

Jersey Law 30/1956

CIVIL PROCEEDINGS (JERSEY) LAW, 1956.

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A LAW to revise the Law with regard to the awarding of costs in Civil Proceedings and to extend the jurisdiction of the Petty Debts Court, sanctioned by Order of Her Majesty in Council of the

19th day of DECEMBER, 1956.

(Registered on the 26th day of January, 1957).

STATES OF JERSEY.

The 21st day of September, 1956.

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

PART I

COSTS IN CIVIL PROCEEDINGS

ARTICLE 1

INTERPRETATION

In this Part of this Law, the expression “costs” includes recoverable costs and non-recoverable costs (“frais répétables” and “frais non-répétables”).

ARTICLE 2

POWER OF ROYAL COURT TO AWARD COSTS

(1) Subject to the provisions of this Part of this Law and to rules of court made under the Royal Court (Jersey) Law, 1948,¹ the costs of and incidental to all proceedings in the Royal Court shall be in the discretion of the Court, and the Court shall have full power to determine by whom and to what extent the costs are to be paid.

(2) No appeal shall lie from an order of the Royal Court as to costs only which are left to its discretion except with the leave of the court making the order.

(3) On the hearing of any appeal from the Petty Debts Court, the Royal Court shall have full power to determine how and by whom the costs of the proceedings in the Royal Court and in the Petty Debts Court are to be paid.

ARTICLE 3

POWER OF PETTY DEBTS COURT TO AWARD COSTS

(1) On the hearing of an action in the Petty Debts Court, the Court shall have power in its discretion to make such order as to costs

- (a) where judgement is given for the plaintiff, to be paid by the defendant to the plaintiff;
- (b) where the defendant is discharged (“déchargé” or “renvoyé”) from the action, to be paid by the plaintiff to the defendant;

as it thinks just and reasonable:

¹ Tome VII, page 510.

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Provided that, on any application for an order for the periodical payment of money, or for the revocation, revival, alteration or variation of such an order, or for the enforcement of such an order, the Court may, whatever adjudication it makes, order either party to pay the whole or any part of the other's costs.

(2) The amount of any sum ordered to be paid under this Article shall be specified in the Act of the Court:

Provided that it shall not be necessary to specify the amount of the costs commonly known as "frais repetables".

ARTICLE 4

RECOVERY OF COSTS

Costs ordered to be paid under this Part of this Law shall be recoverable as a civil debt.

ARTICLE 5

SAVING

Nothing in this Part of this Law shall alter the practice in any criminal or quasi-criminal cause or matter.

ARTICLE 6

REPEAL

Sub-paragraph (iv) of Article 2 and sub-paragraph (iv) of Article 3 of the Separation and Maintenance Orders (Jersey) Law, 1953,⁴ are hereby repealed.

⁴ Volume 1951–1953, pages 490 and 492 and Volume 1970–1972, page 261.

PART II**EXTENSION OF JURISDICTION OF PETTY DEBTS COURT****ARTICLE 7****EXTENSION OF JURISDICTION**

(1) In the “Règlement modifiant la Procédure devant la Cour pour le Recouvrement de Menues Dettes”, confirmed by Order of Her Majesty in Council, dated 3rd August, 1867,⁵ for the words “dix livres sterling”, wherever those words occur, there shall be substituted the words “cent livres”.

(2) In the “Loi sur la Cour pour le Recouvrement de Menues Dettes”, confirmed by Order of Her Majesty in Council, dated 9th May, 1891, as amended,⁶ for the words “vingt-cinq livres sterling”, wherever those words occur, there shall be substituted the words “cent livres”.

ARTICLE 8**RECOVERABLE COSTS**

For Article 24 of the “Loi sur la Cour pour le Recouvrement de Menues Dettes”, confirmed by Order of Her Majesty in Council, dated 9th May, 1891, as amended,⁷ there shall be substituted the following Article –

“ARTICLE 24

Les frais répétables dans les causes traitées devant cette Cour seront comme suit –

⁵ Tomes I–III, page 317.

⁶ Tomes IV–VI, page 102.

⁷ Tomes IV–VI, page 109.

- (a) les honoraires du Département du Vicomte et du Département du Greffe Judiciaire;
- (b) les honoraires des avocats et des écrivains en ce qui touche l'écriture de billes, billets, lettres d'instructions au Vicomte, plaidoiries, ordres provisoires et copies des réclamations annexées aux ordres provisoires;
- (c) les honoraires du prevot et le journal des témoins, dont le montant sera réglé par le Nombre Supérieur de la Cour Royale agissant de concert avec le Juge."

ARTICLE 9

RIGHT TO PROCEED IN ROYAL COURT IN VIRTUE OF JUDGEMENT OBTAINED IN PETTY DEBTS COURT

A creditor who has obtained in the Petty Debts Court a judgement for a sum exceeding twenty-five pounds may obtain from the Royal Court, sitting in or out of term, an order authorizing the Viscount to serve a notice on the judgement debtor requiring him to satisfy the judgement debt within three months from the date of the notice, and where, at the expiration of the said period, the judgement debtor has neither satisfied the judgement debt nor placed his property under the control of the Royal Court ("remis ses biens entre les mains de la Justice") the Royal Court may, upon the application of the judgement creditor, adjudge the personal and real estate of the judgement debtor to be renounced.

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PART III

COMMENCEMENT AND SHORT TITLE

ARTICLE 10

COMMENCEMENT

This Law shall come into force on such day as the States may by Act appoint.⁹

ARTICLE 11

SHORT TITLE

This Law may be cited as the Civil Proceedings (Jersey) Law, 1956.

To be printed, published and posted.

F. DE L. BOIS,

Greffier of the States.

⁹ This Law came into force on 1st April, 1957 (R & O 3778).