

Wills in Guernsey

October 2015

People often put off making a will or are slow to amend their will as circumstances change. The risk they run is that, on their death, their estate is not disposed of in the way they would wish and loved ones are not left as securely provided for as the deceased intended.

For people who are not familiar Guernsey's inheritance laws, particularly those coming here from another country, there are potential pitfalls and constraints to be avoided when making a will. Changes to Guernsey's Inheritance Laws, which have been in effect since 7 May 2008, have introduced new provisions which affect how different heirs are treated. Dealing with these issues now can save loved ones anxiety, hardship and expense later.

Who is this relevant to?

Anyone who lives in Guernsey or owns property ('real estate') or has personal estate in Guernsey. For the purposes of this leaflet, Guernsey means the island of Guernsey rather than the Bailiwick. If you have connections with Sark or Alderney you will need specific advice in relation to these jurisdictions.

Estate

There are two categories of 'estate' (what someone dies owning and can leave to others). These are personal estate (sometimes referred to as 'personalty') and 'real' estate ('realty'). Property in Guernsey is dealt with in a distinctive way. Property elsewhere is not subject to Guernsey law.

Personal Estate

Your personal estate covers all personal assets, monies, shares, proceeds of policies or life assurance and so forth and all other assets apart from real property (real estate) in Guernsey.

Real Estate

Your real estate includes all land and buildings in Guernsey. There are various peculiarities to Guernsey's law relating to real estate and an advocate's advice is always necessary.

Making a Will

It is possible to deal with your estate either by separate wills (one dealing with personalty and the other with realty) or by a combined will dealing with your entire estate. An advocate will be able to explain the implications of either course of action.

What's the next step?

Regulatory | Real estate | Private client and trusts | Insolvency and restructuring | Dispute resolution | Corporate | Banking and finance

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