

Jersey Law 8/1996

INTEREST ON DEBTS AND DAMAGES (JERSEY) LAW 1996

A LAW

to enable the Royal Court and the Petty Debts Court to award interest in any proceedings for the recovery of any debt or damages, sanctioned by Order of Her Majesty in Council of the

13th day of MARCH 1996

(Registered on the 12th day of April 1996)

STATES OF JERSEY

The 26th day of September 1995

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

ARTICLE 1

(1) In this Law –

“the Court” means the Royal Court or the Petty Debts Court, as the case may be;

“defendant” means the person from whom the plaintiff seeks the debt or damages;

“judgment debt” includes any sum of money ordered to be paid by a Court on giving judgment including any costs, charges or expenses;

“plaintiff” means the person seeking the debt or damages.

(2) Where in this Law there is a reference to an Article by number only, without further identification, such reference shall be construed as a reference to the Article of that number contained in this Law.

(3) Where in any Article of this Law there is a reference to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, such reference shall be construed as a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article of this Law in which such reference occurs.

(4) Where this Law refers to an enactment, the reference is to that enactment as amended from time to time, and includes a reference to that enactment as extended or applied by or under another enactment, including any other provision of that enactment.

ARTICLE 2

(1) Subject to paragraph (4), in any proceedings, whenever instituted, for the recovery of any debt or damages, the Court may, if it thinks fit, order that there shall be included in the sum for which judgment is given simple interest at such rate as it thinks fit on the whole or any part of the debt or damages in respect of which judgment is given, or payment is made before judgment, for the whole or any part of the period between the date on which the cause of action arose and –

- (a) in the case of any sum paid before judgment, the date of the payment; and
- (b) in the case of a sum for which judgment is given, the date of the judgment.

(2) Subject to paragraph (4), every judgment debt shall carry simple interest at such rate as the Court thinks fit for the whole or any part of the period from the date of the judgment until such later date, not being a date later than the date on which the judgment is satisfied, as the Court shall think fit and payment of such interest shall be enforceable by the Viscount as if it is a part of the judgment debt without the necessity for any further action or proceedings by the plaintiff.

- (3) Subject to paragraph (4), where –
 - (a) there are proceedings (whenever instituted) before the Court for the recovery of a debt or damages; and
 - (b) the defendant pays the whole debt or damages to the plaintiff (otherwise than in pursuance of a judgment in the proceedings),

the Court may, if it thinks fit, order that the defendant pay the plaintiff simple interest at such rate as it thinks fit on all or any part of the debt or damages for all or any part of the period between the date when the cause of action arose and the date of the payment.

- (4) Interest shall not –
 - (a) be ordered in respect of a debt under paragraph (1) or (3); or
 - (b) run in respect of a judgment debt under paragraph (2),

for a period during which, for whatever reason –

- (i) in the case of paragraph (a), interest on the debt already runs;
- (ii) in the case of paragraph (b), interest on the sum representing the judgment debt already runs.

(5) Interest under this Article may be calculated at different rates in respect of different periods.

(6) In determining whether an amount exceeds the limit specified in the “Loi (1891) sur la Cour pour le recouvrement de menues dettes¹” no account shall be taken of the provisions of this Article or of anything done under it.

¹ Tome IV–VI, page 102, Volume 1966–1967, page 430, Volume 1979–1981, page 331, Volume 1984–1985, page 6, Volume 1992–1993, page 242, Nos. 5014 and 6435.

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*Interest on Debts and Damages (Jersey) Law
1996*

ARTICLE 3

The Interest on Debts and Damages (Jersey) Law 1971² is repealed.

ARTICLE 4

(1) This Law may be cited as the Interest on Debts and Damages (Jersey) Law 1996.

(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be appointed for different purposes or different provisions of the Law.

C.M. NEWCOMBE

Deputy Greffier of the States.

² Volume 1970–1972, page 231, and Volume 1988–1989, page 297.