

This is a translation of the

## **Loi (1938) sur les honoraires des Jurés-Justiciers**

(Chapter 07.420)

as in force on 1 January 2019

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### **LAW (1938) ON JURATS' FEES<sup>1</sup>**

#### **A LAW** on the fees of Jurats

**CONSIDERING** that the fees to which the Jurats are entitled in civil matters are at present payable in cash;

Considering that it is desirable to make provision in order that the said fees can be paid by means of stamps and that the proceeds of sale of the stamps be shared among the said Jurats;

Considering that the said fees are fixed by the Law [of 1872] regulating the fees of the Jurats;

And considering that it is expedient to make provision enabling the States to amend by Regulations the tariff of the said fees.

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law:

#### **Article 1**

- (1) The fees of the Jurats in civil matters are fixed by the tariff hereunto annexed, and shall henceforth be paid by means of stamps of which the designs and values shall be determined by the Finance and Economics Committee.<sup>2</sup>
- (2) The said stamps shall be issued by the Treasurer of the States under the direction and control of the Finance and Economics Committee.

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<sup>1</sup> "Fees" is used in translation of "*honoraires*" (in preference to "honoraria"). "Jurats' fees" is the expression in common use to describe the stamp duty payable under the 1938 Law.

<sup>2</sup> The functions of the Finance and Economics Committee were transferred to the Minister for Treasury and Resources by the States of Jersey (Transfer of Functions from Committees to Ministers) (Jersey) Regulations 2005 chapter 16.800.30

- (3) The said stamps shall be affixed to each chargeable document, in accordance with the tariff hereunto annexed, and this before presentation of the said document, and they shall be cancelled by the persons specified to this effect by virtue of the said tariff.
- (4) If a document to which a stamp has been affixed is not used, the person who affixed the stamps may return the said document to the Treasurer of the States, who shall reimburse to the person the value of the said stamps.

## **Article 2**

It shall be lawful for the Jurats to exempt any indigent person from payment of Jurats' fees, and in such a case any document to which the indigent person was liable to affix stamps in accordance with the tariff annexed hereto shall be marked "Gratis" by the person responsible for cancelling the said stamps in accordance with the said tariff.

## **Article 3**

In a matter for which the tariff hereunto annexed make no provision, the amount of the fees of the Jurats, as well as the mode of levying the said fees, shall be determined by the Bailiff.

## **Article 4**

The cost of administering this Law shall be met out of the General Revenues of the States.

## **Article 5**

- (1) The Treasurer of the States shall credit to a special account all sums received from the sale of stamps issued by virtue of this Law and all sums reimbursed under Article 1(4) of this Law shall be paid into the said special account.
- (2) On 30 June and 31 December in each year, or as soon as circumstances permit, the Treasurer of the States shall prepare a statement of the said special account for the preceding half-year, and the balance of the sums recorded in the said account over the said half-year shall be evenly distributed among the Jurats, but taking account of their respective periods in office during that half-year;

Provided that the total of the amounts paid during any period during which the number of Jurats is less than twelve, as a result of the death or resignation of one or more of their number, shall be distributed equitably among the remaining Jurats.

## Article 6

Anyone who forges a stamp issued under this Law or who knowingly makes use of a counterfeit stamp, shall be liable to the penalties for forgery.

## Article 7

The States may make provision by Regulations from time to time:

- (a) to amend the tariff hereunto annexed; and
- (b) for carrying this Law into effect.

## Article 10

This Law may be cited as the Law (1938) on Jurats' fees.

TARIFF			
Definitions			
In this tariff, the following words have these meanings, namely –			
'Jurats' Fees.'	the fees payable for the services performed by each Jurat.		
'Chargeable document'	The document to which the stamps must be affixed.		
'Designated person'	means the person responsible for cancelling the stamps.		
'Greffier'	the Judicial Greffier.		
ACTIONS BEFORE THE ROYAL COURT	Jurats' Fees	Chargeable document	Designated person
For attendance in Court when the case is first called	£5	<i>Billet</i>	Greffier
For attendance in Court at the hearing of the case, each day	£10	<i>Billet</i>	Greffier
ADMINISTRATION OF AN OATH, AFFIDAVIT, WITNESSING OF A SIGNATURE			
For swearing each Affidavit which requires a party to take oath	£5	Affidavit	Jurat
For witnessing the signature of a public official or other person	£5	Document signed	Jurat

For witnessing the signature of a solemn declaration by a party	£5	Declaration	Jurat
<b>CONTRACTS</b>			
For attendance and signature of a contract –			
passed in public on the day fixed	£10	Contract or Letters	Greffier
passed out of court, or at the home of one of the parties (not including travel costs)	£15	Contract or Letters	Greffier
<b>COMMUNES, SALE OF ALIENATION</b>			
For the total of sessions and attendances at the sale or disposal of a Commune or part thereof	£10 per hour, with a minimum of £50	Application/Permission to sell or dispose	Greffier
<b>DELEGATES (Capacity and Self-Determination (Jersey) Law 2016)</b>			
For the hearing of an application of a delegate to sell, exchange, charge, gift or dispose of property of the person ("P"), such request being made in accordance with conditions or restrictions laid down by the Court under Article 28(2) of the Law of 2016	£20	Request to sell, etc.	Greffier
<b>APPLICATIONS AND REPRESENTATIONS TO THE ROYAL COURT</b>			
For each application or representation made <i>ex parte</i> to the Court in the course of proceedings	£5	Application or representation	Greffier
For attending Court for any subsequent hearing of such application or representation, per day	£10	Application or representation	Greffier

MINORS			
To examine land belonging to a minor, with a view to the disposal of such land by virtue of the Law (1959) concerning the sale of immovables of minors, including all attendances and sessions	£20	Application to sell	Greffier
<b>REMISES DE BIENS<sup>3</sup></b>			
For all sessions, consultations and attendances in a <i>remise</i> of the property of a debtors into the hands of the Court, including attendances at the sale and disposal of the property in question, except the passing of the contract	£10 per hour, with a minimum of £50	Application for the <i>remise</i>	Greffier
Attendance to pass any contract relating to the sale of the property of a debtor	£15	Contract	Greffier

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<sup>3</sup> A *remise de biens* (commonly known by its French language name) is a temporary respite which the Royal Court may grant, during which two Jurats will realise as much of a debtor's property as is necessary to discharge the debts owed by the debtor, any unsold property being returned to the debtor.