

## The States makes a major change to Jersey intestate collateral succession rules

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Date / [February 2024](#)

Jersey's rules on the collateral succession of Jersey immovable property are about to undergo a major change as a result of the decision of the States of Jersey on 7 February 2024 to abolish the ancient customary law distinction between two types of property, *propres* and *acquêts*.

The draft Law which was approved by the States, the Wills and Succession (Amendment No. 3 – Collateral Succession of Immoveable Estate)(Jersey) Law 202-, will now be sent to the Privy Council for its formal approval and it is expected to come into force at some point in 2024.

### What are *propres* and *acquêts* and why have *propres* been abolished?

Under Jersey customary law, a piece of immovable property which is inherited on intestacy falls into one of two categories; it is either a *propre* or an *acquêt*.

The distinction is important because in relation to a collateral succession in intestacy (i.e. in circumstances where the deceased did not make a valid will and has died leaving no spouse/civil partner or children/descendants him/her surviving) title to any *propres* reverts, and can only pass, to the side of the family from which it was inherited by the deceased, i.e. either the deceased's paternal side or the deceased's maternal side. On the other hand, an *acquêt* is inherited by all of the deceased's heirs-at-law, regardless of whether they are on the deceased's paternal or maternal side.

This ancient distinction was intended to ensure the most important pieces of the deceased's land, which were normally his/her *propres*, were inherited by, and kept within, the same family line.

In February 2021 an international treaty, the Convention of the Elimination of All Forms of Discrimination against Women ("CEDAW"), was extended to Jersey. Because the ancient customary law rules can favour a deceased person's paternal heirs-at-law to the detriment of his/her maternal heirs-at-law in certain circumstances it was felt that they were no longer compatible with the Island's obligations under CEDAW and so needed to be abolished.

When the draft Law comes into force all assets forming part of the immovable estate of a deceased person dying after the commencement date will be treated as being *acquêts* for the purpose of a collateral succession on intestacy, and consequently the customary rules which currently apply to the inheritance of *propres* will be abolished.

### Conclusion

The change in the law could affect anyone who currently owns Jersey immovable property and who will or might die intestate with respect to that property without leaving a surviving spouse/civil partner and any direct heirs (children, grandchildren etc.). Anyone who currently falls within that class would be well advised to take advice on their specific circumstances and/or to make a will dealing with the Jersey immovable property.

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