Adapting rights in rem

Heirs in a EU country can benefit from inheritance rights of another EU country when the rights are adapted to closely match the rights in their country of residence.

To allow heirs or legatees in another EU country to benefit from rights created or transferred to them by succession, the Succession Regulation provides for an unknown right in rem (right in immovable or movable property) to be adapted to the closest equivalent right in rem under the law of the other EU country. The aims and interests pursued by the specific right in rem and the effects arising from it should be taken into account when adapting the right.

In that context, the European Judicial Network in civil and commercial matters has published some information sheets on national law which explain:

- the rights in rem that could arise from a succession
- whether such rights are recorded in a register of rights in immovable or movable property
- the effects arising from their registration
- specific rules and procedures for adapting a right in rem.

To consult an information sheet on national law and procedures for adapting rights in rem in an EU country, please click on the corresponding national flag on this page.

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Last update: 27/11/2017

Adapting rights in rem - England and Wales

TABLE OF CONTENTS

- 1 Which are the rights in rem that could arise from a succession under the law of this Member State?
- 2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?
- 3 Which effects are linked to the registration of the rights in rem?
- 4 Are there specific rules and procedures in place for the adaptation of a right in rem to which a person is entitled under the law applicable to the successions in case the law of the Member State in which the right is invoked does not know such right in rem?
1 Which are the rights in rem that could arise from a succession under the law of this Member State?

No rights in rem can arise by virtue of succession alone under English law.

2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?

Not applicable.

3 Which effects are linked to the registration of the rights in rem?

Not applicable.

4 Are there specific rules and procedures in place for the adaptation of a right in rem to which a person is entitled under the law applicable to the successions in case the law of the Member State in which the right is invoked does not know such right in rem?

Not applicable.

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Last update: 28/11/2017

Adapting rights in rem - Gibraltar

TABLE OF CONTENTS

- 1 Which are the rights in rem that could arise from a succession under the law of this Member State?
- 2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?
- 3 Which effects are linked to the registration of the rights in rem?
- 4 Are there specific rules and procedures in place for the adaptation of a right in rem to which a person is entitled under the law applicable to the successions in case the law of the Member State in which the right is invoked does not know such right in rem?

1 Which are the rights in rem that could arise from a succession under the law of this Member State?

No rights in rem can arise by virtue of succession alone under English law. Information for the content administrators: In particular, please specify whether their registration implies any limitation of other rights (for example, prohibition of alienation and encumbrance).
2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?

Not applicable.

3 Which effects are linked to the registration of the rights in rem?

Not applicable.

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Not applicable.