

PROBATE AND ADMINISTRATION IN SINGAPORE AND MALAYSIA: LAW AND PRACTICE. BY G RAMAN. [Singapore: Malayan Law Journal Pte Ltd. Malaysia: Malayan Law Journal Sdn Bhd. 1991. xvi + 201 pp (including index). Hardcover: S\$135.00]

PROBATE and administration law is a convenient expression denoting that area of the law governing the grant of probate or letters of administration, and the administration of the estate subsequent to the grant.

This book is a useful quick-reference guide written by a practitioner of considerable experience in the field. The author points out in his *Preface* that the only local work, until now, on this area is a 1932 doctoral thesis by Withers-Payne. This rendered unguided forays into probate and administration law difficult as the uninitiated had to contend with numerous inter-related statutes dealing with wills, intestacy, dependants' claims and estate duty.

In one handy volume, the author attempts to draw together various statutes and principles governing probate and administration in both Malaysia and Singapore. To a large extent, parallels in both countries make a fairly succinct treatment of the subject more manageable. Comparisons are made throughout the book between the laws in Malaysia and Singapore.

The first half of the 130 pages of text introduces the reader to the consequences of testacy and intestacy. A practical approach to the topic of wills, for instance, summarises the salient principles without bogging the reader down with technicalities. The lay person will also find the attached precedent of a simple will a useful guide to his own attempt at drafting. Lawyers will, of course, use a more precise and detailed form in expressing the wishes of their testator client. The chapters on the distribution of estate where the deceased died intestate claims by dependants, and application for probate or letters of administration are likewise written in a manner accessible to the average reader.

The latter part of the text addresses the question of administration of the estate. Separate chapters are written on the estate duty payable on the distribution of the

assets of the deceased, and the rights and powers of the legal representatives.

Approximately 60 pages are devoted to forms and extracts from statutes. This offers the reader a quick and convenient comparative survey of the relevant statutory provisions in Malaysia and Singapore.

As to be expected, the size of this volume does not enable treatment of a depth sufficient for the legal counsellor in pursuit of esoteric points. The chapters on the various topics are brief and primarily serve as introductions. Lawyers considering the rights and liabilities of a legal representative, for instance, will have to take a closer look elsewhere on the law of trust. Similarly, although there is a chapter on Islamic inheritance, reference to the role of the Syariah courts is cursory.

A little more attention could have been paid to arrangement and details without defeating the author's intention of brevity. The discussions on estate duty in chapters 8 and 11 overlap to a degree which is significant relative to the overall length of the book. While care is taken to introduce the reader to the concepts of domicile and movable or immovable property for purposes of distribution and estate duty, no mention is made of sections 4 and 5 of the Singapore Intestate Succession Act which raise doubts on the precise scope of the Act. In the discussion of the Inheritance (Family Provision) Act of Malaysia and of Singapore, section 3(1) of both the Acts which identifies the dependants who are entitled to apply for maintenance is set out. However, there is no reference to section 3(2) which sets out the events upon which such entitlement to maintenance terminates.

Admittedly, whether or not something merits discussion depends on the writer's point of view. Omissions are, perhaps, inevitable in a book that does not profess to be a comprehensive practitioner's text. As it is, the book provides a good overview of this area of the law. The lay person will welcome the absence of excessive legalese. The lawyer new to probate and administration law will find it a good starting point for further research.

CHAN LENG SUN