

STATES OF JERSEY



DRAFT STAMP DUTIES AND FEES (No. 4) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 15th January 2018
by the Chief Minister

STATES GREFFE



Jersey

DRAFT STAMP DUTIES AND FEES (No. 4) (JERSEY) REGULATIONS 201-

REPORT

These draft Regulations are part of legislative changes proposed in connection with increasing the monetary jurisdiction of the Petty Debts Court, and therefore need to be read in conjunction with the Draft Petty Debts Court (Miscellaneous Amendments) (Jersey) Regulations 201- (“PDC Regulations”) which have been lodged at the same time as these draft Regulations (*see* P.5/2018).

As mentioned in the Report accompanying the PDC Regulations, a technical review of the [Royal Court Rules 2004](#) was undertaken recently¹ to examine what changes might be made to improve access to justice and reduce the costs and risks of litigation. As a result of the review, extensive amendments of the Rules were approved by the Superior Number of the Royal Court in March 2017.

Another result of the review was a recommendation that the jurisdiction of the Petty Debts Court in relation to civil claims be increased from the present figure of £10,000, which came into effect on 1st June 2004, to £30,000.

The Schedule to the [Stamp Duties and Fees \(Jersey\) Law 1998](#) sets out the stamp duty payable in relation to civil actions and claims in the Jersey courts, including the Petty Debts Court. The rate of stamp duty payable depends on the amount of the claim involved. The current rates of stamp duty in the Petty Debts Court range from £7 for the lowest value claims to Rate G (£120) where the claim is between £5,000 and £10,000.

These draft Regulations would provide for additional stamp duty bands for actions in the Petty Debts Court up to the new jurisdiction of £30,000. The proposed new bands are –

- Claims exceeding £10,000 but not exceeding £15,000 – Rate H (£150)
- Claims exceeding £15,000 but not exceeding £25,000 – Rate I (£200)
- Claims exceeding £25,000 but not exceeding £30,000 – Rate J (£300).

These new bands will come into existence if the jurisdiction of the Petty Debts Court were to be increased as proposed by the PDC Regulations.

In addition, the opportunity is also taken, through these draft Regulations, to bring the rate of stamp duty for commencing proceedings in the Royal Court into line with the proposed top rate of stamp duty in the Petty Debts Court.

¹ By a Working Group under the Chairmanship of the Bailiff.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this Proposition, and as such, all Ministers, and the Assistant Ministers to the Chief Minister, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

These draft Regulations are dependent on the Assembly approving the PDC Regulations. The implications of adopting the PDC Regulations are set out in the report within P.5/2018. An increase in the jurisdiction of the Petty Debts Court to £30,000 may require the appointment of one additional part-time relief Magistrate to support the additional and more complex claims that could result from the increase in jurisdiction.

At present, the precise number and complexity of additional claims that would be heard by the Petty Debts Court, should its jurisdiction increase to £30,000, is unknown. There will be an increase in the stamp duty collected from those claims, which these Regulations provide for, and this will contribute to the funding of an additional part-time relief Magistrate, should this appointment be necessary.

There will be an increase in the Stamp Duty collected for commencing proceedings in the Royal Court as a consequence of bringing the rate into line with the proposed top rate of stamp duty in the Petty Debts Court.

Explanatory Note

These Regulations amend Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998 to insert additional bands in respect of judicial fees for actions in the Petty Debt Courts at rate H (£150) for claims exceeding £10,000 but not exceeding £15,000; rate I (£200) for claims exceeding £15,000 but not exceeding £25,000 and rate J (£300) for claims exceeding £25,000 but not exceeding £30,000. This amendment reflects the amendments intended to be made by the Petty Debts Court (Miscellaneous Amendments) (Jersey) Regulations 201- which increase to £30,000 the maximum amount of a claim for which the Petty Debts Court would have jurisdiction (*Regulation 1(a)*).

These Regulations also amend Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998 to increase the rate of stamp duty for commencing proceedings in the Royal Court from rate F (£80) to rate J (£300) (*Regulation 1(b)*).

Regulation 2 sets out the title of these Regulations and provides that they shall come into force on the same day as the Petty Debts Court (Miscellaneous Amendments) (Jersey) Regulations 201-.



Jersey

DRAFT STAMP DUTIES AND FEES (No. 4) (JERSEY) REGULATIONS 201-

Made *[date to be inserted]*
Coming into force *[date to be inserted]*

THE STATES, in pursuance of Article 3 of the Stamp Duties and Fees (Jersey) Law 1998¹, have made the following Regulations –

1 Stamp Duties and Fees (Jersey) Law 1998 amended

In the table in Part 1 of the Schedule to the Stamp Duties and Fees (Jersey) Law 1998², in item 2 –

- (a) for paragraph (1)(da) there shall be substituted the following subparagraphs –

“(da) Where the claim exceeds £5,000 but does not exceed £10,000	rate G	Claim Summary	Greffier
(db) Where the claim exceeds £10,000, but does not exceed £15,000	rate H	Claim Summary	Greffier
(dc) Where the claim exceeds £15,000, but does not exceed £25,000	rate I	Claim Summary	Greffier
(dd) Where the claim exceeds £25,000, but does not exceed £30,000	rate J	Claim Summary	Greffier”;

- (b) for paragraph (2) there shall be substituted the following paragraph –

“(2)	In the Royal Court (excluding acknowledgement of debt) on <i>Table</i> or <i>au Greffe</i> –			
(a)	First <i>billet</i> in the proceedings or counterclaim in an action	rate J	<i>Billet</i> or Counterclaim	Greffier

(b)	Before the Superior Number	rate J	<i>Billet</i>	Greffier
(c)	Appeal to the Inferior Number	rate J	Notice of Appeal	Greffier
(d)	Setting down for hearing	rate J	Application	Greffier
(e)	Hearing of the action in a case, or any interlocutory matter therein, where the court appoints a special day for judging a dispute between parties, whether or not witnesses are heard, for each half day or part of a half day –		<i>Billet</i> or application	Greffier
	(i) where the claim does not exceed £2 million	rate J		
	(ii) where the claim exceeds £2 million	rate M		
(f)	Each intervention or opposition made during the course of an action	rate E	Intervention or Opposition	Greffier ² .

2 Citation and commencement

These Regulations may be cited as the Stamp Duties and Fees (No. 4) (Jersey) Regulations 201- and shall come into force on the same day as the Petty Debts Court (Miscellaneous Amendments) (Jersey) Regulations 201-³.

-
- ¹ *chapter 24.960*
² *chapter 24.960*
³ *P.5/2018*