



Jersey

ROYAL COURT (AMENDMENT No. 17) RULES 2014

Arrangement

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SCHEDULE

6



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ROYAL COURT (AMENDMENT No. 17) RULES 2014

*Made**10th June 2014**Coming into force**17th June 2014*

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948¹ and Article 5 of the Social Security Hypothecs (Jersey) Law 2014², has made the following Rules –

1 Interpretation

In these Rules “principal Rules” means the Royal Court Rules 2004³.

2 Part 15 amended

- (1) In Rule 15/2(1) of the principal Rules, after the words “by serving” there shall be inserted the words “, through the intermediary of the Viscount,”.
- (2) In Rule 15/3D(3) of the principal Rules, after the words “to be served” there shall be inserted the words “, through the intermediary of the Viscount,”.

3 Part 17 amended

In Rule 17/3(1)(c) of the principal Rules the words “a pharmacist under the Pharmacy and Poisons (Jersey) Law 1952,” shall be deleted.

4 Rule 18/4A inserted

After Rule 18/4 of the principal Rules there shall be inserted the following Rule –

“18/4A Social Security hypothecs

- (1) In this Rule –

‘arrangement’ means an arrangement with the Minister resulting in the creation of a legal hypothec;

‘legal hypothec’ means a hypothec arising pursuant to Article 2(1) of the Social Security Hypothecs (Jersey) Law 2014⁴;

‘Minister’ means the Minister for Social Security.

- (2) The Greffier, on the application of the Minister in accordance with this Rule, shall register a form of notification of legal hypothec in the Register of Obligations and, in such a case, the legal hypothec shall bear the date of such registration.
- (3) The form of notification of legal hypothec must –
 - (a) state the full names of all those whose immovable property is subject to the legal hypothec (including, in the case of a married woman, her maiden name);
 - (b) be in or substantially in the form set out in Schedule 6A;
 - (c) be executed by the Minister;
 - (d) have the revenue stamps in respect of the fee payable on registration of the form of notification of legal hypothec under the Stamp Duties and Fees (Jersey) Law 1998⁵ affixed either to the back of the form of notification or to a separate sheet of paper attached thereto; and
 - (e) be presented to the Greffier after 9 a.m. on the date for which its registration is requested, provided that no form of notification of legal hypothec may be presented to the Greffier after 4 p.m. on the said date.
- (4) The form of notification of legal hypothec must be accompanied by documentary evidence sufficient to satisfy the Greffier that –
 - (a) the person who has entered into the arrangement; and
 - (b) any person whose immovable property is subject to the legal hypothec,are aware of the hypothec and have acknowledged the right of the Minister to apply for it to be registered.
- (5) The Greffier shall, on the date of such registration, sign and seal the form of notification of legal hypothec which shall thereupon be enrolled in the Register of Obligations.
- (6) The Greffier shall treat a written confirmation from the Minister that the debt secured by the legal hypothec has been extinguished as evidence of the extinguishment of the debt secured by the legal hypothec.”.

5 Part 19 revoked

Part 19 of the principal Rules is revoked.

6 Schedule 6A inserted

After Schedule 6 to the principal Rules there shall be inserted Schedule 6A set out in the Schedule to these Rules.

7 Citation and commencement

- (1) These Rules may be cited as the Royal Court (Amendment No. 17) Rules 2014.
- (2) These Rules shall come into force on the seventh day after these Rules are made.

P. MATTHEWS

Deputy Judicial Greffier

SCHEDULE

(Rule 6)

“SCHEDULE 6A

(Rule 18/4A(3))

FORM OF NOTIFICATION OF LEGAL HYPOTHECI hereby confirm that¹

[has/have]² entered into an arrangement with the Minister for Social Security which has resulted in the creation of a legal hypothec in favour of the Minister for Social Security pursuant to the Social Security Hypothecs (Jersey) Law 2014.

I hereby confirm that¹

[has/have]² been advised to take independent professional advice prior to entering into such arrangement.

[His or her partner (as partner is defined in the Social Security Hypothecs (Jersey) Law 2014) who lives with him or her but is not a party to the arrangement has also been advised to take independent professional advice in respect of the arrangement.]³

*(signed)***Minister for Social Security****Date**

1 Insert name(s) of person(s) whose immovable property is subject to a legal hypothec

2 Delete as appropriate

3 Delete if no partner who is not party to the arrangement”

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- ¹ *chapter 07.770*
 - ² *L.4/2014*
 - ³ *chapter 07.770.72*
 - ⁴ *L.4/2014*
 - ⁵ *chapter 24.960*