

ROYAL COURT OF JERSEY

RC20/06

Practice Direction The Royal Court of Jersey and the Petty Debts Court of Jersey

This Practice Direction is issued in respect of Tenancy Disputes, as defined in the two sets of guidance attached.

The first set of guidance relates to landlords and tenants of Jersey residential property and was issued by the Minister for Housing on 21 April 2020 pursuant to Article 7E of the Residential Tenancy (Jersey) Law 2011 as introduced by the Covid-19 (Residential Tenancy) (Temporary Amendment of Law) (Jersey) Regulations 2020. The second attached set of guidance is for landlords and tenants of Jersey commercial property during the Covid-19 period and presented to the States on 15 April 2020 by the Minister for Economic Development, Tourism, Sport and Culture.

Both sets of guidance address matters which may arise between landlords and tenants as a consequence of the current public health crisis. Both sets of guidance, whilst voluntary codes, have been drafted by leading property lawyers and considered in draft form by the Deputy Bailiff and the Judge of the Petty Debts Court before being published by Government and were the subject of consultation with a number of representative bodies in the Island in order to ensure that they fairly represented both the interests of landlords and tenants. Practice Directions in the Petty Debts Court (for the purposes of the PDC Rules 2018 i.e. all PDC procedure) are issued by the Magistrate with the agreement of the Bailiff (PDC R60).

The practice of the Courts

As indicated in both sets of guidance the Magistrate, as Judge of the Petty Debts Court has published a direction to the effect that Tenancy Disputes, as defined in both sets of guidance are currently adjourned. The Royal Court has published guidance stating it will only determine urgent civil (and certain children and criminal) cases which would not prima facie include Tenancy Disputes.

The effect of this Practice Direction

Nonetheless there will come a time when the Courts of Jersey will resume hearing Tenancy Disputes.

When such disputes are determined, the Courts will have regard to the contents of these sets of guidance and the extent to which parties have complied or failed to comply with this guidance when considering what relief to give.

The Court anticipates that all parties to leases, tenancy agreements and any other agreements covered by these sets of guidance will adhere to the principles contained within them and the Court will take into account, until further notice, the contents of the

guidance, paying particular regard to the effect that the public health crisis may have on the ability of parties to comply with their obligations both during the period of the crisis and during such period as follows the ending of the crisis but during which parties are affected by its consequences.

Finally, although the Court will take into account, in the way set out in this Practice Direction, the contents of the guidance and the parties' conduct when exercising such discretions as the Court may have, the parties' legal obligations to each other are not varied by the guidance.

This Practice Direction will come into force with immediate effect.

27 April 2020

Residential Guidance: [Click here for Residential guidance](#)

Commercial guidance: [Click here for Commercial guidance](#)