

Probate for Jersey residents: what you need to know

Insights - 04/01/2023

Many people don't realise what is involved in administering a person's estate until they have to do it themselves, and encounter a minefield of previously unheard of terminology and complex legal procedures.

So, what is probate? It is the term used for both the Grant of Probate itself and the process of applying for the right to deal with the estate of someone who has passed away. The person who administers the estate of someone who has passed away, and is named as the person to carry out the administration of the deceased's Will, is called an Executor. An Administrator is the person appointed as the personal representative for a person who has died without making a Will or naming someone to administer their estate.

If a person has left a Will and has assets in their sole name that need to be administered following their death, then one of the first steps is to arrange for the Will to be proved before the Royal Court of Jersey. Once the Grant of Probate to the Will is issued, the Executor can start to collect in the assets of the person who has died, pay their debts and start to make arrangements for the distribution of their assets in accordance with the terms of their Will.

If the person has died without making a Will then they are said to be "intestate". In this situation the court will issue a Grant of Letters of Administration to appoint an Administrator to deal with the estate. This is normally the surviving spouse or eldest son, but other people can be appointed at the discretion of the Probate Registrar.

A Grant of Probate or Letters of Administration (a Grant) should be applied for if the deceased held any bank accounts, investments, or other assets in their own name. You do not normally have to apply for a Grant if the deceased had assets in joint names, as they often pass automatically to the surviving party, provided that was the intention of the parties and that there is evidence of this intention.

The documents needed to make the relevant application to the Court include the original Will of

the deceased (if one was left), the original death certificate, official confirmation of the net value of the worldwide assets of the deceased, taking into account any of their debts including the funeral costs, alongside identification in the form of a certified copy of a passport and a utility bill or bank statement, which is no more than three months old, confirming the residential address(es) of the Executor/Administrator. The Probate Registrar may request that other documents such as Affidavits of fact or condition of the Will are also produced.

Stamp duty also has to be paid upon application for the Grant 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 the value of £100,000. For estates over the value of £100,000, there is a rate of £75 for each additional £10,000. 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.

Once issued the Grant gives the correctly appointed person the legal right to deal with the deceased person's estate. This will include contacting their asset holders, such as banks, in order to freeze their accounts and stop all standing orders or direct debits, stopping their utility bills, keeping a schedule of assets and liabilities, identifying and contacting their beneficiaries, paying all their debts, safeguarding any assets of value, procuring valuations of jewelry and chattels if needed, selling vehicles or boats, dealing with shares and the transfer or sale of these, and even making arrangements for pets.

Administering a loved one's estate can be a difficult and complicated job, but it can also be rewarding to know that their last wishes have been properly followed.

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

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

Meet the Author



Henry Wickham

Partner

Jersey

E: henry.wickham@ogier.com

T: [+44 1534 514291](tel:+441534514291)

Key Contacts



Nathalie Le Cuirot

Associate, Estate Planning, Wills and Probate

Jersey

E: nathalie.lecuirot@ogier.com

T: [+44 1534 514386](tel:+441534514386)



Fiona Lilleyman

Probate Manager

Jersey

E: fiona.lilleyman@ogier.com

T: [+44 1534 514093](tel:+441534514093)

Related Services

[Channel Islands Local Legal Services](#)

[Estate Planning, Wills and Probate](#)

[Local Legal Services](#)

[Expat services](#)