



Royal Court of Jersey
Judicial Greffe

Your Ref:
Our Ref: RMK/dmd

26 February 2026

Deputy H Miles
Chair, Corporate Services Scrutiny Panel
Scrutiny Office
States Greffe
Morier House
St Helier
JE11DD

Dear Deputy Miles

Corporate Services Scrutiny Panel
Draft Wills and Successions and Probate (Jersey) Amendment Law 202-

I write further to your letter dated 13th February 2026. I have set out your questions together with my answers for the sake of convenience.

1. **The draft Law states that the Judicial Greffier was “briefed specifically owing to their particular interests in the subject-matter”. Please can you share your feedback to the consultation on the draft Law?**

From our perspective, the consultation process was helpful and appropriate. We were first consulted in May 2024 and had regular meetings with policy officers and the Law Officer’s Department since that time.

Early consultation is always necessary when any piece of legislation has an impact on the court service, and this is what happened in this case. We were very much involved in the changes proposed and had the opportunity to put forward our suggestions and feedback.

2. **Your feedback on the amendments being proposed to the Wills and Successions (Jersey) Law 1993 and the extent to which they achieve the intended aims.**

We consider that amendments proposed achieved the intended aims successfully.

The preference for male heirs inherent in the customary law is often a cause of frequent and unnecessary upset for family members who wish to administer a deceased relative’s estate.

The amendment which makes the legal concept of the “principal heir” gender neutral brings the law to modern day standards. Furthermore, with broader discretion given under the Probate (Jersey) Law 1998 amendments, the Judicial Greffier or the Inferior Number has additional scope to appoint another other than the principal heir as described below in the answer to Question 3.

3. **The Probate (Jersey) Law 1998 will also be amended “to broaden the scope of the discretion of the Judicial Greffier or Inferior Number of the Royal Court to grant probate to other individuals beyond those entitled to the grant”. Please can you share your feedback in this regard?**

These amendments are helpful because the ability to appoint someone other than the principal heir (the person entitled under Articles 14(5) & 14(6)) will help in some family situations. Each case is decided individually on the facts/information provided at the time.

We can provide two examples of how these amendments will help:

1. Under customary law at present, ascendants (i.e. parents) of the deceased will be excluded as heirs by their own living decedents (i.e. siblings of the deceased). This can be a particular challenge where a person tragically dies young and has not made a will. For example, if a couple have two children who are young adults, and one of the children dies intestate and without having married, then the parents of that child will not be heirs to the estate and will not then be entitled to the grant of administration. The person entitled to the grant will be the surviving sibling as the only and principal heir. This will also be the case where there are half siblings of the deceased, even in case where the half siblings are estranged and living in another jurisdiction. This would obviously cause anguish to the parent of the deceased.

The amendments remedy this situation because they enable the Judicial Greffier or the Inferior Number to appoint a parent or other individual in an appropriate case.

2. Under customary law, supposing that a sole surviving parent dies (person A), leaving living children, the principal heir (person B) would be appointed from one of those children to administer the estate. If that principal heir has pre-deceased their parent, the person who would then fulfil the functions of the principal heir would be one of their children. The child (person C) would then administer the estate of their deceased grandparent (person A). This can cause anguish to the surviving children of the deceased who, but for the customary law would have otherwise been willing and able to administer the estate on behalf of their deceased parent (person A).

The amendments remedy this situation because they enable the Judicial Greffier or the Inferior Number to appoint one of the siblings over the grand-child, in an appropriate case.

4. **Any concerns about the proposals contained within the draft Law and their impact on the role of the Judicial Greffier**

We do not have any concerns regarding these amendments.

Yours sincerely



Advocate R Morley-Kirk

Judicial Greffier