



VOISIN LAW

With the majority of us living longer due to the wonders of modern medicine it is unsurprising that mental capacity is now an issue that private client practitioners deal with on a daily basis.

For those resident in the UK since 1 October 2007 an individual can execute a property and affairs lasting Power of Attorney (“LPA”) appointing a person to manage their personal and financial affairs should they lose the ability to do so. An LPA becomes effective upon registration with the Court of Protection. Many other jurisdictions have similar provisions.

But what happens if the individual holds assets in Jersey?

Fortunately there is no requirement for that individual to put a further power of attorney in place in Jersey as the Jersey court will recognise the foreign power of attorney provided that such power of attorney is registered with the Royal Court. On registration the Attorney has authority to deal with the assets in Jersey.

The position is the same for a Deputy acting by way of Deputyship order or a Guardian acting by way of Guardianship order.

The application to register is straight forward and is made in chambers by way of an application called a Representation. The application must be made by a Jersey lawyer and the following documentation will be required:

1. The original (registered) LPA/power of attorney/deputyship or guardianship order (“Order”) or a court sealed copy of the Order or, in certain circumstances, a notarised copy of the Order;
2. A copy of the most recent valuation statement in relation to the asset or assets in Jersey;
3. Confirmation of the full name and residential addresses of any parties interested in the registration; and
4. Court stamps to the value of £120.

In jurisdictions where powers of attorney do not need to be registered an affidavit will be required from a lawyer in that jurisdiction confirming the same.

Upon registration the Royal Court will attach the Act of Court confirming registration to the face of the Order. This will then be presented to the Jersey asset holders who will be able to take instructions from the Attorney.

If you wish to send us instructions for making your will, please complete [The Will Instruction Sheet Jersey Resident and Domiciled](#).

Voisin’s Estate Planning & Capacity team provide expert guidance in all matters concerning capacity issues. If you would like to have an informal discussion about these matters, please contact Kylie Young, Eliana Lennon and Angela Roscouet at probate@voisinlaw.com.



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This note is intended to provide a brief rather than a comprehensive guide to the subject under consideration. It does not purport to give legal or financial advice that may be acted or relied upon. Specific professional advice should always be taken in respect of any individual matter.