



GUIDANCE NOTES

to assist with the completion of the Application Form for Probate on the Isle of Man

Although some explanations and definitions are summarised within these guidance notes, they are provided to help you complete the probate application form and should not be treated as a complete and authoritative statement of the law.

These notes should be read in conjunction with the booklet entitled "Information on obtaining Probate in the Isle of Man", issued by the Probate Office. By taking the time to read both, and continually referring to both as you work your way through the application form, you reduce the chances of making mistakes or omitting information from the application form which will ultimately result in delays in processing your application.

Please note that Probate Office staff members are not permitted to give legal advice or offer opinions and therefore if you are in any doubt about your rights, or the procedures to follow in relation to obtaining probate, you should seek your own legal advice.

The Probate Office Staff **can** provide assistance in the completion of this form.

Staff members cannot discuss applications with third parties without written approval from the applicant.

For ease of reference, the following sections are numbered in order to correspond with the probate application form. A glossary of terms is provided later in this document to further assist applicants with completion of the form.

Section A – Details of the deceased

1. **Surname** - Please state the full, true surname of the deceased as shown on the death certificate.
Title - Please state the title of the deceased.
2. **Forename(s)** - Please state the full, true forename(s) of the deceased as shown on the deceased person's birth certificate.
3. **Alias names (if any) or 'otherwise known as' names or 'maiden' names or 'formerly known as' names** – If the Will of the deceased person does not show their full true name, the fact should also be stated here.
For example, if the deceased person was John George Smith and the Will states John G Smith, you should state here *'referred to in the Will as John G Smith'*.

Furthermore, if the deceased person held assets in a name other than the full, true name, the alternative name(s) (known as alias names) should also be stated. For example, if the true name of the deceased was Elizabeth Smith but she was also known as Betty Smith, enter *'also known as Betty Smith'*. The alias name will be reflected on the Grant to facilitate the administration of the estate.

NB – any discrepancies in names will require the return of the application for amendment and reswearing.

4. **Address** – Please state the full residential address of the deceased, including the postcode, at the time of death. Should the address of the deceased differ from the place of residence stated in the Will or Codicil, you should state *'formerly of'* and state the former address appearing in the Will or Codicil to account for the discrepancy.
Should the address of the deceased differ on the Death Certificate, an explanation must be provided in the Notes (page 8) of this application form.

Please note that abbreviations or initials only in addresses must not be used.

5. **Domicile** – Please state the deceased's place of domicile. This will usually be the country which the deceased considered to be their permanent home, however it is possible to be domiciled in a country without having a permanent home there. If you are in any doubt about this you should seek legal advice. Please note that it is not sufficient to state "**the United Kingdom (UK)**" or "**Great Britain**" or "**the British Isles**" - it should be clearly stated whether the deceased was domiciled in England and Wales or Scotland or Northern Ireland etc.
Further, where a country has no uniform system of law (eg **Australia, Canada** or the **United States of America**) the particular Province, State or other judicial division must be specified.
6. **Nationality** – Please state the deceased's nationality here.
7. **Occupation** – Please state the deceased's occupation (as usually stated on the Death Certificate) here (if any).
8. **Date of Death** – Please state the exact date of death of the deceased (as stated on the Death Certificate). (Please remember to attach the death certificate to the application).
9. **Place of Death** – Please state the full address of the place of death of the deceased here, including the postcode. This is normally shown on the Death Certificate.

Section B – Details of the Estate

10. **Did the deceased leave a Will** – If so, please tick the YES box. If the deceased died intestate ie he/she did not leave a Will, please tick the NO box. The Will is only relevant if it covers the Isle of Man estate. If it does not, the deceased may have died 'intestate in respect of estate on the Isle of Man' (*in these circumstances however a plain copy of any other Will and/or Codicil made by the deceased in respect of estate elsewhere in the World must be submitted*).
11. **Date of Will** – Please state the date of the Will here.
12. **Are there any Codicils to the Will** – If so, please tick the YES box. If not, please tick the NO box. (*NB – a Codicil is an amendment or addition made to a Will and can be a separate document*)
13. **Date(s) of Codicil(s)** – Please state the date(s) of any Codicil(s) to the Will here.
14. **Does a minority interest arise under the said Will, or if there is no Will, intestacy** – If there is anybody under the age of 18 years who has an interest in the estate of the deceased please tick the YES box. If there is not, please tick the NO box.

PLEASE NOTE – where there is a minority interest and the application is for a Grant of Letters of Administration (when the deceased did not leave a Will), or for a Grant of Letters of Administration with the Will annexed (a grant issued to someone other than an Executor when the deceased left a Will), the application will generally need to be made by at least two individuals or a trust corporation. You should seek legal advice if you are in any doubt as to whether a minority interest arises under a Will or intestacy.

15. **Notice of the application** – Notice of the application must be given to all persons who are required to be given notice before the application is lodged.

Please state the full, true name and full address, including the postcode, of each person to whom notice is given, together with their relationship to the deceased. By way of guidance, although please note it does not cover all instances, notice will need to be given in the following circumstances unless the Court otherwise directs:

- Where the deceased died intestate, an application for a Grant of Letters of Administration shall be made with notice to all persons within the Isle of Man who take beneficially under Section 52 of the Administration of Estates Act 1990 (*of the Isle of Man*), a copy of which you may obtain from the Tynwald Library (telephone 01624 685500 or e-mail enquiries@tynwald.org.im). If, after considering the relevant section of the Act, you are in any doubt regarding which persons to whom notice must be issued, you should seek legal advice;

- Where a lawfully constituted attorney makes an application for a Grant of Letters of Administration with the Will annexed for the use and benefit of the donor, and the donor is named in the Will of the deceased as an executor, notice must be given to any other executor named in the Will;
- Where an application is made by an executor with the request that power be reserved to another executor or executors, notice of the application must be given to the non-applying executor or executors to whom power is to be reserved.

If you are in any doubt about the requirement to give notice, or indeed to whom notice should be given, you should seek legal advice.

Section C – The Will/Codicil *(complete only if the deceased left a Will/Codicil(s))*

16. **Are there any Executors named in the Will/Codicil(s)** – If there are Executors named in the Will or Codicil(s) please tick the YES box. If there are no Executors named in the Will or Codicil(s), please tick the NO box and go to Question 19.
17. **Names of Executors not applying and reasons why** – Please state the full names (as shown in the Will) of those Executors who are not party to this application, together with the reasons why they are not applying. Please refer to the Guide at Question 17 on the application form:
- A** = **Pre-deceased** – the Executor has died before the testator about whom this application is made. ***NB** the date of death of the Executor should be clearly indicated here.*
- B** = **Died after the deceased** – the Executor has died after the testator about whom this application is made but before this application could be made in this jurisdiction. ***NB** the date of death of the Executor should be clearly indicated here.*
- C** = **Power reserved** – the Executor does not wish to be party to this application but reserves his right to make an application in the future. ***NB** Power cannot be reserved to other Executors if the application is for Administration with the Will annexed.*
- D** = **Renounced Probate** – the Executor does not wish to be party to this application and has given up his rights to do so by completing the requisite *Renunciation Form which will be submitted with this application. ***NB** The **original** Isle of Man Renunciation Form must be completed with full names and addresses.*
- E** = **Power of Attorney** granted to another – the Executor does not wish to make the application himself and has granted a Power of Attorney to another person to make the application on his behalf. The requisite *Power of Attorney will be submitted with this application. ***NB** The **original** Isle of Man Power of Attorney Form must be completed with full names and addresses.*
- F** = **Other** – (including where an application is made by the **Person(s) Entrusted in the deceased's country of domicile**) please go to Question 18

***PLEASE NOTE that Renunciation Forms and Power of Attorney Forms submitted to other jurisdictions cannot be accepted in the Isle of Man.**

PLEASE NOTE – ALL EXECUTORS MUST BE ACCOUNTED FOR.

18. **If "F" is indicated at Question 17 above** – please state here the reasons why each Executor is not making the application if none of the categories stated at Question 17 apply. ***Please note** - If the application is being made by the Person(s) Entrusted in the deceased's country of domicile this should be indicated clearly here. If attaching a continuation sheet for this question, please ensure that it is clearly marked that it relates to Question 18.*

Section D – Relatives of the deceased (*complete only if the deceased did not leave a Will*)

19. **State the number of relatives of the deceased in categories (a) to (h) inclusive** – please indicate the relevant number alongside each category – **NB** Where this Section D applies **both** columns must be completed.

- (a) Surviving lawful husband or wife or civil partner
- (b) Sons or daughters who survived the deceased
- (c) Sons or daughters who did not survive the deceased – *that is to say died before the deceased*
- (d) Children whose parent(s) at (c) above only, who survived the deceased – *that is to say surviving Grandchildren whose parent(s) died before the deceased*
- (e) Parents who survived the deceased
- (f) Brothers or sisters who survived the deceased
- (g) Brothers or sisters who did not survive the deceased – *that is to say died before the deceased*
- (h) Children whose parents indicated at (g) above only, who survived the deceased – *that is to say Nieces or Nephews who survive the deceased*

Please note: Categories (i) to (l) inclusive only need to be completed if the deceased had no relatives in categories (a) to (h) inclusive.

- (i) Grandparents who survived the deceased
- (j) Uncles or aunts who survived the deceased
- (k) Uncles or aunts who did not survive the deceased – *that is to say have died before the deceased*
- (l) Children whose parents indicated at (k) above only, who survived the deceased – *that is to say, surviving cousins of the deceased*
- (m) Other – please specify. **NB** you may be asked to submit a **clearly defined** family tree which shows your relationship to the deceased.

Section E – Details of Applicant(s)

20. **Surname or Company Name** – Please state the full, true surname of each applicant.

Forename(s) - Please state the full, true forename(s) of each applicant.

Alias names (if any) or 'otherwise known as' names or 'maiden' names or 'formerly known as' names – If the Will refers to an applicant by a different name, including where the name may be misspelt or imperfectly or incompletely stated, the fact should be stated here. For example, if an applicant is John George Smith and the Will states John G Smith, you should state here '*referred to in the Will as John G Smith*'.

Furthermore, if an applicant is known by an alternative name (known as an alias name) this should also be stated. For example, if the true name of an applicant is Elizabeth Smith but she is also known as Betty Smith, enter '*also known as Betty Smith*'. The alias name will be reflected on the grant to facilitate the administration of the estate.

NB—any discrepancies in names will require the return of the application for amendment and reswearing.

Address – The full residential address of each applicant, including the postcode should be inserted here. It is not necessary to state former addresses unless an applicant's name is imperfectly described in the Will and the address is therefore relevant to aid identity. If it is necessary, after stating the details of the current address you should add the words "formerly of" and state the previous address.

Occupation – each applicant's occupation (if any) should be inserted here.

Additional information – any additional information which may be of assistance should be inserted here e.g. where an Executor's appointment is indicated in the Will as '**Partner at the date of death of the deceased...etc**' that fact must be clearly confirmed here.

Relationship to the Deceased – each applicant's relationship to the deceased should be inserted here i.e. Mother, Father, Son, Daughter, etc

Please note: If the Applicant has no relationship to the Deceased then the term '**Stranger in Blood**' is normally used.

An example, covering all of Question 20, of how an applicant may complete the form based on a given scenario whereby Thomas Brian Smith a Civil Servant of The Cottage, 6 Any Lane, Hightown, Isle of Man, IM8 2YY is the applicant, but whose appointment as an executor in the deceased's Will is referred to as Tom B Smith of 21 Allgate View, Lowtown, Isle of Man, IM4 4XX is set out below:

	Applicant 1	Applicant 2
Surname or Company Name	SMITH	BLOGGS
	THOMAS BRIAN	SAMUEL FREDERICK
Alias name(s) – (if any)	Referred to in the Will as TOM B SMITH	
Full address (including postcode)	The Cottage 6 Any Lane Hightown Isle of Man IM8 2YY (formerly of 21 Allgate View Lowtown Isle of Man IM4 4XX)	999 Main Street Next Town Isle of Man
Occupation	Civil Servant	Solicitor
Additional information	----	A Partner at the date of death of deceased in the firm of BLOGGS & CO the Executor in the Will
Relationship to the Deceased	Son of the deceased	Stranger in Blood

21. **As 20 above** for applicants 3 and 4.

22. **Capacity in which applicant applies** – please complete as appropriate by placing a tick in the corresponding appropriate box (please tick **one** box only).

- (a) as an Executor named in the Will or Codicil(s)
- (b) (one of) the person(s) beneficially entitled to the estate of the deceased – *this means that the applicant is (one of) the person(s) beneficially entitled by the law of the place where the deceased died domiciled and there are others so entitled also.*
- (c) as a Lawful Attorney (see Question 23 below) – *a Lawful Attorney is an agent or someone authorised to act for another. The **original** Power of Attorney document must be submitted with the application.*
- (d) the person(s) entrusted with the administration of the estate of the deceased by the Court having jurisdiction in the deceased's country of domicile – *the person(s) so appointed by the relevant Court or Registry in the deceased's country of domicile and the **original Grant of Probate** or a **Court sealed** or **Court certified copy** must be submitted with the application.*
- (e) a beneficiary named in the Will – *this is a person or other entity who receives money or other benefits in the Will of the deceased.*
- (f) other (see Question 23 below).

23. **If the role of an applicant is specified as "Lawful Attorney" or "other" in Question 22 above** – please complete the boxes where relevant by stating who the applicant is Lawful Attorney for, or by specifying the role of the applicant respectively.

24. **Please indicate what you are applying for:**

- (a) Probate of the Will of the deceased – *Executor(s) named in the Will making the application*
- (b) Administration of the estate of the deceased with the Will annexed – *where the application is being made by a Lawful Attorney or beneficiary or the person entrusted the deceased's country of domicile.*
- (c) Administration of the estate of the deceased – *where the deceased has died intestate, that is to say, the deceased did not leave a Will.*
- (d) Administration *de bonis non* – *where a previous grant has ceased prematurely e.g. the Grantee has died without completing the administration of the deceased's estate.*
- (e) Administration *ad colligenda bona* – *where a grant is limited to preserve the estate of the deceased when no next of kin, creditor or other person applies.*
- (f) Administration *pendente lite* – *only where shown to be necessary - an application where there is a dispute as to the validity of a Will or the right of administration.*

Where (d), (e) or (f) have been indicated, a full explanation of the reasons why such application is sought must be completed in the box indicated.

Section F – Applications where the deceased died domiciled outside the Isle of Man

- 25. **Has Probate or Letters of Administration been granted outside of the Isle of Man** – if there is a Grant of Probate from outside of the Isle of Man please tick the YES box. If there is not, then please tick the NO box.
- 26. **Date of Grant** – please state the date of the Grant of Probate being submitted in support of the application.
- 27. **Details of issuing Court or Registry** – please give the name, in full, of the Court or Registry that issued the Grant of Probate being submitted in support of the application.
- 28. **Date of Will, if any, in respect of estate outside of the Isle of Man** – please give the date of any Will which was made by the deceased in respect of estate elsewhere in the world.
Please note that a plain copy of any such Will(s) must be submitted with the application.

Section G – Address for Service

In Box 1 - please state the name of the person submitting the application (this is usually the name of the applicant(s) who has sworn the Oath as outlined in Section H above). If the application is lodged by an advocates' office (in the Isle of Man) on behalf of the applicant, the details of the advocates' firm should be stated.

Please note that an application must be submitted either by the applicant(s) in person, whether it is a personal or postal application, or through an Isle of Man advocate.

NB - Box 1 cannot indicate that the application is being submitted by law firms/legal representatives etc. from outside the Isle of Man on behalf of the applicant.

In Box 2 - please state the full postal address including postcode, for service in the Isle of Man. It may well be that with their consent the organisation holding the asset would agree to their address being used.

Further, it would assist if you could establish and also indicate a person's name to whom the grant should be sent in that organisation for mailing/contact purposes.

Please note that all correspondence from the Probate Office will be sent to the nominated address for service in the Isle of Man.

Section H – Inventory of Estate

This section **must** be completed in full, where applicable, to assist the Court's consideration. Please give close approximate values, as at the date of death of the deceased, of each asset and the final total. Should it be necessary, any additional information in respect of the assets of the estate may be added to the Notes Section on page 8 of the application form or supplied on additional paper attached to the application form.

Property

Joint Ownership	Where a property/land is owned by two people with a right of survivorship; that is to say upon the death of one the ownership passes to the survivor.
Tenants-in-Common	Where a property/land is shared e.g. by two people, each owning one half and there is no right of survivorship; that is to say, each owner can freely transfer his/her ownership during life and via a Will.

Insurance and Pension Policies

If the deceased had a policy of life assurance in their sole name which is held with any insurance company in the Isle of Man it must be declared here, together with the value of the policy and the name of the insurance company with whom it is held.

If the deceased had a pension policy (*excluding a State Pension*) and/or other financial investments in their sole name with companies in the Isle of Man they must be declared here together with their approximate total value.

Personal Chattels, Effects or other belongings

This includes, but is not limited to, jewellery, appliances, cars, motorcycles, scooters, vans, mobility scooters or any other vehicles, tools, furniture, clothing, china, silver, coins, art items etc.

Pursuant to the provisions of Probate Rule 5(1) the Court reserves the right to undertake or seek the official auditing of the value of an estate.

Applicants should note that:

- the information supplied in the Inventory must be correctly declared as this will affect the estate band values to be represented on the Grant issued as well as the fees payable.
- the approximate **total** value of all the deceased's assets must be confirmed in Section I (Value of Estate) on the application form.

Applicants should also note that failure to correctly declare an estate's assets may result in the imposition of additional fees and/or the commencement of legal proceedings. If in any doubt applicants should seek appropriate legal and/or financial advice as to the correct calculation of the value of the deceased's estate.

Section I – Value of Estate

29. **Please indicate the gross value of the estate in the Isle of Man at the date of death of the deceased** – by placing a tick in the relevant box.

NB – the relevant box ticked must correspond with the total value shown in the Inventory of Estate at Section H of the application form.

Please note: if not indicated, the maximum fee will be charged.

Section J – Oath

Please make the necessary deletions in these sections, in order to reflect whether the application is being sworn or affirmed and enter the full true name of each applicant.

The application form should be taken, by the applicant(s) in person, to be sworn or affirmed before a recognised Commissioner for Oaths. Persons that **may be** qualified to do this are solicitors, advocates, barristers or a Justice of the Peace or such other person duly authorised in the relevant jurisdiction to administer Oaths. Alternatively, if you are able to attend, this can be done at the public counter of the Probate Office on the Ground Floor of Murray House, Mount Havelock, Douglas, Isle of Man (telephone 01624 685243) where there is a fee payable for this service (a breakdown of fees is shown on page 14).

The Commissioner for Oaths will complete the details of where and when the application form is sworn or affirmed and, having done so, will ask the applicant(s) to sign the form in front of them.

IMPORTANT – please note that it is an offence to make a statement knowing it to be false or not believing it to be true. Any person found guilty of such an offence may be liable to a fine and/or imprisonment.

WHAT NEXT?

Please take the time to read through the booklet entitled 'Information on obtaining Probate in the Isle of Man', issued by the Probate Office, as the information contained therein will not only help you understand some of the terms used in the application form but also tell you what you should do once you have filled the form in.

Using the information booklet referred to above to aid your understanding, please carefully check through the application form to make sure you have completed all parts of the form that are relevant to your application.

Once you are satisfied the application form is complete, you will need to swear or affirm it in front of a Commissioner for Oaths – **remember**, if the deceased left a Will you will need to take it and any Codicil(s) (if any) with you when you swear or affirm the application before the Commissioner for Oaths as the Will and Codicil(s) (if any) have to be marked with the full signatures of the applicant(s) and the Commissioner for Oaths at the same time as the application form.

Once the application form has been completed and sworn/affirmed, together with any Wills (and Codicils if relevant), you will be ready to submit the application and all supporting documents.

What happens to the supporting documentation submitted with the application?

Please note that ALL supporting documentation, including original Wills, Court sealed or certified copy Wills, Death Certificates, Powers of Attorney, Renunciation Forms and other documents WILL be retained permanently by this Office.

Where do I submit the application to?

If attending the public counter at the Probate Office in Murray House, Douglas to swear or affirm your application, you can leave your sworn/affirmed application form and all supporting documents with the staff on the Public Counter after paying the appropriate fees.

Alternatively, you may post your application (after it has been sworn/affirmed) to our postal address:-

**The Probate Office
Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR**

Where will the Grant be issued to?

Once finalised, a sealed and certified copy of the Grant (*together with a plain copy of any Will proved*) will be issued to the address for service indicated on the application form. Additional copies of any documents requested, and paid for, will also be sent to the address for service.

Please note that failure to provide the correct fee to cover the cost of any additional documents requested will result in the request not being actioned.

Should you require further Court Sealed or Court Certified copies of the Grant of Representation, Will (if applicable) or any other document submitted with the application, please contact this office on +44 (0) 1624 685243 or e-mail probate.copies@gov.im. For more information on the types of copies available please refer to Section 4.4 at the following website; <https://www.courts.im/fees/#HCFprobate>. Should you require a Registry* Certified Copy of any of the above please contact the Central Registry (Deeds & Probate Registries) directly on +44 (0)1624 685250 or deeds@registry.gov.im. *Please note that copies issued by the Central Registry will not bear the seal of the High Court as this is not a Registry of the High Court.

If the deceased died domiciled outside the Isle of Man – General Information

Certain Civil Law jurisdictions have no requirement for an executor or executors to be appointed when a Will/Codicil is executed. Where this is the case, and the application contains no clear documentation to evidence that the Will has been recognised as valid by the Court of the place of domicile of the deceased, an **Affidavit of Law** (or a Certificate of Law by a notary practising in the country or territory concerned) must be filed in support of the application confirming the validity of the Will.

Validity of Will

If an original Will is submitted other than from the Isle of Man, England and Wales, Northern Ireland, the Republic of Ireland, Australia, Canada or New Zealand, it **must** be supported by an **Affidavit of Law** confirming the validity of the Will.

A Will that has been accepted by the Court of the place of domicile of the deceased as a valid testamentary instrument is admissible to proof in the Isle of Man.

Original Will/Court sealed or Court certified Copy

It is not unusual for the Court of the place where the deceased died domiciled to retain the original Will. Where the original Will is not available because it is in the custody of a foreign court or official, a copy under the seal of the Court (where there is a seal) or duly authenticated (certified) by the Court or official having custody of the original Will **(that is to say a Court sealed or Court certified copy)** is accepted by the Probate Office – please note that copies certified by a solicitor are not sufficient for the purposes of proof.

If the Will has been proved in the foreign Court, the fact that the original is not available is accepted, but if an Affidavit of Law (or certificate of law by a notary/lawyer practising in the country or territory concerned) is necessary to establish the validity of the Will this should confirm the fact that the original Will is not available because it is in the custody of the foreign Court or official, and that the copy lodged for proof is admissible in evidence in the Courts of the foreign country or territory concerned.

All and Any Documents in a Foreign Language/Translation

Each and any document which is not in the English language **must be accompanied by** an official, certified translation of it and of any endorsements or certificates on or annexed to it. The translation must be identifiable with the document it purports to translate.

Marking of Will

The original Will, or the **Court sealed or Court certified copy Will** (not any translation thereof) must be marked (that is to say, signed, by way of full signature, in a clear space on the front page only – please note to simply mark the document with initials is not sufficient) by the applicant(s) and the person(s) before whom the oath is sworn or affirmed. The authenticated translation should not be marked.

Please note that matters can be complicated when applying for Probate in situations where the deceased died domiciled outside the Isle of Man. If you are unsure of the procedure to follow, or indeed of the requirements, we would strongly suggest that you seek your own legal advice.

Applications where the deceased died domiciled outside the Isle of Man

In summary, when making an application where the deceased died domiciled outside the Isle of Man, the following will need to be filed in support of the completed application ***(please note that all documents supplied in support of the application will be permanently retained by the Court):***

- a **Court sealed or Court certified copy** of the Grant of Probate (or equivalent) from the issuing Court or Registry
or failing this;
- an **Affidavit of Law** from a suitably qualified but disinterested person which gives expert evidence of the law in question setting out clearly
 - the name(s) of the person(s), and
 - their respective relationship to the deceased,who are beneficially entitled to the estate of the deceased in accordance with the law of the place where the deceased died domiciled
or
a certificate by, or an act before, a Notary practising in the country or territory concerned
- a **Registry issued Death Certificate**
- a **Court sealed or Court certified copy of the Will*** (if there is one), from the issuing Court or Registry
- a **Court sealed or Court certified copy of each and every Codicil*** (if there are any), from the issuing Court or Registry
- if the Will (and any Codicils) or any other document is not in the English language, then **official, certified translations** thereof

***Please note:** The **Court sealed or Court certified copy of the Will (and each Codicil)** (if any) will need to be freshly marked (that is to say, signed by way of full signature, in a clear space on the front page only of each – (marking with initials is not sufficient)) by both the applicant(s) and the Commissioner for Oaths/Notary.

If the deceased left a Will which does not cover his or her Isle of Man estate, then a plain copy of that Will, together with plain copies of any other Wills made by the deceased in respect of estate elsewhere) will need to be submitted as part of the application. Although the Isle of Man is part of the 'British Isles', it is **not** part of Great Britain or the United Kingdom.

To reiterate, and as can be seen from reading the above, matters can be very complicated when applying for Probate in situations where the deceased died domiciled outside the Isle of Man. If you are unsure of the requirement, or indeed how to make such an application, we would strongly suggest that you seek your own legal advice.

Please respect the fact that Staff in the Probate Office are **not** legally qualified and are not permitted to give legal advice or offer an opinion.

Issued by the Probate Office
Probate & Tribunals Section, Murray House, Mount Havelock, Douglas, Isle of Man, IM1 3AR
Telephone: +44 (0) 1624 685243

Office Opening Hours: Monday to Thursday 9:30 to 16:30 (16:00 Friday)

E-mail: probate@courts.im

Web: <https://www.courts.im/court-procedures/probate-and-admin-of-estates/>

GLOSSARY OF TERMS

Note: The definitions summarised within this 'Glossary of Terms' section of the guidance notes are provided to assist you in completing the probate application form and should not be treated as a complete and authoritative statement of the law.

If you are in any doubt about your rights, the procedures to follow in relation to obtaining probate, or in relation to the legal definition of terms as they apply to your circumstances you should seek your own legal advice.

Address for service	A full postal address including postcode, in the Isle of Man, to where a Grant when issued is to be sent.
Affidavit of Admissibility to Proof	A sworn (or affirmed) written statement from a suitably qualified but disinterested person that gives expert evidence which shows that the execution of the Will complied with the internal law of the country in which the deceased died domiciled.
Affidavit of Due Execution	A sworn (or affirmed) written statement (usually by a witness to a Will or Codicil(s)) which confirms that the witness was present at the signing of the Will or Codicil(s) by the person making the Will and that the witness also signed his/her name thereon.
Affidavit of Law	A sworn (or affirmed) written statement from a suitably qualified but disinterested person which gives expert evidence of the law in question and which sets out clearly the name(s) of the person(s) and their relationship(s) to the deceased who are beneficially entitled to the estate of the deceased in accordance with the law of the place where the deceased died domiciled.
Affidavit of Plight and Condition	A sworn (or affirmed) written statement required when there are pin holes/paper clip marks, tears or other damage to a Will. The statement should be from the person responsible for the damage or with knowledge of how it happened.
Affidavit of Search	A sworn (or affirmed) written statement usually required when an original Will cannot be located and a copy Will is submitted to proof or where a Will is undated. The statement should be from the person making the application and should confirm that a thorough and diligent search has taken place to find an original Will or other Will.
Affirm	To make a solemn declaration instead of swearing an oath (if one has no religious belief, or in the case of personal preference or where the swearing of an oath is contrary to a religious belief).
Beneficiary	A beneficiary is a person or other entity who receives money or other benefits in the Will of the deceased.
Codicil	An amendment or addition or supplement added into a Will or testament after it is finished, for the addition of something which the testator had forgotten or to help some error made in the Will. A Codicil must be executed in the same way as the Will is executed.
Commissioner for Oaths	A person before whom an Oath can be sworn or affirmed.
Divorce or dissolution or annulment of marriage or civil partnership	A divorce or dissolution or annulment has an effect on a Will – legal advice should be sought. <i>[Sections 8 and 8B of The Wills Act 1985 (as amended) (of the Isle of Man)]</i>
Domicile	This is usually the country which the deceased considered to be their permanent home. However it is possible to be domiciled in a country without having a permanent home there.
Executor	A person appointed by a testator to carry out his Will.
Grant – <i>de bonis non administratus</i>	A Grant where a previous Grant has ceased prematurely ie the Grantee has died without completing the administration of the deceased's estate.

Grant – <i>Ad colligenda bona</i>	A Grant which is limited to preserve the estate of the deceased when no next of kin, creditor or other person applies.
Grant – <i>pendente lite</i>	A Grant made where there is a dispute as to the validity of a Will or the right of administration and an action is pending in another Court.
Joint ownership	Where a property/land is owned by two people with a right of survivorship; that is to say upon the death of one the ownership passes to the survivor.
Legatee	A person to whom a legacy is left.
Marked (Will/Codicil)	“Marked” means an applicant and the Commissioner for Oaths (or equivalent) placing his/her full signature on the front page of a Will (and each Codicil).
Minority Interest	A minority interest is a person under the age of 18 years who has an interest in the estate of the deceased.
Nationality	The particular nation of which a person is a citizen.
Notary public	This is a public official, usually a solicitor, who is legally authorized to administer oaths, attest and certify certain documents.
Notice (of application)	Notice of the application must be given to all persons living on the Isle of Man who are required to be given notice <u>before</u> the application is lodged.
Person beneficially entitled	This is a person who is beneficially entitled by the law of the place where the deceased died domiciled.
Person entrusted	This is a person who is appointed by the relevant Court in the deceased’s country of domicile.
Plain copy Will/Codicil(s)	A simple photocopy of an original Will or Codicil(s).
Power of Attorney	This is an instrument under which a person who has the right to make the application has appointed another person to make the application on his/her behalf.
Power reserved	This is where an Executor in a Will does not wish to be part to this application but reserves his/her right to make an application in the future.
Renounced Probate (Renunciation)	This is where an Executor in a Will does not wish to be party to this application and has given up his rights to do so by completing the requisite Renunciation Form which is submitted with an application.
Revocation of Will by marriage or civil partnership	A Will shall be revoked by a testator’s subsequent marriage or civil partnership unless otherwise indicated in the Will – legal advice should be sought. <i>[Sections 7 and 8A of The Wills Act 1985 (as amended) (of the Isle of Man)]</i>
Swear	A solemn appeal (usually to God) that a statement is true. The religiously neutral or agnostic equivalent is to affirm – please see above.
Tenants-in-Common	Where a property/land is shared e.g. by two people – each owning one half – and there is no right of survivorship; that is to say each owner can freely transfer his/her ownership during life and via a Will.
Will	A declaration made in the prescribed form expressing the wishes of a person concerning the distribution/disposal of his property and other matters which he wishes to be effective after his death.

APPLICANT CHECKLIST REMINDER – DOCUMENTS REQUIRED

When submitting the completed application form, please remember to include:

For applications where deceased died domiciled in the Isle of Man		For applications where Probate or Administration has been obtained outside the Isle of Man	
Application Form	<input type="checkbox"/>	Court sealed/certified copy Will* <i>(see notes below)</i>	<input type="checkbox"/>
Original Will* <i>(see notes below)</i>	<input type="checkbox"/>	Court sealed/certified copy Codicil(s)* <i>(see notes below)</i>	<input type="checkbox"/>
Original Codicil(s)* <i>(see notes below)</i>	<input type="checkbox"/>	Court sealed/certified copy Grant	<input type="checkbox"/>
Original Death Certificate*	<input type="checkbox"/>	Original Death Certificate*	<input type="checkbox"/>
Original Power of Attorney	<input type="checkbox"/>	Original Power of Attorney	<input type="checkbox"/>
Original Renunciation Form	<input type="checkbox"/>	Original Renunciation Form	<input type="checkbox"/>
Will(s)/Codicil(s) in respect of estate elsewhere in the World	<input type="checkbox"/>	Will(s)/Codicil(s) in respect of estate elsewhere in the World	<input type="checkbox"/>
		Affidavit of Law	<input type="checkbox"/>
Other Affidavits	<input type="checkbox"/>	Other Affidavits	<input type="checkbox"/>
Any other documents <i>(please describe below)</i>			
Probate Fee	<input type="checkbox"/>	Probate Fee	<input type="checkbox"/>
<div style="border: 1px solid black; padding: 5px; text-align: center;"> Remember to include the cost of any additional copies etc. that may be required. </div>			

***Please note:**

The Will (and each Codicil) must be freshly marked (that is to say signed, with full signatures, in a clear space on the front page of each only – (please note that to simply mark the document with initials is not sufficient) by both the applicant(s) and the Commissioner for Oaths before whom the application was sworn or affirmed.

Photocopies of previous markings for other jurisdictions are not acceptable.

***Please note:**

If the original Death Certificate is not available, a certified copy from the issuing Registry will be accepted.

Probate Fees

Gross Estate Value:

Does not exceed £10,000	£	31.50
Exceeds £10,000 but not £50,000	£	188.50
Exceeds £50,000 but not £125,000	£	554.50
Exceeds £125,000 but not £250,000	£	1,178.00
Exceeds £250,000 but not £500,000	£	2,356.00
Exceeds £500,000 but not £1,000,000	£	4,712.00
Exceeds £1,000,000	£	9,422.50

Only asset – policy of life assurance with IOM company where deceased died domiciled outside of the Isle of Man – gross value exceeds £50,000

£ 295.50

The above fees include the cost of one sealed copy of the Grant

NB – this also includes a copy of the Will where applicable

Whilst a customer copy is issued, please note that the **Original Grant** remains on the Court File as evidence of the issue, although further Court certified copies of the Grant are available at £6.00 each.

In addition (where applicable):

Swearing of Oath (<i>per applicant</i>)	£	9.00
To witness each exhibit (<i>for example a Will</i>)	£	6.00
Certified copy grant (<i>per document</i>)	£	6.00
Certified copy will (<i>per document</i>)	£	6.00
Certified copy Grant & Will (<i>requested at same time</i>) – per bundle	£	9.50
Court sealed ("Exemplified") copy Grant (<i>per document</i>)	£	37.50
Court sealed ("Exemplified") copy Will (<i>per document</i>)	£	37.50
Court sealed ("Exemplified") copy Grant & Will (<i>requested at same time</i>) – per bundle	£	71.00
Certification of any copies	£	6.00
Amendment to Grant or record as a result of error or omission	£	31.50
Application for a Cessate Grant	£	31.50
Application for Revocation of Grant	£	31.50
Application for a Rule 40 Order	£	31.50
Application for de bonis non Grant (<i>fee will be based on unadministered portion of estate – see Gross Estate Value list above</i>)		
Draft Application	£	65.50
Filing a Caveat / Extending a Caveat / Withdrawal of a Caveat	£	65.50
Plain copy/photocopy of any additional document (<i>per page</i>)	£	0.50

Please make cheques payable to: "Isle of Man Government"

Effective from 01 April 2024

Court Services Fees Order 2024, Fees and Duties (Government Fees) Order 2024 and General Registry (Miscellaneous Fees) Order 2024

April 2024 – Version 1.14