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APPLICATIONS TO THE ROYAL COURT BY A GUARDIAN FOR PERMISSION TO SELL REALTY

Applications to the Royal Court to sell realty on behalf of a person who is subject to Tutelle or an Order of Curatelle must, save in exceptional circumstances, be supported by oral expert evidence as to the value of the property given by an independent valuer. In a few instances that have come before the Court recently, the valuer has, when receiving instructions, been informed of the proposed price and has been asked to give an opinion as to whether it is a fair and/or appropriate price for the property. Such evidence will not normally be acceptable to the Court which, in order to be satisfied that the sale is in the best interests of the patient or minor concerned, needs to receive an independent, expert opinion as to the value of the property.

When the independent valuer is instructed to prepare his valuation, he must not be told the price that has been agreed with the proposed purchaser. Otherwise, his opinion may not be regarded as independent.

The Court will continue to require evidence of the independent valuer's qualifications and/or experience in Guernsey property as well as confirmation that the valuer has had no interest in the proposed sale other than receiving a fee for giving expert evidence to the Court.

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