

This is a translation of the

LOI (1867) SUR LA COUR POUR LE RECouvreMENT DE MENUES DETTES

(Chapter 07.175)

as in force on 1 January 2019

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Law (1867) on the Court for the Recovery of Petty Debts

A LAW modifying the procedure before the Petty Debts Court, and authorizing the summary recovery of rent and of negotiable instruments

CONSIDERING that movables are security for payment of rent; that often an owner of a house is deprived of his rent by inevitable delays which proceedings before the Judge of the Petty Debts Court entail;

Considering further that the needs of commerce require that the holders of promissory notes and other negotiable instruments can recover summarily the amount of such instruments;

Article 1

Any owner of a house, building, or lands may, by virtue of an Ordre Provisoire given under the hand of the Judge of the Petty Debts Court or of a Jurat^[1] for the time being discharging his or her functions, cause to be arrested the movable effects of the lessee situate on the premises which the lessee occupies, or which shall have been removed therefrom: to be applied to the payment of the rent due, and as guarantee for accruing rent – provided that the total of the amount claimed does not exceed the sum of £30,000.

When an arrest made by virtue of this Article has been confirmed, it shall have preference over any other arrest or claim.

Article 2

Such arrest may be carried out both by Judicial Officers of the Petty Debts Court and by Judicial Officers of the Royal Court.^[2]

Article 3

The Judicial Officers may not seize^[3] movables which have been arrested – except after confirmation of the arrest – save only where the Judge shall have given specific authorization to this effect.

Article 4

Where there is no rent due at the moment of the arrest, the costs shall be borne by the plaintiff.

Article 5

All holders of promissory notes, bills payable to bearer, bills of exchange or other instruments payable on presentation, for the sum of £30,000 or less, may, in case of non-payment by debtors after falling due, cause to be arrested the movable property or the person of such debtors, drawers, endorsers, and signatories of such instruments, and proceed against them summarily: to compel them to make payment, or to give security for the payment by their subscribers.^[4] However, seizure of the person shall only be authorized in relation to aliens or persons who are *expatriable*.^[5]

Article 6

In the case referred to in Article 5, the Officer must follow the procedure indicated in Article 1 of this Law, as well as the provisions of Article 4 of the *Loi (1862) sur les saisies en vertu d'ordres provisoires*.

Article 7

This Law does not affect the provisions of the Law establishing the said Court, in the case of *désastre*.

Any matter concerning costs is governed by –

- (a) Article 13 of the Royal Court (Jersey) Law 1948; and
 - (b) Article 3 of the Civil Proceedings (Jersey) Law 1956.
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[1] *ou du Magistrat* does not mean ‘the Magistrate’ in the modern sense of the term in the Magistrate’s Court (Miscellaneous Provisions) (Jersey) Law 1949

[2] In the modern context Article 2 is referring simply to officers of the Viscount’s Department

[3] *séquestrer*

[4] *paiement de leurs soussignés*

[5] A person is *expatriable* if he/she does not own immovable property in Jersey available to creditors

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