

STATES OF JERSEY



Jersey

DRAFT PROBATE (AMENDMENT) (JERSEY) LAW 202-

Lodged au Greffe on 31st March 2023
by the Chief Minister
Earliest date for debate: 23rd May 2023

STATES GREFFE



Jersey

DRAFT PROBATE (AMENDMENT) (JERSEY) LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Chief Minister has made the following statement –

In the view of the Chief Minister, the provisions of the Draft Probate (Amendment) (Jersey) Law 202- are compatible with the Convention Rights.

Signed: **Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter**
Chief Minister

Dated: 30th March 2023

REPORT

This draft amendment Law brings forward changes to the [Probate \(Jersey\) Law 1998](#). The amendments provide for new arrangements related to the management of movable estate in Jersey in certain limited circumstances and only where the total value of that moveable estate does not exceed more than £30,000.

‘Moveable estate’ means personal property that can be moved, such as cash, jewellery, clothes, furniture and paintings, as distinct from property that cannot be moved, such as a house. Moveable estate may be a single item (i.e. a watch) or may be multiple items and may include money. For ease, the expression ‘personal property’ is used in this report as opposed to moveable estate.

The amendments allow people (for example, banks or care providers) who are holding the personal property of deceased people, where that property is located in Jersey, to release that property to another person (for example, a family member) in certain limited circumstances.

The amendments are proposed in response to concerns about the timely and proportionate management of relatively low value personal property. As it currently stands a grant of probate or administration is required in respect of all deceased person’s estates. This costs money, takes time and, in the case of low value estates where there is little complexity, can be viewed as overly onerous, hence a number of small estates are not claimed.

In addition, representatives of the care sector have previously expressed concern that they may unintentionally commit the offence of intermeddling by giving family members or friends a deceased person’s personal property. Intermeddling happens when a person takes possession of, or in any way administers, a deceased person’s property prior to a grant of probate or administration. Care providers are therefore, in the difficult position of either holding onto personal property and denying grieving family and friends access to items of sentimental value, or acting in a supportive manner which potentially entails committing an offence.

For the purposes of clarity, the amendments do not remove the general requirement for the person managing the estate of a deceased person to apply for, and receive, a grant of probate or administration in order to establish their right to recover or receive the deceased person’s estate. The amendments simply provide for exceptions by setting out specific circumstances in which the person holding the personal property (“the holder”) may give it to another person who does not have such a grant in place.

A grant of probate is still required where the deceased person had a valid will in place and a grant of administration is still required if there was no valid will in place, other than in accordance with five exceptions set out below. In this report the term ‘grant’ is used to refer to both a grant of probate and a grant of administration.

The amendments, as described below, have been developed in partnership with key professional stakeholders including the Probate Service and the Viscount. They were also subject to a public and industry consultation process which ran from October to December 2021.

Exception for small estates (Article 19A)

Article 19A provides that the person holding the deceased person’s personal property (the ‘holder’) may give it to another person (i.e. the ‘applicant’) without the applicant having shown a grant to the holder but only if:

- the deceased person did not live in Jersey and the gross value of their personal property in Jersey, as held by the holder, does not exceed £30,000;

OR

- the deceased person lived in Jersey and the gross value of their personal property in Jersey, as held by the holder, does not exceed £30,000, plus the applicant declares that gross value of the worldwide moveable estate does not exceed £30,000.

This would allow, for example, a bank to release a deceased person's monies to a family member so that family member may, for example, pay for funeral expenses.

It should be noted that there is already a "small estates exemption" in the Law which enables the release of assets of less than £10,000 without the production of a grant where the deceased person is domiciled outside Jersey. This new exception makes a similar facility available in respect of small estates where the deceased is domiciled in Jersey, albeit with the threshold increased from £10,000 to £30,000. Setting the upper limit at £30,000 would mean circa 40% of estates would be exempt from probate. Those estates valued at up to £30,000 would, in all likelihood, be of low complexity and arguably the disadvantages of the costs of probate would outweigh any benefits at this value.

Exemption thresholds in England and Wales

Whilst financial institutions, such as banks, building societies, share registrars and investment companies can release sums up to £50,000, most set themselves lower limits to manage the level of risk in terms of the sums that they will release without a grant of probate. The exemption limit when averaged across all financial institutions is £26,900.

Furthermore, each financial institution also has different rules on whether the threshold is confined to the amount held in the account, or if this relates to the overall value of the estate (meaning all movable assets the deceased person owned). Some banks and financial institutions might say that probate is required if there is £30,000 being held in their account, whereas others might say that probate is needed if the entire estate is worth £30,000.

Exemption thresholds in Isle of Man and Guernsey

The Isle of Man and Guernsey do not have explicit small estate exemptions of any sort as there is no legal requirement to obtain a Grant of Probate. Some asset holders may be prepared but not obliged to transfer small sums up to £10,000¹, but the decision to require probate is entirely up to the asset holder concerned.

The proposed small estate exemption of £30,000 has been selected as it represents a risk adverse approach as Jersey moves to new arrangements. The threshold will be kept under review. The Minister may, by Order, either increase or decrease the threshold if it is deemed necessary to do so.

There are associated safeguards already in force to protect against an applicant acquiring property to which they are not entitled. These include:

- the applicant must acknowledge that the holder is not liable to any other potential beneficiary for the personal property released to the applicant if, for example, another family member was to claim the property was rightly theirs;
- it must appear to the holder that the applicant is entitled to the property under the terms of the deceased person's will or laws relating to intestate succession.

¹ [Probate and estate planning administration for Guernsey domiciliaries | Carey Olsen](#)

This can include the applicant declaring it to be case and the holder having no grounds to assume it may not be;

- there is no caveat in force. A caveat prevents anyone from distributing a deceased person's property. All caveats are listed on www.gov.je or on the physical notice posted outside the Royal Court Building so may be readily checked.

The provisions of Article 21, as amended, also work to protect the holder from any potential action brought by the deceased person's estate, or a potential beneficiary of that estate, providing the holder released the personal property in good faith and in accordance with the provisions of the law, and can explain the actions taken. This also applies to the exceptions set out in Article 19B – 19D.

It is important to note that the holder may choose to use this exception, or the other exceptions described below, but they are not compelled to do so. If they have any concerns about releasing the personal property of a deceased person, they may wait until the applicant provides to them a copy of the grant of probate or administration. The exceptions provide for them to take action where they deem it appropriate to do so.

Exception for particular holders of movable estate (Article 19B)

This exemption has the same effect as Article 19A but is brought forward with the aim of providing ease and certainty to particular groups of people who may find themselves holding the personal property of deceased people simply as a consequence of the services they provide, for example nursing homes and the hospital – i.e. holding the personal property of others is not central to their purpose or function and therefore, they may have heightened concerns about the subsequent handling of that property.

The Minister for Health and Social Services may, by Order, set out the types of holder to whom this exception will apply. It is envisaged that this will, for example, include care home managers and the Chief Nurse or the Chief Nurse's delegates.

Under this Article, the applicant who wants to receive the personal property, who will most usually be a family member or friend of the deceased, must complete an application form which they must provide to the holder of the property. The application form will be made available on-line via the Judicial Greffe.

The holder may release the personal property to the applicant, on receipt of a completed application form if it appears to them:

- that the value of the property they hold is worth no more than £30,000. In most cases common sense will tell the holder if the property is worth no more than £30,000, although they may look at receipts or similar items online if necessary. Furthermore the applicant must declare, on the application form that the deceased person's worldwide moveable estate is not more than £30,000;
- that the applicant they are giving the property to is entitled to the property. This will be where the applicant has declared on the application form that the deceased person has set out in their will that they should receive the property, or that they are entitled to property as they are the deceased person's spouse, child or sibling and no other person has a stronger claim to the property.

As with the Article 19A exception above:

- the applicant must acknowledge that the holder is not liable to another potential beneficiary for the personal property released to the applicant, and must confirm that there is no caveat in place preventing a grant from being made;
- the protections provided under Article 21, as amended, will apply.

Exception for items worn by the deceased person (Article 19C)

The amended Law will also provide for a funeral director to authorise, without a grant of probate or administration, that a deceased person may be buried or cremated with an item or items of their personal property up to £1,000 in value.

Furthermore, on receipt of an application form they may release property up to the value of £10,000 to be buried or cremated with the deceased subject to the same safeguards described in Article 19A and 19B exceptions above. The application form will be available on-line via the Judicial Greffe.

In both cases the property must have been worn by the person or be with the person at the time of their death (for example, a ring or an item of sentimental value).

In making this amendment it should be noted that the crematorium has rules about the types of items that may, or may not, be cremated and those rules still stand.

Exception for the Viscount acting as court-appointed delegate (Article 19D)

This exception applies where the Viscount has been appointed as delegate for the deceased person under the [Capacity and Self-Determination \(Jersey\) Law 2016](#). In these circumstances, and where the Viscount holds all or part of the deceased person's property, they may release the property without a grant having been produced, where the Viscount is satisfied that the gross value of the worldwide estates is not more than £30,000 and where it is to pay for funeral expenses, care home fees, an outstanding bill or to repay overpayment of benefits or pension. Doing so provides that bills and debts may be paid in a timely and administratively efficient manner.

Exception for bona vacantia (Article 19E)

Bona vacantia is the name given to ownerless property which, by law, passes to the Crown. This exception provides that the holder of a deceased person's personal property may release it to the Receiver-General on behalf of the Crown, without the production of a grant, if they cannot identify a person to whom they should release it either under the terms of the deceased person's will or under law of intestate succession (i.e. there is no relative to inherit).

Related to this, the proposed new Article 32B provides that the Receiver-General does not require a grant to receive or hold unclaimed moveable estate.

Guidance

Whilst not a matter for the law, guidance will be provided alongside the on-line application form in order to assist both holders of property and applicants to operate within the new arrangements. This will include, for example, guidance on how long to keep signed application forms, this being at least for one year and one day after the person is deceased, as peoples' estates can be subject to challenge for this period.

Offences

With regard to the exceptions provided for in Article 19 A – C, the draft Amendment brings forward a new offence where a person knowingly provides false information when applying or requesting the release of personal property (as set out in Article 19F).

The existing offence of intermeddling provided for under Article 23 of the Law remains unchanged, except that the drafting language is updated as per Article 13(3) of the [Interpretation \(Jersey\) Law 1954](#) which provides that where more than one penalty is specified, the word “and” means that the penalties may be imposed alternatively or cumulatively.

Regulation making power (Article 31)

The amendments also introduce an enhanced Regulation making power, allowing the Assembly to further amend the Law by Regulations, in the event the Assembly deems it necessary to do so, without recourse to Privy Council.

Further amendments also provide that the Minister may, by Order, either increase or decrease the £30,000 and £10,000 monetary values in the event it is deemed necessary to do so.

Financial and resource implications

There are no financial and resource implications for the States arising from the adoption of this draft amending Law. The monies required to produce the necessary application form will be from within existing budgets.

Human Rights notes

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for information. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Human Rights Notes on the Draft Probate (Amendment) (Jersey) Law 202-**

These Notes have been prepared in respect of the Draft Probate (Amendment) (Jersey) Law 202- (the “draft Law”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“ECHR”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law, if passed, will allow the moveable estate of a deceased person, up to a value not exceeding £30,000, to be released by the holders of the estate without the necessity of the production of a grant (of probate or administration). The Minister may designate the types of holder who may release movable without production of a grant. A person wishing to apply for release of the estate will be required to complete an application form giving set information and to make an appropriate declaration as to entitlement. A new offence will be created in respect of making false statements in applications to particular holders for release of movable estate.

The draft Law has the potential to engage Article 1 of the First Protocol to the ECHR (“A1P1”), which provides certain protections for the property of the individual and Article 6 which provides for the right to a fair trial. Whilst the introduction of a new application process may engage A1P1, the second paragraph to that Protocol provides that the right to property does not in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. Overall, the provisions are considered to achieve a fair balance and are therefore considered to be compliant with the ECHR. The draft Law provides for a term of imprisonment and a fine to be imposed on conviction of an offence for making a false statement. The criminal offence created, for the deliberate provision of false statements is subject to criminal prosecution in the normal way. These provisions are therefore considered compliant with Article 6.

EXPLANATORY NOTE

The draft Probate (Amendment) (Jersey) Law 202- if passed would amend the Probate (Jersey) Law 1998 (the “principal Law”) to provide for further circumstances in which a deceased person’s estate can be released without the production of a grant, to clarify that only an individual or a trust corporation (as defined in the principal Law) can apply for a grant of probate or letters of administration, and to make ancillary changes. In particular –

Article 1 provides that the Law amends the principal Law.

Article 2 amends Article 1(1) of the principal Law to insert definitions of “designated”, “funeral director”, “holder” and “Minister”.

Article 3 amends Article 11 of the principal Law to insert a provision clarifying that probate or administration is not to be granted to an association or company other than a trust corporation.

Article 4 replaces Article 19 of the principal Law with new *Articles 19 to 19F* –

- *New Article 19* restates Article 19(1) of the principal Law and provides that, subject to the following Articles, production of a grant is necessary to establish the right to receive any movable estate of a deceased person in Jersey.
- *New Article 19A* provides that a holder of a deceased person’s movable estate may release that estate to a person who appear to the holder to be entitled to receive it, as long as there is no caveat in force on the estate, the person receiving it declares to the holder that they acknowledge that the holder is not liable for that estate once they have released it. If those condition are met, a holder may release estate provided that the gross value of the person’s movable estate held by the holder does not exceed £30,000, and, if the deceased person was domiciled in Jersey, that the person receiving the estate declares that the gross value of the deceased person’s worldwide movable estate does not exceed £30,000.
- *New Article 19B* provides that the Minister may by Order provide for certain particular holders of movable estate to release that estate to a person without production of a grant of probate or letters of administration, subject to the certain conditions, on application by the person using an application form containing information designated by Order.
- *New Article 19C* provides that a funeral director may authorise that an item that was on or with, or being worn by, a deceased person may be buried or cremated with that person if the value of the item appears to be less than £1,000. It further provides that a funeral director may release an item of a value that appears not to exceed £10,000 to be buried or cremated with a deceased person, on application by the person who appears to be entitled to receive the item, subject to certain conditions.
- *New Article 19D* provides that if the Viscount is appointed delegate for property and affairs of a person at the time of that person’s death, and the Viscount is satisfied that the gross value of the person’s worldwide estate does not exceed £30,000, the Viscount may, without producing a grant of probate or letters of administration, release the estate to pay outstanding bills owed to a funeral director or a care home, any other outstanding bills which should properly be paid, or to repay any overpayment of benefits or pension.

- *New Article 19E* provides that a holder of moveable estate of a deceased person may, if the holder, despite having made reasonable effort, cannot identify a person to whom the movable estate should be released, release that estate to the Receiver-General.
- *New Article 19F* provides that a person who provides a false statement in relation to an application under new Articles 19A, 19B or 19C commits an offence and is liable to 12 months' imprisonment and to a fine.

Article 5 substitutes Article 21 of the principal Law to provide that a holder who releases moveable estate in good faith and in accordance with any of Articles 19A to 19E is protected from any action brought on behalf of the estate of the deceased person or any beneficiary of the estate, but must on demand provide details and an explanation of their action in releasing the estate.

Article 6 amends Article 23 of the principal Law to amend the heading in order to clarify the purpose of the Article, to take into account new Article 19A to 19E, and to update the drafting style in the offence provision.

Article 7 substitutes Article 31 of the principal Law to provide that, in addition to the existing power to make Regulations to specify anything that may or must be specified in the principal Law, the States may by Regulations amend any provision of the principal Law in order to make alternative or additional provision in relation to grants of probate and letters of administration, the administration and distribution of the estate of deceased persons, and related matters.

Article 8 inserts new Articles 32A, 32B and 32C into the principal Law –

- *New Article 32A* provides that the Minister may by Order amend the monetary values in Articles 19A(1), 19B(3), 19C(2), 19C(3) or 19D(2) of the principal Law, and set anything which may or must be set by the Law.
- *New Article 32B* provides that the principal Law binds the Crown, except that nothing in the Law prevents the Receiver-General from receiving or holding estate in accordance with law or custom, that Articles 19F (offence of false statement) and 23 (offence of intermeddling) do not apply to the Crown but do apply to persons in service of it, and that the Law does not apply to the King in his private capacity.
- *New Article 32C* is a transitional provision which provides that, when the first Order is made under Article 19B(1) to set the types of particular holder, if a particular holder holds estate of a deceased person whose date of death was within the 10 years preceding the date that the Order is made, Article 19B applies as though it came into force on the date of death.

Article 9 gives the title by which this Law may be cited and provides that the Law comes into force 7 days after it is registered.



Jersey

DRAFT PROBATE (AMENDMENT) (JERSEY) LAW 202-

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Jersey

DRAFT PROBATE (AMENDMENT) (JERSEY) LAW 202-

A LAW to amend the [Probate \(Jersey\) Law 1998](#).

<i>Adopted by the States</i>	<i>[date to be inserted]</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 –

1 [Probate \(Jersey\) Law 1998](#) amended

This Law amends the [Probate \(Jersey\) Law 1998](#).

2 **Article 1 (interpretation) amended**

In Article 1(1) –

- (a) after the definition “Court” there is inserted –
“ “designated” means designated by Order of the Minister;”;
- (b) after the definition “executor nominate” there is inserted –
“ “funeral director” means a person in Jersey having charge of the burial or cremation of a deceased person;”;
- (c) after the definition “grant” there is inserted –
“ “holder” means a person in Jersey who holds any movable estate of a deceased person;”;
- (d) after the definition “Inferior Number” there is inserted –
“ “Minister” means the Minister for Health and Social Services;”.

3 **Article 11 (grant to a trust corporation) amended**

After Article 11(3) there is inserted –

- “(3A) Probate or administration is not to be granted to an association or company other than a trust corporation.”.

4 Article 19 (necessity for production of grant) amended

For Article 19 there is substituted –

“19 Necessity for production of grant

Subject to Articles 19A to 19E, and except as otherwise provided by any other enactment, the production of a grant is necessary to establish the right to recover or receive any part of the movable estate situated in Jersey of a deceased person.

19A Exception for small estates

- (1) A holder may release movable estate to a person (the “applicant”), without the production of a grant if the conditions in paragraph (2) are met and either –
 - (a) the deceased person dies domiciled other than in Jersey and the gross value of that person’s movable estate in Jersey held by the holder does not exceed £30,000; or
 - (b) the deceased person dies domiciled in Jersey, and –
 - (i) the gross value of the deceased person’s movable estate in Jersey held by the holder does not exceed £30,000, and
 - (ii) the applicant declares that the gross value of the deceased person’s worldwide movable estate does not exceed £30,000.
- (2) The conditions are –
 - (a) the applicant acknowledges in writing that the holder is not liable to any other beneficiary of the deceased person’s estate for the movable estate that is released to the applicant;
 - (b) it appears to the holder that the applicant is entitled to receive the movable estate under the terms of the deceased person’s will or under the laws relating to intestate succession in force in the place in which the deceased person was domiciled at death; and
 - (c) there is no caveat in force in respect of the deceased person’s estate.

19B Exception for particular holders of movable estate

- (1) The Minister may designate types of holder who may release movable estate without the production of a grant (“particular holders”).
- (2) A person applying to a particular holder (the “applicant”) must use an application form containing the designated information.
- (3) A particular holder must not release the estate to the applicant unless –

- (a) it appears to the particular holder that the value of the movable estate held by the particular holder does not exceed £30,000;
- (b) the applicant declares that the gross value of the deceased person's worldwide movable estate does not exceed £30,000;
- (c) it appears to the particular holder that the applicant is entitled to receive the movable estate under the terms of the deceased person's will or under the laws relating to intestate succession in force in the place in which the deceased person was domiciled at death;
- (d) the applicant meets any other designated requirement found in the application form;
- (e) the applicant acknowledges in writing that the particular holder is not liable to any other beneficiary of the deceased person's estate for the movable estate that is released to the applicant; and
- (f) there is no caveat in force in respect of the deceased person's estate.

19C Exception in respect of items worn by deceased person

- (1) This Article applies –
 - (a) to a funeral director; and
 - (b) with respect to an item of the deceased person's movable estate situate in Jersey that was on or with, or worn by, the deceased person at the time of that person's death (an "item").
- (2) A funeral director may, without production of a grant, authorise that a deceased person may be buried or cremated with an item if it appears to the funeral director that the value of the item does not exceed £1,000.
- (3) A funeral director may, on receipt of an application containing the designated information, release an item to a person (the "applicant") without the production of a grant if –
 - (a) the item is to be buried or cremated with the deceased person;
 - (b) it appears to the funeral director that the applicant is entitled to receive the item under the terms of the deceased person's will or under the laws relating to intestate succession in force in the place in which the deceased person was domiciled at death;
 - (c) it appears to the funeral director that the value of the item does not exceed £10,000;
 - (d) the applicant meets any other designated requirement contained in the application form;
 - (e) the applicant acknowledges in writing that the funeral director is not liable to any other beneficiary of the deceased person's estate for the item; and
 - (f) there is no caveat in force in respect of the deceased person's estate.

19D Exception for Viscount acting as court-appointed delegate

- (1) This Article applies if, at the time of death, the Viscount is appointed under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#) as delegate for the deceased person in respect of that person's property and affairs.
- (2) If, at the time of death, the Viscount is the holder of the whole or a part of the deceased person's estate the Viscount may, without producing a grant, release that estate if –
 - (a) the Viscount is satisfied that the gross value of the deceased person's worldwide movable estate does not exceed £30,000; and
 - (b) the estate is released in order to –
 - (i) pay to a funeral director the amount of any outstanding bill in relation to the funeral of the deceased person,
 - (ii) pay to an approved care home (as defined in Article 6 of the [Long-Term Care \(Jersey\) Law 2012](#)) the amount of any outstanding care home fees in respect of the deceased person,
 - (iii) pay any other outstanding bills of the deceased for which the Viscount considers payment should properly be made, or
 - (iv) repay to the relevant provider any overpayment of benefits or pension made in respect of the deceased person.
- (3) In this Article, "bill" means a properly invoiced outstanding sum.

19E Exception for bona vacantia

A holder may release movable estate to the Receiver-General without the production of a grant if the holder, despite reasonable effort, cannot identify a person to whom the movable estate should be released under the terms of the deceased person's will or the laws relating to intestate succession in the country in which the deceased was domiciled at death.

19F Offence for false statement

A person who, in an application under Article 19A, 19B or 19C or in connection with such an application, makes a statement which that person knows or believes to be false in any material particular commits an offence and is liable to imprisonment for a term of 12 months and to a fine."

5 Article 21 (protection for person releasing movable estate without grant) amended

For Article 21 there is substituted –

“21 Protection for person releasing movable estate without grant

- (1) A holder who, in good faith and in accordance with any of Articles 19A to 19E, releases any movable estate of a deceased person is, in respect of that release, protected and saved harmless from any action brought on behalf of the estate of the deceased person or by any beneficiary of the estate.
- (2) Where a holder relies on paragraph (1), the holder must provide details and an explanation of the actions relating to the release of the movable estate to the person bringing the action if that person demands them.
- (3) Nothing in this Article limits any liability on a holder under any other enactment or customary law.”.

6 Article 23 (penalty for intermeddling) amended

In Article 23(1) –

- (a) in the heading, for “Penalty for” there is substituted “Offence of”;
- (b) for “Article 19(3)” there is substituted “any of Articles 19A to 19E”;
- (c) for “to a fine or to imprisonment for a term not exceeding 12 months or to both” there is substituted “to a fine and to imprisonment for a term of 12 months”.

7 Article 31 (Regulations) substituted

For Article 31 there is substituted –

“31 Regulations

- (1) The States may by Regulations specify anything which must or may be specified for the purposes of this Law.
- (2) The States may by Regulations amend any provision, other than this paragraph, of this Law, to repeal that provision or to make alternative or additional provision in relation to grants of probate and letters of administration, the administration and distribution of the estate of deceased persons, and related matters.”.

8 Articles 32A, 32B and 32C inserted

After Article 32 there is inserted –

“32A Orders

The Minister may by Order –

- (a) amend the monetary values in Articles 19A(1), 19B(3), 19C(2) or (3) or 19D(2); and
- (b) designate anything which must or may be designated for the purposes of this Law.

32B Application to the Crown

- (1) This Law binds the Crown, except as provided in this Article.
- (2) Nothing in this Law prevents the Receiver-General from receiving and holding any unclaimed movable estate without a grant in accordance with law or custom.
- (3) Articles 19F and 23 do not apply to the Crown, but do apply to persons in service to the Crown.
- (4) This Law does not apply to His Majesty in his private capacity.

32C Transitional provision

- (1) In this Article –
 - (a) “commencement date” means the date of commencement of the first Order made under Article 19B(1);
 - (b) “particular holder” means a holder designated by Order.
- (2) If, on the commencement date, a particular holder holds estate of a deceased person whose date of death was within the 10 years immediately preceding the commencement date, Article 19B applies as though it came into force on the date of death.”

9 Citation and commencement

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