



Vote Number 2010/02

Date of Vote: 27th January 2010

Billet d'État: I of 2010
Article: 18
Department/Committee: Inheritance Law Review Committee
Subject: Testamentary Freedom accompanied by Family Provision and Consequential Issues

Proposition: All propositions en bloc

Whether, after consideration of the Report dated 5th November, 2009, of the Inheritance Law Review Committee, they are of the opinion:-

1. (1) *That the current system of forced heirship in Guernsey be replaced by testamentary freedom which will enable an individual to leave, by will, the whole of his or her immovable (real) and moveable (personal) property to such person or persons, and in such proportions, as he or she chooses: and*
(2) *that such testamentary freedom be accompanied by family provision similar to that which applies in England and Wales (under the Inheritance (Provision for Family and Dependants) Act, 1975)*
as set out in part A of that Report.
2. *To introduce new rules on intestacy, including the abolition of the distinction between “propres” and “acquêts”, as set out in Part B of that Report.*
3. *That the legislation should contain provisions –*
 - (1) *preserving the effect of forced heirship in relation to wills executed before the effective date of the legislation introducing freedom of testamentary disposition (to protect those testators who have made a will in the context of forced heirship but who are unable or unwilling to make a new will); and*
 - (2) *preserving the effect of any marriage or other contracts made before the effective date, for the same reasons.*
4. *To abolish the effect of the ruling in the case of In Re Davis.*
5. *That legislative provision be made clarifying the order of inheritance where two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, along the lines of the Law of Property Act, 1925.*

6. *To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

CARRIED **Pour: 33** **Contre: 11** **Abstained: 1** **Not Present: 2**

St. Peter Port South

Deputy Barry L. Brehaut	P
Deputy Carla S. McNulty Bauer	P
Deputy Jennifer M. Tasker	P
Deputy Roger Domaille	N
Deputy Allister H. Langlois	P
Deputy Jan Kuttelwascher	P

St. Peter Port North

Deputy John A. B. Gollop	C
Deputy R. Rhoderick Matthews	P
Deputy Carol A. Steere	P
Deputy Martin J. Storey	C
Deputy Jack Honeybill	P
Deputy Leon R. Gallienne	P
Deputy Michael W. Collins	P

St. Sampson

Deputy Peter L. Gillson	P
Deputy Samantha J. Maindonald	N
Deputy Scott J. Ogier	P
Deputy Ivan F. Rihoy	P
Deputy Lyndon S. Trott	P
Deputy T. Jane Stephens	P

Vale

Deputy Matthew J. Fallaize	P
Deputy Geoffrey H. Mahy	P
Deputy Anthony Spruce	P
Deputy Mary M. Lowe	P
Deputy Graham Guille	C
Deputy David B. Jones	C
Deputy Andrew R. Le Lièvre	P

Castel

Deputy Mark H. Dorey	P
Deputy A. Hunter Adam	C
Deputy Thomas M. Le Pelley	C
Deputy Sean J. McManus	P
Deputy Barry J. E. Paint	C
Deputy Bernard M. Flouquet	P
Deputy Michael G. G. Garrett	P

West

Deputy Alvord H. Brouard	P
Deputy David de G. De Lisle	C
Deputy Marc S. Lainé	C
Deputy Shane L. Langlois	C
Deputy Peter R. Sirett	P
Deputy Gloria P. Dudley-Owen	C

South-East

Deputy Charles N. K. Parkinson	P
Deputy Francis W. Quin	P
Deputy Michael G. O'Hara	P
Deputy Robert W. Sillars	P
Deputy Janine M. Le Sauvage	P
Deputy Michael P. J. Hadley	P

Alderney

Alderney Representative Richard G. Willmott	A
Alderney Representative William Walden	P