

## The execution of documents in Jersey

**Briefing Summary:** The Jersey courts have now helpfully issued a direction regarding the execution of powers of attorney in light of the current coronavirus (COVID-19) restrictions in order to clarify whether it is possible for the formalities to be complied with where the power of attorney is witnessed by a person by video conference.

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Ordinary powers of attorney must be signed by the donor, or acknowledged by the donor to have been signed by the donor, in the presence of one witness who is not a party to the power of attorney. For registrable powers of attorney (i.e. those relating to Jersey immovable property) the power of attorney must be witnessed by a prescribed person (including a Jersey advocate or solicitor or a notary public).

The direction confirms that powers of attorney signed by a donor or by the donor providing a scan or photograph of a signature attested by a witness (in the case of a registrable power of attorney, being a prescribed witness) will be valid where the witnessing takes place by video conference during which the witness positively identifies the donor and sees the donor signing the power of attorney, provided that:

- the donor's signature and the witness' signature appear on the same page;
- the power of attorney itself indicates on its face the process by which it was executed (i.e. the form of attestation should be amended to indicate that a video conference was used to witness the donor's signature); and
- in the case of registrable powers of attorney only, the lawyer arranging for execution has ensured, prior to execution by the donor over video link, that the donor is not in the presence of any third party whose presence might give rise to a concern that the donor may not be acting of their own free will.

The direction also confirms that affidavits may be validly sworn in the presence of a Jersey advocate or solicitor when this is done by video link, provided that the prescribed formalities are met.

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