



THE STATUTES OF THE REPUBLIC OF SINGAPORE

WILLS ACT 1838

2020 REVISED EDITION

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Wills Act 1838

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An Act to declare the law relating to wills.

[8 October 1838]

Short title

- 1. This Act is the Wills Act 1838.

Interpretation

- 2. In this Act, unless the context otherwise requires —

“internal law”, in relation to any territory or state, means the law which would apply in a case where no question of the law in force in any other territory or state arose;

“personal estate” shall extend to leasehold estates and other chattels real, and also to moneys, shares of Government and other funds, securities for money, not being real estates, debts, choses in action, rights, credits, goods and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein;

“real estate” shall extend to messuages, lands, rents and hereditaments, whether corporeal, incorporeal or personal, and to any undivided share thereof and to any estate, right or interest, other than a chattel interest, therein;

“state” means a territory or group of territories having its own law of nationality;

“will” includes a testament and an appointment by will or by writing in the nature of a will in exercise of a power and also a disposition by will and testament and any other testamentary disposition.

[7/97]

Property disposable by will

3.—(1) Subject to the provisions of this Act, every person may devise, bequeath or dispose of by his will, executed in the manner required under this Act, all real estate and all personal estate which he shall be entitled to either at law or in equity at the time of his death.

(2) The power given under subsection (1) shall extend to —

- (a) all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure;
- (b) all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created or under any disposition thereof by deed or will;
- (c) all rights of entry for conditions broken and other rights of entry; and
- (d) such of the same estates, interests and rights respectively and other real and personal estates as the testator may be entitled to at the time of his death notwithstanding that he may become entitled to the same subsequently to the execution of his will.

Will of infant invalid

4. No will made by any person under 21 years of age shall be valid.

Rules as to formal validity

5.—(1) This section shall take effect notwithstanding any other provisions of this Act.

(2) A will shall be treated as properly executed if its execution conformed to the internal law in force —

- (a) in the territory where it was executed;