

Making a will for your Jersey property: Q&A with Victoria Grogan

Buying a property is often the catalyst for people to start thinking about whether they should make a will. Victoria Grogan answers some common questions about how to make a will for a Jersey property:

Buying a property is often the catalyst for people to start thinking about whether they should make a will. Victoria Grogan answers some common questions:

I'm buying a Jersey property, do I need to make a will?

A property is often a person's biggest asset. You are not obliged to write a will when you buy a property but, given that in Jersey the value of property is so high, you should certainly give it serious consideration. If you don't put a will in place, then on your death your property will pass to your heirs in accordance with Jersey law. As a result, these may not be the people you actually wish to inherit the property.

What if the property is purchased in joint names?

If the property is in joint names then it will either be owned by you and another as joint owners, or as owners in common. There is a specific distinction between these when one of the owners dies.

A property that is owned as joint owners (or joint tenants) will pass automatically via survivorship to the remaining owner on the death of the first person.

A property that is owned as owners (or tenants) in common will pass to the estate of the deceased owner in the proportion that they own. For example if two people own 50% of a property each as owners in common, then on their death, their 50% share will pass to their own estate and their own heirs, rather than passing automatically to the surviving owner.

I'm buying a share transfer property, do I still need a will?

You should still ensure that your property is covered by a valid will and think about succession planning. A share transfer property is classed as a 'movable' asset here in Jersey rather than an immovable asset (such as a freehold property) and so is governed by different succession rules and laws. However, it is still important that you put appropriate plans in place to ensure that it passes to your chosen beneficiaries. Your lawyer will be able to give you further advice.

What are the formalities that my beneficiaries will need to complete after my death in order to inherit my property?

If you have a valid will in place then your property will pass in accordance with the terms of that will. Your beneficiaries named in your will should register it with the Public Registry in Jersey and this will give them good title to the property. This is useful if they then wish to sell it or leave it to someone in their own will.

If you do not have a valid will in place, then title in your property will automatically pass to the people who are entitled to inherit it under Jersey Law.

Are there any restrictions on my Jersey immovable property?

There is essentially testamentary freedom in respect of immovable property situated in Jersey – that is, you are free to dispose of your property upon death as you see fit (although this does not include share transfer properties). However, there are some exceptions, for example you cannot leave Jersey immovable property to the trustees of a trust as this is prohibited by Jersey law.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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