If you are involved in an estate which has assets located in the islands of Jersey, Guernsey or the Isle of Man, you may find that a separate probate application is required to administer those assets.

Many individuals hold funds "offshore" in these jurisdictions as there may be certain tax advantages. Sometimes, bank accounts or investments may originate in the UK, but subsequently move to Jersey, Guernsey or the Isle of Man – either at the instruction of the investor or following an internal restructure by the financial institution.

Our International Private Client team has extensive experience in obtaining probate and managing estates with assets held in Jersey, Guernsey and the Isle of Man. All of our non-contentious applications are dealt with by our team, in-house, without any third party assistance.

Here are some answers to frequently asked questions that we receive:

**Why is a UK grant of probate not recognised in Jersey, Guernsey or the Isle of Man?**

A common error with estate planning is to assume that Jersey, Guernsey and the Isle of Man form part of the UK. This is not the case as they are independent territories and each island has its own independent probate court.

If, for example, the deceased left a bank account in Jersey, depending on the value of the bank account in Jersey and the risk policy of the bank, it is usual for the bank to request a Jersey grant of probate – even if a UK grant has already been issued.

We often see cases where two Wills have been prepared: one Will which is specifically limited to cover the estate of a testator’s country of domicile, for example, South Africa, and then a separate Will to cover the “United Kingdom estate”. If the testator has assets in Jersey, Guernsey or the Isle of Man, this could produce the undesirable result of there being an intestacy, as the two Wills do not cover these islands. This can of course have a negative impact on the inheritance of the assets if the deceased had intended for their assets to pass to someone other than those who would benefit under the rules of intestacy.

The courts in Jersey, Guernsey and the Isle of Man all have different rules for their probate applications. Where an estate is not completely straightforward, it is sometimes necessary to check the requirements with the court before you can proceed with the grant application.

**Can UK lawyers obtain Jersey probate?**

The Jersey court requires that applications for probate are made either in person by the executor or through a Jersey advocate. Attendance at the court is a key requirement.

By using a power of attorney from the legal representative, we are able to attend to Jersey applications in person and we do not need to use the services of Jersey lawyers or agents.

The person attending the court will need to swear an oath before the probate is issued.

No inheritance or estate tax account is required for Jersey grant applications.

**Are the applications different in Guernsey?**

Applications to the Guernsey court are unique due to the fact that the court prepares some of the application papers, which are printed on a specific court paper.

At the outset, we provide the court with the required estate documents, which then allows the court to prepare the application papers and advise the court fees. Again, no inheritance or estate tax account is required for these applications and the applications proceed quite swiftly once the court’s requirements have been settled.

We are able to attend to Guernsey applications by way of power of attorney from the executor of the estate. Again, we do not use the services of any Guernsey agents or associates for non-contentious probate applications.
What kind of probate application is required for the Isle of Man?

The application includes a lengthy oath, which is sworn by an executor, administrator or their attorney and submitted together with supporting estate documents and the appropriate fee.

When we apply for Isle of Man probates, we usually act under a power of attorney from the legal representative of the estate. This allows us to agree and swear the required oath, following which the probate will be issued and we can then attend to the administration of the assets – in accordance with our client’s instructions.

We are able to deal directly with the Isle of Man court and do not employ the services of any agents or associates in the Isle of Man, unless a specific court order is required.

As with Jersey and Guernsey, there is no requirement to complete an inheritance or estate tax account.

How do you deal with estates with complications?

Cross-border estates are not always straightforward. There may be an intestacy, an error in the will, a chain of representation, or any other scenario which may mean that the court will request some special requirement to allow the application to proceed. This could include an affidavit of law or a specific court order.

Through many decades of experience in attending to the administration of assets in these jurisdictions and our relationships with the various courts, we are able to assist in meeting any of the special requirements that the court may stipulate.

In most instances, due to the hundreds of applications that we have submitted to these courts, we will know exactly how to meet the requirements and be able to rely on precedents. In some rare instances, the court may insist that a local lawyer is instructed to make representations before the court.

In these cases, we are able to call upon one of our trusted connections with local lawyers to meet this requirement.

Instructing Lester Aldridge

If you are interested in instructing our team to assist you in the administration of assets held in Jersey, Guernsey or the Isle of Man, please get in touch with us and provide details of the estate and the assets concerned, which will then enable us to consider the case and the work involved and provide you with a quote.

To assist us in considering your matter, please either post or email copies of the following documents to us:

1. Copy death certificate;
2. Copy of any probates and Wills;
3. Copy of a letter or statement from the asset holder confirming the details and value of the asset(s).

Please note that depending on the information contained in these initial papers, it may be necessary for us to request further information from you before we can be certain as to how the matter may proceed.

The documents may be posted to our office at Bournemouth at the following address, or emailed to the Head of International Private Client, Oliver Phipps:

International Private Client
Lester Aldridge LLP
Russell House
Oxford Road
Bournemouth
BH8 8EX

oliver.phipps@LA-law.com

You may also contact us on +44 (0)1202 786194 or 786118 for an initial discussion about your matter, or email us at info@LA-law.com.