



Jersey

## WILLS AND SUCCESSIONS AND PROBATE (JERSEY) AMENDMENT LAW 202-

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## WILLS AND SUCCESSIONS AND PROBATE (JERSEY) AMENDMENT LAW 202-

A LAW to amend further the [Wills and Successions \(Jersey\) Law 1993](#) and the [Probate \(Jersey\) Law 1998](#), and to make consequential amendments to other enactments.

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<i>Adopted by the States</i>	<i>26 March 2026</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

**THE STATES**, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

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### PART 1

#### [WILLS AND SUCCESSIONS \(JERSEY\) LAW 1993](#) AMENDED

#### **1** [Wills and Successions \(Jersey\) Law 1993](#) amended

This Part amends the [Wills and Successions \(Jersey\) Law 1993](#).

#### **2** Article 1 (interpretation) amended

In Article 1(1) –

- (a) in the definition “civil partnership home”, in sub-paragraph (c) –
  - (i) before “a *bien-fonds*” there is inserted “that forms part of”;
  - (ii) for “corporation of” there is substituted “corporation in”;
- (b) in the definition “*usufruit* of the matrimonial home or the civil partnership home”, for ““*usufruit* of the matrimonial home or the civil partnership home”” there is substituted ““*usufruit*”, in relation to the matrimonial home or the civil partnership home,”.

#### **3** Article 3AA inserted

After Article 3 there is inserted –

**3AA Right of relatives of the half-blood in collateral succession**

In a collateral succession on intestacy, whether of movable or immovable estate, relatives of the half-blood whether *consanguin* or *utérin* each take a half share and relatives of the whole blood each take a whole share.

**4 Article 4 (heirs take as tenants in common) amended**

For Article 4, there is substituted –

**4 Heirs take as tenants in common**

Subject to the provisions of this Law and subject to the operation of the right of *représentation*, the immovable estate as to which a person dies intestate shall devolve in equal undivided shares between the heirs at law and such heirs shall take as tenants in common (*en parts égales en indivis pour eux et leurs hoirs respectifs*).

**5 Article 5 (right of surviving spouse to life enjoyment of matrimonial home or surviving civil partner to life enjoyment of civil partnership home) amended**

For Article 5 there is substituted –

**5 Right on intestacy of surviving spouse or civil partner to usufruit (life enjoyment) of matrimonial home or civil partnership home**

- (1) If an individual dies intestate as to the matrimonial home or civil partnership home, their surviving spouse or civil partner is entitled to a *usufruit* of that home with the usual rights and obligations of a *usufruitier*.
- (2) Paragraph (1) does not apply if the surviving spouse or civil partner is entitled absolutely to the matrimonial home or civil partnership home under Article 6.
- (3) Consent is not required for a surviving spouse or civil partner to take a transfer of the lease of the matrimonial home or civil partnership home under paragraph (1).

**6 Article 5A and 5B inserted**

After Article 5 there is inserted –

**5A Dower**

- (1) If an individual dies testate as to their immovable estate, their surviving spouse or civil partner is entitled to dower.
- (2) From the commencement date, “dower” means an entitlement to a *usufruit* (life enjoyment) of the whole matrimonial home or civil partnership home (and no longer extends to any other part of the immoveable estate as to which the individual dies testate).
- (3) In this Article, “commencement date” means the date of commencement of the Wills and Successions and Probate (Jersey) Amendment Law 202-.

**5B References to dower in enactments and in dispositions**

- (1) In this Law and in any other enactment, whenever enacted, a reference to dower or *douaire*, however expressed, unless the contrary intention appears, is a reference to dower as defined in Article 5A.
- (2) In a disposition executed on or after the day this Article comes into force, a reference to dower or *douaire*, however expressed, unless the contrary intention appears, is a reference to dower as defined in Article 5A.
- (3) In dispositions executed on or after 1 January 2014, a reference to dower or *douaire*, however expressed, unless the contrary intention appears, includes the entitlement to dower of a civil partner and a widower.

**7 Article 6 (devolution of immovable estate on intestacy) amended**

In Article 6 for paragraph (3) there is substituted –

- (3) If an individual dies intestate as to immovable estate consisting of the matrimonial home or civil partnership home, their surviving spouse or civil partner is not entitled to dower.

**8 Articles 6A, 6B and 6C deleted**

Articles 6A, 6B and 6C are deleted.

**9 Article 8 (spouses living apart) and Article 8AA (civil partners living apart) amended**

In Article 8 and Article 8AA, for paragraph (3) there is substituted –

- (3) Paragraphs (1) and (2) do not limit any power of the Court, on any grounds other than the grounds set out in paragraph (1) –
  - (a) to deprive a person of their right to enjoyment of the estate; or
  - (b) to exclude a person from any of their rights to succeed to the estate.

**10 Article 14D inserted**

After Article 14C there is inserted –

**14D Abolition of role of sex in determining principal heir**

- (1) In determining the principal heir, the sex of a person does not give that person, or that person's descendant, precedence over any other person.
- (2) Paragraph (1) does not apply in relation to the estate of a person who dies before the day of the commencement of the Wills and Successions and Probate (Jersey) Amendment Law 202-.

**11 Consequential amendments**

- (1) Schedule 1 contains amendments to other enactments that are consequential on this Part coming into force.

- (2) The States may by Regulations make further amendments to enactments that are consequential on this Part coming into force.

## 12 Minor amendments

Schedule 2 contains minor amendments.

## PART 2

### PROBATE (JERSEY) LAW 1998 AMENDED

## 13 Probate (Jersey) Law 1998 amended

This Part amends the Probate (Jersey) Law 1998.

## 14 Article 14 (entitlement to grant as administrator or executor dative) amended

(1) For Article 14(5) there is substituted –

(5) If it appears to the Judicial Greffier that, because of relevant circumstances, it is necessary, convenient or appropriate to make a grant to a person other than the person entitled to the grant under paragraphs (2) to (4), the Judicial Greffier –

- (a) is not obliged to make a grant to the person entitled;
- (b) may make a grant to the person as the Judicial Greffier thinks fit; and
- (c) may place limits, as the Judicial Greffier thinks fit, on that grant.

(2) For Article 14(6) there is substituted –

(6) If it appears to the Inferior Number that, because of relevant circumstances, it is necessary, convenient or appropriate that a grant be made to a person other than the person entitled to the grant under paragraphs (2) to (4), the Inferior Number may authorise the Judicial Greffier –

- (a) not to make a grant to the person entitled;
- (b) to make a grant to the person that the Inferior Number thinks fit; and
- (c) to place limits, that the Inferior Number thinks fit, on that grant.

## PART 3

### FINAL

## 15 Citation and commencement

This Law may be cited as the Wills and Successions and Probate (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.

## SCHEDULE 1

(Article 11)

### CONSEQUENTIAL AMENDMENTS

#### PART 1

#### 1 [Loi \(1880\) sur la propriété foncière](#) amended

This Part amends the [Loi \(1880\) sur la propriété foncière](#).

#### 2 Article 1 amended

In Article 1, after the definition CONJOINT SURVIVANT there is inserted –

DOMICILE CONJUGAL a le même sens que “matrimonial home” dans la Loi dite [Wills and Successions \(Jersey\) Law 1993](#).

DOMICILE DU PARTENARIAT CIVIL a le même sens que “civil partnership home” dans la Loi dite [Wills and Successions \(Jersey\) Law 1993](#).

#### 3 Articles 7 to 9 substituted

For Articles 7 to 9 there is substituted –

##### 7

- (1) Le conjoint survivant ou le partenaire civil survivant a sur le domicile conjugal ou le domicile du partenariat civil, pour assurance de son douaire, une hypothèque avec droit de suite, qui prendra date du jour du décès du conjoint décédé ou du partenaire civil décédé.
- (2) Si, constant le mariage ou le partenariat civil, le conjoint ou le partenaire civil fait cession ou que ses biens soient adjugés renoncés, le conjoint survivant ou le partenaire civil survivant conservera tous ses droits sans faire de diligences; excepté qu’après la mort du conjoint cessionnaire ou partenaire civil cessionnaire, ainsi qu’en cas de dégrèvement des biens du conjoint ou du partenaire civil après le décès de celui-ci, le conjoint survivant ou le partenaire civil survivant ne pourra prétendre d’avoir, par voie de douaire, la jouissance actuelle du domicile conjugal ou du domicile du partenariat civil – qu’il soit entre les mains de tenants ou autres tiers détenteurs, ou parmi les biens en dégrèvement: mais le conjoint survivant ou le partenaire civil survivant aura droit à un franc douaire sur le domicile conjugal ou le domicile du partenariat civil.
- (3) En cas de dégrèvement, après la mort du conjoint ou du partenaire civil, du domicile conjugal ou du domicile du partenariat civil sujette au douaire du conjoint survivant ou du partenaire civil survivant, celui-ci devra être assigné à paraître audit dégrèvement, conformément à l’Article 92, et aura la faculté de se porter tenant au dit domicile conjugal ou au dit domicile du partenariat civil dans l’ordre de son hypothèque.

**8**

- (1) Suivant la possession par le conjoint survivant ou le partenaire civil survivant du domicile conjugal ou du domicile du partenariat civil, en cas de dégrèvement du domicile conjugal or du domicile du partenariat civil, il ne nécessitera de la part du conjoint survivant ou du partenaire civil survivant, pour conserver la possession dudit domicile conjugal ou dudit domicile du partenariat civil, aucune formalité quelconque.
- (2) Dans le cas qu'il soit nécessaire de remonter à discuter les biens du conjoint décédé ou du partenaire civil décédé, a possession, comme sus est dit, aura les effets suivants.
- (3) Le conjoint survivant aura la faculté de retenir la jouissance de l'immeuble composant son douaire jusqu'à celui des 4 termes ordinaires de l'année, dont l'échéance arrivera immédiatement après l'expiration de 3 mois à partir du jour que la discussion desdits biens aura été ordonnée par la Cour: et ce, en payant les rentes et charges auxquelles ce douaire était assujetti – au prorata du temps échu. Si ce terme tombe au 25 mars, 24 juin, ou 29 septembre, et que les terres labourables forment partie du domicile conjugal or du domicile du partenariat civil, le conjoint survivant ou le partenaire civil aura la faculté d'en retenir la possession, ainsi que du logement et des offices qu'il occupe servant pour l'exploitation desdites terres, jusqu'au jour de Noël ensuivant: payant à qui de droit un loyer ou indemnité pour la différence du temps.

**9**

- (1) En cas de dégrèvement d'aucune partie de sa propriété, le conjoint survivant ou le partenaire civil survivant ne sera point sujet à faire aucun acte conservatoire ou à remplir aucune formalité dans ledit dégrèvement, à l'égard d'un accord de franc douaire, qu'il ait été enregistré ou non.
- (2) Le conjoint survivant ou le partenaire civil survivant aura droit par voie de préférence, en cas de dégrèvement, à 3 années d'arrérages, échues avant la date de l'Acte de la Cour ordonnant ledit dégrèvement, du franc douaire répartie sur les biens-fonds respectivement compris parmi les biens en dégrèvement.
- (3) En cas de discussion des biens du conjoint décédé, un accord de franc douaire sera absolument nul.

**9A**

Les modifications apportées aux Articles 7, 8 et 9 par l'annexe de la Loi dite Wills and Successions and Probate (Jersey) Amendment Law 202- ne s'appliquent pas à la succession d'une personne décédée avant le jour de l'entrée en vigueur de cette Loi.

**PART 2****4** [Loi \(1996\) sur l'hypothèque des biens-fonds incorporels](#) amended

This Part amends the [Loi \(1996\) sur l'hypothèque des biens-fonds incorporels](#).

**5 Article 2 (hypothèque des bien-fonds incorporels) amended**

In Article 2 –

- (a) at the end of paragraph (1)(a), “ou” is deleted;
- (b) at the end of paragraph (1)(b), for “Justice,” there is substituted “Justice; ou”;
- (c) after paragraph (1)(b) there is inserted –
  - (c) en vertu de l’Article 7 de la [Loi \(1880\) sur la propriété foncière](#),

**SCHEDULE 2**

(Article 12)

**MINOR AMENDMENTS****1 Article 1 (interpretation) amended**

In Article 1(1) –

- (a) in the definition “civil partnership home” –
  - (i) after “civil partnership home” there is inserted “and “matrimonial home” ”;
  - (ii) for “situate” there is substituted “situated”;
  - (iii) in the 4 places it appears, after “civil partner” there is inserted “or spouse”;
  - (iv) in the introductory words, “which is” is deleted;
  - (v) in sub-paragraph (a), before “a *bien-fonds*” there is inserted “that is”;
  - (vi) in sub-paragraph (b), before “held under a lease” there is inserted “that is”;
- (b) after the definition “Court” there is inserted –
  - (a) a will or codicil; or
  - (b) an instrument executed *entre vifs* that relates to rights of succession;
- (c) the definition “matrimonial home” is deleted.

**2 Article 2 (*Représentation*) amended**

In Article 2, for “half blood” there is substituted “half-blood”.

**3 Article 3 (right of maternal relatives in collateral succession) amended**

In Article 3 –

- (a) for “every” there is substituted “a”;
- (b) for “to” there is substituted “of”.

**4 Part 3 Division headings inserted**

(1) Before Article 5 there is inserted –

## DIVISION 1 – RIGHT TO ENJOYMENT

(2) Before Article 6 there is inserted –

## DIVISION 2 – RIGHTS TO SUCCEED

(3) After Article 7 there is inserted –

## DIVISION 3 – EXCEPTIONS

**5 Article 6 (devolution of immovable estate on intestacy) amended**

In Article 6 –

- (a) for paragraph (1) there is substituted –
- (1) If an individual dies intestate as to immovable estate it devolves as follows –
  - (a) if the individual is survived by a spouse or civil partner, but no issue, the surviving spouse or civil partner takes the whole of the immovable estate;
  - (b) if the individual is survived by a spouse or civil partner and issue, equal shares of the immovable estate are taken by –
    - (i) the surviving spouse or civil partner;
    - (ii) a child of the individual who survives the individual; and
    - (iii) the surviving issue of a child who has predeceased the individual, *par souche*.
- (b) in paragraph (2), for “paragraph (1)(b)” there is substituted “paragraph (1)(b)(iii)”.

**6 Article 7 (devolution of movable estate) amended**

In Article 7(1), for “Article 8” there is substituted “Articles 8 and 8AA”.

**7 Article 8 (spouses living apart) amended**

In Article 8 –

- (a) in the heading, for “living” there is substituted “residing”;
- (b) in paragraph (A1) in sub-paragraph (a), for “Articles 5, 6, 6B and 7 which” there is substituted “Articles 5, 5A, 6 and 7 that”;
- (c) in paragraph (A1) in sub-paragraph (b), for “his or her capacity as such” there is substituted “their capacity as surviving spouse”;
- (d) in paragraph (1) –
  - (i) in the opening words, for “shall not apply where” there is substituted “do not apply if”;
  - (ii) in sub-paragraph (b)(i), “such” is deleted;
- (e) in paragraph (2) –
  - (i) for “Where, by operation of the provisions of paragraph (1)”, there is substituted “If, under paragraph (1)”;
  - (ii) for “applied shall devolve” there is substituted “applied devolves”.

**8 Article 8AA (civil partners living apart) amended**

In Article 8AA –

- (a) in the heading for “living” there is substituted “residing”;
- (b) in paragraph (1) for the opening words there is substituted –

- (1) The provisions of Articles 5, 5A, 6, and 7 that operate to confer property, or a *usufruit*, interest, right or title in or to property on a surviving civil partner (in this Article referred to as the “surviving civil partner provisions”) do not apply if –
  - (c) in paragraph (2) –
    - (i) for “Where, by operation of the provisions of paragraph (1)”, there is substituted “If, under paragraph (1)”;
    - (ii) for “applied shall devolve” there is substituted “applied devolves”;
  - (d) for paragraph (3) there is substituted –
- (3) Paragraphs (1) and (2) do not limit any power of the Court, on any grounds other than the grounds set out in paragraph (1) –
  - (a) to deprive a person of their right to enjoyment of the estate; or
  - (b) to exclude a person from any of their rights to succeed to the estate.

**9 Article 8A (interpretation of Part 3A) amended**

In Article 8A, the definition “disposition” is deleted.

**10 Article 22A (Wills and Successions (Amendment No. 2) (Jersey) Law 2013: application) amended**

In Article 22A, for “shall not apply in relation to the estate of a person who died before the day that Law came into force” there is substituted “do not apply in relation to the estate of a person who died before 1 January 2014”.