



Probate and estate
administration
for non-Jersey
domiciliaries

CAREY OLSEN

9

Locations

5

Offshore Laws

BERMUDA
BRITISH VIRGIN ISLANDS
CAYMAN ISLANDS
GUERNSEY
JERSEY

1898

Founded

What we do

Through our executorship company, Carey Olsen Executors Jersey Limited, we provide a professional estate administration service for family members, individuals, lawyers, or other professionals who are acting as executors or administrators, or who are heirs of a deceased person's estate.

Why do I need a Jersey grant of representation?

Jersey is an independent legal jurisdiction for estate administration purposes. When a person dies leaving assets in Jersey in their sole name with a value of over £10,000, their personal representative (being their executor if they left a Will, or heirs if they did not leave a Will) must obtain a Jersey Grant of Representation (a Grant of Probate if they left a Will or a Grant of Letters of Administration if they did not leave a Will) in order to be able to properly deal with the Jersey assets. The Jersey Grant confirms to whom the assets can be paid and provides protection to the asset holder when they release the assets to this person.

If the value of the estate is under £10,000 a small estates exemption may apply.

The Jersey Court issues a Grant of Probate if the deceased left a Will or a Grant of Administration if they died without a Will, which is known as having died 'intestate'.

Are there any exceptions?

If assets are held in joint names, the assets will usually pass to the surviving joint account holder once they submit a certified copy of the death certificate to the asset holder.

British domiciled estates

If a person dies domiciled in Britain and a corresponding British Grant of Representation has been obtained, an application for a Jersey Grant can be made under the 'Fast-Track' process. This must be made through the office of a Jersey agent such as Carey Olsen. Please see our Fast-Track factsheet for more information.

Will or intestacy?

If a person dies without making a Will he is said to have died "intestate". In intestate estates, it is the law of the deceased person's country of domicile which governs who can inherit and administer their Jersey estate. This may be established by production of a foreign grant, declaration or notarial certificate.

If a person leaves a valid Will they are said to have died 'testate'. The Will should name the person that they wish to act as their executor and their beneficiaries.

What is an executor and an administrator?

An executor is the personal representative of the deceased who is named in the Will. An administrator is the person that is legally appointed as the personal representative in an intestate estate.

An application for a Jersey Grant for the estate of a non-Jersey domiciled individual requires a personal appearance in the Royal Court of Jersey by the executor or administrator or their duly appointed local agent. Carey Olsen Executors Jersey Limited is our in-house executorship company and we can act on behalf of the executor or administrator if required.

Why is domicile important?

The deceased's domicile will usually be the place where he/she lived and intended to remain for the rest of his or her life and the place that they called home. If a person's domicile is not clear then expert legal advice may need to be obtained to help determine this. This information is important as the rights to inherit assets are usually governed by the law of the deceased person's country of domicile. If a British or foreign Grant of probate/administration or equivalent has already been obtained then this may already be evident from the documentation produced.

For the purposes of obtaining a Jersey Grant of Representation, a person's domicile tells us what documents will be needed to present to the Jersey Court, what taxes might be due on their worldwide estate and whether there might be any potential claims on their estate from any sources.

"We need to find out who is entitled to administer the estate."

What documents are required?

- **A death certificate**
A certified copy of the death certificate with translation if appropriate.
- **Grant of probate or letters of administration (A)**
The original or a court sealed and certified copy of the Grant of Probate and Will or Letters of Administration from the jurisdiction in which the deceased was domiciled (or equivalent as for B & C below).
or
Inheritance certificate from foreign court (B)
Sealed and certified by the foreign court and translation if appropriate.
or
Notarial declaration or certificate of Will (C)
Sealed and certified by the notary and translation if appropriate.

Please note: these documents (A), (B) or (C), should bear the seal and be certified by the appropriate official at the Probate Court, other Court or Notary's office that issued, or is holding, the original documents. Certification by any other person or an office copy is not acceptable.

- **Translations**
The translations of official documents that are not in English may be required as appropriate.
- **Client identification**
We will need client identification from the personal representative(s) and/or the beneficiaries. Your lawyer can advise you further on these requirements.
- **Details of assets**
Confirmation of the date of death value of the Jersey assets together with confirmation from the asset holder that a Jersey Grant is required. A bank statement, letter from the asset holder or share valuation will be sufficient.

- **Other documents**
We may require copies of other Wills made, affidavits of fact or foreign law, renunciations or stock and share certificates.
- **Additional Information required**
 - a. Details of beneficiaries and whether they or the deceased lived in Jersey.
 - b. Maiden names of women who have married.
 - c. Dates of birth of children under 18.
 - d. Confirmation as to whether the deceased left any debts in Jersey.
- **Information about the estate**
We will also seek information about the history of the assets in the estate to enable us to comply with local anti-money laundering and terrorist financing legislation.

Please note that all original documentation submitted to the Jersey Probate Court will be permanently retained by them.

What happens next?

Once we have received and reviewed all of the relevant documents, we will be in a position to start the procedure to apply to the Jersey Court for the Jersey Grant. If you wish to appoint Carey Olsen to assist you then we will need to obtain a Power of Attorney and Deed of Indemnity from the Personal Representative which will enable us to make the appearance in the Jersey Court on their behalf. After the application is presented in the Jersey Court, the Jersey Grant is normally issued within 3-5 working days and following this, we can work to collect in the Jersey assets, pay any debts and then distribute the net Jersey estate to the beneficiaries.

Costs

There are no death duties, inheritance taxes, capital gains taxes or value added taxes on foreign domiciled estates. However, Jersey Stamp Duty is payable to the Royal Court of Jersey upon application for the Grant at a rate of 0.5% of the date of death value of the Jersey assets (rounded up to the nearest band of £10,000) on estates with a value of up to £100k and at a rate of £75 per each additional £10,000 (or part thereof) thereafter.

Jersey Estate sworn not to exceed:

| | | |
|-----------------|--|----------------|
| £10,000 - Nil | £20,000 - £100 | £30,000 - £150 |
| £40,000 - £200 | £50,000 - £250 | £60,000 - £300 |
| £70,000 - £350 | £80,000 - £400 | £90,000 - £450 |
| £100,000 - £500 | Each additional £10,000 (or part thereof) add £75 | |

A £80 application fee is also payable in every estate.

Our fees are based principally on time-costing and complexity and we will be happy to provide estimates depending on the circumstances of each particular case.



Key contacts

For further information or professional advice please contact our Wills Service team below:



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PLEASE NOTE

Carey Olsen Executors Jersey Limited is regulated by the Jersey Financial Services Commission for the conduct of Trust Company Business.

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