



# Probate for non-Jersey and non-UK domiciled persons

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## What is probate?

Probate is the term used both for the Grant of Probate itself and the process involved in applying for the right to deal with the estate of someone who has passed away.

## What is an Executor and what is an Administrator?

The person who is named as the person to carry out the administration of a Will is called an Executor. An Administrator is the person appointed as the personal representative for a person who died without making a Will or naming someone to administer their estate.

## What happens if someone has a Will?

A Court sealed and certified copy of the Grant (or equivalent document in the relevant jurisdiction), Will and any Codicils is proved before the Royal Court of Jersey. Once the Grant of Probate is issued the Executor/Administrator of the estate can proceed with the administration of the Jersey Estate.

## What happens if there is no Will?

A Court sealed and certified copy of the Letters of Administration (or equivalent document in the relevant jurisdiction) is proved before the Royal Court of Jersey. Once the Letters of Administration are issued, the Administrator can administer the Jersey Estate. If probate is not being applied for in the jurisdiction that the deceased was domiciled, we would need to find out who is entitled to administer the estate according to the laws of the deceased's country of domicile.

## **Do I need to apply for a Grant of Probate?**

If the deceased had Jersey assets with a total value in excess of £30,000, then an application has to be made for a Jersey Grant of Probate/Letters of Administration. The asset holder has discretion to release the funds if they are below this threshold and if certain conditions are met.

## **How do you make a probate application in Jersey?**

It is not possible to use a Grant of Probate issued in another country in Jersey and therefore you must make a full application for a Jersey Grant of Probate. This can be done in person or by appointing an Advocate to act as your Attorney to make the application on your behalf. There are different rules which apply if the deceased was domiciled in the United Kingdom.

## **What is domicile and why is it important?**

Domicile will usually be the place where someone has lived and intended to stay for the rest of his or her life. It is important to know the domicile of the person who has died because the law of that country governs about who can administer their estate.

## **How Ogier can help**

We can provide you with expert advice in all areas of probate work, including the administration of a deceased person's estate and the necessary applications for probate.

## **What do I need before making a probate application?**

1. When the deceased's domicile is supplied we can advise on exactly what paperwork is required as it varies from jurisdiction to jurisdiction but generally, the following applies
2. A court sealed and certified copy of the Grant of Probate, Will and Codicils or Letters of Administration (or equivalent documentation) from the deceased's country of domicile. The Inheritance Certificate, Notarial Declaration or Certificate of Will, from the country where the deceased was domiciled, if any documents are not in English then official English translations are required
3. If the deceased left more than one Will which covered their assets in other countries, then a copy is required to confirm that it does not revoke the Will covering the Jersey assets
4. Original or a certified copy of the death certificate, interim death certificate or letter of fact of death
5. Value of the Jersey assets

6. Client identification in the form of a certified copy passport and utility bill or bank statement which is no more than three months old confirming the residential address(es) of the Executor(s) / Administrator(s)

## What are the costs of taxes or duties involved?

There are no death duties, estate duty, inheritance tax or capital gains tax in Jersey. Stamp duty is payable upon application for the Grant of Probate at a rate of 0.5% of the value of the assets at the date of death. This is rounded up to the nearest £10,000 on estates up to £100,000. For estates over the value of £100,000, there is a rate of £75 per each additional £10,000.


Then, for each £10,000, add £75.

There is a maximum charge of £100,000 stamp duty which was introduced with effect from 1 January 2013.

The Probate Registrar will also charge a flat stamp duty fee of £80 on all applications. The Royal Court Probate Department may charge an additional fee for reviewing paperwork before an application which varies depending upon the number of papers to be reviewed, but normally is a minimum of £75.

If you would like more information about applying for a Grant of Probate, contact our Estate Planning, Wills, and Probate team who can help you in all aspects of your application.

### About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

## Disclaimer

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