

Jersey Law 38/1998

ROYAL COURT (AMENDMENT No. 10) (JERSEY) LAW 1998

A LAW to amend further the Royal Court (Jersey) Law 1948, sanctioned by Order of Her Majesty in Council of the

21st day of OCTOBER 1998

(Registered on the 27th day of November 1998)

STATES OF JERSEY

The 28th day of July 1998

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

ARTICLE 1

In Article 10 of the Royal Court (Jersey) Law 1948, as amended¹ (hereinafter referred to as “the principal Law”) –

- (a) the Article shall be renumbered as paragraph (1) thereof; and
- (b) after paragraph (1) there shall be added the following paragraph –

“(2) Notwithstanding Article 2 of this Law, the Bailiff may appoint a person who has ceased to hold the office of Jurat, other than by operation of the proviso to paragraph (1) of this Article, and who has not attained the age of seventy-five years to act as a Jurat for any period or in relation to any cause or matter

¹ Tome VII, page 509.

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as the Bailiff may determine, and an oath under Article 8 of this Law taken by a person prior to his appointment under this paragraph shall continue to be binding on him.”.

ARTICLE 2

In paragraph (2) of Article 13 of the principal Law,² after the words “the Jurats shall” there shall be inserted the words “, subject to paragraph (2) of Article 13B of this Law,”.

ARTICLE 3

After Article 13A of the principal Law,³ there shall be inserted the following Article –

“ARTICLE 13B

Bailiff as sole Judge

- (1) Any cause or matter in which only issues of law arise may be determined by the Bailiff sitting alone.
- (2) Any civil cause or matter –
 - (a) in which issues of law and fact arise; and
 - (b) in which –
 - (i) the parties to the proceedings have applied to the Judicial Greffier for certification that the cause or matter is suitable for trial by the Bailiff alone; and
 - (ii) the Judicial Greffier has granted such certification,

² Tome VII, page 512.

³ Tome VII, page 512 and Volume 1996–1997, page 667.

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may, if the Bailiff thinks fit, be determined by the Bailiff sitting alone.

(3) The Judicial Greffier shall not grant a certificate under sub-paragraph (b) of paragraph (2) of this Article unless he is of the opinion that the issues raised are predominantly issues of law.”.

ARTICLE 4

This Law may be cited as the Royal Court (Amendment No. 10) (Jersey) Law 1998.

G.H.C. COPPOCK

Greffier of the States.