

NON-CONTENTIOUS PROBATE IN SINGAPORE BY DANIEL KS TAN [Acumen Publishing 2000, xxix + 267 pp (including index) + diskette (MS Word 95). Hardcover: S\$215]

AS the title suggests, this book covers non-contentious probate matters, in other words, cases where there is no litigation over matters like the appointment of administrators or executors of the estate of the deceased. Chapters in the book cover useful areas like the administration of small estates by the Public Trustee and the resealing of foreign grants or probate and letters of administration.

Numerous checklists are also included for the paralegal. A good range of sample forms and affidavits are also included.

The chapter on Estate Duty is quite thorough – dealing with a wide range of assets including bank deposits, shares in listed and unlisted companies, ships, annuities, etc. Resolution of the classic dilemma experienced by administrators of not being able to extract the grant of letters of administration as estate duty clearance has not been obtained, and not being able to sell the deceased's assets to pay estate duty as the grant has not been obtained, is also explained.

This book is aimed not at the experienced probate lawyer, but more at the solicitor

dabbling in this area or the paralegal supporting the lawyer. There is therefore only a passing reference to case law. In fact, when first glancing through this book, the reviewer was under the impression that there were no case law references since the book does not contain a table of cases. There is however, a wide range of statutes and legislation including the Registration of Births and Deaths Act (Cap 267), Insurance Act (Cap 142), Rules of Court (S71/1996), Public Trustee Act (Cap 260), with a table listing all of these.

Many matters not dealt with in the statute books but which are a matter of administrative practice are also covered – for example, transfer of motor vehicles before extraction of the grant of probate or letters of administration. Another example of a matter of this type is found in the discussion of small estates. The author states that he understands the practice of the Public Trustee is to exclude the value of HDB flats when calculating whether an estate has a value of \$50,000 or less.

The usefulness of a law book often depends on its index. The reviewer decided to test the index by examining how it dealt with a claim for damages for wrongful death caused by accident in the estate duty affidavit. Unfortunately, the index did not contain any relevant entries under headings like “damages, death, estate duty”. It was only after a thorough reading of the book that the reviewer found a brief mention of this area at paragraph 6.42.

Another caveat in the use of this book – provisions of the Intestate Succession Act (Cap 146) and section 35(2) of the Conveyancing and Law of Property Act (Cap 61) are not covered. This is because the book does not deal with the actual administration of estates such as the disposal of the deceased’s real estate and the distribution of the assets. This is a great pity since it leaves the reader feeling that he has only half the picture.

Notwithstanding the reviewer’s nit-picking, all in all, this is a very useful and practical book for the average practitioner who does not specialize in probate matters.