

## **Wills Act**

In Singapore, wills are governed by the [Wills Act](#), which states that a testator may devise, bequeath or dispose of his real or personal estate, via a will. The following is only a general guide to the Wills Act.

Formalities of a will:

1. The will must be committed to writing.
2. The testator must be at least 21 of age
3. The testator must sign the will at the foot of the will. If the testator is unable to do so, he may allow another person to sign it in his presence.
4. A will must be witnessed by two or more witnesses, and they must also sign the will in the presence of the testator.
5. The two main witnesses cannot be beneficiaries of the will, or spouses of the testator. A beneficiary can be a third witness.

Because of the onerous requirements, hiring a professional adviser (such as a lawyer) to devise the will is advisable.

What to include in a will:

1. A list of all of your assets. A jointly owned bank account or house cannot be devised by a will.
2. A list of all your liabilities. You must state how you want your debts to be paid off before your assets are distributed to the beneficiaries.
3. The beneficiaries (who to give the assets to) and guardians (for if the beneficiaries are too young), and how much each one is to receive.
4. The executors (to carry out your will). A beneficiary may also be the executor.
5. The advisors (lawyers, accountants, etc).
6. A revocation clause to revoke any and all previous wills.
7. A residuary clause that distributes any remainder of your estate according to your wishes. For example, if a beneficiary dies before you, the asset bequeathed to him becomes the remainder.

## **CPF Nomination**

As CPF savings are not covered under your will, if you wish to distribute your CPF savings according to your wishes, a CPF nomination can be made. Each nominee will receive a proportion as specified in your nomination. Otherwise, your CPF savings will be transferred to the Public Trustee's Office and distributed to your family members.

What to do with a will?

You do not strictly need a lawyer to write a will, though it is best to engage one. After writing one, keep a copy in a safe place and let your family members know of its existence. You should also approach the [Wills Registry](#) to deposit information of the will. This would greatly smoothen the probate process.

The information kept by the Wills Registry is strictly confidential. Access to such information will be limited to the person making the will, his or her next-of-kin and the relevant lawyers in the will-making process. Information that can be deposited includes:

- Details of the person making the will
- Date of the will
- Details of the person who drew up the will
- Details of where the will is held

Depositing information with the Wills Registry can be done on the online deposit form at <http://www.iptoonline.gov.sg> which will require your SingPass. Hardcopy forms are not accepted. A \$50 fee is incurred for deposit of information.

### **Cost of writing a will**

Engaging a lawyer to write a will involves fees. A range of fees will be charged according to the type and complexity of the will. If you choose to engage non-lawyer services to assist in writing your will, it is not true that these services are priced lower than lawyer services. Given the competitive legal market now, it is possible to engage a lawyer to write a will for approximately the same price as other will-writing services.

### **How to revoke a will?**

1. A will is generally revoked by marriage.
2. A will can be revoked by a new will, a written revocation, or by destroying the old will.

### **How a will is executed: Choosing an executor**

A will is executed by the executor. However, the executor can refuse to execute the will. Therefore, if you are making a will, it is important to consult whomever you wish to appoint as executor beforehand and obtain his consent.

The executor may be a person or a professional trust specialising in wills. The executor applies for probate and administers the estate. He will settle the deceased's debts and distribute the assets to the beneficiaries according to the will.

A will can be contested by those who dispute its validity, and a court may declare it wholly or partially invalid. It is therefore important to ensure that it complies with the provisions of the Wills Act. If no will is left behind before a person dies, his property would be distributed according to the rules of the [Intestate Succession Act](#).

Source: <https://singaporelegaladvice.com/law-articles/how-do-i-make-a-will/>