**Intestate Succession Act**
**(CHAPTER 146)**


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# INTESTATE SUCCESSION ACT

## (CHAPTER 146)

An Act to make provision for the distribution of intestate estates.

[2nd June 1967]

## Short title

**1.** This Act may be cited as the Intestate Succession Act.

## Application

**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.

## Interpretation

**3.** In this Act —

"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, Malaysia or Brunei Darussalam;

"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.

## 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.

## Property of intestate to be distributed

**5.** If a person dies intestate after 2nd June 1967, he being at the time of his death —

  (*a*)  domiciled in Singapore and possessed beneficially of property, whether movable or immovable, or both, situated in Singapore; or

  (*b*)  domiciled outside Singapore and possessed beneficially of immovable

property situated in Singapore,

that property or the proceeds thereof, after payment thereout of the expenses of due administration as prescribed by the Probate and Administration Act (Cap. 251), shall be distributed among the persons entitled to succeed beneficially to that property or the proceeds thereof.

## Persons held to be similarly related to deceased

**6.** For the purposes 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

    (*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:

### *Rule 1*

If an intestate dies leaving a surviving spouse, no issue and no parent, the spouse shall be entitled to the whole of the estate.

### *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*

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 the person dying intestate and such persons as legally represent those children, in case any of those 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.
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.