

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY T.M. PITMAN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 20th NOVEMBER 2012**

**Question**

Will the Attorney General inform members whether the 'will kits' that are widely available from retailers and used regularly in the United Kingdom are legal in Jersey and, if not, given that many older people do not have the disposable income to afford paying expensive legal fees to engage the services of a local lawyer yet still wish to put their affairs in order, what aspects of the law in Jersey would have to be altered to give Islanders the same rights and reduced expense available to their mainland counterparts?'

**Answer**

Jersey residents, as elsewhere in the British Islands, are at liberty to draft and execute a will without resort to a lawyer if they so choose. It is understood that the Jersey Citizen's Advice Bureau provides basic advice in respect of making a will. On 15<sup>th</sup> March 2011, Sir Philip Bailhache delivered a lecture "*Making a will – a practical guide*" as part of the Institute of Law's "Law Made Simple" series of public talks. The lecture can be downloaded (in either written or audio format) from the Institute's website.

There is no legal barrier per se to the sale of a 'will kit' in Jersey. It is a potential commercial product like any other. Obviously, any such product would need to accurately reflect Jersey inheritance law which is materially different to the UK law.

It is notable that the 'will kits' sold in the United Kingdom often feature a caveat and the purchaser of the kit is expressly advised to take legal advice from a lawyer. That is because the making of a will can often require careful and particular drafting in order to give full legal effect to the intentions of the maker. Moreover issues such as the mental capacity of the maker of the will or domicile might arise.