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- Course Title:** Probate Seminars (Part 2): Seminar on Statutory Wills/ AML/CFT issues in Estate Practice
- Speakers:** Peter Doraisamy - Managing Director, Peter Doraisamy LLC
Goh Kok Yeow – Head of Intellectual Property and Probate/Trusts Practice, De Souza Lim & Goh LLP
- Duration:** 99 minutes
- Course description:** In this second part of the series of Probate seminars, our experienced speakers will be discussing on recent cases on Statutory Wills and AML / CFT issues in Trusts and Probate Practice.

Statutory Wills

In 2010, the Singapore Parliament enacted the Mental Capacity Act (Cap 177A). Modelled after the English equivalent, the English Mental Capacity Act 2005, the Mental Capacity Act (Cap 177A) seeks to address growing issues arising out of Singapore's ageing population.

In particular, the speaker will focus on Section 23(1)(i) of the Mental Capacity Act. Under Section 23(1)(i), the Court has the power to make an order for the execution of a statutory will on behalf of an individual who is deemed to lack the requisite mental capacity under the Mental Capacity Act. In deciding whether to exercise its powers under Section 23(1)(i), the Court will be guided by the overarching principle as to whether the making of a statutory will is in the best interest of that individual. The relevant factors that the Court will consider include the individual's past and present wishes, feelings, beliefs and values.

There are only two report cases on statutory wills in Singapore (**BHR and Another v BHS [2013] SGDC 149** and **TCZ v TDA, TDB and TDC [2015] SGFC 63**). In both cases, the victims were elderly and vulnerable widows suffering from dementia.

The speaker will shed light on, among other things, the evidentiary as well as practical challenges faced by an applicant who has invited the Court to exercise its powers to grant the making of a statutory will.

The speaker will also share his views on the implications of the Court's decisions in **BHR** and **TCZ** which, given the issues faced by the elderly in Singapore today, are no doubt become increasingly relevant to both the general public and practitioners alike

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AML / CFT issues in Trusts and Probate Practice

Are there Anti-Money Laundering (AML) or Countering Financing of Terrorism (CFT) issues involved in trusts and probate practice which lawyers in this line of work have to know about?

The Trustees (Amendment) Act 2017 and the accompanying Trustees (Transparency and Effective Control) Regulations 2017 (both the TA Act and the TTEC Regulations came into operation on 31 March 2017) are the result of AML/CFT considerations being brought to the forefront in trusts and probate practice, and illustrates the need for trusts and probate lawyers to be aware that there are indeed AML and CFT issues that we have to be vigilant about.

This programme will be an introductory discussion of AML /CFT issues and the need to exercise proper customer due diligence (CDD) before accepting instructions to act in relation to trusts or probate matters (such as preparing and advising on wills and trusts instruments, acting in relation to application for grants of probate or LA, advising on administration of estates) and also continuing CDD in the course of the retainer.

About the speakers:



Peter Doraisamy - Managing Director, Peter Doraisamy LLC

Raghunath Peter Doraisamy graduated with an LL.B. (Hons) from the University of Nottingham and received an LL.M. (Maritime Law) from the National University of Singapore. Peter was admitted to the Middle Temple as a Barrister-at-Law in 1997 and became an Advocate and Solicitor of the Supreme Court of Singapore in 1999.

Prior to founding Peter Doraisamy LLC, Peter established the Dispute Resolution practice group in Duane Morris & Selvam LLP when he joined the firm in 2011. With almost 20 years of practice experience, Peter has extensive expertise in handling complex civil and criminal litigation, and arbitration matters and has litigated at all levels of the Singapore Courts.

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***Goh Kok Yeow - Head of Intellectual Property and Probate/Trusts Practice,
De Souza Lim & Goh LLP
(Chairperson, Probate Practice and Succession Planning Committee,
The Law Society of Singapore)***

Goh Kok Yeow is the Chairperson of the Law Society of Singapore's Probate Planning and Succession Planning Committee. He is also a Senior Teaching Fellow of the Singapore Institute of Legal Education (SILE) since 2010, and he is the Subject Co-ordinator and lead lecturer for the Wills, Probate & Administration (WPA) subject for the Preparatory Course leading to Part B of the Singapore Bar Examinations conducted by the SILE.

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