

**Response to a Question Pursuant to Rule 14
of The Rules of Procedure of the States of Deliberation and their Committees**

Subject: PROBATE

States' Member: Deputy Gavin St Pier

Date received: Monday 8th February 2021

Date acknowledged: Tuesday 9th February 2021

Date of reply: Monday 22nd February 2021

Questions

In June 2020, the States directed that the customary jurisdiction in respect of probate should be transferred from the Ecclesiastical Court to the Royal Court.

Given that at the time it was hoped and anticipated that it would be possible to effect the transfer by 1 January 2021, can the Committee advise:

1. what progress, if any, has been made in effecting the transfer?
2. what progress, if any, has been made in relation to drafting the requisite legislation?
3. when is it anticipated that the transfer will be effective?
4. has it been agreed that, in any event, any surplus from the date of the policy letter will be transferred to the Social Investment Fund?

Responses

Thank you for the opportunity to respond to the questions. The response is set out below.

An implementation group has been established comprising representatives from the Royal Court and the Ecclesiastical Court to plan in detail the transfer of the service and to ensure that the level of service is maintained throughout the transition and beyond.

Alongside this, a draft of the legislation has been prepared which has been reviewed by the implementation group and other stakeholders.

However, in December 2020 the Dean of Guernsey wrote to the President of the Policy & Resources Committee asking for consideration to be given to a different solution. The proposal being that the service continue to be provided by the Ecclesiastical Court but with any surplus being transferred to the Social Investment Fund from January 2021.

The Committee considered the matter in January and concluded that the Dean's proposals represented a good compromise and that such an approach would align with the streamlining of the States and of others delivering services where there is not a necessity for the States to do so. Members therefore directed officers to progress the Dean's proposals.

Given that this decision was made at the same time as the Committee was finalising the Government Work Plan, it was felt to be an expedient approach to suggest to the States through this vehicle that the original Resolutions be rescinded.

In the meantime, negotiations are underway with the Dean to finalise the arrangement with a view to backdating the implementation to 1 January 2021. While there were previously discussions regarding the surplus for 2020 potentially being transferred to the Social Investment Fund from the date of the original States' decision, no conclusion was reached and the usual practice for treatment of the Ecclesiastical Court surplus was continued in 2020.

Deputy Peter Ferbrache
President
Policy & Resources Committee