

**DRAFT LAW REFORM (DISCLOSURE AND CONDUCT BEFORE ACTION) (JERSEY) LAW 1999
(APPOINTED DAY) ACT 200-**

**Lodged au Greffe on 16th October 2001
by the Legislation Committee**



STATES OF JERSEY

STATES GREFFE

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Report

The Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999 enables the Royal Court, before any proceedings are commenced, to order the production of documents relevant to certain claims which are likely to be the subject of proceedings in the Royal Court. The existing position in Jersey is that the Courts generally will not intervene to assist a person who wants to discover information in order to bring proceedings. The two-fold vice of the existing position is that -

- (i) it may keep in ignorance a person who in reality has every right to institute proceedings and recover compensation; or
- (ii) it may drive persons to institute civil proceedings on a speculative basis and incur legal costs in pursuit of a claim which, when the facts come to be known, is found to have no basis.

The Law of 1999 enables the Royal Court to order the disclosure of documents relevant to a claim in respect of personal injury or death before proceedings are commenced. An application for an order may be made by any person who would be likely to be a party to the proceedings. The Court may order the production of the documents to the applicant or to his legal, medical and other professional advisers but must not make any order if to do so would be contrary to public interest. Unless the Court expressly directs otherwise, the person ordered to produce the documents will be awarded his costs relating to the application.

The Law also empowers the States to make Regulations extending the descriptions of claims to which the Law applies. The Superior Number of the Royal Court is also empowered to make Rules of Court prescribing the circumstances in which the power to order disclosure or production of documents may be exercised. Those Rules of Court are on the cusp of enactment by the Royal Court, so enabling the Law to be brought into force.

This draft Act has no implications for the financial or manpower resources of the States.

Explanatory Note

The purpose of this Act is to appoint 1st December 2001 as the day for the commencement of the Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999 which was adopted by the States on 3rd February 1999 (P.1 of 1999).

Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999

LAW REFORM (DISCLOSURE AND CONDUCT BEFORE ACTION) (JERSEY) LAW 1999 (APPOINTED DAY) ACT
200-

(Promulgated on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, in pursuance of Article 6 of the Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999,^[1] have made the following Act -

1. The Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999 shall come into force on the first day of December 2001.

2. This Act may be cited as the Law Reform (Disclosure And Conduct before Action) (Jersey) Law 1999 (Appointed Day) Act 200-.

^[1] Recueil des Lois, Volume 1999, page 224.