schedule of property must also be sworn or affirmed before a Commissioner for Oaths and filed together with the statutory declaration (Form SC1) and checklist (Form SC2 or SC3). In cases where the deceased died domiciled in Singapore, Form SC4 shall be used. In cases where the deceased died domiciled outside Singapore, Form SC5 shall be used;
  - (d) if a supplementary schedule of property needs to be subsequently filed for additional property or value omitted in the original submission, this shall be in Form SC6 or SC7 (for deceased domiciled in and outside Singapore respectively) and sworn or affirmed before a Commissioner for Oaths, provided that the total value of the estate remains non-dutiable; and
  - (e) if there are any amendments to the schedule of property or supplementary schedule of property, this shall be filed in Form SC8.
- (2) All the above Forms SC1 to SC8 must be printed or typed. No supporting documents are to be attached to the above Forms.

**119A. Filing of schedules of assets for estates where death occurs on or after 15 February 2008**

- (1) In relation to deaths occurring on or after 15 February 2008, two copies of Schedule of Assets listing the property comprising the estate of the deceased must be filed. One copy is to be filed under the cover of an affidavit which includes the following averment:

“The contents of the Schedule of Assets exhibited herein as [insert exhibit number] are true and accurate in every particular to the best of my knowledge and belief. The deponent does not know or have any reason to believe that any of the contents of the Schedule of Assets is false.”

- (2) A separate copy of the Schedule of Assets (without an affidavit) is to be filed with the Court. A specimen Schedule of Assets can be found in Form 41A of Appendix B of these Practice Directions.
- (3) The copy of the Schedule of Assets which is required to be filed under the cover of an affidavit may be filed under the cover of the supporting affidavit under Order 71, rule 5, of the Rules of Court. If so included, the supporting affidavit under Order 71, rule 5 shall include the averment referred to in sub-paragraph (1).
- (4) If an applicant is unable to file the Schedule of Assets at the time of the filing of the originating summons or at the time of the filing of supporting affidavit under Order 71, rule 5, the applicant may file the copy of the Schedule of Assets which is required to be filed under the cover of an affidavit under the cover of a supplementary affidavit.
- (5) Where an applicant seeks to amend the Schedule of Assets, a supplementary affidavit exhibiting the amended Schedule of Assets is to be filed with the Court. The applicant must also file a separate copy of the amended Schedule of Assets to be annexed to the grant. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (1).

- (6) Where the amendments to the Schedule of Assets are sought after the issuance of a grant, the applicant must obtain leave of Court to amend the Schedule of Assets.
- (7) No Court fees are payable for the Schedule of Assets and the affidavits filed pursuant to sub-paragraphs (1) to (5).

**119B. Security for grants of letters of administration**

- (1) A grantee of letters of administration, whether with or without a Will annexed, shall give security for the due administration of the estate by way of an administration bond and 2 sureties in the following circumstances:
  - (a) where the estate and effects in respect of which the grant is applied for, exclusive of what the deceased was possessed of or entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due or owing from the deceased, exceed the value of \$3 million;
  - (b) where there is a minority interest in the estate;
  - (c) where there is a life interest in the estate;
  - (d) where there are beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or who are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178);
  - (e) where the grantee is a creditor; and
  - (f) in such other cases as the Registrar thinks fit.
- (2) Sureties must not use protected property under section 51 of the Housing and Development Act (Cap. 129) for the purpose of justification.

**120. Applications for dispensation of sureties for grants of letters of administration**

- (1) An application for the dispensation of sureties pursuant to section 29(3) of the Probate and Administration Act (Cap. 251) shall be made by way of a summons supported by an affidavit deposed to by all the administrators and co-administrators (if any) stating:
  - (a) the date of the death of the deceased;
  - (b) the efforts made to find sureties and/or why sureties cannot be found;
  - (c) where death occurred before 15 February 2008, that estate duty is either paid, not payable, postponed or has otherwise been cleared;
  - (d) who the beneficiaries are, their shares to the estate, ages, and whether the adult beneficiaries consent to the dispensation;
  - (e) whether there are beneficiaries who are minors or beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or who are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178), the names of such beneficiaries, the relationship of the administrators and co-administrators (if any) to such beneficiaries and the steps that will be taken to protect the interests of such beneficiaries;
  - (f) whether the estate has any creditors for debts not secured by mortgage, the amount of the debt owed to them, and whether these creditors consent to the dispensation; and
  - (g) any other information which may be relevant to the application.
- (2) In cases where estate duty is payable on the estate, a letter or certificate from the Commissioner of Estate Duties confirming the fact stated in sub-paragraph (1)(c) must be exhibited in the supporting affidavit.
- (3) In cases where death occurred before 15 February 2008 and no estate duty is payable on the estate, the administrator(s) must state in the affidavit that no estate duty is payable and that the Schedule of Property Forms have been forwarded to the Court.

- (4) The consents in writing of all adult beneficiaries to the dispensation of sureties, duly signed in the presence of a solicitor or any person before whom an affidavit can be sworn or affirmed, must be filed not later than the application for dispensation of sureties.
- (5) For originating summonses for probate or letters of administration filed using the Electronic Filing Service, an application for the dispensation of sureties must correspondingly be filed using the Electronic Filing Service.

**121. Caveat searches in non-contentious probate proceedings**

- (1) The Directions in this Paragraph shall apply to non-contentious probate proceedings under Order 71 of the Rules of Court.
- (2) Every applicant for a grant under Order 71 of the Rules of Court, or his solicitors, must comply with the requirements of Order 71, Rule 5(2A), of the Rules of Court.
- (3) Prior to filing a request to extract a grant, the applicant or his solicitors must conduct a litigation search in the record of caveats for both the Supreme Court and the Subordinate Courts to ascertain if there are any caveats in force against the estate of the deceased, and the request for extraction of the grant must contain a certificate in the following terms:

“It is certified that the Probate record of caveats was searched not more than one day before the date of this request and that there are no caveats in force in respect of the estate of the deceased herein”.
- (4) For the purposes of this Direction, “grant” means a grant of any letters of representation in Singapore.



### **121A. Amended grants and re-grants**

- (1) For a petition or an originating summons for the grant of probate or letters of administration which has been filed using the Electronic Filing Service (EFS) after 15 December 2003 —
  - (a) the Registry shall issue an amended grant and indicate on the amended grant “Grant (Amendment No. 1)” or “Grant (Amendment No. 2)”, or as appropriate, if an order is made for the amendment of a grant; and
  - (b) the Registry shall issue a re-grant and indicate on the re-grant “Grant (Re-grant No. 1)” or “Grant (Re-grant No. 2)”, or as appropriate, if an order is made for a grant to be revoked and re-granted.
- (2) For a petition for the grant of probate or letters of administration filed before 15 December 2003, where an order has been made for —
  - (a) the amendment of a grant; or
  - (b) a grant to be revoked and re-granted,the grantee shall file 2 copies of a fresh grant for signing and sealing at the Registry. The fresh grant shall be printed on good quality beige coloured paper (100 gsm). The grantee shall indicate on the fresh grant “Grant (Amendment No. 1)” or “Grant (Re-grant No. 1)” or as appropriate. The practice of releasing the original grant in the court file for the grantee to make amendments thereon shall be discontinued.
- (3) In all cases where an order is made for a grant to be revoked and re-granted, the grantee shall bring into and leave at the Registry the original grant. The Registry shall mark the original grants in the court file as “Amended” or “Revoked” as appropriate.

**Form 12**

**CHECKLIST FOR ORIGINATING SUMMONS (PROBATE)**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

**IN THE ESTATE OF \_\_\_\_\_, deceased**

**Originating Summons for Probate & Letters of Administration under the Probate and Administration Act**

**(A) Contents of Originating Summons / Statement**

- (1) ( ) Correct Originating Summons Template used
- (2) ( ) Particulars of Deceased (i.e., Name, Place of Residence, Death and Domicile Citizenship, Marital Status and Religion) correctly stated
- (3) ( ) Relationship of Applicant to Deceased or Applicant's status correctly stated
- (4) ( ) Value of estate does not exceed \$3 million
- (5) ( ) Affidavit of due execution of Will (Affidavit of person(s) who interpreted contents of Will to Testator)
- (6) ( ) Appointment of Co-Administrator
- (7) ( ) Clearing of parties with prior rights
- (8) ( ) Minority Interests Clause
- (9) ( ) Delay Clause
- (10) ( ) Grant in additional name (Description on Deceased's alias name(s) – to state which is the true name and what part of the property is in the alias name)
- (11) ( ) Inclusion of clause for applications for Letters of Administration, with or without Will annexed, on whether there are beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A) or are subject to orders made under the repealed Mental Disorders and Treatments Act (Cap. 178) and the names of such beneficiaries (if any)

**(B) Documents to be filed in support of Originating Summons**

- (1) ( ) Certified true copy of Death Certificate issued by the authority from the country of death (including official translation if the document is not in the English language) or Certified True Copy of the Order of Court for presumption of death of the deceased
- (2) ( ) Original Will (including official translation if the document is not in the English language) (*Original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day.*)
- (3) ( ) Administration Oath
- (4) ( ) Certified true copy of Inheritance Certificate (for Muslim estates)
- (5) ( ) Consent of Co-Administrator
- (6) ( ) Renunciation of person(s) with prior rights
- (7) ( ) Renunciation of Executor
- (8) ( ) Certified true copy of Death Certificate of person(s) with prior rights / Beneficiary / Executor / Administrator
- (9) ( ) Affidavit of Foreign Law under Order 71, rules 16 and 25  
(Affidavit to state:
  - that Applicant has the right to file the Originating Summons
  - where there is a Will, that the Will is valid under the law of the country of domicile of the Deceased
  - for applications for letters of administration, with or without the Will annexed, the beneficiaries of the estate and the shares of minor beneficiaries))
- (10) ( ) Certified true copy of Power of Attorney
- (11) ( ) Certified true copy of Order of Court appointing Guardian under Order 71, rule 27(1)(a)
- (12) ( ) Nomination by infant under Order 71, rule 27(1)(b)
- (13) ( ) Certified true copy of Order of Court / Affidavit in respect of Grants in cases of mental or physical incapacity under Order 71, rule 29

- (14) ( ) Certified true copy of resolution under Order 71, rule 30 to be exhibited in supporting affidavit under Order 71, rule 5
- (15) ( ) Certified true copy of Order of Court admitting the Will under Order 71, rule 46
- (16) ( ) Certified true copy of previous Grants of Probate / Letters of Administration (in applications for Letters of Administration for Unadministered Estate)
- (17) ( ) Certified true copy of Will (scanned upright)
- (18) ( ) Supporting affidavit under Order 71, rule 5 (to be submitted within 14 days after the acceptance of the OS Probate and the Statement)
- (19) ( ) Interpretation clause for affidavits taken in a language other than English

I certify that I have checked the Originating Summons and accompanying documents and that they are in order.

**Solicitor for the Applicant(s) / Applicant in Person**

**Form 40**  
**PROBATE CHECKLIST**

*[Deleted]*

**Form 41**

**SUPPORTING AFFIDAVIT UNDER ORDER 71, RULE 5**

**IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE**

OS Probate No.

In the Estate of \_\_\_\_\_, deceased

**SUPPORTING AFFIDAVIT**

(a) FOR ALL OTHERS:-

I/We\*, (name(s) of applicants) (ID No. \_\_\_\_\_) of (address(es) of applicant(s)), Singapore, do make oath (or affirm) and say that:-

- (1) the Statement under Order 71, rule 5 of the Rules of Court exhibited herein and marked "A" is the same Statement generated by the Electronic Filing Service (EFS), and the contents entered into EFS and which now appear in the Statement, are to the best of my/our\* knowledge and belief in all respects true.
- (2) the documents exhibited herein and marked "B" have been accepted by the Court and the contents of the documents are to the best of my/our\* knowledge and belief in all respects true.

(b) FOR TRUST CORPORATION:-

I/We\*, (name(s) (ID No. \_\_\_\_\_) of (address(es)), Singapore, an officer of the applicant company (name of company) do make oath (or affirm) and say that:-

- (1) the Statement under Order 71, rule 5 of the Rules of Court exhibited herein and marked "A" is the same Statement generated by the Electronic Filing

Service (EFS), and the contents entered into EFS and which now appear in the Statement, are to the best of my/our\* knowledge and belief in all respects true.

- (2) the documents exhibited herein and marked “B“ have been accepted by the Court and the contents of the documents are to the best of my/our\* knowledge and belief in all respects true.

2. I/We\* further state that the applicant company is a trust corporation and that it has power to accept Grant. I/We\* have been authorised by the applicant company through a resolution of their Board of Directors. A certified true copy of the resolution under the seal of the company is filed herewith.

Sworn (or affirmed) by the )  
abovenamed on )  
this day of 20 )  
at Singapore )

Through the interpretation of (name and  
designation of person who interpreted) in  
(language of interpretation)\*

Before me,

Commissioner for Oaths

*\*Delete where inapplicable*