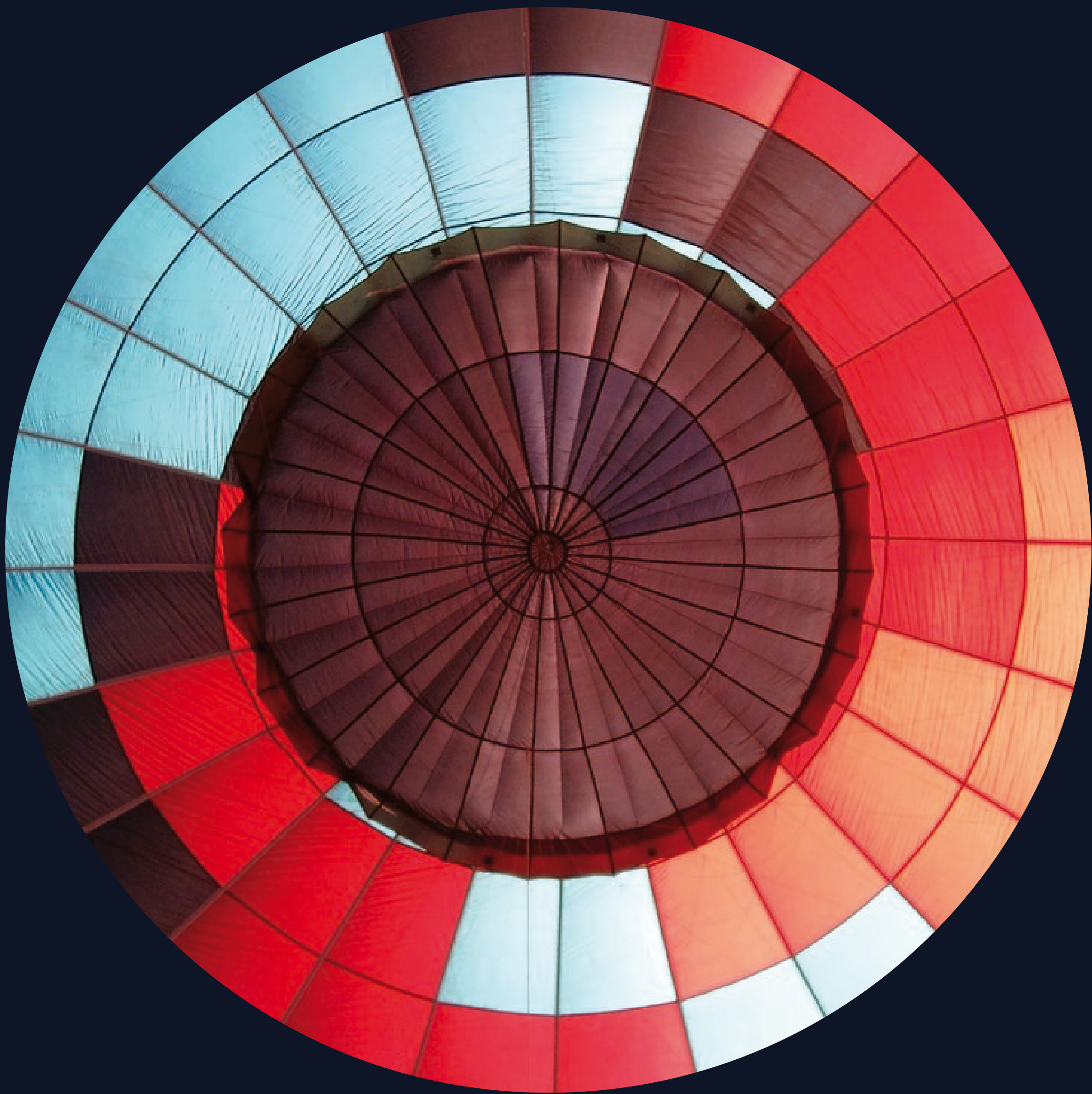
Legal Services

Global Estate Planning and Probate



Ogier

"Ogier is my go-to offshore law firm, not just in Jersey but globally."

Chambers High Net Worth, 2025

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Ogier's global expertise

We get straight to the point, managing complexity to get to the essentials.

About Ogier
Ogier is a leading provider of offshore legal services, advising on BVI, Cayman, Guernsey, Irish, Jersey and Luxembourg law.

We are the only firm that advises on these six laws. We are recognised as a leading firm for private wealth, supported by market-leading expertise in corporate and finance law. We also have strong practices in employee benefits, employment law, regulatory, restructuring and insolvency, property and tax.

Our team has the knowledge and expertise to advise on complex international cross-border matters. We pride ourselves on providing agile, expert, efficient and cost-effective advice across all time zones.

Private wealth
Our Private Wealth team advises trustees, private banks, financial institutions, fiduciaries, family offices and high net worth clients and their advisers across the lifecycle of trusts.

From establishment and regulatory considerations to ongoing administration and restructuring, we provide practical guidance on trusts and foundations and help clients determine the most appropriate structure and jurisdiction for their needs.

Estates, wills and probate
Our global Estate Planning, Wills and Probate team has specialists in BVI, Cayman, Guernsey, Irish and Jersey law who advise on all aspects of wills and probate legislation, including powers of attorney. We provide a responsive, clear and compassionate service to clients and their advisers.

We have one of the largest specialist Estate Planning, Wills and Probate teams across our jurisdictions and are ranked in the top tier across leading legal directories. Our global team works together seamlessly to provide a joined-up service to clients with assets across multiple jurisdictions.

Relocation Services
Our relocations team advises businesses, leading individuals and families on moving to and establishing themselves in Cayman, Dubai, Guernsey, Ireland, Jersey or Monaco. We work with clients and their advisers to navigate the legal, regulatory and practical considerations involved in international relocation.

From assessing jurisdictional options and immigration requirements to establishing business operations and ongoing structuring, we provide clear, practical guidance at every stage of the relocation process.

Best Offshore Law Firm
WealthBriefing European Awards 2026

Law Firm of the Year - Jersey
Citywealth IFC Awards 2026

Best Offshore Law Firm - Client Service
HFM Asian Services Awards 2025

Henry Wickham
Partner
Jersey

Henry Wickham is an outstanding talent with a high degree of knowledge that is underpinned by a very amenable approach.
Chambers UK 2026

Managing cross-border estates

We deliver expert, practical advice on all aspects of global estate planning, wills and probate legislation.

International wealth often spans multiple jurisdictions. Careful planning is essential to ensure estates are administered efficiently and to minimise delay, cost and uncertainty when assets are held across borders.

Different legal systems, succession rules and probate procedures can apply depending on where assets are located and how they are structured. Without careful planning, cross-border estates can lead to delays in estate administration, conflicting legal processes, increased costs and potential family disputes.

Ogier works with high net worth individuals and families, international families with assets across jurisdictions, trustees and family offices and professional advisers supporting global estates.

Our team coordinates cross-border estate planning, wills and probate matters across our jurisdictions. We work alongside onshore counsel, trustees and family offices to execute efficiently.

Offshore Firm of the Year
Chambers Europe Awards 2025

Offshore Law Firm of the Year
Chambers High Net Worth Awards 2025

Contentious Trusts and Estates Team of the Year (large firm)
STEP Private Client Awards 2024

Cross-jurisdiction comparison

Estate planning and probate rules differ between jurisdictions. Understanding how succession law, probate procedures and structuring options vary is essential when dealing with international estates.

The table below provides a high-level comparison of key considerations across Ogier's core private wealth jurisdictions.

	British Virgin Islands	Cayman Islands	Guernsey	Ireland	Jersey
Which law governs succession?	Movables (incl. BVI shares): law of domicile. Immovables: BVI law.	Movables: law of domicile. Immovables: Cayman law.	Movables: law of domicile. Immovables: Guernsey law.	Movables: law of domicile. Immovables: Irish law.	Movables: law of domicile. Immovables: Jersey law.
Movable vs immovable (highlights)	Immovables: BVI land/real estate. Movables include bank a/cs and BVI shares.	Immovables: Cayman land/real estate. Movables include bank a/cs and Cayman shares.	Immovables: Guernsey realty. Movables: other property.	Immovables: Irish land/real estate. Movables include bank a/cs and Irish/foreign shares.	Movables: cash, bank a/cs, shares, share-transfer property, leases <10y. Immovables: freehold/flying freehold; leases ≥10y.
Forced-heirship / fixed family claims	Strong firewall protections for BVI trusts (incl. VISTA).	Testamentary freedom; strong trust/firewall protections.	No forced heirship; freedom of testamentary disposition. Court can award reasonable financial provision to dependents.	No civil-law forced heirship, but statutory rights: spouse/civil partner legal right share (1/2 if no children, 1/3 if children); children may apply for further provision.	For Jersey-domiciled persons: légitime applies to movables only (fixed entitlements for spouse/children).
Joint ownership	Joint tenants: survivorship. Tenants in common: pass under will.	Joint proprietors pass by survivorship (may avoid probate). Proprietors in common pass under will.	Survivorship for joint ownership; tenancies in common pass under estate.	Joint tenants generally pass by survivorship; tenants in common fall into the estate (will/intestacy).	Joint assets pass by survivorship; tenancies in common fall into estate.
Is a local grant required?	BVI grant required to deal with BVI assets (commonly shares).	Grant of representation required to deal with Cayman assets held directly.	A Guernsey grant is required to administer Guernsey assets.	Irish grant (probate /administration) generally required to deal with Irish-situs assets.	Grant required where Jersey movables exceed £30,000 (limited exceptions).

	British Virgin Islands	Cayman Islands	Guernsey	Ireland	Jersey
Release without a grant?	Not required where assets are properly held in trust (for example, VISTA).	Generally no where assets held directly. Not needed for assets in lifetime structures.	Generally no - institutions typically require a Guernsey grant.	Limited small-balance releases may be available at institution discretion; otherwise a grant is expected.	Limited statutory exemptions under ~£30,000 with safeguards.
Can a foreign grant be resealed?	Yes – resealing available for recognised jurisdictions (with requirements incl. stamp duty).	Yes – resealing available for recognised jurisdictions.	Not generally recognised; re-admission process applies (simplified for UK/France).	No resealing – a fresh Irish grant is typically required for Irish assets.	No resealing – full Jersey application required.
Probate process (high level)	Follows ECSC NCPR 2017; paper + e-filing with prescribed documents.	Paper + e-filing; chamber applications before Grand Court judge (small estates may be before magistrate).	No personal appearance; Registry prepares key documents; heard at scheduled sittings.	Executor/administrator applies; online SA2 asset return; Probate Office fee; e-probate slated to roll out.	Personal appearance or via Jersey Advocate.
Indicative timing (once in order)	Typically 3–6 months to grant.	Earliest 21–28 days from death; typically 3–6 months to grant.	Heard at next available Friday sitting; grant shortly thereafter.	Varies by registry and complexity; e-probate expected to streamline future processing.	Grant typically in 3–5 working days post-appearance.
Value of a local will	Recommended (esp. for non-BVI domiciled) to allow immediate BVI probate and avoid resealing delays.	Recommended (esp. for non-Cayman domiciled) to avoid waiting to reseal foreign grant.	Strongly recommended, especially for homeowners; reduces delay/cost.	Recommended for Irish assets to meet formalities and expedite administration.	Often recommended (separate wills for movables/immovables) to meet formalities and speed administration.
Lifetime structuring	Trusts incl. VISTA trusts tailored for BVI company shares.	Trusts, STAR trusts, foundation companies, reserved powers trusts.	Trusts and related planning available.	Trusts commonly used; foundations not generally recognised.	Jersey trusts widely used (cannot hold Jersey immovables directly).
Firewall / protection from foreign claims	Strong BVI firewall (incl. VISTA) against foreign forced-heirship/matrimonial claims.	Long-standing Cayman firewall for trusts and foundation companies.	Local law governs Guernsey trusts; may protect from foreign claims.	No firewall statutes; asset protection governed by insolvency/fraudulent transfer principles.	Robust Jersey trust firewall provisions.

Anthony Partridge
Partner
Cayman Islands

Anthony Partridge is well known in both the Cayman and international community as a leading private wealth and estate planning adviser.
Chambers HNW 2025

Jurisdictional overviews

British Virgin Islands

The British Virgin Islands operates under a common law legal system within the Eastern Caribbean Supreme Court, with the Privy Council serving as the final court of appeal.

BVI law provides full testamentary freedom, allowing individuals broad discretion over how their estate is distributed. Foreign grants of probate can also be resealed in the BVI under the Probates (Resealing) Act 2021, which can simplify administration where probate has already been obtained in certain jurisdictions.

The BVI is also widely used in international structuring. There are no income, capital gains or inheritance taxes, although fees for grants of probate scale with the value of the estate and stamp duty may apply to land transfers, particularly for non-belongers.

Trust structures play an important role in estate planning involving BVI assets. In particular, VISTA trusts are often used for holding shares in BVI companies, allowing trustees to limit their involvement in company management while benefiting from strong firewall protections.

Probate applications are governed by the Eastern Caribbean Supreme Court Non-Contentious Probate Rules 2017, with grants typically issued within three to six months once an application has been lodged.

Cayman Islands

The Cayman Islands operates under an English-based common law system, supplemented by local statutes, with the Privy Council serving as the final court of appeal.

Cayman law provides full testamentary freedom, allowing individuals broad discretion over how their estate is distributed. Foreign grants of probate can also be resealed in the Cayman Islands, which can simplify estate administration where probate has already been obtained in another recognised jurisdiction.

The jurisdiction is widely used in international wealth structuring. There are no income, capital gains or inheritance taxes, although ad valorem stamp duty applies to transfers of Cayman Islands real estate.

A range of structuring tools are commonly used in estate planning involving Cayman Islands assets, including discretionary trusts, STAR trusts, foundation companies and reserved powers trusts.

Probate applications are handled through a combination of paper filing and e-filing, with grants typically issued within three to six months once an application has been lodged.

Guernsey

Guernsey has a mixed legal system combining elements of common law and civil law. This creates a distinct framework for succession and estate administration.

Guernsey law provides freedom of testamentary disposition. Historical forced heirship rules have been abolished prospectively, although the court may still make reasonable financial provision for certain dependants in limited circumstances.

The administration of estates in Guernsey distinguishes between movable and immovable property. A grant of probate is generally required to administer movable assets, while immovable property typically vests directly in heirs.

Guernsey does not levy inheritance tax. Probate fees apply to grants of representation and are currently charged at approximately 0.35% of the estate value, subject to a cap.

Guernsey is also widely used for international estate planning. The jurisdiction has modern trust legislation and foundations are available, with perpetual trusts permitted.

Ireland

Ireland operates under a constitutional, statutory and common law legal system. Succession and estate administration are primarily governed by the Succession Act 1965, which establishes the legal framework for inheritance rights and probate procedures.

Irish law provides testamentary freedom, but this is subject to important statutory protections. A surviving spouse or civil partner has a legal right share of the estate, and children may apply to the court for provision under Section 117 of the Succession Act 1965 where they believe proper provision has not been made for them.

Probate applications are made by the executor of the estate, or by an administrator where there is no valid will. Applicants must submit an online asset inventory using Form SA2, and probate fees apply through the Probate Office. Ireland is currently progressing an e-probate programme, which is expected to streamline aspects of the probate process.

Trusts are commonly used as part of estate planning structures under Irish law, although foundations are not generally recognised.

Ireland does not have specific trust firewall legislation. Asset protection issues are therefore generally considered under insolvency and fraudulent conveyance principles, including provisions contained in the Bankruptcy Act 1988.

Jersey

Jersey has a unique legal system that blends Norman customary law with common law influences. This creates a distinct framework for succession and estate administration.

For Jersey-domiciled individuals, the concept of légitime may apply. This provides fixed entitlements to certain family members in relation to movable assets. Jersey law also requires a local grant of probate to deal with Jersey-situated assets, and it is an offence to dispose of Jersey assets exceeding £30,000 without obtaining a grant.

Stamp duty is payable on probate applications. The duty is calculated on the net estate. It applies to worldwide assets where the deceased was domiciled in Jersey, and to Jersey-situs assets where they were not.

Jersey is also widely used for international estate planning. Trusts and foundations benefit from robust firewall provisions and are commonly used for succession planning and asset protection.

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Ireland
Jersey
London
Luxembourg
Shanghai
Singapore
Tokyo

Ogier provides practical advice on BVI, Cayman Islands, Guernsey, Irish, Jersey and Luxembourg law through our global network of offices across the Asian, Caribbean and European timezones. We regularly win awards for innovation, client service and quality. Regulatory information can be found at ogier.com

ogier.com