

SINGAPORE GOVERNMENT PRESS STATEMENT MC.DE.80/65(LAW)

38

SPEECH BY THE MINISTER FOR LAW, MR. E.W. BARKER,
WHEN MOVING THE SECOND READING OF THE PROBATE AND
ADMINISTRATION (AMENDMENT) BILL IN PARLIAMENT ON
FRIDAY, 31ST DECEMBER, 1965.

Mr. Speaker, Sir, I beg to move that the Bill be read a second time.

After Singapore became a sovereign Republic independent of Malaysia certain amendments have become necessary to the Probate and Administration Ordinance and these are contained in clauses 2,3,4,6,7,11 and 15 of the Bill. The opportunity has also been taken to make other long awaited amendments to fill in some gaps in the law relating to Probate and Administration.

At common law the personal estate of an intestate in England vested in the Church and realty vested in the heir-at-law till letters of administration were granted. The Administration of Estates Act, 1925, of the United Kingdom, which is not applicable in Singapore, vests the real and personal estate of an intestate, until administration is granted, in the Probate Judge. In Singapore, it is assumed that the estate of an intestate vests in all the judges of the High Court pending the grant of administration. Clause 5 will clarify the legal position by vesting the estate on an intestate in the Chief Justice between the death of the intestate and the grant of administration.

Clause 8 proposes to add to section 54 of the Ordinance a proviso to make it clear that the Official Assignee can in urgent cases apply for Letters of Administration within six months of the death of the deceased. At present, it would appear that he has to wait till six months have elapsed from the death of a deceased person before applying for Probate and Letters of Administration.

Clauses 9 and 10 propose to introduce detailed provisions for the administration of the assets of a deceased person whether the estate is solvent or insolvent at the death of the deceased and to provide for ^{the} manner in which charges on the property of the deceased are to be paid. These provisions are taken from the United Kingdom Administration of Estates Act, 1925. They also appear in the Probate and Administration Ordinance, 1959 of the Federation of Malaya.

Under section 60 of the Probate and Administration Ordinance the Official Assignee may administer the estate of any person who dies leaving property in Singapore not exceeding \$2,000 in value as though letters of administration had been granted to him. Since the introduction of the Central Provident Fund Ordinance and other legislation for the benefit of the workers most people in Singapore die leaving property worth more than \$2,000. Clause 12 provides for the summary administration of estates not exceeding \$10,000 in value by the Official Assignee.

Clause 13 proposes to give the Official Assignee power to pay for a minor's maintenance, education or benefit out of property not exceeding in value \$10,000 held by him upon trust for such minor out of income or capital in his sole discretion. At present, the Official Assignee has power to pay for a minor's maintenance, education and benefit when the property so held by him does not exceed \$1,000. Clause 13 also gives the Official Assignee exemption from the necessity of giving notice of distribution of property of less than \$5,000 but such exemption will not free the Official Assignee from any obligation to make the usual searches.

Clause 14 enables the Official Assignee to conclude the administration of an estate within a reasonable time by paying the undistributed funds to the Public Trustee.

The Bill has been referred to the Singapore Bar Committee, who support its provisions.

Sir, I beg to move.