

What you need to know to deal with assets left in Jersey by a deceased UK resident

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You might think that a formal Grant of Probate issued in the UK would be sufficient to release assets held in Jersey by your client – unfortunately, the process is not quite as simple as that.

Because the Island is a separate jurisdiction, a separate Grant of Probate is required unless the Jersey estate is worth less than £30,000, in which case the asset holder has the discretion to release the assets if certain conditions are met.

What that means in practical terms is a visit, in person, to the Judicial Greffe (the clerk section) of Jersey's Royal Court.

For UK practitioners, that process will be better handled by a Jersey firm. It can take two separate visits for the procedures to be completed, which in terms of time and expense from the perspective of a UK-based firm, can be excessive. Jersey-based firms such as Ogier have regular, standing appointments at the Judicial Greffe to deal with probate issues.

On production of a UK Grant of Probate, the clerks will issue a Jersey Grant of Probate through a "fast-track process", which will enable any bank accounts or investments to be released and distributed in accordance with the will.

This procedure covers moveable assets – for example, money held in Jersey bank accounts, and investments held in Jersey – but for property assets, the process is more complicated.

For Jersey property, a Will that has been court-sealed and certified in accordance with Jersey law will be required.

A further complication presents itself in the case of the inheritance of Jersey property – anyone from outside of the Island inheriting a property also inherits a right to occupy it, despite Jersey's restrictions on residence. The right to occupy an inherited property does not confer wider residency rights on the inheritor – they cannot occupy other properties in the Island on the basis

of their inheritance.

They are also restricted from selling the inherited property for "a year and a day" from the date that the will is registered, in case a dispute arises because a separate will has been discovered which leaves the property to someone else. In most cases, this restriction can be circumvented by the taking out of an appropriate insurance policy.

Without a properly registered will, or in the event of any irregularities with the will, the deceased will be held to have died intestate, and an administrator – usually the surviving spouse or eldest child – will be appointed by the court to deal with inheritance issues.

It is clear that these procedures are not universally understood and adhered to, which has the potential to cause difficulties in the event that there are any disputes over inheritance.

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