

Registration of British lasting powers of attorney

April 2023

It has long been possible, under Rule 17/3(1)(b) of the Royal Court (Jersey) Rules 2004, for the Judicial Greffier to hear and determine (in chambers) an application for the registration of a power of attorney, or of an instrument revoking or abandoning a power of attorney, so that these documents have legal effect in the Island.

This was then supplemented by Article 13 of the Capacity and Self Determination (Jersey) Law 2016 which stated that where a power of attorney is first registered (by "*original registration*") in a jurisdiction of the British Islands (other than Jersey) it may have effect here in Jersey provided evidence of the original registration is provided to the Judicial Greffe and for as long as the original registration continues to validly exist.

The Royal Court of Jersey has recently issued some up-to-date practice directions on this process which was previously governed by unpublished customary procedure. This is very useful for practitioners advising British-domiciled individuals with assets based in Jersey and who would like their Attorney appointed under their British lasting power of attorney (LPA) to have their authority recognised here.

Applications for the registration of a British-registered LPA must be commenced by a representation as set out in the practice direction. The following documents in support of the application will also be required:

- The original LPA or a certified copy made by an authorised person (which can be a lawyer qualified in the law of the place of execution of the LPA);
- The results of a search of the Register of the Office of the Public Guardian (or equivalent office) which first registered the LPA confirming that the original registration continues to be valid and has not been revoked;
- Details of the Jersey situs assets;
- Certified proof of identity for both the donor and the attorney(s);

There is a registration fee payable to the Judicial Greffier upon application of £330.

Once the British LPA has been registered by the Judicial Greffier, an Act of Court will be issued which confirms the same and it is this document that provides the attorney(s) with proper authority and is registered with the relevant asset holder(s).

In the event that a British Court Order has been issued, which appoints someone as Deputy, then a different procedure applies and a full Representation has to be made directly to the Inferior Number of the Royal Court of Jersey. This requires a Jersey Advocate to appear before the Royal Court and present the application for approval.

Collas Crill's International Private Client team would be pleased to assist with applications of this nature. Please get in touch with any contacts on the right of this page.

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