



I am domiciled in Jersey, do I have freedom to leave my assets to whomever I want when writing my Will

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Jersey law draws a clear distinction between movable and immovable assets. A Jersey domiciled person has testamentary freedom - the right to leave assets to anyone - in respect of any immovable assets (such as freehold property) that they own, however there are still forced heirship rules that may apply in respect of their movable assets (such as cash/shares), depending on their heirs, and this is known as legitime.

Legitime gives a spouse and/or child of a Jersey domiciled deceased person the right to a fixed proportion of that person's movable estate, notwithstanding anything that their Will of movable estate might provide to the contrary. The surviving spouse and/or child has to make a claim for their legitime by way of an application in the Royal Court of Jersey, and there is a time frame in which this must be done, but once the claim is made their legitime entitlement is awarded to them. There is no defence to their claim.

Legitime only applies to movable assets that are in the deceased person's sole name so it cannot be claimed against a Will dealing with immovable assets (such as freehold property) or assets that are properly held by the deceased and another as joint owners (or joint tenants).

For more advice on legitime, speak to your lawyer.

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