

Things to consider when making a Will

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Wills of Immovable Estate

This essentially covers Jersey freehold (and flying freehold) property. Property which is owned in joint names (where ownership is on a 'survivorship' basis) will automatically pass to the survivor on the death of one of the joint owners and will not be governed by your Will.

Who do you wish to leave your immovable estate to?

Under Jersey law, you have the freedom to leave your Jersey immovable assets to whoever your wish. If you wish to split up a large property, your Will can create the necessary boundaries and right to enable this to happen. You may wish to give life enjoyment of a property to someone but the underlying ownership of the same property to another party. This can all be dealt with in your Will.

The only restriction is that you cannot leave Jersey immovable property to a Trust.

Who would you want to receive your immovable assets if any of your first choices predecease you?

You don't have to provide for this possibility but it can help to minimise the likelihood of updating your Will becoming necessary or of you dying intestate because your only named beneficiary has predeceased you. If this happens, and you have not named a substitute beneficiary, then your immovable assets will be inherited by the people that are entitled to receive it under Jersey law. This may be someone completely different to who you would wish to inherit it.

Wills of Movable Estate

This applies to all other property owned in Jersey and includes share transfer properties, bank accounts, cars as well as intellectual property such as websites and online assets.

Do you have any preferences about cremation or burial arrangements or funeral plans?

You need not make any provision at all, but setting out what you wish to happen can make it easier for your family.

Who do you want to be your Executor?

Your executor is the person who gathers together and distributes your movable assets in accordance with the terms of your Will. You should appoint someone who you trust and who is capable of carrying out your wishes. You can choose a relative or a friend to undertake this duty but you may also prefer to appoint a professional executor. Ogier has a professional executorship company that is set up for this purpose.

Do you want to name a guardian for your children?

In your Will you can name the person that you would like to act as the guardian of your children in the event that both you and your partner should die while they are minors. You can also name a person that you would wish to act as their Tuteur who is the person that would manage your child's financial affairs and assets until they reach the age of 18.

If you have any specific items (heirlooms) you may wish to specify them. If so, what are these items and who do you want to leave them to?

Your executor may have to liquidate your assets in order to pay off any of your debts and distribute the balance between your chosen beneficiaries so if you have a particular item that you want to leave to a specific person it is important that you make this clear in your Will.

Would you like to leave any sums of money to family, friends or charities?

You may wish to help a charitable cause or make a bequest to an employee, friend, or family member.

Who do you wish leave the rest of your movable estate to?

The remainder of your movable assets will be allocated after all debts have been paid and specific bequests have been provided for.

There are still forced heirship provisions in Jersey which may restrict your ability to leave your movable assets to whoever you wish so you should speak to your lawyer about this.

Who would you like to inherit your movable estate if any of your first choices die before you?

You do not have to provide for this possibility but it is sensible to do so to minimise the risk of your Will needing further changes in the future or of you dying intestate because your only named beneficiary has predeceased you. It is common to make provision for the children of your first choice beneficiaries to inherit in their place.

Do you have any preferences about cremation, burial or funeral plans?

While you do not need to set out any provision at all in this respect, you may wish to think about setting out your wishes as this can make it easier for your family.

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