



messy and difficult exercise. A practical solution would be to have a domicile will, limited to South Africa, and an offshore will that applies to all of the jurisdictions outside of South Africa. The offshore will could then be used to administer the assets in Jersey, the Isle of Man and England.

■ **A worldwide will and a separate will limited to one jurisdiction.** What happens if, for example, you are domiciled in South Africa, but you are an Italian national who owns a holiday home in Italy, which is a civil law jurisdiction?

This should ring alarm bells for the will draftsman in South Africa, because there may be (depending on the family) forced heirship issues to consider. Also, where immovable property (such as land and houses) is owned abroad, an offshore will is almost always advisable, and where forced heirship might arise, it is necessary. This might be because the foreign jurisdiction recognises only local wills (drawn up in that jurisdiction) when it comes to disposing of property, or it might be because an offshore will has more authority and can be administered faster, enabling the executor to deal with the property more efficiently. In this case, it would be appropriate for the South African will draftsman to recommend you have a worldwide will, excluding Italy, plus a separate will dealing only with your Italian estate, taking in the requirements of forced heirship in that country.

Other things to consider

REMEMBER THE FOLLOWING:

■ Cross-border estates require careful planning, so if you are in this situation, obtain advice, preferably

from a qualified member of the Fiduciary Institute of Southern African (Fisa), on the most appropriate will structure for you.

■ Tell the person who drafts your will that you own foreign assets. Do not assume that a South African will can adequately dispose of foreign assets in the way you would like it to.

■ Advise the will draftsman if you already have an offshore will. If you fail to do this, a later will might accidentally revoke the existing offshore will.

■ Consider carefully the jurisdictions your will(s) need to cover. For example, the UK comprises England, Wales, Scotland and Northern Ireland only. The Republic of Ireland, the Isle of Man, Jersey and Guernsey are separate jurisdictions. So it is not good asking for a will limited to the UK when you hold assets in one of the Channel Islands, such as Jersey or Guernsey.

■ Where you own immovable property abroad, it is almost always essential to have a will in place in that country to deal with the succession of the property. In this case, it is usual to get advice from a lawyer in the jurisdiction where the property is situated.

■ If you are a foreign national of a civil law jurisdiction (apart from Europe, this includes many countries in the Far East, most Latin American countries, and many former European colonies in Africa, including Angola and Mozambique), there may be forced heirship to consider.

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