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# The Ecclesiastical Court: Transfer and review – follow-up

APRIL 2021

In our update of June 2020, we confirmed that in the Bailiwick of Guernsey, the States of Deliberation had approved the then Policy & Resources Committee's proposal to transfer oversight of the proving of Wills and issuing of letters of administration and grants of probate – known collectively as "Grants of Representation" – from the Ecclesiastical Court (which has close links with the Church of England) to the Royal Court.

It was proposed that under the approved transfer to the Royal Court, the surplus income produced would instead pass into the Bailiwick's general revenue however, in order to enable funds to continue to be used to benefit charitable works, for the first two years it was proposed that a grant of £400,000 would be made from general revenue to the Social Investment Fund, which helps to fund local charities. After two years, this was due to be reviewed as part of the States' budget.

In late 2020 fresh discussions between the Dean of Guernsey and the current Policy & Resources Committee took place. Those positive discussions have led to a new plan which will see important changes made to the probate service, while maintaining many of the benefits that come from having it administered by the Ecclesiastical Court. The alternative approach for the ongoing management of the probate function, put forward by the Dean of Guernsey, is that probate services continue to be delivered by the Ecclesiastical Court, and are not transferred to the Royal Court, with the net surplus (after the payment of costs and a management fee) of the Court's fees being transferred to the Social Investment Fund.

Under this new plan the service would be renamed the 'Guernsey Probate Registry'. The net surplus of the Court's fees will pass to the Social Investment Fund, which provides funding for a range of charitable causes that benefit the Bailiwick, following the deduction of costs and a £25,000 per annum management charge for the running of the Registry. The agreement also includes a cap on costs to ensure the surplus transferred to the Social Investment Fund is maximised. The Policy & Resources Committee and the Dean of Guernsey were in agreement that this proposal will offer a more cost-effective probate service which also directs more funding to charitable causes in the Bailiwick.

The Policy & Resources Committee did consider putting the plan to the States Assembly by way of a Policy Letter but as the outstanding resolutions had not yet been implemented, it felt it was more straightforward to simply ask the Assembly to rescind the resolutions. On 26 March 2021, the States of Deliberation agreed amongst other things, to rescind or transfer a number of proposed resolutions and to direct the Policy & Resources Committee to work with other Committees to bring a second policy letter on the Government Work

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Plan to the States. The second policy letter will be submitted to the States of Deliberation in June, before being debated at a Special Meeting on 21 July 2021.

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