



# FINAL CONFERENCE

EU Cross-Border Succession Law



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UNIVERSITÀ DEGLI STUDI DI MILANO  
DIPARTIMENTO DI STUDI INTERNAZIONALI,  
GIURIDICI E STORICO-POLITICI



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## EU Regulation n. 650/12

# The Impact of the Succession Regulation on English Private International Law

## Andrew Godfrey

THE PROJECT IS IMPLEMENTED BY COORDINATOR



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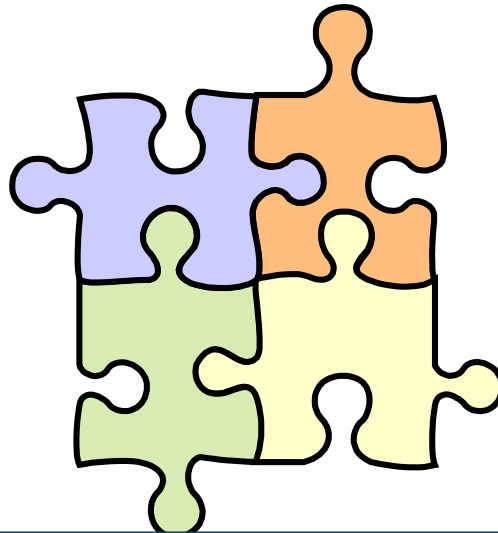


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# How does it fit in?

- For English legal private client lawyers, the EU Succession Regulation ('SR') affects:
  - Those that retain strong connections with their SR zone home country; and,
  - Those that own property in a SR country



# Succession Laws in England & Wales

- Common law v UK Legislation v EU Law
- Intestacy rules
- Wills
  - Validity, mental capacity, knowledge and approval, undue influence
  - Testamentary freedom v Inheritance (Provision for family and dependants) Act 1975
- Assets can pass by nomination, joint tenancies, trusts
- No matrimonial property regime

# Private International Law

- Domicile (under English common law) as a connecting factor for movable property
- Situs as a connecting factor for immovable property
- Renvoi

# SR and England & Wales

- Member State v Third Country?
  - Renvoi
- Professio Juris
  - Different classes of nationality
  - Different jurisdictions in UK
  - European Certificate of Succession
  - Restrictions on Inheritance

# English Estate Administration

- Personal Representatives
  - Inheritance tax liability (and other taxes)
- Administration period
  - Ascertaining estate
  - Applying for Grant of Probate
  - Realising Estate
  - Distribution of Estate