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Babbé

Our guide to your Will.

Preparing peace of mind.

The importance of preparing a Will.

A Will sets out your wishes for the distribution of your estate on your death.

There are several important reasons to make a Will. A Will provides certainty for your family and friends at a difficult time and helps reduce the costs and timescales to administer your estate.

To ensure a Will is legally valid, a Will should be carefully drafted and the correct advice and guidance specific to your circumstances should be received.

Our Guide to your Will is printed on paper manufactured sustainably with 100% recycled fibres in a chlorine-free process.

Your estate in Guernsey may comprise

- Your real property: immovable assets such as houses and land; and
- Your personal property: movable assets such as monies held in bank accounts, shares, investments, proceeds of pensions and policies.

Who should make a Will?

Anyone who owns property or has personal assets in Guernsey. To make a Will a person must have what is known as testamentary capacity. This means that the person making the Will must be at least 18 years old and of sound mind.

What happens if you don't make a Will?

- A set of rules called the intestacy rules apply by default to anyone who dies without a Will. They dictate who is to receive your estate and in what shares by applying a fixed order of precedence for different classes of relatives.
- These rules will not account for your specific personal circumstances. If any of the examples below apply to you, the intestacy rules may not be appropriate for you and you should consider making a Will:

You have a partner but are not married or in a civil partnership

- Your partner will not receive anything from your estate on your death, regardless of how long you have been cohabiting. There is no such thing as a common law spouse, and you should make a Will if you want your partner to inherit your estate.
- Without a Will, your partner will have to make an application to court to claim against your estate. This is an uncertain, costly, stressful and time consuming process which should be avoided.

You own real estate

- Without a Will, the heirs to your house or land will be unable to provide good title to a purchaser and will have to apply for an administration order from the Royal Court to sell. This process involves additional costs and might delay the sale.
- Making a Will naming the heirs to your real estate ensures that they have good title to sell the property on your death.

You own property jointly

- If you own property jointly you should not assume your share of the property will automatically pass to the surviving joint owner on your death.
- There are different ways to own property jointly and depending on how you own your joint property, a Will might be necessary.

You have children but want your spouse/civil partner to receive your sole assets

- If you have children but wish your spouse to inherit the assets you own in your sole name you should make a Will.
- Many spouses wish to leave everything to each other on the first spouse's death to ensure the survivor is appropriately provided for during the rest of their lifetime. Thereafter they may decide to leave the estate to their children.

You have minor children

- You may want to consider naming a guardian or making specific trust provisions for them in your Will.
- 'Descendants' under the intestacy rules refer to both legitimate and illegitimate children and the distinction is best made by specifically naming your children in your Will.

You want to leave part of your estate to persons other than your spouse and children

If you want to provide for other relatives such as step-children, or leave a gift to friends or charity, you should make a Will.

You are not married and have no children

If you have no spouse, children or immediate family there is a risk that distant relatives receive your estate. If they cannot be located easily, your estate may be used up in tracing agent's fees.

You wish to reduce the risk of claim on your estate after your death

- Since the 2nd April 2012, it is possible for certain family members and 'dependants' to make a claim against your estate if they feel that they have not been appropriately provided for. Making a Will can deter potential claimants as it provides certainty as to your wishes.
- We will be able to advise on any potential claims against your estate if you are concerned some 'dependants' might not be satisfied with the provisions of your Will.

You want to choose who will administer your estate

- Making a Will allows you to appoint an executor to administer your estate.
- They will apply for a Grant of Probate if necessary, collect your assets, settle any liabilities and distribute your estate to your heirs.
- You should appoint someone who you trust and who has the skills and time to be your executor so as to avoid any delay and/or financial loss.
- You can appoint the partners of a law firm. They will charge for their time but you will be satisfied that professionals are looking after your family's best interests.

What if you already have a Will?

You made your Will before the 2nd April 2012

- If you made a Will before the 2nd April 2012 the 'forced heirship' rules will dictate that specific shares of your estate must pass to your spouse and descendants regardless of the provisions of your Will.
- Since the Guernsey Inheritance Law came into force in 2012 you are free to dispose of your estate how you wish. If you would like to take advantage of this you should make a new Will.

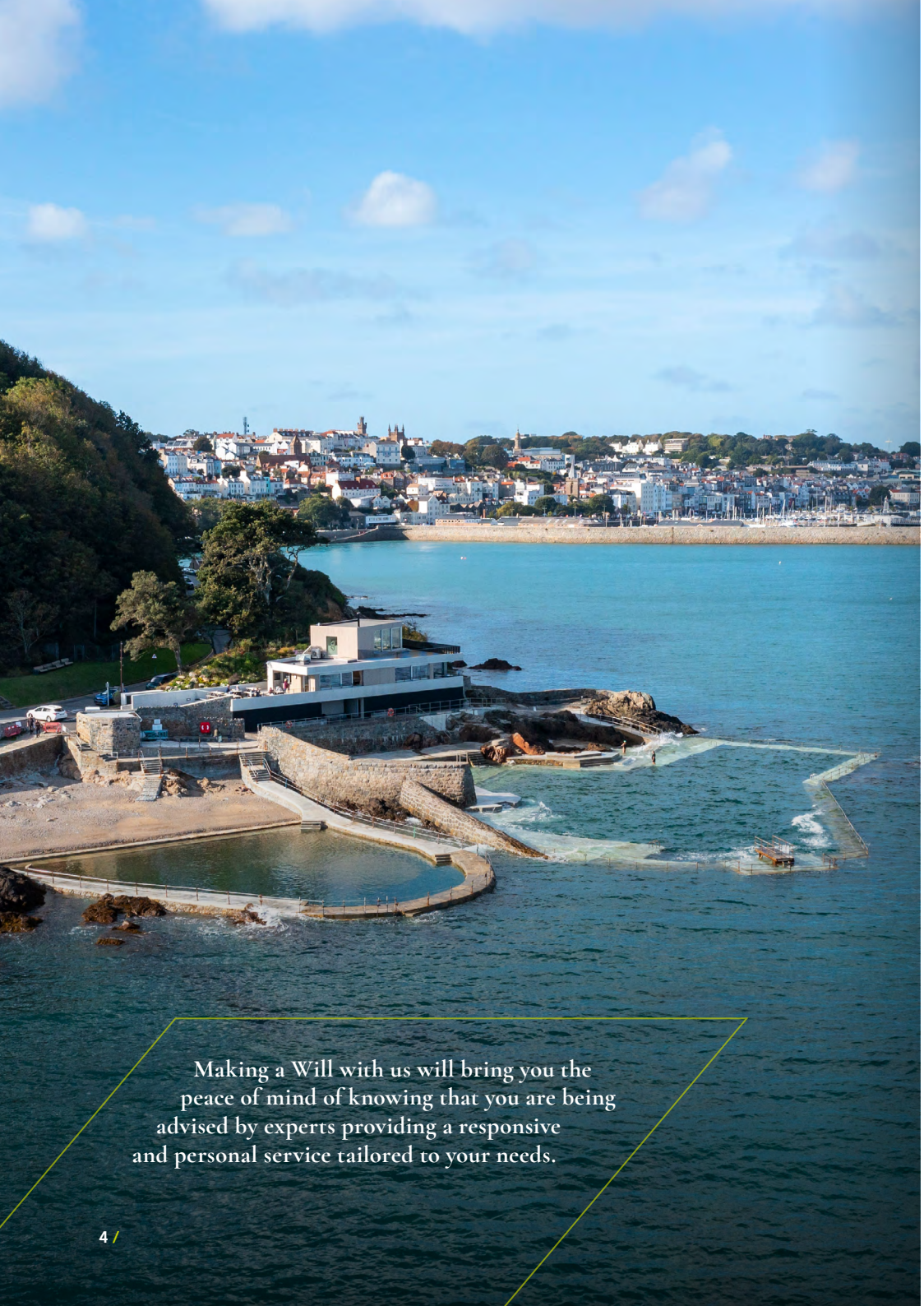
Your circumstances have changed

- The following events will generally mean that you should consider reviewing your Will: birth or death in your family, marriage, divorce, purchase or sale of a property.
- Divorce and marriage do not have the effect of revoking a Will in Guernsey so if your marital status changes you should review your Will.
- You should consider whether your Will needs to be reviewed every 5 years. If you are unsure whether your current Will needs updating please get in touch with Babbé and our lawyers will be able to assist you.

Making a Will with Babbé

Babbé is a leading Guernsey law firm with a reputation of providing world-class legal services. Making a Will with us will bring you the peace of mind of knowing that you are being advised by experts providing a responsive and personal service tailored to your needs.

Making a Will need not be a complex and time consuming process. With Babbé you will be able to discuss your affairs in complete confidence, receive clear and concise advice and rest assured that you have planned for your loved ones appropriately.



Making a Will with us will bring you the peace of mind of knowing that you are being advised by experts providing a responsive and personal service tailored to your needs.

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Who we are

Babbé is a leading Guernsey law firm with a reputation of providing world-class legal services.

Disclaimer: this brochure does not constitute legal advice. You should always seek professional advice specific to your own personal circumstances.

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