

STATES OF JERSEY



DRAFT JUDGMENTS (RECIPROCAL ENFORCEMENT) (AMENDMENT No. 3) (JERSEY) ACT 201-

**Lodged au Greffe on 18th March 2010
by the Chief Minister**

STATES GREFFE



Jersey

DRAFT JUDGMENTS (RECIPROCAL ENFORCEMENT) (AMENDMENT No. 3) (JERSEY) ACT 201-

REPORT

Jersey is party to reciprocal enforcement agreements with several other jurisdictions, thus allowing Jersey judgments to be enforceable in such countries and their judgments to be enforced in our Royal Court.

The Judgments (Reciprocal Enforcement) (Jersey) Law 1960 (“the Jersey Law”) gives the States the power, under Article 3(1), to direct by Act that the Jersey Law be extended to a jurisdiction that reciprocally enforces Jersey judgments.

The Schedule to the Judgments (Reciprocal Enforcement) (Jersey) Act 1973 (“the Jersey Act”) lists the jurisdictions that the Jersey Law extends to as –

England and Wales;

Scotland;

Northern Ireland;

Isle of Man; and

Guernsey.

The States are given the power, under Article 3(2) of the Jersey Law, to direct by Act which courts of those countries shall be deemed superior courts and therefore their judgments enforceable in the Royal Court. The Schedule to the Jersey Act lists the superior courts for the above listed countries.

Regarding England and Wales, Scotland and Northern Ireland, the Supreme Court of the United Kingdom (“the Supreme Court”) has, from 1st October 2009, assumed the judicial functions of the House of Lords, pursuant to Sections 23 and 24 of the Constitutional Reform Act 2005 (“the UK Act”). The Supreme Court is now the highest appellant court for civil cases in England and Wales, Scotland and Northern Ireland, and the highest appellant court for criminal cases in England and Wales, and Northern Ireland.

The Schedule to the Jersey Act as a result requires amending to include the Supreme Court as a superior court of England and Wales, Scotland and Northern Ireland, so as

to render any judgments delivered by the Supreme Court, on appeal from these 3 jurisdictions, to be enforceable in the Royal Court.

Previous judgments made by the House of Lords will still be on record as House of Lords judgments and thus the House of Lords will remain listed as a superior court of England and Wales, in order that any judgments by the House of Lords will remain enforceable in Jersey. For Northern Ireland, Section 59(2) of the UK Act states that: “The Supreme Court of Judicature of Northern Ireland is renamed the Court of Judicature of Northern Ireland.” This is done so as to avoid confusion between the Court of Judicature of Northern Ireland and the Supreme Court of the United Kingdom. This amendment must therefore be reflected in the Schedule to the Act. There is no need to retain reference to the “Supreme Court of Judicature of Northern Ireland” in the same manner that reference to the House of Lords is being retained, because the former has simply been renamed and its judgments will be enforceable under the Jersey Act as judgments of the “Court of Judicature of Northern Ireland.”

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Draft Act.

Explanatory Note

This Act updates references to superior courts in British Islands jurisdictions.

The principal change is to include references to the Supreme Court of the United Kingdom in relation to England and Wales, Scotland and Northern Ireland.

However, the reference to the House of Lords in relation to England and Wales has been retained for now because for some time yet there may be judgments of that court for which reciprocal enforcement may be sought in Jersey.



Jersey

**DRAFT JUDGMENTS (RECIPROCAL
ENFORCEMENT) (AMENDMENT No. 3) (JERSEY)
ACT 201-**

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 3 of the Judgments (Reciprocal Enforcement) (Jersey) Law 1960¹, have made the following Act –

1 Schedule substituted

For the Schedule to the Judgments (Reciprocal Enforcement) (Jersey) Act 1973² there shall be substituted the Schedule set out in the Schedule to this Act.

2 Citation and commencement

- (1) This Act may be cited as the Judgments (Reciprocal Enforcement) (Amendment No. 3) (Jersey) Act 201-.
- (2) This Act shall come into force on the 7th day after it is made.

SCHEDULE

(Article 1)

SUBSTITUTED SCHEDULE**SCHEDULE**

Reciprocating countries	Superior Courts
England and Wales	The Supreme Court of the United Kingdom, the House of Lords, the Court of Appeal and the High Court of Justice.
Scotland	The Supreme Court of the United Kingdom, the Court of Session and the Sheriff Court.
Northern Ireland	The Supreme Court of the United Kingdom and the Court of Judicature of Northern Ireland.
Isle of Man	Her Majesty's High Court of Justice of the Isle of Man (including the Staff of Government Division).
Guernsey	The Royal Court of Guernsey and the Court of Appeal of Guernsey.

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- ¹ *chapter 04.480*
² *chapter 04.480.30*