**Guernsey Probate**

**A brief introduction to the Ecclesiastical Court**

**What is the Court?**

The main function of the Ecclesiastical Court today is to grant Probate and Letters of Administration (collectively ‘Grants of Representation’) in the Estates of people who have died owning assets in the Bailiwick of Guernsey. It does have other (no less important) functions, such as the granting of marriage licences, the granting of Faculties for alterations to consecrated church property, the swearing-in of Churchwardens and Notaries Public, and the recording of Caveats to prevent a Grant of Representation being issued where there is a dispute. But the issuing of Grants of Representation is by far the most important in terms of resources required and income received.

**Who runs the Court?**

The Court is run on a day-to-day basis by a salaried Registrar, who has a deputy, with the help of two salaried assistants. The Registrar and Deputy-Registrar are both Advocates of the Royal Court. The Dean of Guernsey presides over sittings of the Court (which usually take place on Friday mornings at 0930) in his capacity as Commissary.

The Registrar and Deputy-Registrar are responsible for preparing the documents which lead to Grants of Representation being issued, as well as for the Grants themselves. In that capacity, training in the law is essential since they must be alert to all legal issues which might arise in any particular case, and if necessary elicit further documents or evidence to ensure that each Grant of Representation is in correct form and is issued to the person(s) entitled to it.

**How is the Court financed?**

The Court is entirely self-financing. Fees are collected for marriage licences, for entering Caveats and for preparing documents which lead to a Grant of Representation being issued, but by far the majority are collected for Grants of Representation in accordance with a fixed proportion of the gross value of the relevant Personal Estate in the sole name of the deceased at the date of death. That proportion is 0.35% (but less for the first £80,000 of gross value), so an Estate with a gross value of £80,000 will attract a fee of £155 and one of £800,000 a fee of £2,675. A fee structure such as this has been in force for very many years and is seen as fair since smaller Estates attract lower fees, but even for large Estates the fees are comparatively modest (for example the comparable percentage in Jersey is 0.75%). A charge of £20 is also made for each additional document (such as a power of attorney or deed of renunciation) where these are required. There is a maximum tariff charge of £100,000, which comes into play when the relevant Estate exceeds £28m in value.

**What happens to the fees which are collected?**

The balance remaining (after payment of the running costs of the Court and the retention of working capital) is paid to The Deanery Fund LBG. This is a Guernsey-registered company limited by guarantee and with exclusively charitable objects, not limited to religious purposes nor to purposes connected with the Church of England. Examples in the last few years include grants towards the building of the Community Centre in St Martin’s, the Cobo Community Centre, the Caritas Café in Mill Street, the Christmas lights in St Peter Port, the employment of a member services officer by the Guernsey Disability Alliance, the Sanctuary Centre in Sark, supporting the Youth Commission’s emotional health and well-being work in Alderney, the restoration of the Little Chapel, a new patients’ amenities trolley at the hospital, as well as towards refurbishment of some rectories and vicarages.

Neither the Dean’s stipend (as Dean or as Rector of St Andrew) nor that of any clergy is paid from the Court’s income. The Registrar’s pay is not related in any way to the level of the Court’s income: it is simply a salary paid as part of the running expenses of the Court

The Ecclesiastical Court has existed in Guernsey for many centuries and is now unique in still providing the Probate service for our jurisdiction. Of course, great age is not of itself a reason to preserve it. The service it provides, and the speed and efficiency with which it does so, are the key considerations.

If you are dissatisfied in any way with the service you have received, please let us know.

Tim Barker

*Dean of Guernsey*

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**For more information, go to our website: www.guernseyprobate.gg**