

This is a translation of the

Loi (1959) touchant la vente des immeubles de mineurs

(Chapter 18.845)

as in force on 1 January 2019

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LAW (1959) RELATING TO THE SALE OF MINORS' IMMOVABLES

LAW to modify the conditions relating to the sale of immovables belonging to minors

1

The following may not be annulled by a renunciation on the part of minor of the acts of the minor's tuteur¹ –

- (a) a contract of alienation of rentes or hypothecs belonging to a minor passed by the tuteur;
- (b) a contract of alienation of any other immovable property belonging to a minor passed by the tuteur after the tuteur has obtained the permission of the Royal Court and the formalities required by this Law have been fulfilled.

2

- (1) When a request is presented to the Court to obtain the permission referred to in Article 1, the Court shall nominate 2 Jurats to examine the property that it is desired to alienate. They may cause the property to be valued and they shall make a written report to the Court under their hand of the advantages that will accrue to the minor from the alienation.

¹ *Tuteur* translates literally into English as 'tutor', but the French term remains in everyday usage in relation to the office of *tuteur*.

- (2) In arriving at a decision on the report, which shall remain lodged in the Judicial Greffe, the Court may approve, vary or reject the recommendations contained in it.

3

- (1) If the Court grants the request, the 2 Jurats nominated by the Court, after having consulted the tuteur, shall settle the mode of sale of the property and fix the minimum sale price.
- (2) If the property has to be auctioned, the sale shall take place in the presence of one of the said Jurats. It shall be announced at least a fortnight beforehand in a newspaper published in Jersey on a Saturday.
- (3) One of the said Jurats must be party to the contract of alienation of the property.

4

If the minor dies before having reached full age, the heirs shall share the succession as if the parcels of land in question² had not been alienated, the heir to whom a parcel of land would have devolved being entitled, in place of the heritable property, to the value thereof.

5

The States may, by Regulations, amend this Law.

6

This Law may be cited as the Law (1959) relating to the sale of minors' immovables.

² *les corps de bien-fonds*