

This is a translation of the

# LOI (1891) SUR LA COUR POUR LE RECouvreMENT DE MENUES DETTES

(Chapter 07.210)

as in force on 1 January 2019

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## LAW (1891) ON THE PETTY DEBTS COURT

A **LAW** on the Court for the recovery of petty debts

**CONSIDERING** that it is desirable for solicitors of the Royal Court to be able to represent their clients directly before the Petty Debts Court, and that they are not given the ability to do so by the [Law of 1853 establishing the Petty Debts Court]<sup>[1]</sup> –

### Article 2

The Judge shall sit in a place designated by the States, to hear and decide cases.

### Article 12

A witness duly summoned, who does not appear on the relevant day, without giving a sufficient excuse, shall be liable to a fine of level 3 on the standard scale, and to the costs of his or her arrest and the costs occasioned by his or her absence.

The case shall be adjourned to another day and the parties and witnesses shall be warned to appear on that day, on pain to them of the costs and penalties set forth in the first paragraph of this Article.

#### **Article 14**

In giving judgment, the Judge may order full payment of the amount on a particular day, or payment of the amount in several sums at different times. The Act of Court must give the plaintiff the option, in the absence of payment on the due date, of seizing and selling the movable property of the defendant.

#### **Article 15**

Any creditor may, by virtue of a Provisional Order issued under the authority of the Magistrate, cause the movable property of his or her debtor to be distrained on, to be applied towards the payment of a debt the recovery of which is within the jurisdiction of the Petty Debts Court, provided that the amount of the debt exceeds the sum of £25. The provisions of this paragraph are without prejudice to the other provisions of this Law and the Law (1867) on the Petty Debts Court.

The following may not be distrained on for the payment of debts recoverable before this Court:

The bed and the necessary clothes of a debtor and the debtor's children living with him or her;

The tools of a craftsman, needed for his or her trade;

Books relevant to the debtor's profession up to the value of £5, at his or her choice.

#### **Article 16**

The decisions of the Judge shall be recorded in a book kept for this purpose by the Judicial Greffier.<sup>[2]</sup>

#### **Article 17**

No one shall be required to employ an advocate to plead in this Court.

No one may plead the case of another in this Court, except His Majesty's Attorney General or Solicitor General, or an advocate or solicitor of the Royal Court.

#### **Article 18**

#### **Article 19**

The Judge may grant a sailor a Provisional Order for the seizure of a vessel, when the vessel is about to leave the Island and there is insufficient time to proceed by writ or by summons.

## Article 22

The Judge may administer oaths or cause oaths to be administered to parties, to witnesses or to other persons who appear before him or her. The Judge shall have the same power when questioning parties and witnesses as the Royal Court and he or she shall follow the same rules. Whoever swears a false oath before the Judge shall be liable to the penalties that apply to the crime of perjury.

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[1] The words in brackets are an abbreviated translation of the French text which reads: “l’Acte établissant une Cour pour le recouvrement de dettes n’excédant pas dix livres sterling, passée par les États l’an 1852, le 16<sup>e</sup> jour d’août, et confirmé par Ordre de Sa Très Excellente Majesté en Conseil le 29 décembre 1853”.

[2] ‘*Commis-Greffier*’ in the French text. This is now construed as a reference to the Judicial Greffier: see Articles 5(3) and 11 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965.

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