

# THE ROYAL COURT

## APPLICANTS IN PERSON

2018

Royal Court House  
St James Street  
St Peter Port  
Guernsey  
GY12NZ

[www.guernseyroyalcourt.gg](http://www.guernseyroyalcourt.gg)



THE ROYAL COURT  
OF GUERNSEY

## ADMINISTRATION ORDERS

Where a person owning Guernsey real property has died without leaving a will clearly setting out who the new owners as heirs of that property are, eg, there is an intestacy, an application for an Administration Order made be made, usually by an heir.

If the Applicant is ordinarily resident in Guernsey, it is usual for the Applicant to nominate himself or herself to be the Administrator to be appointed. If the Applicant is not ordinarily resident in Guernsey and wants the Court to appoint another person who is ordinarily resident in Guernsey, the Applicant needs to liaise with and seek the approval of HM Procureur. A company or firm may not be appointed as Administrator. (Please see s.4 of The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006 which can be found on the Guernsey Legal Resources website [www.guernseylegalresources.gg](http://www.guernseylegalresources.gg)).

In the case of the appointment of someone other than the Applicant as Administrator two applications may have to be made to the Court. The first for the appointment of the Administrator, the second made by the Administrator to distribute the proceeds of sale of real property. Such applications would need to be accompanied by an affidavit from the Administrator in compliance with s.9(11) of the 2006 Law. The two applications do not necessary have to be made at the same time. Some applicants may prefer to obtain an Administration Order first and then move on to obtaining an order to permit the distribution of the net proceeds of sale at a later date.

A notice giving details of the application is usually published in the Gazette Official section of the Guernsey Press during the week prior to the hearing. An example of such a notice is attached hereto to assist.

Applications for Administration Orders are heard in the Friday Ordinary Court which sits at 9.30 am on every working Friday during the year. The Applicant is normally expected to attend Court, although in the case of some who is not ordinarily resident in Guernsey, it is open to the Judge to dispense with their attendance where the person to be appointed as Administrator will be present in Court. The Administrator if appointed, will be required to take an oath or to affirm.

The documents required to be filed with the Greffe in respect of such applications are as follows:-

1. Application(s) to the Court
2. Affidavit setting out all of the supporting facts to the application. Exhibited to the Affidavit should be copies of relevant, Birth, Marriage and Death certificates, conveyance of Real Property, copies of Gazette Publications and any other documents which it is felt the Court should consider.
3. The relevant fees are £218.00 Court Fee per application and £57.00 Affidavit Fee.

NB: An application to the Court by the Administrator must be accompanied by an affidavit sworn by the Administrator in support of that application.

To assist with the drafting of the Application to the Court examples are attached hereto. **They are for guidance only** and can be adapted to each individual application as necessary ie in a case where Joint Administrators are to be appointed.

Example A1— for use where the Applicant is to be appointed as Administrator.

Example A2— for use where the Applicant is to be appointed as Administrator and distribute proceeds.

Example B1— for use where a natural person (third party) (other than the Applicant) is to be appointed as Administrator.

Example B 2—for use where a natural person (third party) (other than the Applicant) is to be appointed as Administrator and distribute proceeds.

Example C1— Application for Administrator to distribute proceeds.

Example D1— Draft wording for Gazette Publication—Application to be sworn as Administrator and distribute proceeds.

Example D2— Draft wording for Gazette Publication—Application appoint Third Party as Administrator and distribute proceeds.

Papers for any Friday Court must be filed in duplicate by 4.00 pm on the Wednesday preceding the Court hearing (lodging time must be adjusted accordingly to take account of intervening Public Holidays).

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