

# STATES OF JERSEY

**r**

## **DRAFT PETTY DEBTS COURT (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200-**

---

Lodged au Greffe on 11th May 2004  
by the Legislation Committee

---

STATES GREFFE





Jersey

## **DRAFT PETTY DEBTS COURT (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200-**

### **REPORT**

---

The Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 implements the remaining recommendations in the Second Interim Report of the Jersey Judicial and Legal Services Review Committee under the Chairmanship of Sir Godfray Le Quesne for extending the jurisdiction of the Petty Debts Court so as partly to alleviate some of the burdens on the Royal Court. The reforms concerned are –

- (i) to increase the jurisdiction of the Petty Debts Court and to include unliquidated claims within that jurisdiction;
- (ii) to confer jurisdiction on the Petty Debts Court to cancel a lease for breach of contract;
- (iii) to confer jurisdiction to transfer actions from the Royal Court to the Petty Debts Courts and vice versa; and
- (iv) to provide for a wider right of appeal from the Petty Debts Court to the Royal Court.

#### **Increase in overall jurisdiction**

Whilst the Second Interim Report recommended that the overall jurisdiction of the Petty Debts Court be increased to £5,000, the Law of 2000 in fact increased that figure to £10,000 (with a power to increase that sum by Regulations). That jurisdiction applies to unliquidated, as well as liquidated, claims.

#### **Jurisdiction to cancel leases**

The Law of 2000 addresses a deficiency in the jurisdiction of the Petty Debts Court, namely, its lack of jurisdiction to cancel a lease for breach of contract. Under the existing law, the jurisdiction of the Petty Debts Court is confined to ordering the eviction of a tenant who remains in occupation after the lease has expired. In order to amplify the jurisdiction of the Petty Debts Court in this respect, the Law of 2000 empowers the Petty Debts Court to pronounce the cancellation (*résolution*) of a contract of lease of an immovable (other than a *contrat passé devant justice*) if the rent payable in respect of the immovable assessed annually does not exceed £15,000 or such other sum as the States may by Regulations specify. The Court is also empowered to award any amount in respect of arrears of rent in cases in which it exercised this jurisdiction.

#### **Transfer of actions between Royal Court/Petty Debts Court**

The Le Quesne Committee recommended that –

*“...the Petty Debts Court should be given power to remit to the Royal Court any case before it which it considers ought to be tried by the Royal Court because of its complexity or importance or for some other reason...[and]... that the Royal Court should be given power to remit to the Petty Debts Court any case brought before it which could have been brought directly in the Petty Debts Court.”*

The Law of 2000 implements this recommendation by enabling proceedings in either Court to be transferred to the other Court.

#### **Appeal to the Royal Court**

The *Loi (1902) sur la Cour pour le recouvrement de menues dettes (appels)* restricts the right of appeal to appeals on points of law and then only with the leave of the Judge. The Le Quesne Committee recommended that there be a right of appeal (with leave of the Petty Debts Court or of the Royal Court) from the Petty Debts Court to the Royal Court on points of fact as well as on points of law, but that there should be no further appeal beyond the Royal Court.

The Law of 2000 makes provision for such a right of appeal (with the leave of the Petty Debts Court or of the Bailiff) and for the eventual determination by the Royal Court to be final and conclusive and (without prejudice to any right of appeal conferred by any other enactment or rule of law) not to be subject to appeal to any other Court.

**Conclusion**

The reforms introduced by the Law of 2000 will assist in the more efficient administration of civil justice and the greater use of the Petty Debts Court in civil proceedings will help to reduce the costs associated with civil litigation.

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

## **Explanatory Note**

---

The purpose of this Act is to appoint 1st June 2004 as the day for the commencement of the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 which was adopted by the States on 16 May 2000 (P.48 of 2000).

The Law –

- (a) increases the jurisdiction of the Petty Debts Court to £10,000 (with a power to increase this sum by Regulations) in respect of both liquidated and unliquidated claims;
- (b) gives that Court jurisdiction to pronounce the cancellation of a contract of lease of an immovable for a term not exceeding nine years and with an annual rent not exceeding £15,000 (with a power to increase this sum by Regulations) and unlimited jurisdiction in respect of arrears of rent relating to such leases;
- (c) gives the Petty Debts Court the same powers to grant relief within its jurisdiction as the Royal Court;
- (d) provides for the transfer of actions between the Petty Debts Court and the Royal Court; and
- (e) makes new provision for appeals from the Petty Debts Court to the Royal Court.





Jersey

## **DRAFT PETTY DEBTS COURT (MISCELLANEOUS PROVISIONS) (JERSEY) LAW 2000 (APPOINTED DAY) ACT 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 5 of the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000,<sup>[1]</sup> have made the following Act –

---

### **1 Appointed day**

The Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000<sup>[2]</sup> shall come into force on 1st June 2004.

### **2 Citation**

This Act may be cited as the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 (Appointed Day) Act 200-.

---

[1] *Recueil des Lois, Volume 2000, page 761.*

[2] *Recueil des Lois, Volume 2000, page 757.*