

When A Death Occurs

*A Guide to
Practical
Matters*



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Published by



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Introduction

The death of a loved one can hit us suddenly or unexpectedly. Many people are unprepared and unfamiliar with the tasks awaiting them after the death of a loved one. The information included in this book is intended to help you prepare and address the practical tasks that arise after a death.

We collated information from various sources in order to introduce you to the processes of planning a funeral, complying with legal requirements after a death, and managing the deceased's estate. Basic information is provided with references to further readings if you require more details. As the book is solely to further your understanding of this matter, professionals should be approached for further assistance.

The section on 'Legal Matters Related to a Death' will cover administrative matters after a death. In dealing with the deceased's estate, the section on 'Estate Matters' is applicable to non-Muslims while the section on 'If The Deceased is a Muslim' is intended to assist Muslims. A glossary of common legal terms used is provided at the end of this book.

In addition to the bereaved, this book is also useful to those who are supporting the grieving family - relatives, friends, colleagues, grassroots volunteers, faith leaders, and helping professions.

Some may choose to read all the chapters and sections to get an overview of practical matters after a death occurs. Others may want to refer to relevant sections for specific information. We have also included a glossary of terms for your easy reference. For further help with bereavement, please refer to the list of community service providers at the end of the book.

The information contained in this book is accurate at the time of printing. It is important to refer to the websites of the relevant agencies for updated information as regulations, legislations and infrastructure related to death services may change over time.

Beyond tips for practical matters available in this book, tips for managing your grief may be helpful. We suggest this book to be used with another publication of Singapore Hospice Council - *Caring for Yourself and Others After a Death*.

Ebook copies of *Caring for Yourself and Others After a Death* and *When a Death Occurs - A Guide to Practical Matters* can be downloaded at library.singaporehospice.org.sg.

Do share with us on your experience using the book. Please write to us at info@singaporehospice.org.sg.



CHAPTER 1

Planning a Funeral

INTRODUCTION

Planning the funeral of your loved one while managing your own grief can be a profound experience. Funerals are intended for both the living and the departed. Depending on different belief systems, funerals can be a set of rituals to convey the deceased to the next world, and/or a gathering to bid farewell to the loved one. It is an event that helps the living to acknowledge the permanent physical loss of a loved one. While death is an end to a physical life, it is not an end to a relationship.

A funeral, simple or elaborate, brings people together to honour a deceased's life and provide support as a community to the bereaved. Below are some aspects of funeral planning we hope you will find helpful. Do keep in mind that the law in Singapore requires that all deaths to be registered with the Immigration and Checkpoints Authority (ICA) Registry of Births and Deaths within 24 hours of occurrence.

WISHES OF YOUR LOVED ONE

Before you start planning the funeral of a loved one, it is important to check if he/she has left any instructions or expressed any wishes on how the funeral should be conducted.

Some individuals who are more comfortable in planning their own funeral may have engaged a funeral company and made preliminary plans. They may have also discussed the arrangement with their family members. Discussion before the death occurs and pre-arrangement are useful to guide the family in organising the funeral.

WHEN MANY PARTIES ARE INVOLVED

In many cases, the deceased could be well respected and loved by many people. Sometimes, people show their final respect and love for the deceased by contributing to the planning of the funeral. When there are many parties involved in the process, disagreements may arise, especially during such times of intense emotions of grief.

When this happens, it is important to take into consideration the values and beliefs of the deceased and what he/she would have wished for. All parties involved can focus on being inclusive, acknowledging that different people have different ways to remember and honour the deceased.

CHOOSING A FUNERAL COMPANY

Funeral directors are professionals you can approach to plan a funeral. If you don't have a funeral company in mind yet, you can check the list of members of The Association of Funeral Directors Singapore (<https://afd.org.sg/>) or ask friends and relatives for recommendations.

Take note that funeral companies work with third-party suppliers to meet your requirements and may bundle their service in different ways. In addition, some may specialise in organising funerals for specific spiritual traditions while others are better able to tailor the funeral service according to the requirements of their clients. Let your appointed funeral company know of any specific requirements you may have that

are important to you. Choose a company that you are confident will carry out the wishes of your loved one and your family.

MANAGING THE COSTS OF A FUNERAL

Different families have different needs for funeral services. There is no one size that fits all. Here are some aspects to consider when managing the costs of a funeral:

- Have a budget in mind. Venue and duration of wakes are some of the factors that determine the overall cost.
- Discuss with your family how the costs of the funeral will be covered.
- Ensure that the services provided in a funeral package is sufficient to meet your requirements.
- Ask for a price list or cost breakdown from the funeral companies to decide which services and items are essential. Ensure the estimates provided are inclusive of taxes.
- Work out the costs of other essential services and products not provided by the funeral companies.
- Put aside additional funds for out of pocket expenses.
- Don't be pressured to make choices beyond your means. Ask for more options from the funeral directors.
- Remember that the funeral is not the only time and way to honour your loved one.
- Pro-bono funeral service may be available for vulnerable individuals with little social support, e.g. low-income families with young dependents. Approach a social worker in any healthcare institution or social service organisation to ask for assistance with a simple and decent funeral.

OTHER CONSIDERATIONS

Planning a funeral wake or service in Singapore is not only influenced by our faiths and beliefs, but also changing lifestyles, the provision of related infrastructure e.g. funeral parlours, burial sites and columbarium services, licensing and regulatory requirements. For example, families frequently

choose to hold a funeral at the void deck of a HDB block of flats and not within these high-rise apartments due to space constraint. As there is no statutory entitlement for compassionate leave in Singapore, and against a cosmopolitan backdrop, the length of the traditional Chinese wake and period of mourning has shortened over time. The exhumation of graves which have met the minimum burial period of 15 years also affects the practice of interment among some ethnic and faith groups. Some families have started holding memorials instead of wakes.

Wakes and services can be tailored according to your wishes and wishes of the deceased. Some families have chosen to be more inclusive and would incorporate the practice of different faith traditions in a funeral e.g. by scheduling prayers at different times or displaying installations from different religious groups. Rituals have different significance across different generations and each generation may have their own interpretations of these traditions.

If it is in your custom to hold a wake, you will need to decide the location and the duration of the wake. Besides taking into consideration the wishes of the deceased, think about who might attend the wake/service, the accessibility of the location, the availability of family members, relatives, and friends to support the overnight vigils.

If the wake is to be held at a void deck, a permit has to be obtained from that particular Town Council; if the wake is to be held in a landed property and it is necessary to use part of the road outside the house, a permit has to be obtained from the Land Transport Authority.

Visitation by friends, colleagues, families and loved ones during a funeral helps the bereaved family know that they are not alone at that time of the loss. A funeral service hall within the community can help bring the network of people together in support of one another.

HONOURING YOUR LOVED ONE

Honouring a loved one involves remembering the person that he/she was. Here are some suggestions on how to add that personal touch to a funeral:

- Use the deceased's favourite photo of himself/herself. This could be chosen in advance;
- Use his/her favourite flowers;
- Share pictures or videos of him/her with other family members and friends;
- Use his/her favourite hymns or prayers (for those with a spiritual tradition);
- Read or display an excerpt that had special meaning to him/her;
- Play his/her favourite songs/music;
- Invite friends and relatives to give eulogies;
- Make donations to a cause he/she had cared about; and/or
- Put aside time during the funeral to share significant moments of his/her life, his/her accomplishments, talents and interests.

This is not an exhaustive list. You can think of other ways to honour the life of your loved one.

BURIAL OR CREMATION

The body of your loved one may be buried or cremated depending on the wishes of the deceased and family members. Your appointed funeral director will be able to assist you in arranging for the cremation or burial. If you prefer, you may obtain the permit for cremation or burial from the National Environment Agency (NEA) ePortal (<https://www.eportal.nea.gov.sg/category/After-Death>).

If the body of your loved one is cremated, you will need to decide whether to keep the ashes at a columbarium, scatter at sea or keep at home.

MANAGING YOUR GRIEF DURING THE FUNERAL

Different individuals may have different reactions during a loved one's funeral. Remember:

- Crying is one of the natural responses to grief. Give permission to

yourself and your family members to cry.

- Some people may not cry during the wake or funeral of a loved one. That is normal too.
- Be open to ask for help and receive support from others. This support can come in many forms. Someone could be there to sit quietly with you, listen to you, run errands, or contribute financially.
- Some visitors may be curious or express concern by asking questions about the death. You can share as much or as little as you want. Don't feel pressured to share more than what you are comfortable with.
- Some might avoid talking about the death to protect your feelings. If talking about the death is what you would like to do, look for others who might be ready to be a listening ear.
- Grief and the physical toll of organising a funeral may lead to various physical reactions such as changes in sleep and appetite, fatigue and increase the likelihood of getting ill. Try to eat regular meals and get adequate rest as much as possible.
- Funeral directors, the medical team, religious leaders, neighbours, friends, family, and others can be your sources of support in different ways. Do not be afraid to ask for guidance or help.

IF THE DEATH HAPPENED OVERSEAS

The body of a Singapore Citizen or a Permanent Resident can be brought back to Singapore for cremation or burial after embalming. Alternatively, cremation of the deceased can be done in the country of demise and the ashes flown back to Singapore. The body of a foreigner can be brought to Singapore for cremation. Burial of a foreigner in Singapore is permitted only if the immediate next-of-kin is a Singapore Citizen or Permanent Resident. Not all funeral companies offer the service of repatriation of body or remains. Check if your appointed funeral director is able to assist you in the necessary procedures.

CHAPTER 2

Legal Matters Related To A Death



DEATH MATTERS

There are several administrative issues to be settled after the death of a loved one. This includes death certification, obtaining the Death Certificate Number, downloading the digital Death Certificate and making funeral arrangements.

ASCERTAINING DEATH

Certification of Death

A death in Singapore will be automatically registered in ICA's system once a doctor certifies the death online. In this section, two common situations are covered –

(a) Where death occurs at home

Family members can contact their family doctor or a neighbourhood doctor who conducts house visits to examine the body. The doctor will have to verify the deceased identity, examine the body for injuries and confirm that the deceased is clinically dead. Once the doctor certifies the death online, the death will automatically be registered. A Death Certificate Number will be given to the family.

(b) Where death occurs in a hospital/hospice

The confirmation of death and online registration will be done by the doctor after verification of the deceased identity. His/her family members will be given a Death Certificate Number by the ward nurse.

Once the CCOD has been obtained, the family can proceed to register the death and may at the same time engage a funeral company if they wish to make funeral arrangements. The funeral company will assist in collecting the body from the home or hospital/hospice, send the body for embalming (if required) and deliver the body to the location of the wake/funeral.

If a doctor is unavailable

Where death occurs outside the home or a hospital/hospice, a doctor may not be immediately available. In such situations, family members can call the police for assistance. The police will arrange for the body to be sent to the Mortuary@HSA where an examination of the body can be conducted.

Upon arrival at the scene, the police will first have to take steps to conduct further investigations such as cordoning off the area and interviewing persons at the scene before the body of the deceased can be brought to the Mortuary@HSA. Further information on what happens at the Mortuary is covered below and in the Frequently Asked Questions (FAQ) section.

If the doctor is unable to certify the cause of death

Coroner: A person appointed by the President of Singapore to confirm the death of a person. The Coroner may also, among other powers, order an investigation, inquiry, post-mortem examination or burial/cremation.

If the doctor is unable to certify the cause of death, he/she may refer the case to the police for the body to be brought to the Mortuary@HSA, where further investigations will be conducted to determine the cause of death.

The police will inform the family if they need to be present at the mortuary and when to claim the body. The Coroner is a person appointed to investigate into sudden and unnatural deaths and deaths where the cause is unknown. The Coroner will review the case and determine if an autopsy is needed. The family will then be informed of the Coroner's decision. An autopsy is usually necessary where the death has occurred without any known reason or is suspected to be due to unnatural causes such as suicide or murder.

If an autopsy is required, and the autopsy reveals that the death was unnatural, the police will conduct further investigations. The family members of the deceased will have to attend a Coroner's Inquiry at the State Courts. In the event of an unnatural death, the family will have to wait until all investigations are completed before the body can be claimed for burial/cremation.

Q: What is the Mortuary@HSA?

A: Mortuary@HSA is a mortuary governed by the Health Science Authorities in Singapore. At the Mortuary@HSA, the Forensic Medicine Division of the Health Science Authority will conduct further investigations to provide input into the cause of death.

For more information, please see:

<https://www.hsa.gov.sg/about-us/applied-sciences/forensic-medicine>.

Q: What happens during a Coroner's Inquiry?

A: A Coroner's Inquiry – governed by the Coroners Act (Cap 63A, Rev Ed 2012) – is an inquiry conducted by a Coroner into the circumstances leading to a death. The aim of the inquiry is to find out:

- the deceased's identity;
- how the deceased died; and
- where did the deceased come by his/her death.

Under certain circumstances, a Coroner's Inquiry is compulsory, such as where a death had occurred under suspicious circumstances. A Coroner's Inquiry is usually held in an open court. At the end of it, the Coroner will record his/her findings. Afterwards, the Coroner shall forward a copy of the certificate to the Registrar-General of Births and Deaths and the Public Prosecutor. The findings of the Coroner will also be made known to the family after the conclusion of investigations.

Please visit <https://www.agc.gov.sg/legal-processes/coroner's-inquiry> for more details.

OBTAINING THE DEATH CERTIFICATE

The Death Certificate is a document that is used to prove the death of the deceased. The Death Certificate allows for the burial or cremation of the body and will be required by institutions e.g. banks, insurance companies etc. when dealing with the deceased's estate.

All deaths occurring in Singapore must be registered within 24 hours with the Registry of Births & Deaths.

To retrieve the digital Death Certificate:

- i. Visit My Legacy portal (mylegacy.life.gov.sg)
- ii. Select 'Death Certificate'
- iii. Log in via your Singpass or download without Singpass by entering your personal details in the fields provided
- iv. Enter the deceased's *ID number (used for death certification)*, *Death Certificate Number (provided by the certifying doctor)* and the *date of death* to retrieve the digital Death Certificate
- v. Download and store the digital Death Certificate in your personal device

The digital Death Certificate will be available for download (no maximum limit) up till 30 days from the date of death. The deceased NRIC will automatically be invalid once the death is registered. Family may wish to punch a hole or cut the physical NRIC to prevent misuse.

Family can proceed to engage a funeral company who will assist in collecting the body from the home or hospital/hospice, send the body for embalming (if required) and deliver the body to the location of the wake/funeral.

The death will be registered at the Mortuary@HSA if the body was sent there. The Death Certificate Number will be issued and family can enter the required information on My Legacy portal to access the digital Death Certificate.

For more information, please visit <https://www.nea.gov.sg/our-services/after-death/post-death-matters/when-death-occurs>.

Q: What is the importance of the Death Certificate?

A: The Death Certificate is needed to make funeral arrangements.

The Death Certificate is also the document that provides evidence of the deceased's death. Banks and other such institutions will require a copy before allowing the family to handle the deceased's estate.

Q: What happens if I lose the Death Certificate?

A: If the Death Certificate is lost or damaged, a Death Extract can be applied for from the Registry of Birth and Deaths located at the ICA Building. A Death Extract is a certified true copy of the Death Certificate.

For more information, please visit: https://www.ica.gov.sg/documents/death/apply_extract.

Q: How can I arrange for burial/ cremation of the deceased?

A: The burial/cremation permit has to be obtained. With the digital Death Certificate, the next-of-kin may authorise a person (such as a Funeral Director) or directly apply for a Permit to Bury (PTB) or Permit to Cremate (PTC) online via NEA's ePortal (<https://www.eportal.nea.gov.sg/>). With the PTB/PTC, the next-of-kin could then apply for a burial and cremation slot.

Documents required for burial or cremation permit include:

- Digital Death Certificate, religion, place of cremation/burial
- Next-of-kin and applicant identification, e.g. NRIC, passport
- Letter of authorisation (if applicant is not next-of-kin)

Arrangements such as the type of coffin, grave headstones or tombstones, funeral wreaths etc. can be arranged through a funeral company.



CHAPTER 3

Estate Matters

The personal representative handles and administers the Estate of a deceased. Before the personal representative can distribute any asset(s), he/she must pay all of the deceased's outstanding debts and liabilities from the Estate, including funeral and other expenses incurred in carrying out his/her duties.

Personal Representative: An Executor or Administrator of the estate of a deceased person. A personal representative owes duties to the beneficiaries of the estate; failure to properly manage the estate could cause the personal representative to be sued.

ASSETS THAT CANNOT BE DISTRIBUTED THROUGH A WILL

Not all of the deceased's Estate may be distributed by his/her will. These assets are the deceased's CPF monies, joint assets, and insurance benefits. The distribution of such assets is described below (CPF monies, joint assets, and insurance claims/benefits).

CPF Monies

The deceased can decide how to distribute his/her CPF monies when he/she was alive.

He/she has to complete a nomination form at CPF in favour of person(s) during his/her lifetime.

If there is a nomination, nominated beneficiaries aged 18 years and above will receive the monies directly from the CPF Board. The CPF Board will send the CPF monies of nominated beneficiaries under 18 years of age to the Public Trustee's Office, who will hold the nominated CPF money on trust for such minors until they reach the required age, where the money will then be distributed. However, this does not apply to widows who are below 18 years of age.

Public Trustee: The Public Trustee comes from the Public Trustee's Office under the Ministry of Law in Singapore. The Public Trustee deals with administering the Estate of deceased persons (where its value does not exceed \$50,000), compensation in motor accidents and maintains the Wills Registry.

Estate: The "Estate" of the deceased refers to assets owned by the deceased - such as property, money, and any items of material value - minus the debts and liabilities of the deceased.

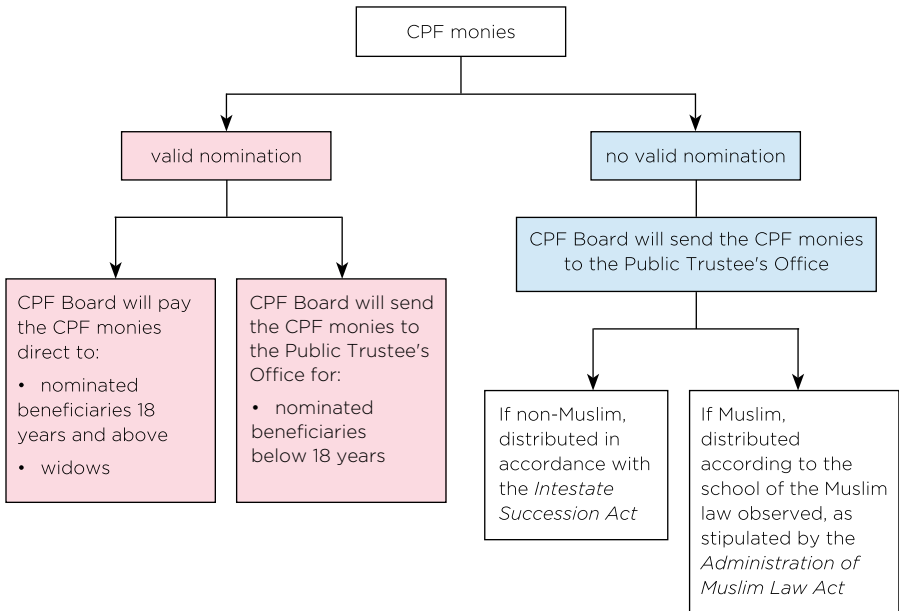
If there is no nomination, the CPF Board will send the deceased's CPF monies to the Public Trustee's Office, who will, for a fee, distribute these monies according to the Intestate Succession Act (Cap 146, Rev Ed 2013). Each eligible beneficiary will need to make an application and submit their supporting documents to the Public Trustee's Office for direct disbursements to them.

For cases where the un-nominated CPF monies do not exceed \$10,000, a Beneficiary Representative (BR) may be appointed to make one consolidated claim on behalf of all eligible beneficiaries. Under

this simplified procedure, the BR is required to first seek the agreement and consent of all other beneficiaries before submitting an application to the Public Trustee's Office with the relevant documents. More information on the BR approach can be found at <https://go.gov.sg/pto-cpf-br>.

Generally, if the death has been registered, the CPF Board will be notified. The CPF Board will then notify the family on the necessary steps to be taken. Otherwise, an online application for the administration of CPF monies can be made using SingPass, following the steps at <https://eservices.mlaw.gov.sg/ipto/forms/pto/pto-home.form>.

If the deceased was a Muslim, the Administration of Muslim Law Act (Cap 3, Rev Ed 2009) requires that the CPF monies be distributed by the Public Trustee in accordance to the school of Muslim law that the deceased observed in his/her lifetime.



JOINT ASSETS

Some examples of joint assets are flat(s) or landed property, bank account(s) and safe deposit box(es).

Property

Housing properties are commonly owned jointly. The Certificate of Title can register the owners as either joint tenants or tenants-in-common.

Joint Tenancy	Tenancy-in-Common
Each of the co-owners own the whole property.	Each of the co-owners own separate and distinct shares in the flat.
Upon the death of one owner, the surviving owner(s) becomes the owner(s) of the whole property.	The deceased owner's share in the property passes to his/her Estate.
Upon the death of a co-owner, the surviving co-owner(s) can deal with the property.	Upon the death of a co-owner, the property cannot be dealt with until the personal representative of the deceased co-owner has been appointed.
<i>Example:</i> A and B own a flat under joint tenancy. When A dies, the surviving joint tenant, B, will take the entire entitlement in the flat. B will become the sole owner of the flat, even if A had attempted to pass on his/her share by providing for it in his/her Will.	<i>Example:</i> A and B own a flat under tenancy-in-common with 60% and 40% respectively. When A dies, A's 60% share ownership in the flat will go to his/her Estate, to be distributed according to his/her Will, or, in the absence of a Will, the Intestate Succession Act.

Upon the death of a joint owner, the remaining joint owner(s) of an HDB Flat will have to lodge the Notice of Death with the Singapore Land Authority either personally, through an appointed solicitor, or through HDB Branch's legal services. Please visit <https://www.hdb.gov.sg/cs/infoweb/residential/living-in-an-hdb-flat/changing-owners-occupiers/retain-flat-following-life-events> for more information.

Q: What happens if joint tenants die simultaneously?

A: Where joint tenants die “simultaneously”, the older person is presumed to have died first under Section 30 of the Civil Law Act (Cap 43, Rev Ed 1999). The youngest person thus holds the property as the sole legal and equitable owner, and 100% of the entitlement in the property will be passed to his/her estate.

- *Example:* Both parents die in a plane crash (the father is older than the mother), each leaving behind separate Wills. The property which the parents were joint tenants of, will be distributed according to the mother's Will.

OTHER ASSETS

The right of survivorship may also apply to assets like bank accounts and safe deposit boxes in joint names.

Once notified of the deceased's death, the relevant institution will 'freeze' the accounts or seal the safe deposit box, whichever applicable. To access the deceased's assets, the relevant institution will generally require the personal representative to present the requisite legal document – either the Grant of Probate or the Letters of Administration. Generally, jointly-owned assets (i.e. the monies in the bank account or the contents in the safe deposit box) will belong to the surviving account holder(s) upon the deceased's death.

However, the necessary procedures and policies may vary with the individual institutions. One should always consult the respective institutions before taking actions.

Similarly, the right of survivorship applies to jointly owned shares. Shares not held in joint names can be distributed through a Will.

Q: How does a Personal Representative deal with shares?

A: If the deceased owned shares in his/her lifetime, the shares will vest in the personal representative upon his/her death.

In distributing shares of a private company, the personal representative must apply to have the company(ies) register the shares in his/her name as Executor or Administrator, or in the name of the relevant beneficiary(ies).

For *public* companies, the shares will be kept by the Central Depository. To distribute the shares, the personal representative must complete the relevant forms and follow the procedures prescribed by the Central Depository.

For more information, please visit <https://www.sgx.com/cdp/faq>.

INSURANCE CLAIMS/BENEFITS

Private Insurances

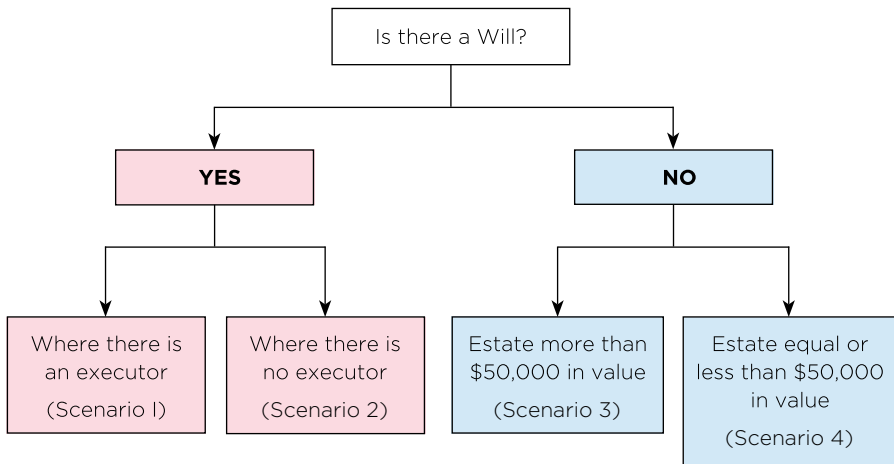
The deceased may have, in his/her lifetime, nominated beneficiary(ies) of insurance policies. Depending on the type of policy, the nomination may or may not be a revocable nomination. If it is not revocable, the benefits cannot be distributed through a Will. Nominated beneficiaries under private insurance policies should approach the deceased's insurance agent for more information.

Dependants' Protection Scheme (DPS)

The DPS is an insurance scheme that is automatically extended to eligible CPF members and operates on an opt-out basis.

For death claims (when the death occurred before 65 years old), beneficiaries may be named via nomination or Will. Depending on which took effect later, the DPS benefits may be paid to the beneficiaries either in accordance to the deceased's nomination made with the DPS insurer or under his/her Will that was made known to the insurer.

To find out if the deceased was covered under the DPS, you may forward your enquiry to member@cpf.gov.sg or approach the respective insurers, Great Eastern Life and NTUC Income.



WHEN THERE IS A WILL (Scenarios 1 & 2)

If the deceased had made a Will in his/her lifetime, his/her assets will be distributed according to the Will. The person nominated by the deceased's Will to distribute the deceased's assets is called an "Executor". The Executor owes fiduciary duties to the beneficiaries of the deceased's Estate. This means that an Executor may be sued by the beneficiary(ies) if he/she fails to perform his/her duties.

Fiduciary duty: The legal obligation for a fiduciary to always act in the best interests of the beneficiary.

Scenario 1: When there is an Executor

Executor: A person appointed by the testator to attend to all necessarily formalities prior to the distribution of the Estate, such as applying for the Grant of Probate. He/she has to manage the deceased's Estate according to the terms of the Will.

The Executor has to apply to the court for a Grant of Probate. Depending on the total value of the deceased's Estate, the application for the Grant of Probate may be to the Family Justice Courts (\$5,000,000 and below) or to the Family Division of the High Court (above \$5,000,000).

Process for application of Grant of Probate

Generally, the procedure for applying for a Grant of Probate is as follows:

(a) Obtain a list of the deceased's assets

- This list of assets may not be complete when the application for the Grant of Probate is initiated. This is because, in certain situations, such as to open a safe box in the bank, the Grant of Probate is required before the bank will allow access to the safe box. Hence, before the Probate is granted, the Executor may, after filing the application, inform the relevant institution(s) that the application has been filed and would require access to the safe box in order to prepare the list of assets to be filed in court.
- Upon obtaining the complete list of assets, supplementary documents should be filed to the court after the application is filed.

(b) Filing of the necessary papers to seek the court's approval.

(c) The court will request for the applicant to provide securities and bonds to perform his duties. The applicant can apply for dispensation of the securities if the estate is small, but the bonds cannot be dispensed with.

If everything is in order, the application will be granted. The Grant of Probate will be in the form of an Order of Court. The application for a Grant of Probate can be complex and one can engage a lawyer to assist in the application.

Grant of Probate:
A court order authorising the person(s) named as Executor(s) to administer the testator's Estate according to the directions contained in the testator's Will, and in accordance with law.

Duties of the Executor

The Executor is required to perform the following duties:

- (a) Apply for the Grant of Probate;
- (b) Determine the total assets and liability of the deceased;
- (c) Resolve the deceased's outstanding income tax liability according to Section 58 of the Income Tax Act (Cap 134, Rev Ed 2014);
- (d) Pursue any debts owed to the deceased;
- (e) Resolve any debts or liabilities of the deceased;
- (f) The Executor must first settle the funeral, testamentary and administration expenses of the deceased.
 - (i) In the case of an insolvent Estate (i.e. where the deceased's liabilities exceeded his/her assets), the Executor should then refer to the Bankruptcy Act <https://sso.agc.gov.sg/Act-Rev/BA1995/> (Cap 20, Rev Ed 2009) for the order of priority in settling the debts.
 - (ii) In the case of a solvent Estate, the order of repayment can be found in the Second Schedule of the Probate and Administration Act (Cap 251, Rev Ed 2000).
- (g) Distribute the assets to the beneficiaries or their respective guardians according to the Will.

Scenario 2: When there is no Executor

There may be no one to execute a deceased's Will. This may happen if (i) no Executor was named in the Will or (ii) the Executor named in the Will decides not to be an Executor or becomes incapable of executing the Will (such as due to death, incapacity or bankruptcy).

In such situations, the family member(s) of the deceased may apply to court for a Grant of Letters of Administration with Will annexed. If there are competing applicants, the court will grant to the person(s) that the court deems "fittest to administer the estate" (Section 13 of the Probate and Administration Act). The Intestate Succession Act sets out seven classes of persons who, in descending order of

priority, are entitled to apply for a grant (see Scenario 3). The process for applying for a Grant of Letters of Administration with Will annexed is similar to the process stated in Scenario 3 (next part).

Letters of Administration with Will annexed: A court order authorising the person(s) named to administer a testator's Estate following the directions contained in his Will, and in accordance with law.

Q: Is it possible that a property is not covered by the Will? How will such property be distributed?

A: It is possible that not all of the deceased's property is covered by Will because of the following reasons:

- The testator forgot about the property;
- The beneficiary to the relevant property may have passed away during the deceased's lifetime;
- The distribution of property under a Will may be invalid for various reasons;
- The deceased acquired property after the Will was written and did not provide for the property.

In the event that not all of the deceased's property are covered in the Will, partial intestacy occurs. An application for the Grant of Letters of Administration must be made and the remaining portion will be distributed according to the Intestate Succession Act.

WHEN THERE IS NO WILL (Scenarios 3 & 4)

Scenario 3: Estate Value More Than \$50,000

If the deceased passed on without a valid Will, a family member will have to apply to court to be appointed as an Administrator to administer the distribution of the deceased's Estate according to the Intestate Succession Act.

Administrator: a person appointed by the Court to manage the Estate of a deceased person who did not make a Will.

If the application is successful, the courts will grant the Letters of Administration declaring the applicant(s) to be the Administrator(s) and legally empower him/her to manage the deceased's Estate. The Administrator owes fiduciary duties to the beneficiaries of the deceased's Estate. This means that an Administrator may be sued by the beneficiary(ies) if he/she fails to perform his/her duties.

Letters of Administration: A court order authorising the person(s) named to administer an intestate's Estate in accordance with law.

Grant of Letters of Administration

When considering who should be the Administrator, the court will take into account the following considerations:

(a) There can be a maximum of four administrators for the same property. Where Letters of Administration have been granted to more than one Administrator, and one of them dies, the representation of the Estate shall accrue to the surviving Administrator(s).

(b) When a minor is involved, the Letter of Administration shall be granted to either a trust corporation or to not less than two individuals.

Trust company/corporation: In context, a trust company is a company that is able to manage the Estate of a deceased, provided that it has been made a personal representative of the deceased's Estate.

(c) According to the Intestate Succession Act, the following people are entitled to apply for a Letter of Administration, in order of priority:

- Spouse
- Children
- Parents
- Brothers and sisters
- Nephews and nieces
- Grandparents
- Uncles and aunts

For example, if the parents of the deceased wish to apply to be the Administrators, the deceased's surviving spouse and children must confirm that they do not want to be administrators.

The court will grant Letters of Administration to the applicant which the court believes is the best person to manage the deceased's estate.

The court will not grant letters of administration, or will grant such letters with conditions, under the following circumstances:

- When there is any pending probate action.

- When a grant of probate expires and part of the deceased's Estate is still not administered. The Court may then grant Letters of Administration to the original executors of the estate, to whom the expired Grant of Probate was granted.

Probate action: A cause or matter in which an application for a Grant of Probate is opposed by any person, and includes any application to alter or revoke the grant of any probate or letters of administration.

- When the person who is supposed to receive Letters of Administration is an minor (or a person who lacks mental capacity). Letters of Administration may be granted to the guardian of the person and property of the minor (or the person who lacks mental capacity), or to such person as the court believes it appropriate, limited until the minor grows up (or the person is deemed to have gained mental capacity) and obtains a grant to himself/herself.

Practically, where the Letters of Administration is not granted to one applicant, another person should step up to apply for the Letters of Administration instead.

Intestate Succession Act

After paying the funeral, testamentary and administration expenses of the deceased expenses of the Estate, the Administrator may begin to distribute the Estate according to the nine rules stated in Section 7 of the Intestate Succession Act. A simplified table of the application of the rules is provided below:

Legend and Definitions:

- (i) ✓ → surviving, ✗ → deceased or non-existent;
- (ii) Child/Children: means a legitimate child and includes any legally adopted child;
- (iii) Issue: children and the children of the deceased's children;

Rule	Spouse		Issue		Parents	
1	✓	100%	✗	-	✗	-
2	✓	50%	✓	50% split equally	✓	Not entitled
3*	✗	-	✓	100% split equally	✓	Not entitled
4	✓	50%	✗	-	✓	50% split equally
5	✗	-	✗	-	✓	100% split equally

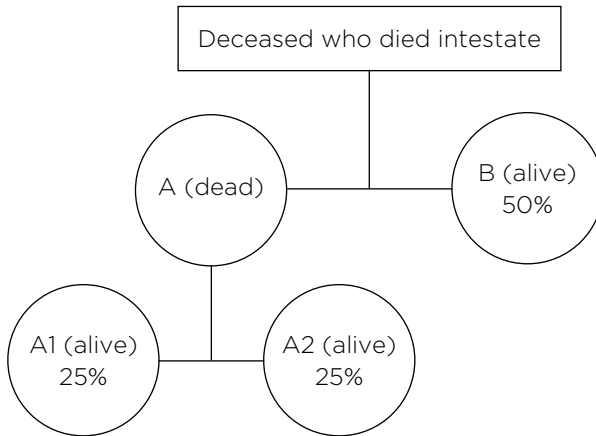
If there is no longer any surviving spouse, issue or parents, then the following rules of distribution will apply:

Rule	Siblings		Grandparents		Uncles/Aunts	
6*	✓	100% split equally	✓	Not entitled	✓	Not entitled
7	✗	-	✓	100% split equally	✓	Not entitled
8	✗	-	✗	-	✓	100% split equally
9	Everything goes to the Government					

Where the entitled beneficiary in Rule 3 or Rule 6 has passed away before the deceased, their children will inherit their share not amounting to more than what the entitled beneficiary would originally have been entitled to.

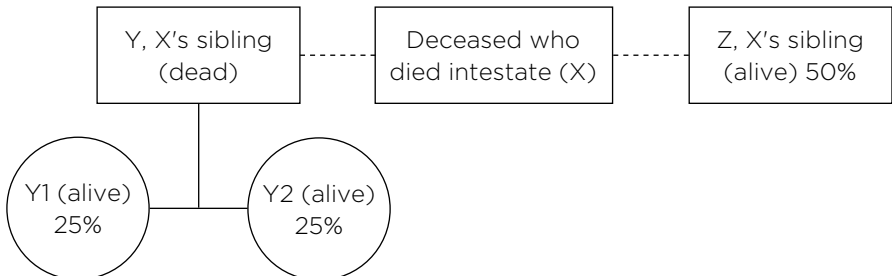
Rule 3

The deceased's Estate is first divided equally between each of the deceased's children (A and B) before A's share (50% of the deceased's Estate) is distributed amongst A's own surviving children (A1 and A2) equally.



Rule 6

Similarly, for Rule 6, the deceased's Estate is first divided equally between each of the deceased's siblings (Y and Z) before Y's share (50% of the deceased's Estate) is distributed amongst Y's own surviving children (Y1 and Y2) equally.



Scenario 4: Estate Value Not Exceeding \$50,000

If the deceased died intestate with Estate value not exceeding \$50,000, family members may apply to the Public Trustee's Office for the Public Trustee to administer the Estate in accordance with the Intestate Succession Act for a fee. Visit <https://pto.mlaw.gov.sg/deceased-cpf-estate-monies/information-for-next-of-kin-estate-monies/> for more information on the situations where the Public Trustee can act, and the assets that can be administered by the Public Trustee.

Otherwise, the family members may still choose to administer the deceased's Estate. If so, they must apply to the court for the Grant of Letters of Administration (See 'Scenario 3').

Reimbursement of funeral expenses from the Public Trustee

If the deceased's Estate is administered by the Public Trustee, any reimbursement of funeral expenses can only be claimed from the deceased's Estate or unnominated CPF monies. If claiming from unnominated CPF monies, only beneficiaries (i.e. persons entitled to the CPF monies under the Intestate Succession Act) may be reimbursed.

You may seek to claim for reimbursement by submitting the relevant form(s) (accessible at <https://pto.mlaw.gov.sg/deceased-cpf-estate-monies/forms/>) and receipts evidencing payment to the Public Trustee's Office. However, your claim is subject to:

- (a) The Public Trustee's approval;
- (b) A cap of \$6,000 on all such claims made on the Estate and CPF Monies, including claims made by other beneficiaries or persons; and
- (c) The consent of all other beneficiaries, if any.



CHAPTER 4

If The Deceased Is A Muslim

If the deceased is a Muslim citizen (inclusive of Muslims holding Permanent Residency in Singapore), the distribution of his/her Estate will be governed by Muslim law and the Administration of Muslim Law Act (Cap 3, Rev Ed 2009) (“*AMLA*”). For Muslims in Singapore, Islamic inheritance law (*Fara'id*) will apply.

Islamic inheritance laws govern what assets are distributable, the amount to be received by each beneficiary, and the applicable beneficiaries, according to the principles found in the Quran, Sunnah and Hadith.

By default, Islamic inheritance laws in Singapore follow the Shafi'i school of thought unless there is proof that the deceased followed a different Islamic school of thought.

Q: Can I opt out of the Administration of Muslim Law Act and administer my estate according to civil law principles?

A: The Administration of Muslim Law Act applies automatically to Muslims in Singapore.

- For the Act to not apply, the deceased must have officially renounced Islam in his lifetime. This must have been done at the Islamic Religious Council of Singapore (MUIS).

IF THE DECEASED HAS A WILL

Requirements of a Valid Will

For Muslims, a valid Will must have complied with the civil law requirements under Section 6 of the Wills Act (Cap 352, Rev Ed 1996). In addition, to be *Fara'id* compliant, the Will cannot include more than 1/3 of the deceased's estate and cannot include persons who are already beneficiaries under *Fara'id*.

If you are unsure if the Will is *Fara'id* compliant or legally compliant, you should consult a lawyer specializing in Muslim law.

Obtaining the Inheritance Certificate

An additional step in dealing with a deceased Muslim's Estate is to obtain the Inheritance Certificate from the Syariah Court. The Inheritance Certificate identifies the *Fara'id* beneficiaries and their relationship to the deceased and aids in *Fara'id* distribution. For further information on obtaining the Inheritance Certificate, please see the FAQ section on the next page.

Personal Representatives and Executors

Similar to the process of administering a non-Muslim's Estate, the Estate of a Muslim will also require a personal representative to carry out the distribution of the deceased's Estate. If the deceased had named an Executor in his/her Will, the Executor has to apply for the Grant of Probate. If the deceased did not name an Executor in his/her will, the

Letters of Administration have to be obtained.

A key difference in the administration of a Muslim Estate is that the Executor of the Estate of a Muslim will have to ensure that the distribution is in accordance with the *Fara'id* system of distribution as well as the Will of the deceased.

Q: Why do I need the Inheritance Certificate and where can I get it?

A: The Inheritance Certificate aids in distribution of assets. Even with a Will, part of the deceased's assets will go to the *Fara'id* beneficiaries under Islamic inheritance law. The Inheritance Certificate will help identify these beneficiaries.

The Inheritance Certificate can be obtained from the Syariah Court located at 8 Lengkok Bahru, Singapore.

- For more information, please visit the Syariah Court Website at <https://www.syariahcourt.gov.sg/Inheritance/Overview>

Q: Who can apply for the Inheritance Certificate?

A: Persons who can apply for an Inheritance Certificate are beneficiaries (must be a Muslim who is 21 years and above), MUIS and a law firm or consultancy firm (on behalf of the beneficiary).

IF THE DECEASED HAS NO WILL

Where there is no Will, a family member will need to apply to the court for a Grant of Letters of Administration to authorise the Administrator to distribute the deceased's Estate in accordance with *Fara'id*. An Administrator can be someone related to the deceased or any other person entitled to a share of the Estate according to Muslim law. (For details on distribution in the absence of a Will, see previous section on 'When There is No Will').

Instead of the Intestate Succession Act and rules of distribution detailed in that section, *Fara'id* rules will apply. In addition, Muslims can also apply to the Public Trustee's Office for aid in distributing the Estate if the Estate value does not exceed \$50,000 (See Scenario 4 previously).

Understanding The *Fara'id* System of Distribution

Regardless of whether a Will is made, the *Fara'id* system of inheritance will apply for Muslims in Singapore.

What is the *Fara'id* System?

The *Fara'id* system of inheritance is an inheritance system based on the Quran, Sunnah and Hadith. The *Fara'id* system ensures that the deceased's relatives and dependents are cared for after his/her death. Under *Fara'id*, each surviving relative gets a prescribed share of inheritance corresponding to his/her relationship to the deceased. For a list of eligible beneficiaries and the share to be received by each relative, Muslims can utilise the Syariah Court online calculator.

If the deceased died intestate, the whole of the Estate will be distributed according to *Fara'id*. If the deceased had made a Will, the Will can only consist up to 1/3 of the deceased's Estate and cannot give additional benefits to persons who are already beneficiaries under *Fara'id*. A portion of the Estate may also be left to *BaitulMal*, which is a fund administered by the Islamic Religious Council of Singapore ('MUIS'). If the deceased has no heirs, then all his/her assets, except for those expressed validly in his/her Will, will go to *BaitulMal*.

As there are many possible permutations depending on the remaining heirs, you may wish to utilize the online calculator available at the

Syariah Court's website: <https://www.syariahcourt.gov.sg/Inheritance/Online-Trial-inheritance-Calculator>.

What Assets are applicable under Faraid?

Not all of the deceased's assets can be included as inheritance. *Faraid* will only apply after the following deductions are made:

- (a) Gifts (*Hibah*) made by the deceased when he/she was still alive (where possession of the property has been transferred during the deceased's lifetime);
- (b) Jointly acquired matrimonial property (if the deceased was Malay);
- (c) Vows made to Allah (*Nazar/Nuzriah*);
- (d) Funeral and other expenses relating to the deceased's death;
- (e) Debt to Allah; and
- (f) Monies owed to (MUIS) for *zakat*, *hajj* expenses and compensation for missed/broken fasts. (*kaffarah* and *fidyah*).

Certain actions such as *hibah* and *nuzriah* will have to meet both religious requirements and legal requirements to be valid. Muslims can consult MUIS for advice on the religious validity of the purported *hibah* or *nuzriah*.

Exclusions

Under the traditional *Shafi'i* Islamic doctrine, certain categories of heirs are precluded from being *Faraid* beneficiaries, such as non-Muslim relatives, illegitimate children or adopted children. To care for these heirs, the deceased must have provided for them under his/her Will or have utilized Islamic instruments of transfer such as *Hibah* during his/her lifetime.

There may also be situations where the deceased would want to leave a greater share of inheritance to a *Faraid* beneficiary. For example, if the deceased leaves behind a daughter with diminished mental capacity and two adult sons, by default, the sons would each be entitled to a larger share than that of the daughter. However, a greater share of the inheritance can be bequeathed only if all the other *Faraid* beneficiaries agree, after the deceased's death, that such an arrangement is valid.

Q: Can I draft my Will without complying to *Faraid* laws?

A: The Administration of Muslim Law Act applies automatically to Muslims in Singapore. For the Act to not apply, the deceased must have officially renounced Islam in his lifetime. This must have been done at the Islamic Religious Council of Singapore (MUIS). To seek clarification if a purported gift or transfer is valid, a lawyer specializing in Islamic inheritance law should be consulted.

ASSETS THAT CANNOT BE DISTRIBUTED THROUGH A WILL

CPF Matters

Under civil law, if the deceased had made a valid CPF nomination, then the CPF monies will be distributed to the nominee(s).

Under Islamic law, prior to the MUIS Islamic ruling (*Fatwa*) of August 2010, this nominee would be held to be holding the monies on trust of the *Faraid* beneficiaries instead of being entitled to the sum of monies. However, in accordance with the *Fatwa* issued by MUIS in 2010, the CPF nomination instrument is now regarded as a new form of *hibah* and permissible in Islam. Muslims can choose to utilise the CPF nomination system by completing the CPF nomination form at CPF during his/her lifetime.

Joint Tenancy

Muslims holding property under joint tenancy should note that civil law rules are applicable to these properties. Under civil law, with the death of one joint tenant, the other surviving joint tenant(s) becomes entitled to the whole of the property by the right of survivorship.

To effectuate the transfer of property to the other joint tenant(s) according to Syariah, MUIS recommends that a *hibah ruqba* or *nuzriah* be performed between joint tenants. These actions must have been done by the deceased during his/her lifetime.

On the other hand, where no specific action was taken by the deceased, civil law will still apply, and the surviving joint tenant(s) are automatically entitled to the whole of the property.

For further assistance in dealing with properties held in joint tenancy, Muslims are encouraged to seek advice from a lawyer specializing in Muslim law.

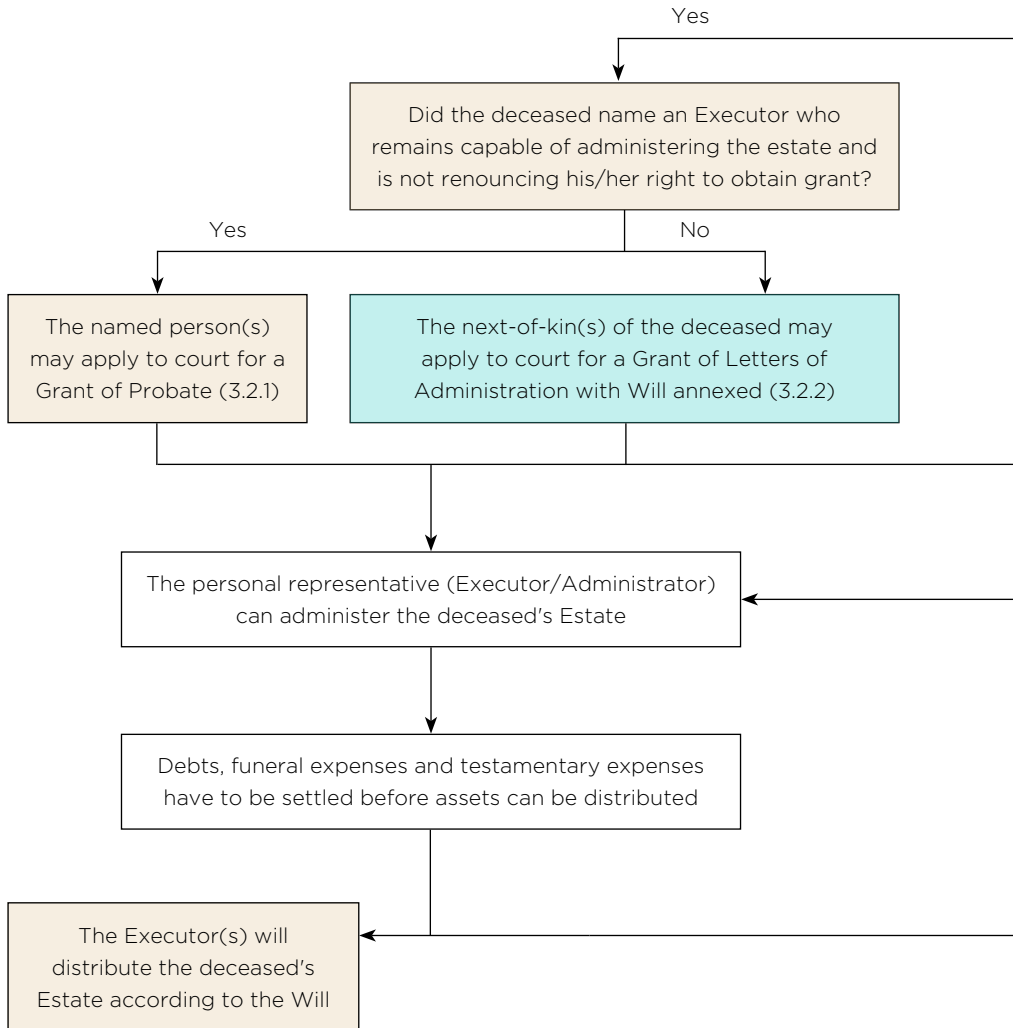
Insurance Matters

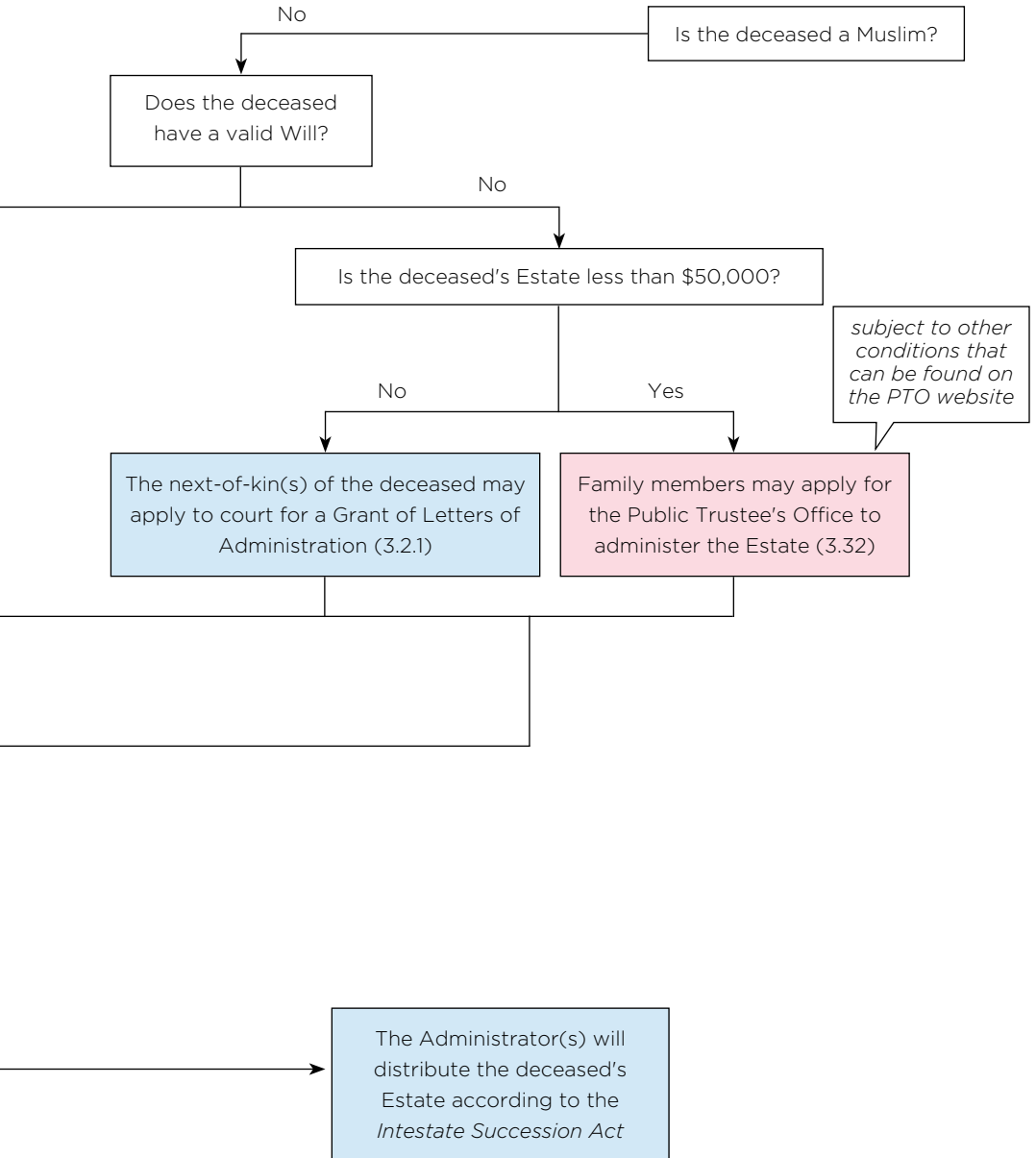
Under civil law, insurance schemes can include revocable insurance schemes (where the policy holder retains rights to revoke the nomination) and irrevocable insurance schemes (where the policy holder loses all rights over the pay-outs of the policy and requires the consent of the nominee to revoke or amend the nomination). See 'Insurance Claims/Benefits' under the Section 'Estate Matters'.

As of 2012, MUIS has issued a fatwa permitting revocable insurance nominations as a valid form of *hibah*, similar to that of a CPF nomination. Muslims can contact their various insurance providers for more information on making insurance nominations.

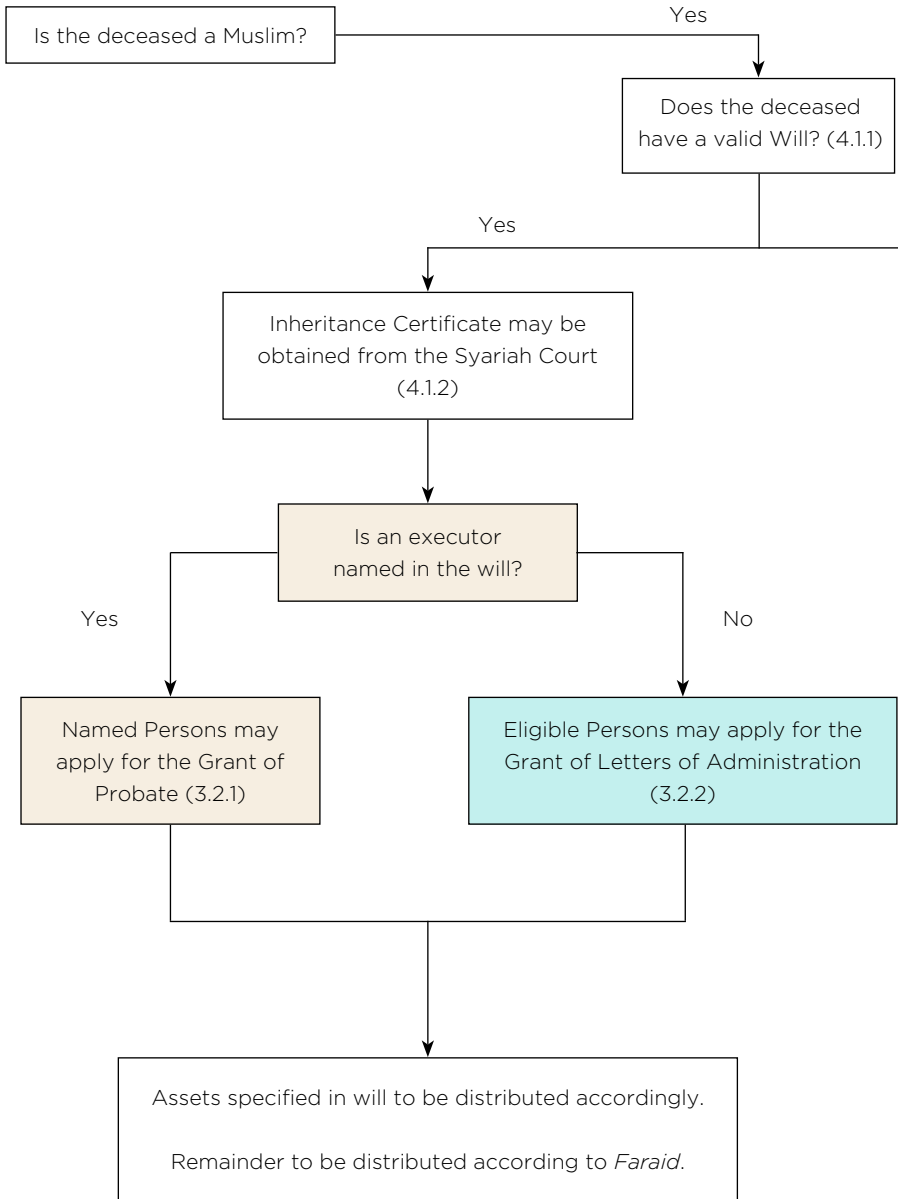
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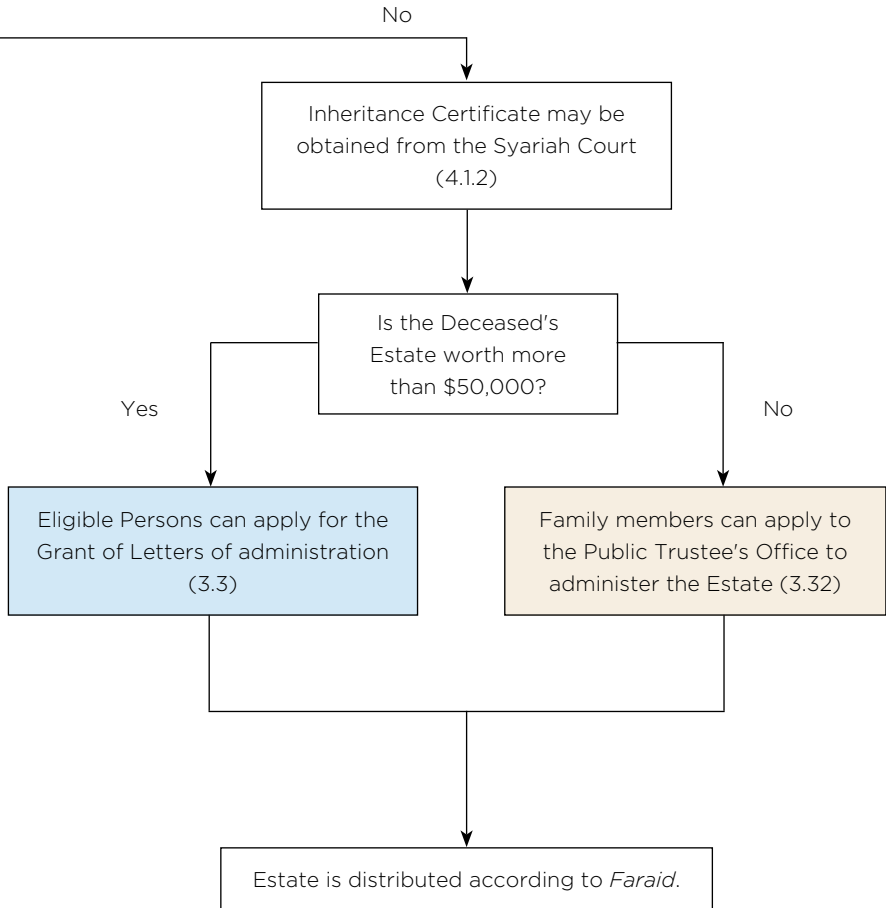
In summary, dealing with the Estate of the deceased can be challenging. Following are flowcharts to help in visualizing the process from determining if the deceased has a Will, to the distribution of assets.





43 If the Deceased is a Muslim





CHAPTER 5

Legal Assistance

If you require legal advice, you may wish to approach the Legal Aid Bureau or legal clinics. More information about the availability of legal clinics may be found at <https://legalclinics.sg>. Do contact the respective legal clinics to find out if they provide legal advice with respect to Estate matters.

If you require representation regarding Estate matters (i.e. the application for a Grant of Probate or Letters of Administration), the Legal Aid Bureau may be able to render assistance if you satisfy their eligibility criteria. For successful applicants, a legal aid lawyer will be able to represent you in court. For more information on the Legal Aid Bureau, visit <https://www.mlaw.gov.sg/content/lab/en.html>.

Conclusion

While the death of a loved one is an unfortunate event, in the midst of mourning, the family members can play a part in making the process of settling the deceased's Estate matters a more expedient one. Nonetheless, legal advice should always be sought in times of uncertainty.

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Glossary of Common Terms

- **Administrator:** A person appointed by the Court to manage the Estate of a deceased person who did not make a Will. An Administrator owes fiduciary duties to the beneficiaries of the deceased's Estate.
- **Coroner:** A person appointed by the President to confirm the death of a person. The Coroner may also, among other powers, order an inquiry, investigation, post-mortem examination or burial/cremation.
- **Death Certificate:** An official document issued upon registration of an individual's death. It is done online and a digital Death Certificate can be downloaded into personal devices. It is required for funeral arrangements and permit for cremation/burial.
- **Estate:** The "Estate" of the deceased refers to assets owned by the deceased – such as property, money, and any other items of material value – minus the debts and liabilities of the deceased.
- **Executor:** A person appointed by the testator to attend to all necessarily formalities prior to the distribution of the estate, such as applying for the Grant of Probate. He/she has to manage the deceased's estate according to the terms of the will. An Executor owes fiduciary duties to the beneficiaries of the deceased's estate.
- **Fiduciary duty:** The legal obligation of an Executor or Administrator to always act in the best interests of the beneficiary.
- **Letters of Administration:** A court order authorising the person(s) named to administer an intestate's Estate in accordance with law.

- **Letters of administration with Will annexed:** A court order authorising the person(s) named to administer a testator's Estate following the directions contained in his Will, and in accordance with law.
- **Personal representative:** An Executor or Administrator of the Estate of a deceased person. A personal representative owes duties to the beneficiaries of the estate; failure to properly manage the estate could cause the personal representative to be sued.
- **Probate:** A court order authorising the person(s) named as Executor(s) to administer the testator's Estate according to the directions contained in the testator's Will, and in accordance with law.
- **Probate action:** A matter in which an application for a Grant of Probate is opposed by any person, and includes any application to alter or revoke the grant of any probate or letters of administration.
- **Public Trustee:** The Public Trustee comes from the Public Trustee's Office under the Ministry of Law in Singapore. The Public Trustee deals with administering the Estate of deceased persons (where its value does not exceed \$50,000), compensation in motor accidents and maintains the Wills Registry.
- **Trust company/corporation:** A licensed trust company is a company that is able to manage the Estate of a deceased provided that it is has been made a personal representative of the deceased Estate.

COMMUNITY BEREAVEMENT SERVICE PROVIDERS

Approach a social worker in a health or social service institution known to you, for bereavement support. Below are additional resources in the community for you to consider:

Children's Cancer Foundation

For children and families affected by cancer

www.ccf.org.sg

Tel: 6229 3701

Counselling and Care Centre

For those who need bereavement counselling

www.counsel.org.sg

Tel: 6536 6366

Grief Matters

For anyone who has lost a significant person

Email: griefmatters@montfortcare.org.sg

Tel: 8181 0448

Hua Mei Counselling and Coaching

For grieving elderly above 50 years old

www.tsaofoundation.org

Tel: 6593 9549

Counselling Tel: 9048 4987

Life Point (by Society of Sheng Hong Welfare Services)

For those who lost an elderly family member

www.shenghong.org.sg/life-point/

Tel: 6538 9877

O'Joy Limited

For those above 18 in need of grief counselling

www.ojoy.org

Tel: 6749 0190

SAGE Counselling Centre

For bereaved seniors above 50 and their families/caregivers

www.sagecc.org.sg
Tel: 6354 1191
Helpline: 1800 555-5555

Samaritans of Singapore (SOS)

Individuals affected by a crisis, thinking about suicide and/or affected by suicide

www.sos.org.sg
24-hour Hotline: 1-767
24-hour CareText:
9151 1767 (WhatsApp)
CareMail:
pat@sos.org.sg (Email)

Viriya Community Services

For individuals and families impacted by loss and grief

www.viriya.org.sg
Email: vtc@viriya.org.sg
Tel: 6256 1311

Wicare Support Group

For widows and their children

www.wicare.org.sg
Tel: 6354 1941 / 9616 5091

Notes

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When a Death Occurs A Guide to Practical Matters

Facing the death of a loved one can be overwhelming. Besides coping with our own emotions, there are also many practical matters that need to be handled.

What is a certificate of death? How do I plan a funeral? How does a will work? What will happen to my loved one's assets and possessions?

When a Death Occurs: A Guide to Practical Matters sheds light on some of these frequently asked questions about the practical and legal aspects relating to a death. This handbook provides an overview on funeral planning, certification of death, and asset distribution to assist the bereaved in understanding the practical processes involved after a loved one's death.

Published by



Ebook copies of *Caring for Yourself and Others After a Death* and *When a Death Occurs – A Guide to Practical Matters* can be downloaded at

library.singaporehospice.org.sg

Community Bereavement Service Providers

You are encouraged to detach this flap and keep it where you can access it easily. Alternatively, you can also detach this flap and pass it on to someone whom you think might need to contact community service providers.

Children's Cancer Foundation

For children and families affected by cancer
www.ccf.org.sg | Tel: 6229 3701

Counselling and Care Centre

For those who need bereavement counselling
www.counsel.org.sg | Tel: 6536 6366

Grief Matters

For anyone who has lost a significant person
Email: griefmatters@montfortcare.org.sg
Tel: 8181 0448

Hua Mei Conselling and Coaching

For grieving elderly above 50 years old
www.tsaofoundation.org
Tel: 6593 9549 | Counselling Tel: 9048 4987

Life Point

(by Society of Sheng Hong Welfare Services)

For those who lost an elderly family member
www.shenghong.org.sg/life-point/
Tel: 6538 9877

O'Joy Limited

For those above 18 in need of grief counselling
www.ojoy.org | Tel: 6749 0190

SAGE Counselling Centre

For bereaved seniors above 50 and their families / caregivers
www.sagecc.org.sg | Tel: 6354 1191
Helpline: 1800 555-5555

Samaritans of Singapore (SOS)

Individuals affected by a crisis, thinking about suicide and / or affected by suicide
www.sos.org.sg | 24-hour Hotline: 1-767
24-hour CareText: 9151 1767 (WhatsApp)
CareMail: pat@sos.org.sg (Email)

Viriya Community Services

For individuals and families impacted by loss and grief
www.viriya.org.sg
Email: vtc@viriya.org.sg | Tel: 6256 1311

Wicare Support Group

For widows and their childrens
www.wicare.org.sg | Tel: 6354 1941 / 9616 5091

You can also approach a social worker in a health or social service institution known to you for bereavement support.

Note: Information is accurate as at time of print.

