

Personal Law:

Curatorship

In the event that a person becomes incapable of managing and administering his or her property by reason of mental disorder or addiction the Mental Health (Jersey) Law 1969 provides that a Curator should be appointed to administer that person's affairs.

Who will be the Curator?

The Court will select a suitably competent relative or friend who is to be appointed as Curator. Understandably however a situation where the mental health of a close relative or friend has deteriorated so severely can be distressing. At Benest & Syvret we administer a number of curatorships of behalf of clients so as to relieve that burden.

Before any proposed Curator is sworn in he or she must attend at the offices of the Judicial Greffe in the Royal Court Buildings to be interviewed by the Court Officer responsible for curatorships to discuss the requirements of the law. The Court Officer will assess the suitability of the proposed Curator and if appropriate send to HM Solicitor General a report of the meeting. The Solicitor General will decide, on the basis of all the facts whether the proposed Curator's name should be presented to the Court for consideration.

The next step for the proposed Curator

The proposed Curator will then be summonsed to attend Court on a Friday morning at 9.45 a.m. The Court sits in private in a small room adjacent to the main Royal Court room. At this time evidence is put before the Court as to the mental health of the person who is to be subject to the curatorship (who is known as an "Interdict"). That evidence is usually from the Interdict's doctor or a psychiatric consultant. The evidence is usually put by way of written submissions or affidavit. In unusual circumstances the proposed Interdict may also be summonsed so that his or her views may be heard.

If the Court is satisfied that a Curator needs to be appointed then the proposed Curator will immediately be required to take the oath undertaking to administer the assets of the Interdict. A formal Act of Court recording the appointment is then prepared and sent on to the Curator.

Once the Curator is approved

Within 90 days of his appointment the Curator must deliver to the Judicial Greffier an inventory of all the property, including real and personal property of the Interdict. The inventory must be verified by an affidavit sworn by the Curator before a Notary Public, Jurat, Advocate or Solicitor of the Royal Court.

Thereafter annually the Curator must provide to the Judicial Greffier accounts for the affairs of the Interdict showing the income and expenditure and any alterations to the Interdict's capital position. Again the accounts must be verified by an affidavit.

It is not strictly necessary to publish the appointment of a curatorship in the Jersey Evening Post. Such adverts are only placed when the Curator cannot be certain that he or she is aware of all of the Interdict's assets and liabilities. We shall be happy to advise as to whether any such advert would be appropriate depending on the circumstances.

Why have a Curator?

The effect of a curatorship is to remove from the Interdict all powers to deal with his or her own assets. Everything must be dealt with by the Curator. Bank accounts must be transferred into the Curator's name e.g. "John Smith, Curator of John Brown". Any significant dealing in the Interdict's assets will need the prior approval of the Royal Court. A short written Representation explaining the proposed transaction will need to be brought before the Bailiff and Jurats, again in a private room beside the Royal Court at 9.45 a.m. on any Friday morning.

If the Interdict dies

In the event of the death of the Interdict the Curator ceases to hold office and the management and administration of the property and affairs of the Interdict pass into the hands of the Executor or Administrator of the Interdict's Estate.

If the Curator wants to resign

It is possible for a Curator to resign his or her position. In the event that a resignation is required we should be pleased to advise of the process required. Equally if the Interdict subsequently becomes able to manage or administer his or her own affairs the appointment of a Curator can be raised by the Court. Again specific advice would be required in such a situation.

Please [contact us](#) for an initial conversation, to arrange a meeting or for more information on how Benest & Syvret can assist you.

This guide is intended to provide outline details only and should not be considered as a substitute for specific legal advice. [Disclaimer](#).