

This is a translation of the

**Loi (1862) sur le registre public des contrats**

(Chapter 4.800)

as in force on 1 January 2019

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**Law (1862) on the public registry of contracts**

**LAW** tending to facilitate searches in the Public Registry, and requiring the keeping by the Greffier of an alphabetical index of *Décrets*<sup>1</sup>

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**THE STATES**, considering that it is necessary to perfect procedures in the Public Registry as much as possible and to facilitate searches by those who have need of recourse thereto, have resolved, subject to the sanction of Her Most Excellent Majesty in Council, to make the following Law:

**Article 1**

The attorney appointed to conduct a *décret* must inscribe in the *billet*, presented to the Court for the confirmation of the Greffier's record of the said *décret*, the date of the insertion on which the inserting party constituted himself or herself *tenant*.

The Act of Court must mention the choices for reviving renounced contracts, made by the *tenant* at the time of the confirmation of the act by which he or she was constituted *tenant*.

If the tenant has assigned the tenure to another person or has entered into an agreement with a third party, they must, at the time of the confirmation of the record of tenure, be present before the Court, in order to ratify the said assignment or the said agreements.

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<sup>1</sup> *Décret* is an old procedure akin to foreclosure

The Registrar shall cause mention of the said Act of Court to be made in the *Table* of the Public Registry, under the name of the bankrupt, the *tenant*, the persons who were party to contracts that the *tenant* has caused to be revived, and of those who have transacted with the *tenant*.

## **Article 2**

As soon as possible after the expiry of the period during which a *tenant* may revive renounced contracts, the Greffier shall remit to the Registrar of Contracts a list of renounced contracts, as well as of those that have been caused to be revived; for which extracts and remittance the Registrar shall receive from the *tenant* 5 pence per 100 words, and 3 pence for his or her signature.

The Registrar shall register the said list in the Book of Public Contracts, and shall inscribe in the margin, in relation to a renounced contract in the absence of insertion or otherwise, the words “Renounced in the *décret* conducted on the heritable property<sup>2</sup> of .....,” with the date of the confirmation of the tenure; as well as the words “..... tenant opted that the contract should hold good,” when a choice has been made to this effect.

The Registrar shall make mention thereof in the Index under the names of the bankrupt, the *tenant*, and the persons who have transacted with the bankrupt.

## **Article 4**

The Greffier shall keep a Book in which the Greffier shall inscribe alphabetically the name of every bankrupt on whose heritable property<sup>3</sup> a *décret* has been conducted, and, in relation to the name of the *tenant*, the book and page where it is registered.

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<sup>2</sup> ‘héritage’ *i.e.* land and anything attached to it; and rights dependant on land

<sup>3</sup> See footnote 2