

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

FAMILY JUSTICE COURTS PRACTICE DIRECTIONS

AMENDMENT NO. 2 OF 2023

1. It is hereby notified for general information that amendments have been made to Parts XII, XIII and Appendix A of the Family Justice Courts Practice Directions. The amendments are summarised below: -
 - (a) Amendments to Practice Direction 62 on Applications for grant of probate or letters of administration;
 - (b) Amendments to Practice Direction 67 on Filing of schedule of assets for estates where death occurs on or after 15 February 2008;
 - (c) Amendments to Practice Direction 70 on Issuance of grant;
 - (d) Amendments to Practice Direction 153 on Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service;
 - (e) Amendments to Form 51 (Statement for Probate or Administration) of Appendix A;
 - (f) Deletion of Form 52 (Certificate of Results of Caveat and Probate Application Searches) of Appendix A; and
 - (g) Amendments to Form 56 (Grants) of Appendix A.
2. The amendments will take effect on 12 April 2023 and will be reflected at <https://epd.familyjusticecourts.gov.sg> from 12 April 2023.
3. Please find attached a document reflecting the marked-up amendments to the Practice Directions.

Dated this 30th day of March 2023



KENNETH YAP
REGISTRAR
FAMILY JUSTICE COURTS

Part XII – Probate Proceedings

62. Applications for grant of probate or letters of administration

Filing of originating summons and supporting documents

...

- (2) Prior to filing the originating summons, the applicant ~~must~~ may conduct a litigation search in the record of caveats and the record of probate applications ~~and endorse a certificate in Form 52 in Appendix A to these Practice Directions on the originating summons. The search reports shall be annexed to the originating summons to ascertain if there are any caveats or previous probate applications in respect of the estate and to consider whether to proceed with the filing.~~
- (3) ~~For deaths occurring before 1 January 2015, the applicant is required to annex the search reports from the Supreme Court, Family Justice Courts and State Courts. For deaths occurring on or after 1 January 2015, the applicant is required to annex the search reports from the Family Justice Courts. The applicant is required to annex the search reports for the year in which the application for a grant is filed as well as the search reports for the years that the litigation search indicates there were applications or caveats filed with respect to the estate. For deaths occurring before 15 December 2003, the applicant must state in the Statement in Form 51, whether to the best of the applicant's knowledge, there are any caveats or probate applications in respect of the deceased's estate. The applicant is not required to state the position with respect to caveats and probate applications for deaths occurring on or after 15 December 2003.~~
- (4) The originating summons and the Statement ~~shall~~ must be submitted by entering the relevant information in the appropriate electronic form. The following documents shall be submitted at the same time as the originating summons and Statement –
 - ~~(a) a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;~~
 - ~~(b) where there is a Will, a certified true copy of the Will. (The certified true copy of the Will shall contain the certification "This is a certified true copy of the original Will of [name of deceased] dated [date]." on a covering page that is to be attached to the copy of the Will.); and~~
 - ~~(c) in the case of a resealing of a grant, a sealed certified true copy of the foreign grant.~~
 - (a) where the deceased has been issued a digitally verifiable document by the Registrar of Births and Deaths, Singapore (for example, a Digital Death

Certificate or Digital Death Extract) (hereinafter referred to in Part XII of these Practice Directions as a “Digital Death Certificate/Digital Death Extract”), a copy of the Digital Death Certificate/Digital Death Extract (unless the Electronic Filing System indicates that a copy of the Digital Death Certificate/Digital Death Extract is not required to be filed);

(b) where a Digital Death Certificate/Digital Death Extract is not available, a certified true copy of the death certificate of the deceased or a certified true copy of the Order of Court for presumption of death of the deceased;

(c) where there is a Will, a certified true copy of the Will. (The certified true copy of the Will shall contain the certification “This is a certified true copy of the original Will of [name of deceased] dated [date].” on a covering page that is to be attached to the copy of the Will.);

(d) in the case of a resealing of a grant, a sealed certified true copy of the foreign grant; and

(e) where the foreign grant is issued by the foreign court in an electronic format, the digitally verifiable sealed foreign grant downloaded from the foreign court’s website with the certification by a solicitor “The undersigned has verified that this document is the electronic sealed foreign grant downloaded from [state the foreign court’s website] and the authenticity of this document.”.

(5) Once the originating summons, Statement, ~~certified true copy of the~~ death certificate (if required under sub-paragraphs 4(a) and (b)) and certified true copy of the Will/foreign grant are filed, an electronic filing checklist will be generated and a provisional reference number will be issued. The following supporting documents (whichever may be relevant) must then be filed using the electronic filing checklist:

(a) in the case of Muslim estates, a certified true copy of the inheritance certificate;

(b) in relation to deaths occurring on or after 15 February 2008, a Schedule of Assets listing the property comprising the estate of the deceased in accordance with Paragraph 67 of these Practice Directions (if available); and

(c) any other documents in support of the originating summons required under the Probate and Administration Act (Cap. 251), the Family Justice Rules or by the Court.

(The administration oath under section 28 of the Probate and Administration Act may, however, be filed at the same time as the supporting affidavit under rule 208 of the Family Justice Rules as required by Paragraph 63.)

...

67. Filing of schedule of assets for estates where death occurs on or after 15 February 2008

...

- (3) If the Schedule of Assets is filed at the time of the filing of the originating summons or at the time of the filing of the supporting affidavit under rule 208 of the Family Justice Rules (hereafter referred to as the “supporting affidavit”), the Schedule of Assets may be included as an exhibit to the supporting affidavit. If so included, the supporting affidavit shall include the following averment:

“The contents of the Schedule of Assets exhibited herein as (insert exhibit number) are true and accurate in every particular to the best of my knowledge and belief at this time. The deponent/deponents* does/do* not know or have any reason to believe that any of the contents of the Schedule of Assets is false at this time. The deponent/deponents* undertake(s) to amend the Schedule of Assets if further information regarding the assets of the estate is obtained.”

...

- (5) ~~Prior to the issuance of a grant, an applicant may file an amended Schedule and a supplementary affidavit exhibiting the amended Schedule of Assets. The supplementary affidavit shall provide reasons to explain why an amendment is necessary, and shall also include the averment referred to in sub-paragraph (3) above. An applicant may file an amended Schedule of Assets without the permission of the court. The applicant is to file the amended Schedule of Assets with a supplementary affidavit under the document title “Schedule of Assets – Supplementary Affidavit”. In the supplementary affidavit, the Applicant is to –~~

- ~~(a) state the amendment to be made to the Schedule of Assets;~~
- ~~(b) provide reasons to explain why an amendment is necessary;~~
- ~~(c) include the averment referred to in sub-paragraph (3) above; and~~
- ~~(d) exhibit a copy of the clean version of the amended Schedule of Assets electronic form.~~

- (6) ~~Where the amendments to the Schedule of Assets are sought after the issuance of a grant, the applicant must obtain leave of Court to amend the Schedule of Assets. The application for leave to amend shall be made by way of summons. The draft amended Schedule of Assets in PDF format shall be annexed to the summons. The changes to be made to the latest version of the Schedule of Assets filed in Court should be indicated by—~~

- ~~(a) drawing a single line across the words to be deleted; and~~
- ~~(b) underlining the words to be inserted. [deleted]~~

70. ~~Caveat and probate application searches to be conducted when requesting to extract grant~~ Issuance of grant

- ~~(1) — Prior to filing a request to extract a grant, the applicant or his solicitors must conduct a litigation search in the record of caveats and the record of probate applications to ascertain if there are any caveats in force or pending probate applications in respect of the estate of the deceased.~~
- ~~(2) — The search reports shall be annexed to the request to extract a grant.~~
- ~~(3) — For deaths occurring before 1 January 2015, the applicant is required to annex the search reports from the Supreme Court, Family Justice Courts and State Courts. For deaths occurring on or after 1 January 2015, the applicant is required to annex the search reports from the Family Justice Courts. The applicant is required to annex the search reports for the year in which the request to extract a grant is filed as well as the search reports for the years that the litigation search indicates there were applications or caveats filed with respect to the estate.~~
- ~~(4) — The request to extract a grant shall contain the certificate in accordance with rule 237(3) of the Family Justice Rules.~~

With effect from 12 April 2023, an applicant is not required to file a request to extract a grant. For originating summonses filed before 12 April 2023, the applicant must file the appropriate Request in the Electronic Filing Service if the applicant requires a printed grant in addition to an electronic grant.

Part XIII – General Procedure

153. Responsibility for accuracy and completeness of information submitted using the Electronic Filing Service

...

- (2) In particular, solicitors should ensure the following:
- (a) that the title of the action generated using the Electronic Filing Service is accurate and correct;
 - (b) where an action is commenced by way of a writ of summons, that at least one nature of claim is selected that adequately represents the subject matter of the action; ~~and~~
 - (c) where an action is commenced by way of an originating summons, that either the relevant legislation under which the action is brought is provided or at least one nature of claim is selected that adequately represents the subject matter of the action-; and
 - (d) where a document submitted is a digitally verifiable document issued by the Registry of Births and Deaths, Singapore (e.g. a Digital Death Certificate or Digital Death Extract or a Digital Birth Certificate) or an electronic grant of probate or letters of administration issued by a foreign court, that its authenticity has been verified.

Consolidated, transferred or converted cases in civil proceedings

- (3) Where leave of Court has been obtained to consolidate cases or transfer a case from the Supreme Court to the Family Justice Courts or an order is made in a matter commenced by originating summons to continue as if commenced by writ, the applicant or his solicitor must inform the Registry of the order for consolidation or transfer or conversion by way of an appropriate Request through the Electronic Filing Service.

Appendix A

Form 51

R.208

STATEMENT FOR
PROBATE
OR
ADMINISTRATION

IN THE FAMILY JUSTICE COURTS OF
THE REPUBLIC OF SINGAPORE

HCF/FC/P. No.)

of 20)

In the Matter of the Probate and Administration Act (Cap. 251)

And

In the Estate of deceased

And

In the matter of an Application by (names of Applicant(s))

(a) *For Probate.*

(A) Particulars of Deceased:

The particulars of the Deceased are as follows:

1. Name:
2. ID Number:
3. Address:
4. Date of Death:
5. Place of Death:
6. Domicile:
7. Gender:

(B) Particulars of Applicant(s):

The particulars of the Applicant(s) are as follows:

1. Name:
ID Number:
Address:
Gender:

(C) General Details:

The Applicant(s) state(s) as follows:

- ~~1. The whole of the estate and effects of the deceased, movable and immovable, within the jurisdiction exclusive of what the deceased was possessed of or entitled to as a trustee for any other person or persons and not beneficially, but without deducting anything on account of the debts due or owing, [does/does not] exceed in value \$[] million to the best of the knowledge, information and belief of the Applicant(s).~~
- 1-2. The paper writing filed is a certified true copy of the original last Will and Testament (with Codicil annexed) of the deceased.

- ~~2-3~~. The Applicant is the sole executor (or one of the executors) named in the Will.
- ~~3-4~~. The application for a grant is filed within 6 months from the death of the deceased./The application for a grant is filed after the lapse of 6 months from the death of the deceased. [state reasons for the delay]*.

(D) Particulars of Executor(s) (other than Applicant(s)):

The particulars of the executor(s) other than the Applicant(s) are as follows:

1. Name:
Status:
Date of Renunciation/Death:

(b) For Administration.

(A) Particulars of Deceased:

The particulars of the deceased are as follows:

1. Name:
2. ID Number:
3. Address:
4. Date of Death:
5. Place of Death:
6. Domicile:
7. Nationality: (1)
8. Religion: (2)
9. Marital Status: (3)
10. Gender:

(B) Particulars of Applicant(s):

The particulars of the Applicant(s) are as follows:

1. Name:
ID Number:
Address:
Gender:
Relationship to the Deceased/Capacity: (4)

(C) General Details:

The Applicant(s) state(s) as follows:

- ~~1. The whole of the estate and effects of the deceased, movable and immovable, within the jurisdiction exclusive of what the deceased was possessed of or entitled to as a trustee for any other person or persons and not beneficially, but without deducting anything on account of the debts due or owing, [does/does not] exceed in value \$[—] million to the best of the knowledge, information and belief of the Applicant(s).~~
- ~~1-2~~. The application for a grant is filed within 6 months from the death of the deceased./The application for a grant is filed after the lapse of 6 months from the death of the deceased. [state reasons for the delay]*.

(D) Particulars of Beneficiaries:

The beneficiaries of the estate are as follows:

1. Name: (5)

Gender:

Age or Date of Birth:

Relationship to the Deceased:

There are no beneficiaries who lack capacity within the meaning of the Mental Capacity Act (Cap. 177A)./* Beneficiary lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A)

(E) Particulars of Spouse and Other Next-of-kin who are Deceased:

The spouse or next-of-kin who are deceased are as follows:

1. Name:

Gender:

Date of Death:

Relationship to the Deceased:

(F) Particulars of the Person(s) with Prior/Equal Rights:

The following persons have prior right to the Applicant or an equal right to a grant but the rights have been cleared off in the manner stated:

1. Name:

Manner of clearing off:

Date of clearing off:

(G) Particulars of Minor(s):

There is no minority interest in the estate./There are minority interests in the estate as follows*:

1. Name: (6)

Share Entitlement:

(H) Particulars of Co-Administrator(s):

The Applicant applies for the following person to be appointed co-administrator of the estate of the deceased:

1. Name:

2. ID Number:

3. Address:

4. Gender:

5. Relationship to the Deceased: (7)

The consent in writing of the said [name of co-administrator] to be appointed is filed with this application.

(c) Administration with Will.

In addition to Section C in (b) above, state -

~~2-3~~. The paper writing filed is a certified true copy of the original last Will and Testament (with Codicil annexed) of the deceased.

~~3-4~~. The Testator did not in the Will name any executor. / The executors named in the Will have died./The executors named in the Will have renounced probate and execution of the Will./The testator did not in the Will name any residuary legatee*.

(d) *For Administration — Unadministered estate.*

Insert the following additional section to (b) above –

(I) Particulars of Administrator/Executor in Previous Grant:

Probate/Letters of Administration of the estate of the said deceased was (were) granted to the following person(s) but the person(s) died leaving (part of) the estate unadministered:

Name:

Capacity:

Date of Death:

Previous Probate Case No:

Date of Grant:

Grant Issued By:

(e) *Administration by a trust company.*

Proceed as in (b) above but replace Section B with the following –

(B) Particulars of Applicant(s):

The particulars of the Applicant(s) are as follows:

Name:

UEN:

Registered Office Address:

Name of Authorised Officer:

ID Number of Authorised Officer:

The Applicant is a Trust Company licensed under the Trust Companies Act (Cap. 336). The Applicant company by a resolution of their board of directors have authorised the abovenamed officer to make this Statement and to make, swear and sign the Affidavit in support of the Originating Summons on their behalf. A copy of the resolution under the Seal of the Applicant company is filed with this application.

The Applicant company has been authorised in writing by [name], the [relationship and capacity] to apply for Letters of Administration of the estate of the deceased. The written authorisation is filed with this application.

Note: In an Application for probate where there is one executor or executrix only named in the Will, he or she should be described as the sole executor or the sole executrix and in an Application for Letters of Administration all persons entitled to any part of the estate should be disclosed.

At —

(1) State country e.g. Singapore, Malaysia.

(2) Religion e.g. Christian, Buddhist, Hindu, Muslim (if a Muslim state Madzhab to which he belonged).

(3) A widower, widow, spinster or bachelor.

(4) Descriptions to be used where the person applying for Letters of Administration is:

a widow

...

“the lawful widow” or, if the deceased was of a religion allowing polygamy, as “the

		only lawful widow” or “one of the lawful widows” as the case may be;
a husband	...	“the lawful husband”;
a father	...	“the lawful father and next-of-kin”;
a mother	...	“the lawful mother and next-of-kin” or “the lawful mother and only next-of-kin”;
a child	...	“the lawful and only child and only next-of-kin” or “one of the lawful children and next-of-kin”;
a brother	...	“the lawful brother”;
a sister	...	“the lawful sister”; the brother or sister shall further be described as “one of the next-of-kin” or the “only next-of-kin”;
a nephew	...	“the lawful nephew” and “one of the” or “only next-of-kin”;
a niece	...	“the lawful niece” and “one of the” or “only next-of-kin”; if a brother or sister is living and the nephew or niece being the child of a brother or sister of the intestate who died in his lifetime applies for administration, he or she shall be described as “one of the persons entitled in distribution to the estate and effects of the deceased”;
a grandparent	...	grandchild, cousin, etc., shall be described as “lawful” and “one of the next-of-kin” or “only next-of-kin”.

- (5) His only or one of the lawful widows (or her lawful husband) and state the next-of-kin (in case of children state name, sex, and age or date of birth).
- (6) Set out the minority or life interest stating the name and interest of each minor entitled.
- (7) State relationship, if any, to deceased.

(f) For Resealing in the Family Division of the High Court.

(A) Particulars of Deceased:

The particulars of the Deceased are as follows:

1. Name:

2. ID Number:
3. Address:
4. Date of Death:
5. Domicile:
6. Marital Status:
7. Gender:

(B) Particulars of Applicant(s):

The particulars of the Applicant(s) are as follows:

1. Name:

ID Number:

Address:

Gender:

Filing Capacity:

(Add the following paragraph if the applicant is an attorney –

“The Applicants have been duly authorised to make this application. The Power of Attorney has been deposited in the Supreme Court under the provisions of section 48 of the Conveyancing and Law of Property Act (Chapter 61) and a certified true copy is filed with this application. The details of the Power of Attorney are as follows:

Donor’s Name:

Date of Power of Attorney:

Entered No. of Power of Attorney:)

(C) Particulars of Foreign Grant & Original Grantee(s):

The particulars of Foreign Grant and Original Grantee(s) are as follows:

1. Nature of Foreign Grant:

2. Foreign Grant Description: [Select one of the following -

The said deceased died intestate and Letters of Administration of the estate and effects, of which a true copy is filed with this application, were duly granted to the said original grantee(s) by the foreign court.

Or The said deceased duly executed his/her last Will and Testament dated [date], and Probate, of which a true copy is filed with this application, was duly granted to the said original grantee(s) by the foreign court.

Or The said deceased duly executed his/her Last Will and Testament dated [date], and Letters of Administration with such Will and Testament annexed, of which Letters and Will a true copy is filed with this application, was duly granted to the said original grantee(s) by the foreign court.

3. Foreign Court:

4. Original Grantee:

5. Date of Grant:

(D) Other Details:

1. The said deceased [did not reside or did not carry][resided or carried] on business in Singapore within 12 months prior to [his / her] death.
2. The Applicant(s) are aware that there are [or no] debts due from the estate of the deceased to creditors residing in Singapore.

(E) The Deceased died possessed of properties in Singapore, namely:

1. [Description of Property]

(g) Probate as in (a) above, for remaining executor(s) where more than one executor.

In addition to Section C in (a) above, state -

Probate of the estate and effects of the said deceased was granted on [date of grant], to [name of executor] as [one / two / three] of the executors named in the said Will in [previous probate case number] power being reserved of making the like grant to [name of other executor] the other executor(s) named in the said Will. (A certified true copy of the grant is filed with this application.)

Form 52

[deleted]

R.208

~~CERTIFICATE OF RESULTS
OF CAVEAT AND PROBATE
APPLICATION SEARCHES~~

~~(Title as in Form 51 or as may be)~~

~~1st Certification:~~

~~A search of the probate record of caveats has been carried out immediately prior to the filing of this originating summons and there are no caveats in respect of the captioned estate.~~

~~OR~~

~~A search of the probate record of caveats has been carried out and the following caveat(s) is/are found against the captioned estate:~~

~~Caveat No.~~

~~2nd Certification~~

~~A search of the record of probate applications has been carried out immediately prior to the filing of this originating summons and there are no probate applications in respect of the captioned estate.~~

~~OR~~

~~A search of the record of probate applications has been carried out and the following application(s) is/are found against the captioned estate:~~

~~Case No.~~

Form 56

R.237

GRANTS

(Title as in Form 51)

(a) *Of Probate.*

Probate of the Last Will and Testament (dated [date of will]) (with codicils if such is the case) (dated [date of codicil]) (~~a copy of which is annexed~~) of _____ late of _____, deceased who died on [date] at _____, is granted by this Court to _____ as the sole executor (or one of the executors or as the case may be) named in the Will.

Dated:

Date of issue:

Registrar.

This form requires sealing by the Court and the signature of the Registrar.

(b) *Of Letters of Administration.*

Letters of Administration of the estate and effects of _____ late of _____, deceased who died on [date] are granted to (insert the name and character in which the Grant is taken).

Dated:

Date of issue:

Registrar.

This form requires sealing by the Court and the signature of the Registrar.

(c) *Of Letters of Administration for unadministered estate.*

_____ late of _____ deceased died intestate on [date].

Letters of Administration of his estate and effects were previously granted by the High Court/Family Justice Courts/State Courts/Subordinate Courts to (insert the name and character in which the Grant was taken) _____ who after taking such administration died on [date], leaving part of the estate unadministered.

Letters of Administration of the said estate and effects so left unadministered were granted by this Court on [date] to (insert the name and character in which Grant was taken).

Dated:

Date of issue:

Registrar.

This form requires sealing by the Court and the signature of the Registrar.

(d) *Of Letters of Administration for unadministered estate with will annexed.*

The Last Will and Testament (dated [date of will]) (with codicils if such is the case) (dated [date of codicil]) (~~a copy of which is annexed~~) of _____ late of _____ deceased, was on [date] proved in the Family Justice Courts/High Court/State Courts and Probate was previously granted to _____ the Executor (or one of the executors) named in the will who after taking such Probate died leaving the administration of the estate of the deceased incomplete and without having by his will appointed any executor.

Letters of Administration with the will annexed of the estate and effects of the deceased left unadministered were on [date], granted by this Court to (insert the name and character in which the Grant was taken).

Dated:

Date of issue:

Registrar.

This form requires sealing by the Court and the signature of the Registrar.

(e) *To an Attorney.*

As in (b) above inserting after “granted to _____” the duly constituted attorney of _____ (one of the lawful children and next-of-kin of the deceased or as may be) for the use and benefit of _____ until he shall obtain a grant of Letters of Administration to himself.

(f) *To a Guardian.*

As in (b) above inserting after “granted to _____” as the legal guardian of _____ the lawful infant children and next-of-kin of the deceased, limited until one of the infants shall obtain a grant to himself.

(g) *Of Double Probate.*

On [date], the Last Will and Testament (dated [date of will]) (with codicil(s) if such is the case) (dated [date of codicil]) ~~(a copy of which is annexed)~~ of late of _____, deceased who died on [date] at _____ was proved before this Court, and Administration of the estate was previously granted by this Court to as _____ of the executors named in the Will, power being reserved of making the like grant to _____ the other executor(s) named in the Will.

On the date stated below, the Will of the deceased (with Codicil annexed) was also proved in this Court, and that the like administration of the estate and effects of the deceased was granted by this Court to _____ the other executor(s) named in the Will.

Dated:

Date of issue:

Registrar.

This form requires sealing by the Court and the signature of the Registrar.