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Resealing foreign grants of probate in the BVI: Increased jurisdictional recognition

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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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