

UPDATE

## Jersey - Intermeddling

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A recent case in Jersey's Royal Court involving Abu Dhabi Commercial Bank PJSC being prosecuted for the offence of 'intermeddling', highlights the need for an organisation to have correct procedures in place when dealing with any part of a deceased's movable estate.

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'Intermeddling' takes place if any form of dealing (eg a transfer, sale or other disposal) is carried out in relation to the Jersey situate movable assets (eg money in a bank account) of an individual who has died, before a grant of probate or administration has been obtained in Jersey.

Subject to a few limited exceptions, any person who deals with those assets before the grant has been obtained will be guilty of an offence and liable to a fine or to a term of imprisonment not exceeding one year or to both.

In the case involving Abu Dhabi Commercial Bank PJSC, the facts were that, despite there being a 'no debit' instruction on the accounts of the deceased, the bank nevertheless transferred funds from one of the deceased's accounts with the bank in Jersey to the United Arab Emirates before probate had been obtained in Jersey. This was done in order to comply with United Arab Emirates probate law, but unfortunately did not comply with Jersey law.

The bank notified the Jersey Financial Services Commission once it became aware of the situation and the court accepted that it was a genuine oversight on the part of the bank. However, notwithstanding these mitigating circumstances, the bank was fined £25,000 and ordered to pay over £2,000 in compensation.

This case reinforces the importance for all organisations that hold client assets for individuals to ensure that they have the correct procedures in place and that appropriate training is given to all employees to ensure that those procedures are not inadvertently overlooked, giving rise to the offence of intermeddling.

## Contacts

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