

PROJET DE LOI

ENTITLED

The Law of Inheritance, 1954 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Ordres en Conseil Vol. XVI, p. 10; as amended by the Law of Inheritance (Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 164); the Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006 (No. IV of 2008); the Inheritance (Guernsey) Law, 2011 (No. XIII of 2011). See also the Adoption (Guernsey) Law, 1960 (Ordres en Conseil Vol. XVIII, p. 192); the Adoption (Guernsey) Law, 1966 (Ordres en Conseil Vol. XX, p. 262).

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ARRANGEMENT OF SECTIONS

1. Préciput, etc. abolished.
2. Repeal of part of Art. II of 1840 Law.
3. ...
4. ...
5. Making and choosing of lots.
6. Adjustments to be payable in money.
7. Repeals.
8. Commencement.

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THE STATES, in pursuance of their Resolutions of the 10th day of January, 1940, the 22nd day of February, 1949, the 14th day of February, 1951, and the 6th day of November, 1953, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Préciput, etc. abolished.

1. There are hereby abolished –
 - (a) the right known as "droit de préciput",
 - (b) the right known as "droit de douaire",
 - (c) the right known as "droit de franc veuvage", and
 - (d) the right known as "droit d'aînesse".

NOTES

The following case has referred to this Law:

In re Collivet (deceased) (1992) 13.GLJ.80.

In accordance with the provisions of the Adoption (Guernsey) Law, 1960, section 15(3), with effect from 15th March, 1961, where a person has been

adopted under an adoption order (as defined in the 1960 Law), this Law shall have effect in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

In accordance with the provisions of the Adoption (Guernsey) Law, 1966, section 1(1), with effect from 26th July, 1966, any provision in this Law whereunder a person adopted in pursuance of an adoption order is for any purpose treated as the child of the adopter shall have effect, as respects anything done or any event occurring after that date, as extending also to adoptions in pursuance of orders made, whether before or after that date, in any part of the United Kingdom, in the Isle of Man or in the Island of Jersey.

Repeal of part of Art. II of 1840 Law.

2. In Article II of the Law known as "Loi sur les Successions" registered on the third day of August, 1840 (hereafter in this Law referred to as "**the principal Law**") the words from and including the words "après le préciput" to and including the words "les filles partageront" are hereby repealed.

Right of surviving spouse.

3. ...

NOTE

Section 3 was repealed by the Inheritance (Guernsey) Law, 2011, section 2(d), with effect from 2nd April, 2012.

Disposal of realty by will.

4. ...

NOTE

Section 4 was repealed by the Inheritance (Guernsey) Law, 2011, section 2(d), with effect from 2nd April, 2012.¹

Making and choosing of lots.

5. Where real or personal estate devolves in direct succession, lots shall be chosen according to seniority first by sons and then by daughters and the lots shall be made by the heir last entitled to take.

Adjustments to be payable in money.

6. Where any real estate devolves in direct or collateral succession, any adjustment between heirs arising out of the value of the lots selected shall be payable in money.

Repeals.

7. Articles one, three to nine inclusive, twenty-eight and thirty of the principal Law and the Law known as "Testaments d'Immeubles" registered on the thirty-first day of July, 1847, are hereby repealed.

Commencement.

8. The provisions of this Law shall not apply in the case of the real and personal estate of any person dying before the commencement of this Law.

NOTE

The Law received Royal Sanction on 13th April, 1954 and was registered on the Records of the Island of Guernsey and came into force on 8th May, 1954.

¹ Prior to its repeal, section 4 was amended by the Law of Inheritance (Guernsey) Law, 1979, section 2(1), with effect from 27th November, 1979; the Law Reform (Inheritance and Miscellaneous Provisions) (Guernsey) Law, 2006, section 3 and section 28(d), with effect from 8th May, 2008; and referred to in *In re Collivet (deceased)* (1992) 13.GLJ.80.