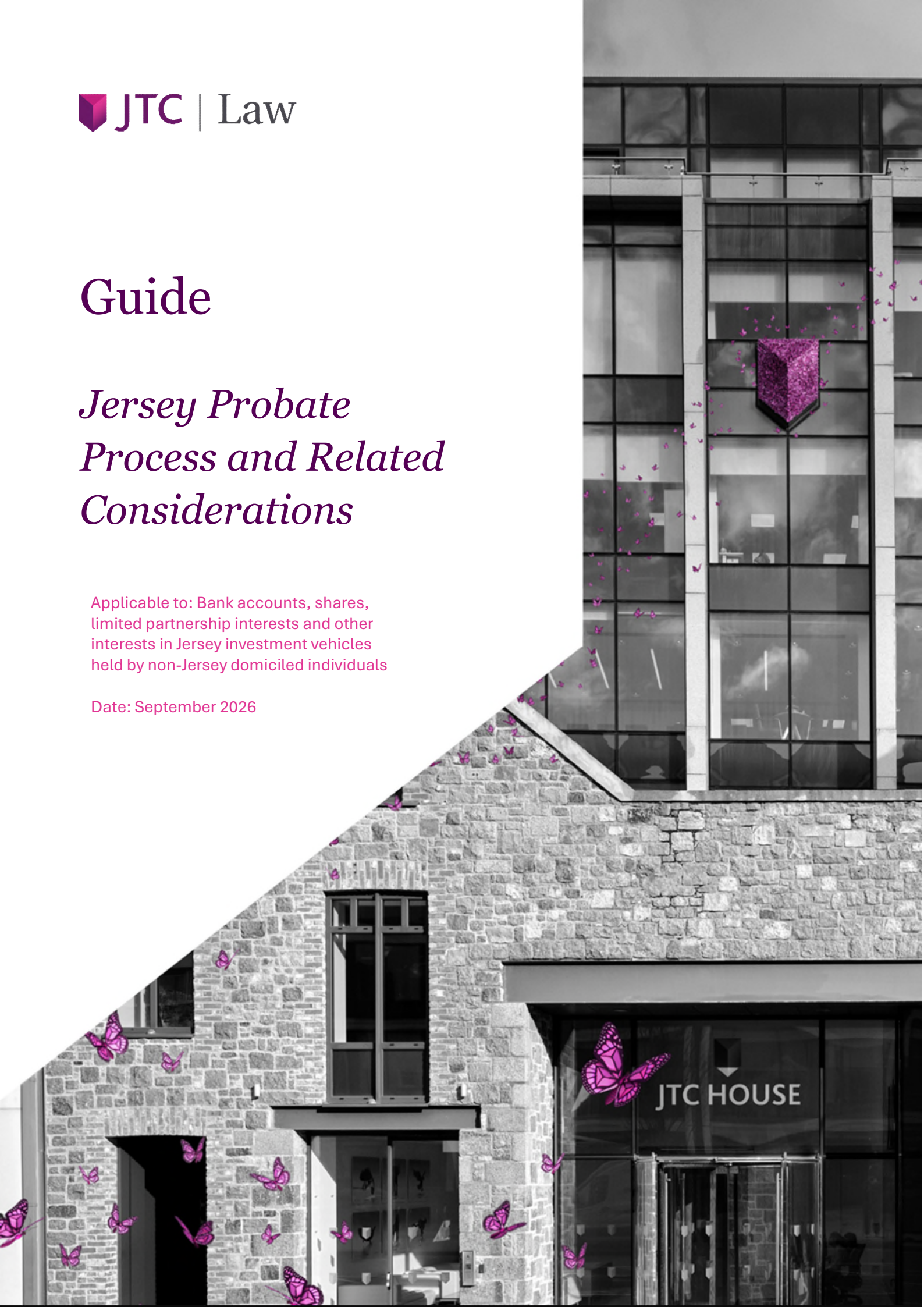


Guide

Jersey Probate Process and Related Considerations

Applicable to: Bank accounts, shares,
limited partnership interests and other
interests in Jersey investment vehicles
held by non-Jersey domiciled individuals

Date: September 2026



Purpose of this Guide

This Guide provides a general summary of the Jersey legal process that must be followed when a person who was domiciled outside Jersey dies leaving movable assets situated in Jersey, and those assets need to be dealt with, transferred or distributed. It is relevant to banks, investment managers, administrators, general partners, and to the families and estates of deceased holders of Jersey assets.

This Guide is for general guidance only and does not constitute legal advice. The position may vary depending on the individual's domicile, the nature and value of the Jersey assets, and any specific fund/vehicle or investment documentation. Formal advice from a Jersey-qualified lawyer should be obtained before any action is taken.

Part 1 – Jersey Probate: The General Position

1. What is Jersey Movable Estate?

Jersey is an independent legal jurisdiction for estate administration purposes and its rules apply separately from those of the United Kingdom and other countries.

Movable estate means assets that are not real estate (immovable property). Jersey movable estate includes:

- cash and deposits held at Jersey banks and financial institutions;
- shares and other securities issued by Jersey-incorporated companies;
- interests in Jersey limited partnerships (including limited partnership interests in investment funds);
- units, shares or other interests in Jersey collective investment vehicles;
- portfolios and investment accounts managed or administered in Jersey; and
- tangible personal property (such as jewellery, vehicles, art and furniture) physically situated in Jersey.

A separate process applies to real estate in Jersey and is not covered by this Guide.

2. Why is a Jersey Grant of Probate or Letters of Administration Required?

Under the Probate (Jersey) Law 1998 (**Probate Law**), subject to limited exceptions, it is a criminal offence to deal with or administer a deceased person's Jersey movable estate unless a Jersey Grant of Probate (where there is a valid will) or Letters of Administration (where there is no valid will) has been obtained from the Jersey Probate Registry. This is known as “intermeddling” and can expose asset holders, administrators, general partners and others to criminal liability.

A Jersey Grant is separate from and in addition to any grant of probate or authority obtained in the deceased's home country. A foreign grant of probate does not, on its own, authorise dealings with Jersey assets. The Jersey Grant provides formal confirmation of who is entitled to deal with and receive the Jersey estate and provides legal protection to asset holders when releasing assets to that person.

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.

3. When is a Jersey Grant Required?

Value of Jersey movable estate	Position
More than £30,000	A Jersey Grant is required. A foreign grant alone is not sufficient.
£30,000 or less	A small estate exemption may apply and a formal Jersey Grant may not be required. However, the asset holder (for example, a bank, fund administrator or general partner) may insist that a Jersey Grant is obtained even below this threshold. The exemption is not mandatory.

In practice, banks and investment vehicles may require a Jersey Grant regardless of the exemption threshold. Any asset holder uncertain whether a grant is required should consult a Jersey lawyer before releasing any assets.

4. Testate and Intestate Estates

A person who dies leaving a valid will is said to have died “testate”. The person named in the will to administer the estate is the executor, and the appropriate Jersey application is for a Grant of Probate. A person who dies without a valid will is said to have died “intestate”. In that case, the appropriate application is for Letters of Administration. In intestate estates, it is the law of the deceased’s country of domicile that governs who is entitled to inherit and administer the estate. Intestate applications can take considerably longer and involve greater complexity, particularly for non-British Isles domiciliaries.

5. The Fast-Track Process (British Isles Domiciliaries)

Where the deceased died domiciled in England, Wales, Scotland, Northern Ireland, Guernsey or the Isle of Man, and a corresponding grant of probate or letters of administration has already been obtained in that jurisdiction, a simplified fast-track process may be available in Jersey under which the Judicial Greffe issues a Judicial Greffe certificate on the basis of the corresponding grant obtained in that jurisdiction (broadly equivalent to the English law concept of re-sealing). The fast-track process:

- can only be used by engaging the services of a local Jersey agent;
- does not require the executor or administrator to travel to Jersey in person — a Jersey lawyer can act on their behalf as attorney under a power of attorney and indemnity in the firm’s standard form; and
- is significantly quicker than a full Jersey application.

For all other domiciles, a full application is required and the executor or administrator must either travel to Jersey to appear before the Probate Registry in person or appoint a local lawyer to do so on their behalf.

6. Documents Required

- the original or a court-sealed and certified copy of the foreign grant of probate or letters of administration (or equivalent), together with the original or certified copy of the will and any codicils;
- Where no foreign grant has been obtained (for example, because there are no significant assets in the country of domicile): confirmation of the reason, together with the original will or an affidavit from a local lawyer confirming entitlement on intestacy;
- the original or a certified copy of the death certificate;
- confirmation of the date-of-death value of the Jersey movable estate (for example, a bank statement, valuation certificate, or letter from the asset holder confirming the grant is required);
- official translations of any documents not in English;
- client identification documents (typically a copy passport and proof of address, certified in accordance with the Jersey firm's AML requirements) for the personal representative(s) and beneficiaries; and
- any other documents required by the Jersey Probate Registry, such as affidavits of law, certificates of inheritance, or court orders.

Note: All original documentation submitted to the Jersey Probate Registry is permanently retained.

7. The Application Process and Court Approval

Applications are made to the Probate Registry at the Judicial Greffe, which is part of the Royal Court of Jersey. The process is administrative rather than contentious in most cases — no formal court hearing before a judge is required in straightforward estates.

Once the Jersey lawyer has received all required documents, they prepare the application and arrange a short swearing-in appointment at the Probate Registry, lasting approximately 10 to 15 minutes, at which the executor or administrator (or their attorney) swears a statutory oath to properly administer the estate. The grant is typically issued within 3 to 7 working days following the swearing of the oath.

Once the sealed Jersey Grant has been issued, the executor, administrator or their attorney may begin to deal with the deceased's Jersey assets, liaise with asset holders, call in the estate, and arrange distribution to beneficiaries.

8. Anticipated Timing

Stage	Estimated timescale	Notes
Obtaining the foreign grant (or equivalent)	Depends on the foreign jurisdiction and whether testate or intestate	Often the longest step. Intestacy is typically slower than testate estates.
Jersey fast-track application (British Isles domiciliaries)	Typically 3 to 7 working days from swearing the oath, once all documents are received	Requires engagement of a Jersey law firm. No travel to Jersey required.
Full Jersey application (non-British Isles domiciliaries)	Typically gathering documents and making the relevant appointment to make the oath can take 2 to 3 weeks or more from engagement, depending on complexity and document availability. As above, typically 3 to 7 working days from swearing the oath to receive the grant.	Power of attorney required if the executor/administrator cannot attend in person.

9. Jersey Stamp Duty and Costs

There are no Jersey inheritance taxes, capital gains taxes, death duties or value added taxes arising solely by reason of death. Stamp duty is the only Jersey tax cost. Stamp duty is calculated on the net value of the deceased's Jersey movable estate as at the date of death:

Value of Jersey movable estate	Probate stamp duty
Does not exceed £10,000	Nil
Up to £100,000	£50 per £10,000 or part thereof (i.e. 0.5%, calculated in £10,000 bands - £20,000 = £100, £30,000 = £150 etc)
Exceeds £100,000 but does not exceed £13,360,000	£500 in respect of the first £100,000, plus £75 for each additional £10,000 or part thereof above £100,000
Exceeds £13,360,000	Capped at £100,000 in total

In addition to stamp duty, a Probate Registry application fee is payable (currently £107), though this figure should be verified with the Judicial Greffe at the time of application as fees are subject to change and

particular circumstances). Legal fees for a Jersey law firm are charged on a time or fixed-fee basis depending on complexity; estimates should be obtained at the outset.

10. Role of a Jersey Lawyer

Engaging a Jersey-qualified lawyer is strongly recommended, and is required in practice for the fast track process. A Jersey lawyer can help identify the appropriate route, prepare the application and manage the related estate, AML/KYC and vehicle level issues.

The Jersey lawyer will:

- advise on the specific procedure applicable to the deceased's domicile and circumstances;
- identify and collate the required documentation;
- prepare the probate application and submit it to the Judicial Greffe;
- obtain any necessary power of attorney and indemnity if the executor/administrator cannot attend in person;
- calculate and account for Jersey stamp duty;
- confirm in writing to the asset holder that the Jersey Grant has been obtained; and
- advise on the distribution of the Jersey estate following grant.

Part 2 – Additional Requirements for Regulated Jersey Investment Vehicles

Where the deceased held interests in a regulated Jersey investment vehicle — such as a Jersey expert fund or a Jersey Private Fund — the process described in Part 1 applies but additional requirements must also be satisfied before the interest can be transferred or dealt with. These requirements arise from the regulatory framework applicable to the vehicle, its constitutional documents, and the rules of the relevant regulatory guide.

11. Intermeddling in a Fund/ Investment Vehicle Context

From the moment the vehicle (including any general partner) or administrator becomes aware of an investor's death, they must not transfer, assign or deal with the deceased's interest, nor pay distributions or redemption proceeds to the estate or any beneficiary, until the appropriate Jersey Grant is in place and all fund/vehicle-level requirements have been satisfied. Distributions owed to the deceased as at the date of death should be held pending resolution of the estate. The vehicle may continue to operate generally (including distributions to other investors).

12. Fund Constitutional Documents

The limited partnership agreement (LPA) or other constitutional documents of the vehicle must be reviewed carefully to identify:

- what happens on the death of an investor (whether the interest automatically vests in the estate or must be formally transferred/approved);
- transfer restrictions and whether vehicle/GP consent is required for any dealing with the interest;

- provisions governing distributions pending resolution of the estate; and
- any valuation, redemption or lock-up provisions that may affect the timing or manner of dealing with the interest.

13. Investor Eligibility and Regulatory Requirements

Any person to whom an interest in a regulated Jersey investment vehicle is to be transferred (whether an executor, administrator, trustee or beneficiary) must satisfy the investor eligibility requirements applicable to that vehicle's regulatory category before they can be admitted as an investor or recognised as the holder of the interest. This often also involves providing prescribed confirmations and accepting investment warnings. The vehicle must satisfy itself that any incoming investor meets this threshold before the transfer can proceed. Common vehicle types are detailed below but advice should be sought on a case-by-case basis.

Vehicle type	Regulatory framework	Investor eligibility requirement
Expert Fund	Collective Investment Funds (Jersey) Law 1988 and JFSC Expert Fund Guide	Investors must be "expert investors", typically by investing at least USD 100,000 (or currency equivalent) although other criteria are available.
Jersey Private Fund (JPF)	JFSC Jersey Private Fund Guide	Investors must be "professional investors" or invest at least GBP250,000 (or currency equivalent).
Vehicle relying on investment business exemption	Financial Services (Investment Business (Restricted Investment Business – Exemption)) (Jersey) Order 2001	Investors must be "professional investors" or invest at least GBP250,000 (or currency equivalent).

14. AML/ KYC Requirements

The administrator is required to conduct anti-money laundering and know-your-customer (AML/KYC) due diligence on the estate representative (executor or administrator) and any incoming investor or beneficiary. This process can run in parallel with the Jersey probate application and should be commenced as early as possible to avoid unnecessary delays.

15. JFSC Notification

Changes to the ownership of a vehicle may require notification to the JFSC by the administrator depending on the level of interests being transferred. The vehicle and administrator should be able to confirm before the transfer of the interest is recorded.

A change in the registered holder of interest, or other change arising from the estate administration, may give rise to notifications, consent or reporting requirements under the applicable regulatory framework, the vehicle's conditions of authorisation and/or its constitutional documents.

16. Summary of Steps for Vehicles and Administrators

Step	Action
1	On receiving notice of the investor's death, place the interest on internal hold. Do not transfer, redeem, or pay distributions to the estate or any beneficiary.
2	Confirm the date-of-death value of the interest to establish whether the £30,000 threshold is exceeded (for regulated fund interests this will almost invariably be the case) and if the small estate exemption can be relied upon.
3	Engage a Jersey law firm and provide: a copy of the foreign grant of probate and certified will (if available); confirmation of the deceased's domicile; the date-of-death valuation of the Jersey interest; and the deceased's client identification on file.
4	Review the constitutional and subscription documents to identify the applicable death/succession provisions and any consent requirements.
5	Commence AML/KYC on the estate representative and any intended incoming investor or beneficiary (this can run in parallel with the probate application).
6	Confirm that the intended incoming investor meets any applicable eligibility threshold and has provided any required confirmations and signed relevant warnings before any transfer is made.
7	Once the sealed Jersey Grant has been obtained, receive written confirmation from the Jersey lawyer that the appropriate authority is in place. Only then proceed to approve to deal with the interest in accordance with the vehicle documents.
8	Notify the JFSC of any change to the register of investors (if required) and update vehicle records accordingly.

Further information: www.courts.je/judicial-greffe/probate-and-protection/probate-registry/grant-of-probate-non-jersey-domicile/

Disclaimer

This Guide is only intended to give a summary and general overview of the subject matter. It is not intended to be comprehensive and does not constitute, and should not be taken to be, legal advice. If you would like legal advice or further information on any issue raised by this guide, please get in touch with one of your usual JTC Law contacts. You can find out more about us and access our legal and regulatory notices set out at: www.jtcgroup.com/services/independent-services/jtc-law/. Stamp duty rates, application fees and procedural requirements are subject to change and should be confirmed at the time of any application.

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