



Jersey

PROBATE (FORMS AND PARTICULAR HOLDERS) (JERSEY) ORDER 2023

Contents

Article

1	Interpretation	2
2	Holders designated by Article 19B of the Law (exception for particular holders of movable estate)	2
3	Information that must be contained in an application form under Article 19B	2
4	Information to be contained in an application under Article 19C (exception in respect of items worn by deceased person)	4
5	Citation and commencement	5



Jersey

PROBATE (FORMS AND PARTICULAR HOLDERS) (JERSEY) ORDER 2023

*Made**24th October 2023**Coming into force**27th October 2023*

THE MINISTER FOR HEALTH AND SOCIAL SERVICES makes this Order under Articles 19B and 19C of the [Probate \(Jersey\) Law 1998](#) –

1 Interpretation

In this Order, “Law” means the [Probate \(Jersey\) Law 1998](#).

2 Holders designated by Article 19B of the Law (exception for particular holders of movable estate)

The following are designated as particular holders for the purposes of Article 19B(1) of the Law –

- (a) a provider or manager, registered under Article 3 of the [Regulation of Care \(Jersey\) Law 2014](#), of a care home service (as defined in Schedule 1 to that Law), or a person nominated by the provider or manager;
- (b) the Chief Nurse of the Health and Social Services Department, or a person nominated by the Chief Nurse;
- (c) a manager of a facility that is social housing as defined in the [Income Support \(Jersey\) Regulations 2007](#);
- (d) the Prison Governor employed under the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#), or a person nominated by the Prison Governor;
- (e) the Viscount.

3 Information that must be contained in an application form under Article 19B

(1) The designated information under Article 19B(2) is –

- (a) the information in paragraphs (2) to (6);
- (b) the declarations in paragraphs (7) and (8);
- (c) a request, from the applicant to the particular holder, that all the movable estate of the deceased person described in the application and held by the particular holder be transferred to the applicant; and

-
- (d) the signatures of the applicant and the particular holder, and the date that each signed.
- (2) The applicant must provide the deceased person's –
 - (a) full name;
 - (b) date of death;
 - (c) place of death; and
 - (d) place of domicile.
 - (3) The applicant must provide the applicant's –
 - (a) full name; and
 - (b) address and telephone number.
 - (4) The applicant must provide an explanation of their relationship to the deceased person.
 - (5) The applicant must provide a description of the movable estate that is the subject of the application, including its location and total value (to the best of the applicant's knowledge).
 - (6) The applicant must provide the particular holder's –
 - (a) name;
 - (b) job title (if applicable);
 - (c) company name (if applicable);
 - (d) address and telephone number.
 - (7) The declaration to be signed by the applicant must state –
 - (a) that the deceased person was the owner of the movable estate that is the subject of the application;
 - (b) if the deceased person was domiciled in Jersey, that the gross worldwide estate of the deceased person does not exceed £30,000;
 - (c) that the applicant acknowledges that once the estate has been released to the applicant the particular holder is not liable to any other person in relation to the estate, and the applicant is instead liable;
 - (d) that there is no caveat in force in respect of the deceased person's estate;
 - (e) that the applicant is the person entitled to receive the estate –
 - (i) under the terms of the will of the deceased person, or
 - (ii) under the laws relating to intestate succession in the place in which the deceased person was domiciled; and
 - (f) that the information provided in the application form by the applicant is true to the best of the applicant's knowledge.
 - (8) The declaration to be signed by the particular holder must state –
 - (a) that the particular holder has verified the photographic identification of the applicant;
 - (b) that the movable estate described on the application form is all the movable estate of the deceased person that is held by the particular holder;
 - (c) that to the best of the particular holder's knowledge, the relationship of the applicant to the deceased person is as described on the application form;

- (d) that to the best of the particular holder's knowledge, it appears to the particular holder that the applicant is entitled to receive the movable estate; and
- (e) that the description of movable estate on the application form is correct and it appears to the particular holder that the total value of that movable estate does not exceed £30,000.

4 Information to be contained in an application under Article 19C (exception in respect of items worn by deceased person)

- (1) The designated information under Article 19C(3) is –
 - (a) the information in paragraphs (2) to (6);
 - (b) the declarations in paragraphs (7) and (8); and
 - (c) a request, from the applicant to the funeral director, that the items belonging to the deceased person described in the application and held by the funeral director be buried or cremated with the deceased person.
- (2) The applicant must provide the deceased person's –
 - (a) full name;
 - (b) date of death; and
 - (c) place of death.
- (3) The applicant must provide the applicant's –
 - (a) full name; and
 - (b) address and telephone number.
- (4) The applicant must provide an explanation of their relationship to the deceased person.
- (5) The applicant must provide the following details of the items that are the subject of the application –
 - (a) a description of the items; and
 - (b) the aggregate value of the items.
- (6) The applicant must provide the funeral director's –
 - (a) name;
 - (b) company name;
 - (c) address and telephone number.
- (7) The declaration to be signed by the applicant must state –
 - (a) that the deceased person was the owner of the items that are the subject of the application;
 - (b) that the aggregate value of the items does not exceed £10,000;
 - (c) that the applicant acknowledges that the funeral director is not liable to any other person in relation to the item once the item has been released to the applicant for burial or cremation with the deceased person;
 - (d) that there is no caveat in force in respect of the deceased person's estate;
 - (e) that the applicant is the person entitled to receive the estate –
 - (i) under the terms of the will of the deceased person, or

- (ii) under the laws relating to intestate succession in the place in which the deceased person was domiciled; and
 - (f) that the information provided in the application form by the applicant is true to the best of the applicant's knowledge.
- (8) The declaration to be signed by the funeral director must state –
 - (a) that the funeral director has verified the photographic identification of the applicant;
 - (b) that to the best of the funeral director's knowledge, the relationship of the applicant to the deceased person is as described on the application form;
 - (c) that to the best of the funeral director's knowledge, it appears to the funeral director that the applicant is entitled to receive the item; and
 - (d) that the description of the item on the application form is correct and it appears to the funeral director that the value of that item, or, if there is more than one, the aggregate value of those items does not exceed £10,000.

5 Citation and commencement

This Order may be cited as the Probate (Forms and Particular Holders) (Jersey) Order 2023 and comes into force on the same day as the Probate (Amendment) (Jersey) Law 2023.

DEPUTY K.M. WILSON OF ST. CLEMENT

Minister for Health and Social Services