



Jersey

ROYAL COURT (AMENDMENT No. 13) RULES 2012

Arrangement

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ROYAL COURT (AMENDMENT No. 13) RULES 2012

*Made**15th February 2012**Coming into force**1st March 2012*

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948¹, has made the following Rules –

1 Interpretation

In these Rules “principal Rules” means the Royal Court Rules 2004².

2 Part 4 amended

After Rule 4/2 of the principal Rules, there shall be inserted the following Rule –

“4/2A Representation of bodies corporate

- (1) Subject to this Rule, a body corporate may appear and be represented in proceedings by a director of the body corporate duly authorized by the body corporate in that behalf.
- (2) Where a director is so authorized in relation to any proceedings, the body corporate shall –
 - (a) in the case of an action –
 - (i) within 7 days of the action being placed on the pending list, or
 - (ii) when otherwise required by the Court to do so;
 - (b) in the case of a representation –
 - (i) within 7 days of the representation first being called before the Inferior Number, or
 - (ii) when otherwise required by the Court to do so,

lodge with the Court and send to each of the other parties to the proceedings –

- (i) a declaration of the name of the director and, if different from the address for service of the body corporate, the director's address, and
- (ii) a copy of the resolution or other instrument of the body corporate by which the director is so authorized.

(3) In the case of a failure to comply with paragraph (2), or a requirement of the Court thereunder, the Court may, on the application of any other party to the proceedings –

- (a) in the case of proceedings brought by the body corporate, order that the proceedings be struck out or be stayed until paragraph (2), or the requirement of the Court, as the case may be, is complied with; or
- (b) in the case of proceedings brought against the body corporate, give judgment by default,

or, in either case, the Court may give such directions or make such order as it thinks fit, including an order as to costs.

(4) A body corporate may with the leave of the Court amend a declaration lodged in accordance with paragraph (2) or a requirement of the Court thereunder and, if a different director is authorized, lodge a revised resolution or other instrument.

(5) A director of a body corporate other than the director referred to in –

- (a) the declaration lodged in accordance with paragraph (2) or a requirement of the Court thereunder; or
- (b) in the declaration as amended with leave under paragraph (4),

may not appear on behalf of or otherwise represent the body corporate in the proceedings without the leave of the Court.

(6) This Rule does not apply to an association incorporated under Article 4 of the Loi (1862) sur les teneures en fidéicommiss et l'incorporation d'associations³.”.

3 Part 12 amended

(1) In Rule 12/1 of the principal Rules, after the definition of “indemnity basis” there shall be inserted the following definition –

“ ‘litigant in person’ includes a body corporate not represented by an advocate;”.

(2) In Rule 12/6(2) of the principal Rules, for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –

“(a) if the work thereby causes the litigant pecuniary loss, either –

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- (i) the amount that the litigant can prove he or she has lost for time reasonably spent on doing the work, or
- (ii) up to two-thirds of the sum which in the opinion of the Greffier would have been allowed in respect of that item if the litigant had been represented by an advocate,
- whichever is the lower; or
- (b) if the work does not cause the litigant pecuniary loss, at such rate per hour as determined by the Greffier in respect of the time reasonably spent by the litigant (or, in the case of a body corporate, a director of the litigant) on the work within a range or band specified in practice directions issued in accordance with Rule 12/14.”.
- (2) For paragraph (3) of Rule 12/6 of the principal Rules there shall be substituted the following paragraph –
- “(3) A body corporate that has lodged a declaration in accordance with Rule 4/2A(2) or a requirement of the Court under that Rule may not claim as a pecuniary loss under paragraph (2) any payment to the authorized director for appearing and representing the body corporate pursuant to the declaration.”.
- (3) Part 12 of the principal Rules as amended by this Rule applies to the assessment of costs incurred after this Rule comes into force irrespective of when the relevant proceedings were instituted.

4 Schedule 4A amended

In Schedule 4A to the principal Rules, for the word “Development” in the Form of Notice of Appeal there shall be substituted the word “Building”.

5 Citation and commencement

- (1) These Rules may be cited as the Royal Court (Amendment No. 13) Rules 2012.
- (2) These Rules shall come into force on 1st March 2012.

J.G.P. WHEELER

Master of the Royal Court

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- ¹ *chapter 07.770*
² *chapter 07.770.72*
³ *chapter 04.120*