

# THE ROYAL COURT

## APPLICANTS IN PERSON

October 2019

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 may 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 necessarily 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 £231.00 Court Fee per application and £60.00 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).

When processing your personal data, these offices are compliant with the Data Protection (Bailiwick of Guernsey) Law, 2017. For more information about how these offices process your personal data, please view the Fair Processing Notice available at the Royal Court Public Counter or on the Royal Court Website Homepage.

## EXAMPLE OF APPLICATION FOR ADMINISTRATION ORDER TO APPOINT APPLICANT AS ADMINISTRATOR

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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Date

(Name and address of Applicant) ("The Applicant") one of the heirs /sole heir of the late (name of deceased)

APPLIES TO THE COURT

In respect of the Guernsey Real Property of the late (name of deceased) who died intestate as to Guernsey Real Property on the (insert date of death)

For the following:-

1. an Administration Order under section 4 of The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006;
2. the appointment of the Applicant as Administrator of all the Guernsey Real Property of the Deceased;
3. such other Orders as the Court may see fit.

The whole in accordance with the circumstances set out in the Affidavit of the Applicant dated (date Affidavit sworn) (a copy of which is attached hereto).

Name and signature of Applicant

## EXAMPLE OF APPLICATION FOR ADMINISTRATION ORDER TO APPOINT APPLICANT AS ADMINISTRATOR AND DISTRIBUTE PROCEEDS

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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Date

(Name and address of Applicant) ("the Applicant") one of the heirs / sole heir of the late (name of deceased)

APPLIES TO THE COURT

In respect of the Guernsey Real Property of the late (name of deceased) who died intestate as to Guernsey Real Property on the (insert date of death)

For the following:-

1. an Administration Order under section 4 of The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006;
2. the appointment of the Applicant as Administrator of all the Guernsey Real Property of the Deceased;
3. an order under Section 9(9) of the Law that upon the sale of any part of the Guernsey Real Property of the Deceased the Administrator shall be permitted to distribute immediately (or within such longer period as the Court deems fit) the net proceeds of the sale of such Guernsey Real Property without further application to the Royal Court; and
4. such other Orders as the Court may see fit.

The whole in accordance with the circumstances set out in the Affidavit of the Applicant dated (date Affidavit sworn) (a copy of which is attached hereto).

Name and signature of Applicant

## EXAMPLE OF APPLICATION FOR ADMINISTRATION ORDER TO APPOINT ADMINISTRATOR (THIRD PARTY)

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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Date

(Name and address of Applicant) one of the heirs / sole heir of the late (name of deceased)

APPLIES TO THE COURT

In respect of the Guernsey Real Property of the late (name of deceased) who died intestate as to Guernsey Real Property on the (insert date of death)

For the following:-

1. an Administration Order under section 4 of The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006;
2. the appointment of (name of proposed Administrator) as Administrator of all the Guernsey Real Property of the Deceased;

The whole in accordance with the circumstances set out in the Affidavit of the Applicant dated (date Affidavit sworn) (a copy of which is attached hereto).

Name and signature of Applicant

## EXAMPLE OF APPLICATION FOR ADMINISTRATION ORDER TO APPOINT ADMINISTRATOR (THIRD PARTY) AND DISTRIBUTE PROCEEDS

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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Date

(Name and address of Applicant) ("the Applicant") one of the heirs / sole heir of the late (name of deceased)

APPLIES TO THE COURT

In respect of the Guernsey Real Property of the late (name of deceased) who died intestate as to Guernsey Real Property on the (insert date of death)

For the following:-

1. an Administration Order under section 4 of The Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006;
2. the appointment of (name of proposed Administrator) as Administrator of all the Guernsey Real Property of the Deceased;
3. an order under Section 9(9) of the Law that upon the sale of any part of the Guernsey Real Property of the Deceased the Administrator shall be permitted to distribute immediately (or within such longer period as the Court deems fit) the net proceeds of the sale of such Guernsey Real Property without further application to the Royal Court; and
4. such other Orders as the Court may see fit.

The whole in accordance with the circumstances set out in the Affidavit of the Applicant dated (date Affidavit sworn) (a copy of which is attached hereto).

Name and signature of Applicant

## EXAMPLE OF APPLICATION FOR ADMINISTRATOR TO DISTRIBUTE PROCEEDS

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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Date

(Name and address of Applicant) Administrator of the Real Property of (name of deceased) duly appointed by the Royal Court on the (insert date)

APPLIES TO THE COURT

in respect of the Guernsey Real Property of the late (name of deceased) who died intestate as to Guernsey Real Property on the (insert date of death)

For the following:-

1. an order under Section 9(9) of the Law that upon the sale of any part of the Guernsey Real Property of the Deceased the Administrator shall be permitted to distribute immediately (or within such longer period as the Court deems fit) the net proceeds of the sale of such Guernsey Real Property without further application to the Royal Court; and
2. such other Orders as the Court may see fit.

The whole in accordance with the circumstances set out in the Affidavit of the Administrator dated (date Affidavit sworn) (a copy of which is attached hereto).

Name and signature of Applicant

## DRAFT WORDING FOR GAZETTE PUBLICATION APPLICANT TO BE SWORN AS ADMINISTRATOR

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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THE LAW REFORM  
(INHERITANCE AND  
MISCELLANEOUS PROVISIONS)  
(GUERNSEY) LAW, 2006

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To any person claiming to be entitled to the Real Property of the late (insert name of deceased) of (insert address of deceased) who died on (insert date of death) ("the Deceased") TAKE NOTICE that (Insert name of applicant) will apply to the Royal Court at 9.30am on Friday (insert date of hearing) for:-

1. An Administration Order under section 4 of the Law;
2. To be appointed as administrator of the Real Property of the Deceased; and
3. Permission to distribute the proceeds of sale of the Real Property forthwith upon such sale without further application to the Court.

Name and  
Address of  
Applicant.



## DRAFT WORDING FOR GAZETTE PUBLICATION

### APPLICATION APPOINT THIRD PARTY AS ADMINISTRATOR

PLEASE NOTE: THIS IS FOR GUIDANCE ONLY

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THE LAW REFORM  
(INHERITANCE AND  
MISCELLANEOUS PROVISIONS)  
(GUERNSEY) LAW, 2006

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To any person claiming to be entitled to the Real Property of the late **(insert name of deceased)** of **(insert address of deceased)** who died on **(insert date of death)** (“the Deceased”) TAKE NOTICE that **(Insert name of applicant)** will apply to the Royal Court at 9.30am on Friday **(insert date of hearing)** for:-

1. An Administration Order under section 4 of the Law;
2. **(Name and address of Third Party to be appointed)** to be appointed as administrator of the Real Property of the Deceased; and
3. Permission to distribute the proceeds of sale of the Real Property forthwith upon such sale without further application to the Court.

**Name and  
Address of  
Applicant.**



## Guernsey Court Fees

Name of Case:	
Application to Bailiff for leave to serve a summons or notification signed by applicant in person.	N/A
Service of a summons, notice or document in any proceedings other than for recovery of a sum of money.	N/A
Service of a summons, notice or document in proceedings for recovery of a sum of money.	N/A
Preparatory reading by a judge and writing of judgment in respect of any proceedings, per hour or part thereof, unless the judge otherwise directs and provided that no fee shall be payable for the first hour of such reading time or the first hour of such writing time.	N/A
First and each subsequent tabling of a cause, application or petition, filing of defences, and interlocutory applications.	
a) in proceedings for the recovery of a sum of money.	N/A
b) in proceedings relating to other matters	£231.00
Proceedings before the Court requiring a hearing (up to 1 hour). (Exceeding one hour double the appropriate fee specified per hour or part thereof).	£231.00 (£462.00 if over one hour)
Lodging of Affidavits	£60.00
Filing of Documents (Matrimonial Causes)	N/A

I have been shown the schedule of fees set out in the Cost and Fees Rules relevant to my application, which is available on the [www.guernseylegalresources.gg](http://www.guernseylegalresources.gg) website, and I understand that I will be charged for each application I make and the cost of the court hearing and other applicable fees.

Signed..... Date.....

Full name..... Telephone number (W) .....

E-mail address .....

**PLEASE COMPLETE AND SIGN BOTH PAGES OF THIS DOCUMENT AND RETURN TO THE GREFFE TO ENABLE A COURT FEE ACCOUNT TO BE OPENED IN THE NAME OF THE APPLICANT. FAILURE TO DO SO MAY RESULT IN THE APPLICATION NOT BEING HEARD BEFORE THE COURT.**

**SECTION A - Where the applicant is an individual**

Title: Mr/Mrs/Miss .....

Surname .....

First name(s) .....

Middle name(s) .....

Maiden name .....

Date of birth .....

Address (including post code): .....

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Home telephone number .....

**SECTION B - Where the Applicant is a company**

Company name .....

Company address (including post code) .....

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Main (business) telephone number .....

E-mail address .....

Correspondence address (if different to address given above) .....

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Directors of the Company .....

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Company Registration Number .....

I CERTIFY THAT THE ABOVE DETAILS ARE ACCURATE TO THE BEST OF MY KNOWLEDGE

Signed..... Date.....

Full name..... Contact telephone number .....

E-mail address .....

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