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WILLS FOR NON-GIBRALTAR RESIDENTS

ABIGAIL CORNELIO
NATASHA PIZZARELLO

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What is a Will?

A Will is a document that allows an individual to put in writing how they wish to distribute their possessions when they pass away. For the Will to be valid it needs to be put in writing and executed in a specific manner.

Who can benefit from having a Gibraltar-specific Will?

Someone who is not a Gibraltar resident but owns assets in Gibraltar can benefit from having a Gibraltar specific Will, particularly if you:

- own business or a Gibraltar company
- own property in Gibraltar
- have bank accounts in Gibraltar.

Why do I need a Will?

If you do not have a Will and pass away, any Gibraltar assets owned in your sole name will be subject to the succession laws of your country of domicile/ habitual residence.

Before your Gibraltar assets which form part of your estate can be dealt with, your family members will need to obtain your succession documents from your country of domicile/ habitual residence. Obtaining these succession documents can at times take a long time. Only once these documents are obtained can the probate process start in Gibraltar. Having a Gibraltar Will may streamline the process as your executors can proceed to probate your Will in Gibraltar and give effect to your wishes in respect of your Gibraltar assets separately and independently from the probate process in your home country.

Do I need a Gibraltar Will if I already have a Will in my country of domicile/ habitual residence ?

Having a Will in your country of domicile/ habitual residence is a great start, we do however recommend that if you own assets in Gibraltar that you have a Gibraltar specific Will.

Probating a Will usually takes a long time in most jurisdictions, and your executors will not be able to deal with your Gibraltar assets until that Will is firstly probated in your country of domicile/ habitual residence and then probated in Gibraltar. Having a Gibraltar specific Will means that your executors can probate your Gibraltar specific Will and deal with your Gibraltar assets in accordance with your wishes independently to a probate application in another jurisdiction.

Our dedicated Estate Planning, Wills and Probate team are at hand to help.



Abigail Cornelio
Partner
abigail.cornelio@hassans.gi
T: +350 20079000



Natasha Pizzarello
Associate
natasha.pizzarello@hassans.gi
T: +350 20079000





Wills and Estates



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Hassans, Madison Building, Midtown, Queensway, Gibraltar, GX11 1AA
T: +350 20079000 E: business@hassans.gi www.gibraltarlaw.com

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Registered Office: Madison Building, Midtown, Queensway, Gibraltar, GX11 1AA. Registration No. 115509.