

ROYAL COURT OF JERSEY
RC17/12

Applications for a Remise de Biens

With effect from the date of this Practice Direction, an application for a Remise de Biens pursuant to the Loi (1839) sur les Remises de Biens (the “1839 Law”) must contain the facts and information specified in this Practice Direction.

An Application must be made by way of Representation with a supporting affidavit, which should disclose all facts and circumstances relevant to the application. The Applicant must demonstrate good faith in making the application. The Applicant in the affidavit relied on must provide the information set out in the schedule to this practice direction showing **all** their movable and immovable property in Jersey or elsewhere and whether in their own name, joint names or someone else’s name, and all debts and liabilities.

The Application must set out why the applicant believes there is a reasonable expectation that the proceeds of sale of the Applicant’s property will be sufficient to repay all the secured creditors in full and leave some surplus for distribution among the unsecured creditors

Where the application is based on assets being worth a specified figure, the application should if possible be supported by independent evidence, from an appropriately qualified person. If the application is not so supported, the Court will be more likely to reject that application immediately.

The Applicant must acknowledge within the Application that:

- in the event of the application being granted, their property, immovable and movable, wherever situated, will be placed in the hands of the Court (*entre les mains de la Justice*);
- the appointed Jurats are authorised to lease, sell, alienate or otherwise dispose of enough of the debtor’s property to pay the outstanding debts and that the debtor will co-operate with the Jurats in the fulfilment of their duties;
- the appointed Jurats will have a wide discretion in fulfilling their duties. This includes a discretion not only as to which property is to be sold, and in what order, but also in relation to the admission and settlement of claims both secured and unsecured.
- if the application fails a *dégrévement* and *réalisation* or a *désastre* may then be ordered by the Royal Court

The documents supporting the Application to Court must be provided to the Bailiff, the Judicial Greffier, the Viscount and any secured creditor at least 48 hours’ prior to the Application being presented to the Court.

Other than in exceptional circumstances, the Applicant must be present in court when the Application is made.

Notwithstanding the terms of Article 2 of the 1839 Law, the Jurats may ask the Court or the Bailiff in Chambers to grant an extension to the time period within which they must prepare their report into the affairs of the debtor.

This Practice Direction will take effect on 15th June, 2017.

Schedule of Assets and Liabilities

Summary of Assets

Description	Estimated value
	<i>(in respect of immovable property include current valuations)</i>

Summary of Secured Loans/judgments

Description:

Name of secured lender

Property against which the loan is secured

Date of secured claim

Outstanding debt claimed by the creditor (capital, interest and costs)

Amount of accrued interest and the period against which it has accrued (if available)

Daily interest accruing (if available)

Summary of unsecured liabilities

Description	Amount
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(Please include the name and contact details of the affected creditors)