Grants Where Deceased Died Domiciled Outside Singapore

Probate Procedures · https://help.law.com.sg/faq/grants-where-deceased-died-domiciled-outside-singapore/

Applications for grants where the deceased died domiciled outside Singapore are governed by Part 6, rule 22 of the Family Justice (Probate and Other Matters) Rules 2024, subject to the applicable saving and transitional provisions for older proceedings.

What grants apply where the deceased died domiciled outside Singapore?

When a person dies domiciled outside Singapore but leaves assets in Singapore, special rules apply.

From 15 October 2024, these situations are governed by **Part 6, rule 22 of the Family Justice (Probate and Other Matters) Rules 2024** ("**FJ (Probate) Rules 2024**").

This provision replaces former **rule 227 of the Family Justice Rules 2014**, which applied to foreign-domiciled deceased estates before the new rules took effect.

> **Note:** Because of saving and transitional provisions, the old 2014 Rules may still apply to some older cases filed before 15 October 2024.

Which Singapore rule now covers foreign-domiciled deceased?

The relevant rule is:

- **Part 6, rule 22 – "Grants where deceased died domiciled outside Singapore"** in the FJ (Probate) Rules 2024.

Rule 22 applies where:

- The **deceased died domiciled outside Singapore**; and

- You seek a **grant of probate or letters of administration in Singapore** in respect of assets here.

Who may apply for a grant under rule 22(1)?

Where the deceased died domiciled outside Singapore, **an application to the Registrar for an order for a grant** may be made in favour of the following persons: Singapore Statutes Online

1. **Person appointed by foreign probate court or authority**
   - The person entrusted with the administration of the estate by the **court or authority having jurisdiction in matters of probate** in the country of domicile.

2. **Person entitled under the law of the place of domicile**
   - The person who is **entitled to administer the estate by the law of the place where the deceased was domiciled**.

3. **Person directed by the Registrar (discretionary)**
   - If such a person does not exist,
   - Or if, in the Registrar's opinion, the **circumstances justify a different arrangement**,
   - The Registrar may direct that the grant be made to **another suitable person**.

4. **Where at least 2 administrators are required (section 6 Probate and Administration Act)**
   - In some cases, **at least 2 administrators** must be appointed, for example where there is a minor or a life interest.
   - In such situations, the Registrar may direct that the grant be made **jointly**:
     - to a person mentioned in (1) or (2) above **together with** another person; or
     - to such other persons as the Registrar may direct.

In short, the rule respects **foreign appointments and foreign law**, but the **Registrar retains discretion** to ensure proper administration in Singapore.

What happens if there is no application under rule 22(1)?

Sometimes, no foreign-appointed administrator or other eligible person applies under rule 22(1).

In that case, **rule 22(2) allows alternative routes**, despite paragraph (1):

(a) Probate of a will that is admissible to proof

If the deceased left a will that is **admissible to proof** in Singapore:

- **If the will is in English**
  - Probate may be granted to the **executor named in the will**.
- **Executor "according to the tenor"**
  - Even if the person is not expressly called "executor",
  - Probate may still be granted to a **named person whose duties in the will are described clearly enough** to make that person an executor "according to the tenor" of the will.

This provides a route for a **named executor (or equivalent)** to obtain probate in Singapore, even if no one has first obtained a foreign grant.

What if the Singapore estate only consists of immovable property?

Rule 22(2)(b) deals with cases where **all the deceased's assets in Singapore are immovable property** (for example, a condominium or landed property):

- The court may grant a **limited grant** restricted to the **immovable property in Singapore** only.
- This limited grant is made **in accordance with the law that would have applied if the deceased had died domiciled in Singapore**.

This allows the Singapore court to **deal efficiently with local real property**, without needing to administer a wider foreign estate.

How does this differ from the old rule 227 FJR 2014?

The **substance** of the law is broadly similar, but there are important updates:

- The current rule refers to the **“court or authority having jurisdiction in matters of probate”** at the place of domicile, which clarifies the type of foreign body recognised.
- Drafting has been modernised to use **gender-inclusive language** (“him or her”, “his or her discretion”).
- The rule now sits within the new **Family Justice (Probate and Other Matters) Rules 2024 framework**, which replaced the Family Justice Rules 2014 from 15 October 2024.

For **older proceedings filed before 15 October 2024**, rule 227 FJR 2014 may still apply because of the transitional provisions.

Practical points for foreign-domiciled estates with Singapore assets

In practice, you should expect:

- **Evidence of foreign domicile**
  - The court may require evidence of the deceased’s **domicile at the time of death**, such as foreign identity documents, residence records, or expert evidence of foreign law.
- **Evidence of foreign appointment or entitlement**
  - If you rely on paragraph (1)(a) or (b), you usually need to show:
    - the **foreign grant or order**, or
    - relevant **foreign law provisions** establishing your right to administer.
- **Registrar’s discretion**
  - The Registrar may still direct that the grant be made to **another person or persons**, especially where:
    - minors or life interests are involved (section 6 of the Probate and Administration Act);
    - there is a dispute between family members; or
    - there are concerns about proper administration.

Because foreign-domiciled estates often involve **conflicts of law** and **procedural nuances**, professional advice is usually advisable.

Should I consult a Singapore probate lawyer?

Yes.

Rule 22 interacts with:

- the **Probate and Administration Act 1934**;
- the broader **Family Justice (Probate and Other Matters) Rules 2024** structure; and
- any **foreign law or foreign court orders** relating to the estate.

A Singapore probate lawyer can:

- Review the **deceased's domicile and connections**.
- Identify **who is best placed to apply** under rule 22.
- Advise whether a **limited grant over immovable property** is appropriate.
- Draft the necessary court documents in line with the latest rules and practice directions.

Legal Disclaimer

For informational purposes only and based on Singapore law at the time of writing. It is **not legal advice** and does not create a solicitor–client relationship. Laws, rules, and court practices may change, and their application depends on specific facts. Always consult a qualified Singapore lawyer or contact Loh Eben Ong LLP for advice on your particular situation.

Related Links

> Documents required for Probate matters from Clients

Embedded media: https://help.law.com.sg/faq/documents-required-for-probate-matters-from-clients/embed/#?secret=DcYQ0xJvLL#?secret=d6OmbvHPXR