



Personal Law

Jargon Buster

Curatorships and Tutelles Terms:

Curatelle

More commonly known as curatorship. The formal mechanism used to safeguard the financial interests of an adult who has become incapable, most commonly through mental incapacity, of managing their own affairs.

Jersey guardianship

Another term for curatelle or curatorship.

Curatorship

The formal mechanism used to safeguard the financial interests of an adult who has become incapable, most commonly through mental incapacity, of managing their own financial affairs.

Curator

A person appointed by the Royal Court to manage and administer the property and finances of an adult who is incapable of managing their own affairs.

Professional Curator

A company specialising in the duties of a curator, which provides an impartial solution where there are family disputes, the possibility of disputes in the future or where there is no family in the Island. It is also appropriate to appoint a professional where there are legal or financial matters requiring specialist knowledge.

Interdict

The subject of a curatorship. The person who has become incapable of managing and administering his or her own property and affairs by reason of mental disorder or addiction.

Curatorship representations

An application for court approval required before any significant transaction of the interdict's assets. The representation itself is a short written document explaining the proposed transaction which is brought before the Bailiff and Jurats for approval.

Curatorship accounts

Refers to two things:

- 1) The inventory of the person's assets which must be filed with the court within 90 days of the curator's appointment.
- 2) The annual accounts showing all income and expenditures of the curatorship.

Power of attorney

Formal document which authorises someone to take care of a person's financial affairs.

A power of attorney is a document through which the person signing authorises another, usually their lawyer or close relative, to act on their behalf within the limits of what is described in the document.

Please note that the loss of mental capacity automatically revokes a power of attorney and a curatorship then becomes necessary. Unlike elsewhere, lasting powers of attorney do not exist under Jersey law, although this is due to change soon.

Donee

The person being given a gift.

Donor

The person giving a gift.

Mental capacity

A person is said to have mental capacity when they are of sound mind and memory and are aware of the consequences of their decisions. This means that they are able to understand, retain and weigh up information as well as communicate their decision.

Capacity letter

Statement from a medical practitioner, usually a GP, confirming a person has mental capacity.

Tutelle

The formal mechanism to safeguard the financial interests of a minor who typically inherits or is gifted immovable or movable property. This guardianship committee of seven people consists of six electeurs and one tuteur (or tutrice). The purpose of a tutelle is to act in the best interests of the minor and preserve their assets. This is why all seven members are jointly and severally liable for any losses.

Tuteur

The chairperson of the tutelle who acts as guardian of the minor child's financial assets until its majority. The tuteur is elected from the seven members of the tutelle.

Tutrice

A female Tuteur.

Electeur

One of the six people on the tutelle who is not the chairperson (tuteur).

Guardian

The person responsible for the well-being of a child. This is a separate function from tuteur/tutrice, who only looks after the child's assets as part of their tutelle. In practice, the functions of legal guardian and tuteur are often exercised by the same person.

HM Solicitor General

Acts as legal adviser to the government of the Island. His office governs some curatorships and should the curator want to resign, they must do so in his office.

For expert legal advice or more information on any of our legal services, please contact us:

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