The cross-border estate with Swiss elements

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Which law governs?

Singapore applies the common-law choice-of-law rules for succession. Succession to movables is governed by the law of the deceased's domicile at death. Succession to immovables is governed by the lex situs.[1] Digital assets are movables. Their location, for the purposes of determining whether a Singapore grant is needed to deal with them, follows the rule in *Cheong Jun Yoong*: they are where the person who controls the key resides.[2] Switzerland applies Art. 86 ff. PILA. Swiss courts and authorities have jurisdiction over the estate of a person last domiciled in Switzerland and apply Swiss law, subject to a limited election of the law of nationality for foreign nationals.[3] Swiss law imposes forced heirship. Since the revision in force on 1 January 2023, descendants are entitled to half of their intestate share and the surviving spouse to half, with parents no longer protected.[4] Singapore knows no forced heirship beyond the limited maintenance claims under the Inheritance (Family Provision) Act 1966.[5]

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The combinations that arise in practice are these. A Zug-domiciled founder with tokens in self-custody in Zug and an account with a Singapore exchange dies. Swiss law governs the whole succession from the Swiss perspective. Singapore law, applying the domicile rule, also refers succession to the movables to Swiss law. The forced heirs' entitlements under Art. 471 CC therefore apply to the tokens wherever they are. A Singapore-domiciled holder with a Swiss custodian presents the reverse picture. Singapore law governs the succession without forced heirship. The Swiss custodian will release the tokens on production of documents acceptable under Swiss law.

Grants and their recognition

The practical obstacle is documentary. A Singapore exchange or custodian will release a deceased customer's assets only against a Singapore grant of probate or letters of administration. Singapore reseals grants from Commonwealth jurisdictions under s 47 of the Probate and Administration Act, but Switzerland is not a Commonwealth jurisdiction and a Swiss certificate of inheritance (Erbbescheinigung) cannot be resealed.[6] The Swiss heirs or executor must therefore apply for a fresh Singapore grant, which for a foreign-domiciled deceased is a grant of letters of administration with the will annexed, if any, limited to the Singapore assets. The application requires evidence of the foreign law and of the applicants' entitlement, usually by affidavit of a Swiss lawyer. The process takes months. During that time the exchange account is frozen, which for a volatile asset is itself a loss.

In the other direction, a Swiss custodian releasing assets of a Singapore-domiciled deceased will usually accept a Singapore grant with an apostille and a certified translation. The grant is recognised under Art. 96 PILA, which provides for the recognition of foreign decisions and documents concerning succession rendered in the state of the deceased's last domicile.[7] Swiss practice is less formal than Singapore's on this point. In my experience the Swiss custodian is the easier counterparty.

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Issue	Singapore	Switzerland
Governing law of succession to tokens	Law of domicile at death (common law)	Swiss law for Swiss-domiciled deceased (Art. 90 PILA); election of national law possible for foreigners
Forced heirship	None (maintenance claims only)	Descendants and spouse each protected as to half their intestate share (Art. 471 CC)
Formal validity of will	Writing, signature, two witnesses (Wills Act s 6); no electronic wills	Holographic, public or oral will (Art. 498 ff. CC); no electronic wills
Document to access exchange account	Singapore grant; foreign grants resealed only if Commonwealth	Erbbescheinigung or recognised foreign grant (Art. 96 PILA)
Inheritance tax	None since 15 February 2008	Cantonal; Zug and Zürich exempt spouse and descendants
Location of tokens for succession purposes	Residence of key-holder (*Cheong Jun Yoong*)	Unsettled; practice looks to the custodian's seat or the deceased's domicile

Planning the dual-hub estate

The planning answer for a holder with assets and family in both places has four elements. The first is a clear domicile, since domicile decides the governing law and the forum. A founder who divides time between Zug and Singapore can find both systems claiming the estate. The second is a will in each jurisdiction, each limited to the assets in that jurisdiction and each drafted with knowledge of the other, with a common executor or co-ordinated executors. The third is custody. Tokens held with a licensed custodian in each place can be released against local documents, while self-custodied tokens require the executor to hold or assemble the keys regardless of where the grant is obtained. The fourth is the forced-heirship audit. A Swiss-domiciled holder cannot disinherit children through a Singapore will or a Singapore

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trust. Swiss heirs can claim against the trust assets under the clawback provisions of Art. 522 ff. CC. Switzerland's recognition of the trust under the Hague Convention does not displace those provisions.[8] Part P, Chapter VIII sets out the ten-point protocol for succession planning that follows from these elements.

Cross-border perspective

You can hold digital assets in Zug and Singapore under a single coherent estate plan if you decide three things in advance: where you are domiciled, who holds which component of your keys, and which custodians will release assets against which documents. A founder who leaves those questions open leaves the family with a frozen exchange account in Singapore and a hardware wallet in Zug that nobody can open. A dispute between Swiss forced heirs and Singapore beneficiaries then follows, about assets that may by then be worth a fraction of what they were. Every element of the plan is routine for a competent adviser in either place. The difficulty lies only in doing it before it is needed.

Notes

1. The common-law rules on succession to movables and immovables are applied in Singapore, for example in *Re Estate of Chong Siew Kum* [2005] SGHC 41. ↩
2. *Cheong Jun Yoong v Three Arrows Capital Ltd and others* [2024] SGHC 21 at [59]–[63]. ↩
3. Art. 86, 87 and 90–91 PILA (SR 291). ↩
4. Art. 471 CC (SR 210), as revised with effect from 1 January 2023. ↩
5. Inheritance (Family Provision) Act 1966, s 3. ↩
6. Probate and Administration Act 1934, s 47 (resealing of Commonwealth grants). ↩
7. Art. 96 PILA (SR 291). ↩

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8. Art. 522–533 CC (action in abatement for infringement of forced heirship). Art. 15 of the Hague Trusts Convention preserves mandatory rules of the forum on succession. ↩

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