

IN THE SUPREME COURT OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTION NO. 3 OF 2003

**ENHANCEMENTS TO ELECTRONIC FILING FOR
PROBATE PROCEEDINGS**

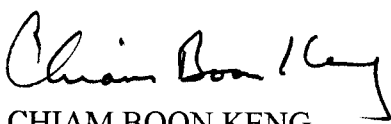
With effect from 14 April 2003, enhancements will be made to the Electronic Filing Service (“EFS”) for probate and administration proceedings. This Practice Direction sets out the procedure to be complied with in respect of petitions for probate, letters of administration or resealing of grants filed on or after 14 April 2003.

2. Paragraph 43FFF of the Practice Directions has been amended to provide for the filing of petitions for probate, letters of administration or resealing of grants by completing and submitting an electronic template, without the need to file these documents in Portable Document Format. It also provides for the submission of a separate affidavit verifying petition, the original death certificate, the will, and the inheritance certificate (where relevant) with the electronic filing of the petition or up to 7 days thereafter. In addition, it requires a checklist to be filed with each petition filed on or after 14 April 2003.

3. This Practice Direction will come into effect on 14 April 2003.

4. This Practice Direction should be included in *The Supreme Court Practice Directions (1997 Ed.)* immediately before the first page of the table of contents. Instructions for effecting the amendments to *The Supreme Court Practice Directions (1997 Ed.)* are contained in the Appendix hereto.

Dated this 2nd day of April 2003.



CHIAM BOON KENG
REGISTRAR
SUPREME COURT

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- (10) The fees payable for the filing of the written Cases are found in items 63, 63A, 71D(1)(c) and 71D(2)(c). The fees payable for the filing of the appeal bundles using the electronic filing service are found in items 71D(1)(c) and 71D(2)(c) of Appendix B to the Rules of Court. When the core bundles and supplemental core bundles are tendered at the Registry pursuant to sub-paragraph (6), the Registry staff will state on the top right hand corner of the bundle the exact amount of court fees payable under Order 90B of the Rules of Court. The parties will then pay the court fees as indicated.

43DDD. Filing of praecipes for caveats against arrest or release pursuant to Order 70 of the Rules of Court

A praecipe for a caveat against arrest under Order 70 Rule 5 (Form 158) and a praecipe for a caveat against release and payment under Order 70 Rule 13 (Form 162) should contain the name of *only* one property and one caveator.

43EEE. Bankruptcy proceedings

All specified documents filed with, served on, delivered or otherwise conveyed to the Registrar in respect of the bankruptcy proceedings shall be filed using white-coloured paper regardless of whether the specified documents are filed, served, delivered or otherwise conveyed by electronic transmission or via the service bureau.

43FFF. Petitions for grants of probate, letters of administration or resealing of grant

- (1) A petition for the grant of probate, letters of administration or resealing of grant under Order 71 Rule 5 of the Rules of Court, filed on or after 14 April 2003, shall be submitted by entering the relevant information in the appropriate electronic template without attaching the document in the PDF format. It shall not be necessary for a petition filed on or after 14 April 2003 to be signed. Any petition filed on or after 14 April 2003 must also be accompanied by a checklist as prescribed in Form 14F of Appendix B, which

shall also be duly completed and submitted by the filing party by entering the relevant information in the appropriate electronic template.

- (2) The following supporting documents (whichever may be relevant) must be electronically filed in the same submission as related documents, but separately from the petition and checklist:
 - (a) in all cases, a certified true copy of the death certificate of the deceased;
 - (b) where there is a will, a certified true copy of the will;
 - (c) in the case of a resealing of grant, a certified true copy of the foreign grant;
 - (d) in the case of Muslim estates, a certified true copy of the inheritance certificate; and
 - (e) any other documents in support of the petition required under the Probate and Administration Act (Cap 251, 1999 Edition), the Rules of Court or by the Court.

The original death certificate, original will and original inheritance certificate and certified true copy of the foreign grant (if any) must then be submitted to the Probate Counter by 4.30 p.m. on the next working day after the electronic filing of the petition for verification. Where the original will has been retained in the custody of a foreign court, then a certified true copy of the will by that foreign court must be submitted in place of the original. After verification, the original will shall be retained by the Probate Counter in order to comply with Order 71 Rule 47A.

- (3) The filing of an uncertified copy of the will in A3 size shall no longer be required.
- (4) Order 71 Rule 5(1) of the Rules of Court provides that a petition for the grant of probate, letters of administration or resealing of grant must be verified by an affidavit of the petitioner. For petitions filed on or after 14 April 2003, the affidavit (called the “affidavit verifying petition under Order 71 Rule 5”) shall be filed as a separate document from the petition, be in the prescribed format in Form 14G of Appendix B and state that the petitioner

deposes to the truth of the contents of the petition. The affidavit verifying petition should be affirmed and filed in the same submission as the petition. However, if it is impracticable to do so, the affidavit verifying petition may be submitted not later than 7 days after the acceptance of the petition by the Court.

- (5) Where a party seeks to substitute the name of the administrator(s) or add in further administrator(s), or rectify any errors in the petition following the grant, an application must be made by way of a summons-in-chambers to amend the petition. The proposed amendments to the petition should be annexed to the summons-in-chambers application. Where the application is granted, the party shall file the amended petition in PDF format within 14 days of the order or such time as may be permitted in the order of court granting leave to amend. The relevant amendments shall also be correspondingly entered into the electronic template by the filing party at the same time that the amended petition is filed, in accordance with sub-paragraph (6). In the case of a substitution of administrator(s) or addition of further administrator(s), then a fresh affidavit in support of the petition must be filed together with the amended petition, by each of the administrators named in the amended petition. The new grant shall not be extracted until after the filing of the amended petition and affidavits, if any, as well as the entry of the relevant amendments into the electronic template.
- (6) If the document which is amended and filed in court (“the amended document”) is a document which was originally filed in court by entering the relevant information in an electronic template, then any amendments to the relevant information shall be entered into the electronic template by the solicitor at the same time as the amended document is filed.
- (7) In an application for the dispensation of sureties, a supporting affidavit in accordance with paragraph 83A will have to be filed and the necessary consents to dispensation, certificate from the Commissioner of Estate Duty and all other exhibits must be bookmarked and

hyperlinked in the affidavit in a manner described in paragraph 43W(7).

- (8) The Court may reject any document which does not comply with the above directions.

43GGG. Instruments creating power of attorney

- (1) With effect from 28 May 2002, a praecipe need not be filed for an application to deposit an instrument creating a power of attorney under Order 60, Rule 6 of the Rules of Court. Instead, the instrument and other supporting documents, if any, are to

(The next page is page 52GGG).

14F.

Para 43FFF(1)

CHECKLIST FOR PETITION

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

IN THE ESTATE OF

deceased

Date of Filing:

Petition for Probate, Letters of Administration and Resealing of Grant under the Probate and Administration Act

(A) Petition

- (1) () Relevant Petition Template used
- (2) () Value of estate does exceed \$3 million
- (3) () Value of estate does not exceed \$3 million
- (4) () Affidavit of due execution of Will (Affidavit of person who interpreted contents of Will to testator)
- (5) () Appointment of Co-Administrator
- (6) () Clearing of parties with Prior Rights
- (7) () Delay clause

(8) () Grant in additional name (Description on deceased alias name – To state which is the true name and what part of the property are in the alias name)

(9) () Interpretation clause (To state language / dialect of interpretation)

(B) Documents to be filed in support of the Petition for Probate, Letters of Administration and Resealing of Grant under the Probate and Administration Act

(1) () Original certificate of extract issued by the Registrar of Births & Deaths or death certificate issued by the authority from the country of death (including translation if the document is not in the English language) *(Original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day)*

(2) () Original Will (including translation if the document is not in the English language) *(Original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day)*

(3) () Original copy of the Foreign Grant *(Original hardcopy to be submitted to probate Counter by 4:30 pm of the next working day)*

(4) () Certified True Copy of the Foreign Grant *(Original hardcopy to be submitted to Probate Counter by 4:30 pm of the next working day)*

(5) () Administration Oath

- (6) () Original Inheritance Certificate (for Muslim estates) (*Original hardcopy to be submitted to Probate Counter by 4:30pm of the next working day*)
- (7) () Consent of Co-Administrator
- (8) () Renunciation of person(s) with prior rights
- (9) () Renunciation of Executor
- (10) () Certified true copy of Death Certificate of person(s) with prior rights / beneficiary
- (11) () Affidavit of foreign law – Order 71 Rule 16 and Rule 25 (Affidavit to state that Petitioner has the right to Petition under the law of the country of domicile)
- (12) () Certified true copy of Power of Attorney
- (13) () Certified Order of Court appointing guardian under Order 71 Rule 27(1)(a)
- (14) () Nomination by infant under Order 71 Rule 27(1)(b)
- (15) () Order 71 Rule 29 – Order of High Court / Affidavit – Grants in cases of mental or physical incapacity
- (16) () Order 71 Rule 30 – Certified true copy of resolution
- (17) () Order 71 Rule 46 – Certified true copy of Order of Court admitting the Will
- (18) () Certified true copy of previous Grants of Probate / Letters of Administration (in applications for Letters of Administration De Bonis Non)

- (19) () Certified true copy of A4 Will
- (20) () Affidavit of the Petitioner verifying Petition (to be submitted together with the
Petition, or not later than 7 days after acceptance of the Petition by the Court)
- (21) () Certified Order of Court for Presumption of Death

I certify that I have checked the Petition and accompanying documents and that they are in
order.

Solicitor for the Petitioner(s) / Petitioner in Person

14G.

Para 43FFF(4) **AFFIDAVIT VERIFYING PETITION UNDER ORDER 71 RULE 5**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Probate No.

In the Estate of

deceased

AFFIDAVIT OF PETITIONER*(S) VERIFYING PETITION

*I/We, (name(s) of petitioner(s)) (ID No.) of (address(es) of petitioner(s)), Singapore, *(the Petitioner*(s)/an officer of the Petitioning Company duly authorised for this purpose), do make oath (or affirm) and say that the contents as stated in *my/our Petition for Grant of (nature of grant) filed on (date), are to the best of *my/our knowledge and belief in all respects true.

Sworn (or affirmed) by the)
abovenamed on)
this day of , 20)
at Singapore)

*Through the interpretation of
in (language of interpretation)

Before me,

Commissioner for Oaths