



Jersey

**LAW REFORM (DISCLOSURE AND
CONDUCT BEFORE ACTION) (JERSEY)
LAW 1999**

Official Consolidated Version

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LAW REFORM (DISCLOSURE AND CONDUCT BEFORE ACTION) (JERSEY) LAW 1999

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LAW REFORM (DISCLOSURE AND CONDUCT BEFORE ACTION) (JERSEY) LAW 1999

A LAW to enable 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; to enable the Superior Number of the Royal Court to issue practice guides as to the conduct of such claims before action; and to enable the Royal Court to take into account in proceedings the extent to which a party has acted in accordance with a practice guide

Commencement [[see endnotes](#)]

1 Interpretation

In this Law –

“Court” means the Royal Court;

“party”, in relation to any proceedings, includes any person who, pursuant to or by virtue of Rules of Court or any other enactment, is served with notice of, or intervenes in, those proceedings;

“personal injuries” includes any disease and any impairment of a person’s physical or mental condition;

“prescribed” means prescribed in Rules of Court;

“proceedings” means any proceedings in the Court howsoever commenced.

2 Power to order disclosure

- (1) On the application of a person who appears to the Court to be likely to be a party to subsequent proceedings in that Court in which a claim in respect of personal injuries to a person, or in respect of a person’s death, is likely to be made, the Court shall, in such circumstances as may be prescribed, have power to order a person who appears to the Court to be likely to be a party to the proceedings and to be likely to have or to have

had in the person's possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim –

- (a) to disclose whether those documents are in the person's possession, custody or power; and
 - (b) to produce such of those documents as are in the person's possession, custody or power to the applicant or, on such conditions as may be stated in the order –
 - (i) to the applicant's legal advisers,
 - (ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant, or
 - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.
- (2) The Court shall not make an order under paragraph (1) if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (3) The costs of and incidental to proceedings for an order under paragraph (1) incurred by the person against whom the order is sought shall be awarded to that person unless the Court otherwise directs.

3 Practice guides as to conduct

- (1) The Superior Number of the Court may issue practice guides as to the conduct, before the commencement of proceedings, of any description of claim mentioned in Article 2(1).
- (2) Where proceedings are subsequently commenced before the Court in which a claim is made of a description for which a practice guide has been issued, the Court may, when deciding whether to make an order as to the procedure in the proceedings or as to costs, take into account the extent to which, before the commencement of proceedings, any party did not act in accordance with the practice guide.

4 Regulations

The States may make Regulations amending Article 2(1) so as to extend its provisions –

- (a) to circumstances where other claims may be made; or
- (b) generally.

5 Rules of Court

- (1) The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#), shall include the power to prescribe anything to be prescribed by virtue of this Law.
- (2) ¹

6 Citation

This Law may be cited as the Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Law Reform (Disclosure and Conduct before Action) (Jersey) Law 1999	L.14/1999	1 December 2001 (R&O.156/2001)
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021

Table of Renumbered Provisions

Original	Current
1(1)	1
(2), (3)	spent, omitted from this revised edition

Table of Endnote References

¹ Article 5(2) *correction published March 2007: substitute “that Article” for “that paragraph”, deleted by L.8/2021*