

Resealing foreign grants of probate in the BVI

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The Probates (Resealing) Act, 2021 (the Act) has been in force in the British Virgin Islands (BVI) since 9 July 2021.

Not only has the Act made the process for resealing a foreign grant of probate in the BVI much clearer and simpler, its introduction brought with it a key change that that is often overlooked.

Background

If a person dies leaving property in the BVI (including shares in a BVI company), a BVI grant of representation is usually required in order to deal with those assets.

Resealing of a foreign grant is where a grant obtained in a foreign jurisdiction (eg England) is 'resealed' to realise assets in another jurisdiction (eg the BVI), without the need for a fresh grant.

Often the reseal application is simpler than a new grant application.

Key change

The Act now recognises 67 jurisdictions from which grants of probate can be resealed in the BVI. This now includes grants from:

The Hong Kong Special Administrative Region of the People's Republic of China and Singapore.

Once resealed, grants obtained in those jurisdictions 'shall have the same force and effect and have the same operation in the BVI as if it were granted by the BVI Court.'

There is no need for a full BVI probate where you have a grant of probate from Hong Kong.

If you have any questions on this topic, please contact a member of the team listed on the right hand side of this page.

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