

GENERAL FAQ ON WILL

Who should make a Will?

You can make a Will if you are 21 years old and is of sound mind Generally, a minor (under 21 years old) may not make a Will unless he falls into the exception of a Privileged Will. If you are married, both you and your spouse should prepare a Will. If you are not married but living with someone and you want that person to benefit from your estate, it is particularly important to make a Will. This is so because the intestacy rules make no provision for unmarried partners. If you were to die intestate, your partner will receive nothing from your estate.

What is Intestacy?

If you die without making a Will or if your Will is invalid, you die intestate. Your assets will be managed by an Administrator who will appointed by the Court. Your assets will be distributed according to the Intestacy Rules, which may not be ideal or what you may have intended if you have made a Will.

Benefits of preparing a Will

1. You have the liberty to decide how your assets shall be distributed
2. You can choose the people that you are comfortable with to take care of your assets
3. The procedure for application for Grant of Probate is generally simpler. It takes an average time
4. months to successfully apply for Grant of Probate.
5. There is no need to provide guarantors for the Grant of Probate
6. It is more certain and does away with doubts and allegations that you have transferred your assets to
7. someone to hold in trust for the rest of your beneficiaries

Money in your Central Provident Fund (CPF)

Your Will does not over-rule your CPF nomination. If you have not made a nomination, please contact the CPF Board directly.

Is nomination under an Insurance Policy affected by a will?

Your Will does, generally **overrides** the nomination made under an Insurance Policy unless your nomination creates a **Section 73 of the Insurance Act** (for policies before 1 September 2009) trust or you have made a specific assignment. For policies after 1 September 2009, **Section 49L and Section 49M of the Insurance Act** will apply. You should contact your Insurers if you have queries.

How long is a Will valid?

Your Will, once properly executed is valid for an unlimited period of time unless: -

- (1) your Will is physically destroyed by you with an intent to revoke the same.
- (2) you make a new Will that revokes the old Will
- (3) you marry or re-marry, unless your Will expressly states that it is made in contemplation of that forthcoming marriage.

I am a Muslim. Do the above rules apply to me?

You come under the provisions of the Administration of Muslim Law Act. There are limitations as to the amount of the estate that you can dispose.

When is it necessary to prepare a new Will?

You may need to revise your Will under the following (non-exhaustive) reasons: -

- (1) changes in the family – a baby is born,
- (2) marriage – automatically revokes a previous Will unless your Will expressly state that it is made in contemplation of that forthcoming marriage. It is always safer to prepare a new Will upon marrying.
- (3) if you are legally separated or divorce
- (4) change in financial circumstances
- (5) if you change your name or anyone mentioned in the Will changes his name.
- (6) if an executor or trustee dies or become unsuitable to act due to age or ill-health.
- (7) if a beneficiary has passed on.

In any case, it is a good idea to review your Will at least every 3 years so that it is always up to date.