

Wills Act
(CHAPTER 352)

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Legislative History

WILLS ACT

(CHAPTER 352)

(Original Enactment: Indian Act XXV of 1838)

REVISED EDITION 1996

(27th December 1996)

An Act to declare the law relating to wills.

[8th October 1838]

Short title

1. This Act may be cited as the Wills Act.

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 or devise of the custody and tuition of any child by virtue of the Tenures Abolition Act 1660 [U.K. 1660 c. 24.] and any other testamentary disposition.

[24/92]

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 the age of 21 years shall be valid.

Rules as to formal validity

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

[\[24/92\]](#)

(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;
- (b) in the territory where the testator was domiciled at the time —
 - (i) when the will was executed; or
 - (ii) of his death;
- (c) in the territory where the testator habitually resided at either of the times referred to in paragraph (b); or
- (d) in the state of which the testator was a national at either of the times

referred to in paragraph (b).

[24/92]

(3) Without prejudice to subsection (2), the following shall be treated as properly executed:

- (a) a will executed on board a vessel or an aircraft of any description, if the execution of the will conformed to the internal law in force in the territory with which, having regard to its registration (if any) and other relevant circumstances, the vessel or aircraft may be taken to have been most closely connected;
- (b) a will so far as it disposes of immovable property, if its execution conformed to the internal law in force in the territory where the property was situated;
- (c) a will so far as it revokes a will which under this Act would be treated as properly executed or revokes a provision which under this Act would be treated as comprised in a properly executed will, if the execution of the later will conformed to any law by reference to which the revoked will or provision would be treated as properly executed;
- (d) a will so far as it exercises a power of appointment, if the execution of the will conformed to the law governing the essential validity of the power.

[24/92]

(4) A will so far as it exercises a power of appointment shall not be treated as improperly executed by reason only that its execution was not in accordance with any formal requirements contained in the instrument creating the power.

[24/92]

(5) In determining for the purposes of this section whether or not the execution of a will conformed to a particular law, regard shall be had to the formal requirements of that law at the time of execution, but this shall not prevent account being taken of an alteration of law affecting wills executed at that time if the alteration enables the will to be treated as properly executed.

[24/92]

(6) Where a law in force outside Singapore falls to be applied in relation to a will, any requirement of that law whereby special formalities are to be observed by testators answering a particular description, or witnesses to the execution of a will are to possess certain qualifications, shall be treated, notwithstanding any rule of that law to the contrary, as a formal requirement only.

[24/92]

(7) The construction of a will shall not be altered by reason of any change in the testator's domicile after the execution of the will.