

ROYAL COURT OF JERSEY
RC 05/18
Practice Direction - RC 05/18 - PROCEDURE FOR OBTAINING
JUDGMENT BEFORE ROYAL COURT

With a view to simplifying the process of obtaining judgment (particularly at the sitting of the Samedi Division on Friday afternoons) the following provisions shall apply:

1. Any judgment for a sum of money will, unless the Court otherwise specifically directs, automatically carry with it the power to distrain on the moveables of the defendant pursuant to Rule 11/3 of the Royal Court Rules 2004 and the Act of Court will reflect this. Accordingly, it will no longer be necessary to apply specifically for “permission to sell”.
2. Any judgment for a sum of money against an individual will, unless the Court otherwise specifically directs, automatically carry with it a power of arrest on wages at the standard rate in force at the date of judgment and the Act of Court will reflect this. Accordingly it will no longer be necessary to refer specifically to an arrest on wages unless the plaintiff wishes to seek an arrest for a larger sum than the standard rate or does not wish there to be an arrest on wages at all.
3. Where a matter falls within Rule 12/2(2) (i.e. an action commenced by simple summons for the recovery of a debt or liquidated sum and judgment is obtained in default or without opposition, without any order for substituted service or service out of the jurisdiction having been made or without the action having been placed on the pending list) any judgment shall, unless the Court otherwise specifically directs, carry with it an order against the defendant for fixed costs in accordance with Rule 12/2(2) and the Act of Court will reflect that. Accordingly the plaintiff will not need to ask for an order for costs when seeking judgment in such cases unless he wishes to obtain an order on some

basis other than the scale of fixed costs or does not wish there to be an order for costs.

4. Paragraph 3 above does not apply in relation to actions commenced by Order of Justice or representation. The circumstances in such cases vary considerably and the plaintiff should therefore state specifically at the time of judgment whether costs are required and, if so, the nature of the costs order sought.

5. Any request for interest must, as at present, be raised specifically at the time of seeking judgment.