Axis seven: succession planning

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Succession is the axis clients neglect and the one where the two systems diverge most in substance. Swiss succession law is codified in Art. 457 ff. CC and knows forced heirship: since the revision in force on 1 January 2023, descendants are entitled to half of their statutory share and the surviving spouse to half of hers, while parents lost their forced share. A Swiss-resident founder cannot leave all tokens to a foundation if children exist, unless the children consent or the estate is large enough to satisfy their shares from other assets.[1] Singapore follows freedom of testation for non-Muslims under the Wills Act 1838, with intestacy governed by the Intestate Succession Act 1967 and administration by the Probate and Administration Act 1934. Muslim estates follow the Administration of Muslim Law Act 1966 and faraid.[2]

The practical problem is the same in both places: the executor cannot administer what he cannot access. Neither system has a mechanism to recover a key the deceased did not disclose. Both therefore push the planner toward a key-management protocol kept outside the will, because a will becomes public on probate in Singapore and is opened before the heirs in Switzerland. They also push toward custodians that recognise executors and, where the family is international, toward a trust or foundation that holds the keys during life. Singapore offers the

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domestic trust with a licensed trust company. Switzerland offers the foundation, which cannot serve private maintenance purposes beyond narrow limits, and recognises foreign trusts under the Hague Convention but has no domestic trust after the Federal Council shelved the trust bill in 2024.[3]

Question	Switzerland	Singapore
Freedom of testation	Limited by forced shares (Art. 470 f. CC)	Full for non-Muslims; faraid for Muslims
Domestic trust	None; foreign trusts recognised	Yes; licensed trust companies
Foundation for private purposes	Family foundation limited (Art. 335 CC); protocol foundations serve public purposes	CLG possible but taxable; trusts preferred
Executor's access to keys	Willensvollstrecker (Art. 517 CC); Art. 242b DEBA data right in bankruptcy only	Executor under grant of probate; court orders against exchanges
Matrimonial property	Statutory regime of participation in acquisitions (Art. 196 ff. CC) covers tokens	Women's Charter 1961 division of matrimonial assets
Inheritance tax	Cantonal; spouses and descendants exempt in Zug and Zürich	None since 2008
Cross-border estate	Art. 86 ff. PILA; renvoi for foreign nationals	Common-law conflict rules; lex situs of tokens disputed

Checklist

A reader who holds digital assets in both hubs should, before the year ends: - list every wallet and exchange account with jurisdiction, custodian and approximate value; - decide which assets are private investment and which belong to a business, because the Swiss professional-trader test and the Singapore badges of trade both look at the pattern over years; - confirm that each custodian's terms say "held for you" (Switzerland) or "held on trust for you" (Singapore); - write a key-management

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protocol and lodge it outside the will; - check whether forced heirship applies to the estate and whether a Singapore trust or a Swiss executor can hold the keys; - align the travel-rule data the Swiss and the Singapore custodians will need for transfers between the two.

Notes

1. Art. 470 and 471 CC as amended by the Federal Act of 18 December 2020 (revision of succession law), in force 1 January 2023 (AS 2021 312). See Part D, Chapter VIII. ↩
2. Wills Act 1838; Intestate Succession Act 1967; Probate and Administration Act 1934; Administration of Muslim Law Act 1966, s. 111 ff. See Part J, Chapter VII. ↩
3. Federal Council, media release of 15 September 2023 and decision of 2024 not to pursue the introduction of a Swiss trust; Art. 335 CC on family foundations; Hague Convention on the Law Applicable to Trusts and on their Recognition, in force for Switzerland since 1 July 2007 (SR 0.221.371). See Part D, Chapter VIII, and Part P, Chapter VIII. ↩

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