

This is a translation of the

LOI (1946) CONCERNANT L'EXPULSION DES LOCATAIRES REFRACTAIRES

(Chapter 07.350)

as in force on 1 January 2019

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LAW (1946) CONCERNING THE EVICTION OF REFRACTORY TENANTS

A LAW to augment the powers of the Petty Debts Court with regard to the eviction of refractory tenants and to amend the Law on the leasing of land

Article 1

Any case concerning the eviction of a tenant shall be within the jurisdiction of the Petty Debts Court (hereinafter referred to as "the Court"), unless the tenant occupies the property in question by virtue of a contract passed before the Royal Court.

Article 2

- (1) If the tenant argues that the notice served on him or her to quit the property which he or she occupies has been issued without any right to do so, the tenant may, within one month of receiving the said notice, cause the lessor to be summoned before the Court in order that it may rule on the validity of the said notice.
- (2) The Court shall rule summarily in such proceedings and shall have power to order one or other of the parties to pay costs, including advocates' and solicitors' costs.

- (3) This Article does not apply to leases where the rent is payable weekly.

Article 3

- (1) If at the expiry of the lease, the tenant has not quit the property, the lessor shall cause the tenant to be summoned before the Court to witness an order for his or her eviction from the property and judgment also for any rent which may still be owing by the tenant to the lessor.
- (2) The summons must be served as soon as possible after the day of expiry of the lease.
- (3) Subject to the provisions of paragraph (3A) of this Article, the Court, if there are grounds to do so, in the presence of the defendant, and after having satisfied itself that all the formalities required by law have been duly complied with, shall authorise the Viscount or a member of the Viscount's Department to put the owner in possession of the property and summarily to evict the tenant therefrom.

- (3A) The Court shall have the power to suspend judgment under the preceding paragraph if the Court considers that the summary eviction of the tenant could cause the tenant a more serious prejudice than that which could be caused to the lessor if the tenant remained in possession, and that the tenant is deserving of a stay:

Provided that the provisions of this paragraph shall not apply in cases where the property consists of –

- (a) houses, offices and lands of an area exceeding two vergées; or
(b) lands with or without buildings, but without houses, of an area exceeding one vergée.

- (3B) For the purposes of paragraph (3A), the Court may sit in private.

- (4) The powers of the Court to condemn a defendant to pay rent shall not be constrained by the fact that the amount of rent due may exceed the jurisdiction of the Petty Debts Court.

- (5) The Court shall have the power to condemn one or other of the parties to pay costs.

Article 4

- (1) The Act of the Court ordering the eviction shall be executed by the Viscount's Department on the request of the proprietor and, to this effect, an officer of the said Department shall go onto the property and put the proprietor into possession thereof.
- (2) If there are movables on the property, the said officer shall cause them to be transported to a convenient place and if, after a fortnight has elapsed, the tenant has not reclaimed them and paid the costs incurred and the rent due by him or her, the said officer shall sell the movables by public sale and shall pay, out of

the proceeds of sale, the costs of the proceedings and the rent which may be due to the proprietor, and shall pay over the balance, if any, to the tenant.

Article 5

A tenant and sub-tenant shall have reciprocally the same rights and privileges as have a lessor and tenant by virtue of this Law.

Article 6

This Law does not apply to a “residential tenancy agreement” or to a “residential tenancy” to which the Residential Tenancy (Jersey) Law 2011 applies.

Article 8

This Law may be cited as the Law (1946) concerning the eviction of refractory tenants.

Unofficial Translation