



Ogier's Jersey Wills for non-doms

For individuals domiciled outside of Jersey, a separate will covering Jersey assets can simplify the probate process – as well as providing certainty over the distribution of assets on death and offering a cheaper solution.

Jersey law is separate to that of England & Wales, and distinguishes between movable or personal assets and immovable or real estate assets. Personal assets include such items as money, furniture, jewellery, cars and paintings as well as intangible assets such as shares and insurance policies. These are often collectively referred to as your personal or movable estate.

Personal assets that most commonly need to be accessed in Jersey following the death of a non-domiciled person are shares in Jersey companies and Jersey bank accounts and investments.

If you are domiciled outside of Jersey, you do not need to prepare a separate Will covering your Jersey personal estate if you already have a valid Will covering your worldwide personal estate, but there can be significant benefits from doing so.

5 things to know about Jersey Wills for non-doms



Your domicile (essentially your “permanent home” and the place to which you have the most connection) is important for Jersey law succession purposes because it is the law applied by your domicile at the date of death which usually governs the material validity of your Will of personal estate



Where there is no valid Will that covers your Jersey assets, Letters of Administration must be obtained before your Jersey assets can be dealt with. The identity of the person who is entitled to make the application may be difficult to ascertain (as may be the identity of the heirs), adding to the cost and the time involved



If a non-domiciled person leaves Jersey estate with a value of over £10,000, the asset holder is required by law to request that a Jersey Grant of Probate or Jersey Letters of Administration is produced before any of the estate is released



The executor or administrator must make a personal appearance in Jersey, or appoint a Jersey based agent, such as a lawyer, to apply for the Grant of Probate or Letters of Administration



Where there is only one Will covering the worldwide estate, it is a requirement of the Jersey Court that this is first admitted to Probate, or the equivalent procedure, in the country of domicile (unless there are no assets in any location other than Jersey)



Ogier has a digital Wills portal for simple Wills on the www.ogier.com website and expert legal advisers to advise upon and draft more complex Wills which may include trust provisions and cover assets in multi-jurisdictions



Legal advice is always recommended as it is essential to ensure that your Jersey estate is properly covered and that there is no conflict with or unintended revocation of any other Will



If you have a separate Jersey Will covering your Jersey estate, this can be admitted to Probate in Jersey without needing to complete probate procedures in another jurisdiction, making the administration of the Jersey estate much more efficient and assisting with the payment of debts in other jurisdictions if required



Ogier will ensure that your Jersey Will effectively covers your Jersey estate. We can also assist with ensuring that your estate in the rest of the world is covered by working with your lawyers or our trusted colleagues in other jurisdictions



If you own immovable property (real estate) then it is important to take proper advice regarding the succession of these assets upon your death as this will usually be governed by the law of the country in which the property is located



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