

UPDATE

# Obtaining a Jersey grant of probate: the fast-track procedure

Prepared by Edward Devenport (Partner, Jersey) and Chiara Mundy (Associate, Jersey)

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Where a financial institution based in Jersey is advised of the death of an asset holder, the financial institution will insist on the production of a Jersey grant of probate or letters of administration before releasing the assets. An exception to this is where the value of the assets is less than £10,000, in which case it is left to the financial institution's discretion as to whether they insist on the production of a Jersey grant.

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## Fast-track probate

The Probate (Jersey) Law 1998 (as amended) (the **Probate Law**) provides for a 'fast-track' probate procedure where the deceased died domiciled in the British Isles (England and Wales, Scotland, Northern Ireland, the Isle of Man or Guernsey) and a grant of probate (or letters of administration where there is no will) has already been obtained from that jurisdiction. The Probate Law further provides that an application must be made through a Jersey advocate or Jersey solicitor, or in person by the person claiming to be entitled to the grant (executor/administrator).

The fast-track procedure allows the Jersey probate court to effectively 're-seal' the grant from the jurisdiction of domicile at the date of death of the deceased, thereby significantly reducing the time and costs involved in obtaining a Jersey grant.

## Documents required

In order to proceed with a fast-track probate application, we will require the following:

1. A court sealed and court certified copy of the existing grant or letters of administration and, if the deceased left a will, a court sealed and court certified copy of the will and any codicils.
2. An original or certified copy of the death certificate.
3. Evidence of the value of the Jersey estate of the deceased as at the date of death (eg a statement or letter from the bank). The reason for this is that the executor/s named on the existing grant will be required to swear an oath as to the value of the Jersey estate.
4. A signed copy of our terms of engagement together with such other identification documents we may request to satisfy our anti-money laundering requirements.

## Stamp duty and fees

Stamp duty is payable at the rate of 0.5% on Jersey movable estates with a value up to £100,000 and at a rate of £75 per additional £10,000 thereafter. If the value of the Jersey movable estate exceeds £13,360,000, the stamp duty payable is capped at £100,000. There is also an £80 application fee in respect of all professional applications.

Our legal fees for dealing with a fast-track probate application are generally between £700 - £800 excluding disbursements. If we are instructed to deal with the collection in and distribution of the Jersey estate, our fees are charged on a time-spent basis.

## Contacts

For more information regarding fast-track probate applications, please contact us using the details provided below.

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**Edward Devenport**  
Partner, Mourant Ozannes  
Jersey  
+44 1534 676 366  
edward.devenport@mourant.com



**Chiara Mundy**  
Associate  
Jersey  
+44 1534 676 467  
chiara.mundy@mourant.com

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