

Family Law:

Probate for Persons Not Domiciled in Jersey

We regularly assist individuals and institutions resident in the UK and other jurisdictions to obtain release of assets situate in Jersey which belonged to a deceased person. The Probate (Jersey) Law 1998 introduced in particular a fast track procedure to obtain a Jersey Grant of Probate where a Grant of Probate had already been obtained in another jurisdiction. The fast track process is limited to persons domiciled in England and Wales, Scotland, Northern Ireland, Guernsey or the Isle of Man.

What do I need?

In order to obtain the Jersey Grant of Probate Benest & Syvret will require:

- A sealed and certified copy of the original Grant of Probate.
- A sealed and certified copy of the original Will.
- The original Death Certificate.

If there is no requirement to obtain Probate in the country of domicile, the original Will together with an Affidavit sworn by a lawyer practising in the country of domicile confirming that there was no requirement for Probate in that country will suffice. That lawyer should also confirm that the proposed Executor appointed under the Will is valid. No

Affidavit of foreign law is required if the Will has been executed in accordance with the formalities required under Jersey Law. Under Jersey Law a Will of Personal Estate must be signed by two witnesses who are older than eighteen years old and neither of whom benefit under the terms of the Will.

Fast Track

Benest & Syvret provide an efficient service for the obtaining of fast track **Grant of Probate** and competitive prices can be quoted.

As an alternative to the fast track procedure we also recommend that individuals with bank accounts or other similar assets in Jersey make a separate Will relating only to the Jersey assets. This can speed the process for obtaining a Grant of Probate in respect of those items notwithstanding any delay in the obtaining of a Grant of Probate in the Testator's country of domicile.

Non-resident executor?

If the proposed Executors are not resident in Jersey, Benest & Syvret are able to provide Executor services through their Executor Company, Royal Square Executors Limited.

Please contact us for more information on how Benest & Syvret can help you with making a will.

This guide is intended to provide outline details only and should not be considered as a substitute for specific legal advice.