

USEFUL CONTACTS

PETTY DEBTS GREFFIER - Tel: (01534) 440081 Email: PDC@gov.je

Advice is available between 09.00 a.m.- 5.00.p.m. daily (*4.30 p.m. on Fridays).

JERSEY FINANCIAL SERVICES COMMISSION – Tel: (01534) 822000

A register of business names and limited liability companies together with registered addresses is maintained at the Jersey Financial Services Commission, P O Box 267, 14-18 Castle Street, St. Helier JE4 8TP. Website: www.jerseyfsc.org/registry.

An enquiry to verify a business name or the name of a limited liability company may attract a small fee.

LEGAL AID – Freephone: 0845 800 1066 Email: email@legalaid.je

Legal Aid may be available to persons who cannot afford a lawyer or who are unable to obtain one. Legal aid is not necessarily free.

Anyone applying for legal aid should do so by contacting the administrator.

CITIZENS ADVICE - Tel: (01534) 724942 Freephone: 0800 735 0249

Email: advice@cab.org.je

Advice is available from Citizens Advice, The Annexe, St Paul's Community Centre, New Street, St. Helier JE2 3WP.

JERSEY ADVISORY AND CONCILIATION SERVICE (JACS) - Tel: (01534) 730503

Email: jacs@jacs.org.je

Advice on employment related issues is available from JACS, Trinity House, West's Centre, Bath Street, St. Helier, JE2 4ST.

In compiling this booklet every effort has been made to ensure that the information is accurate. No responsibility is accepted for the content. The notes and the examples are intended to provide initial informal help. The content does not cover every type of circumstance but should give a good basis from which to work.



INVESTOR IN PEOPLE

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E-mail: mcg@gov.je Websites: www.gov.je and www.jerseylegalinfo.je

A Department of the Jersey Court Service

The Petty Debts Court

Tel: (01534) 440081 Email: PDC@gov.je

GENERAL INFORMATION

Claims that can be brought in the Petty Debts Court

The following are the most common claims brought in the Petty Debts Court:

- claims for payment of money owed up to £30,000;
- claims for damages up to £30,000;
- claims for possession of leased property where the annual rent does not exceed £45,000 and for any unpaid rent; and
- claims for arrears of maintenance.

This guide sets out the steps required to be taken by anyone who brings or defends a claim in the Petty Debts Court. Anyone involved in such a claim is expected to follow this guide so that the dispute can be dealt with cost effectively and in an appropriate timeframe.

This guide is intended to supplement the procedural rules of the Petty Debts Court which can be found on the Jersey Legal Information Board website under the Court section at www.jerseylaw.je. These rules apply from 9th April 2018 to all existing and new claims.

The Petty Debts Court

The Petty Debts Court ("the Court") is located in the Magistrate's Court, Union Street, St. Helier.

The Court normally sits every Wednesday at 10.00 a.m. and your dispute will be heard then, unless you are notified that you should appear at some other time or date.

The judges are helped by individuals known as Greffiers. They are responsible for the day to day administration of cases by the Court. Greffiers can provide guidance or assistance on court procedure either in person at the Magistrate's Court, or by phone or email.

The judges of the Court are the Magistrate, the Assistant Magistrate and any other person appointed to sit as a magistrate (known as a Relief Magistrate). They should be addressed as Sir or Madam.

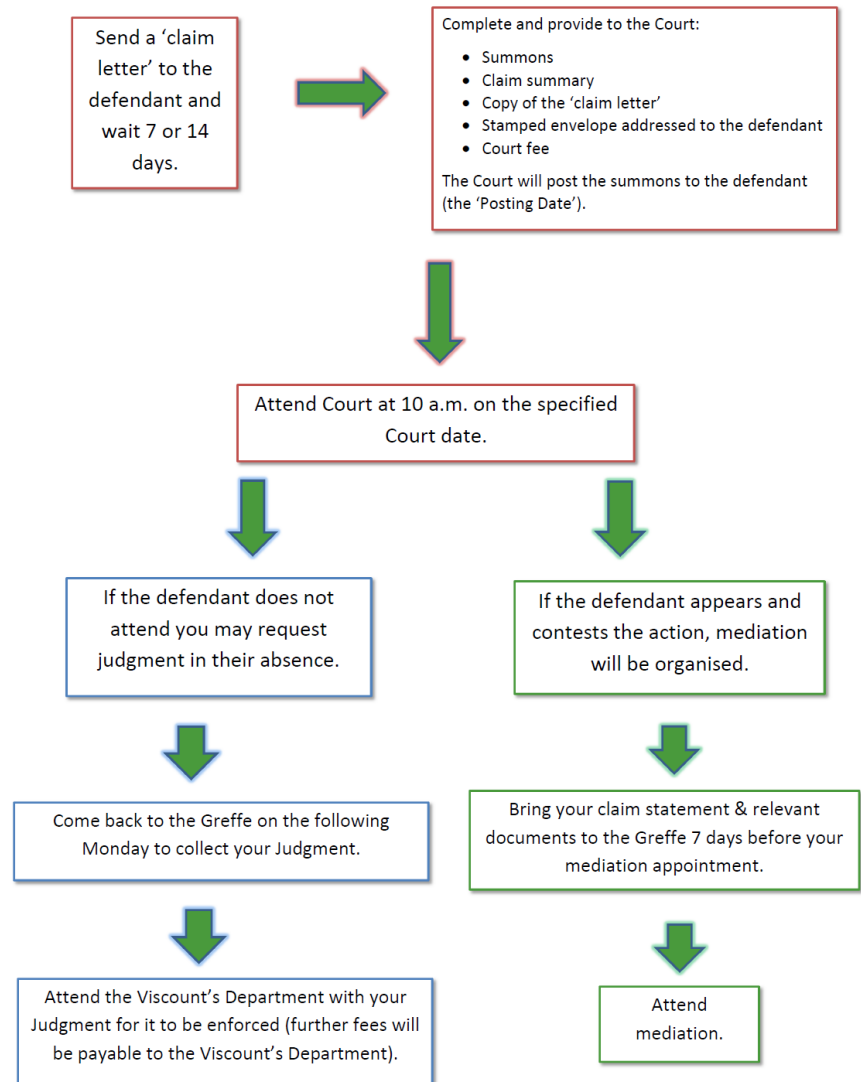
Definitions

The following definitions may be relevant to any claim:

- Plaintiff - the person bringing a claim;
- Defendant – the person defending the claim;
- Magistrate – the chief judge of the Petty Debts Court;
- Judge – the Magistrate or another person appointed to act as a judge in the Petty Debts Court;
- Greffier – the Court Official assisting the Judge;
- Court – the Petty Debts Court;
- Rules – the Petty Debts Court Rules 2018 which set out the Court's procedural rules. The Rules can be viewed at www.jerseylaw.je;
- Claim Letter – a letter sent by a plaintiff before bringing a claim to court;
- Judgment: an order of the Court that a person pays money they owe another person;
- Mediation—a private meeting with an independent third party to try to resolve the dispute;
- Small claims – a claim for less than £5,000;
- Damages – the amount of money the plaintiff seeks for any loss or injury it has suffered;
- Directions - the steps a person may be ordered to take to prepare a case for trial;
- Affidavit—a statement of your evidence sworn in front of an Advocate or Notary Public;
- Trial – the final hearing of a case where a decision will be made about the claim.



Petty Debts Court Process



The First Court Appearance

Whether you are a plaintiff or a defendant, and unless an agreement to settle the claim is reached before the court date, then you must attend court in person at the time and on the date set out in the summons or find a Jersey lawyer to attend on your behalf.

If you are a defendant and you or your lawyer do not appear, the Judge is likely to make an order requiring you to pay the plaintiff's claim. This is known as granting judgment. A judgment is a public record of what money the Court orders you to pay a plaintiff. It can be enforced against your earnings, your bank accounts or anything else you own of value to pay what is due and may affect your creditworthiness.

If you do not dispute a plaintiff's claim but need time to pay, you are encouraged to try to agree a timeframe for payment with the plaintiff. If such agreement is reached, the Judge may postpone the action to allow you time to pay what you owe.

If you dispute a claim, the Judge will want to know why and may ask you brief questions. Once the Judge has heard from the parties the Judge may:

- postpone the action to another date to allow the parties time to discuss the claim with each other with a view to resolving any dispute;
- refer both parties to a mediation hearing; the Court will fix a convenient time and date for the mediation and so you must tell the Judge or the Greffier if there are dates when you cannot attend;
- make orders requiring each party to provide a written summary of their case or defence (*see the 'pleadings' guide*); or
- make any other orders that are necessary to enable a mediation to take place.

Enforcing a Judgment

Following judgment in the Petty Debts Court, an Act of Court will be available from the Magistrate's Court Greffe within three working days.

In order to enforce the judgment, the plaintiff will need to engage the services of the Viscount's Department. The Act of Court, together with an initial fee of £30.00, payable only in the form of Treasury Stamps (available from the States Treasury located at Customer and Local Services, La Motte Street) will need to be delivered by the plaintiff to the Viscount's Department at Morier House, Halkett Place, St. Helier, together with a letter of instruction requesting enforcement of the judgment. Further costs may apply.

Depending upon the financial circumstances of the defendant, it is not always possible for the Viscount's Department to enforce a judgment.

Before a claim comes to court

Making a claim

Before you bring a claim before the Petty Debts Court, you as a plaintiff or your legal adviser must send to the defendant a letter (a **claim letter**) containing the following information:

- your full name, address and sufficient other information to enable any defendant to identify who is bringing the claim;
- the full name, address and sufficient other information to enable each defendant to be identified;
- a clear summary of the claim;
- the amount of money claimed;
- if the precise amount of money claimed is not clear then you should provide your best estimate of the amount of money being claimed; and
- any invitation to meet or other proposals to allow parties to discuss settlement.

For all claims under £10,000, you must allow a defendant at least 7 days to reply to the claim letter.

For all claims for £10,000 or more, you must allow a defendant 14 days to reply to the claim letter.

Answering a claim letter

If you receive a claim letter, you are expected to reply, setting out:

- whether you agree or disagree with the plaintiff's summary;
- if you disagree, your reasons why; and
- any proposals you wish to make to explore settlement.

As far as possible any claim letter and any reply should be clear and should describe a party's position in simple language.

Following any exchange of letters, the parties must consider whether negotiation or some form of mediation might enable them to settle their dispute without bringing a claim to court.

A plaintiff must not normally start an action until the time allowed for a defendant to respond has expired.

If a party commences proceedings in the Petty Debts Court without following this guide, the Judge may take this into account in deciding what costs orders to make.

What is the latest time by which a claim must be made to the Court?

Please note that there are time limits by which you have to bring a claim, otherwise the Court may not allow you to do so. This is known as *limitation*.

Where your claim is that a defendant has not kept to an agreement, you must bring your claim within 10 years of the defendant's failure to keep to the agreement.

If your claim is based on someone causing you an injury where you say they were at fault and there was no agreement between you, you have 3 years to bring such a claim from when you first suffered the injury.

If you are close to any time limit you should issue your claim as soon as possible.

Limitation is a complex area. If you are unsure about the last date by which you must issue a claim, you should seek legal advice.

Bringing a claim to court

How to bring a claim

To bring a claim you must complete:

- a claim summary; and
- a summons.

You must complete all parts of the claim summary and the summons to issue a claim.

Examples of claim summary and summons can be found in the following pages. These are available from the Greffe's office and may also be downloaded from Citizen's Advice's website.

The claim summary and summons, together with a copy of your claim letter must be delivered to the Greffier with a stamped envelope addressed to the defendant and the court fee to issue the claim (as set out on page 7 of this guide).

You must also provide the Greffier with your contact details and any contact details you have for the defendant.

If you are bringing a number of claims, whether in your own name or as a Credit Control Agency, or you are bringing eviction proceedings, you must liaise with the Greffier to agree the date when your claims will first be heard. If you do not do so, the first hearing of your claim may be postponed.

You will need to attend Court to present your claim or be represented by a Jersey lawyer.

Steps to be taken before the first court appearance

What if the claim settles before the first Court date?

If the case is settled before 1.00 p.m. on the Monday (note exceptions for bank holidays) before the case is first due to be heard, the plaintiff needs to contact the Greffier to withdraw the action and to recover the court fee paid. The action will then not appear on the court list and there is then no need for either party to appear in Court.

If the case settles after 1.00 p.m. on the Monday (note exceptions for bank holidays) you must still contact the Greffier to withdraw the case but you cannot recover the Court fee. The action will appear on the Court List but normally neither party will need to appear in Court.

In either situation the plaintiff must inform the defendant in good time that the claim has been withdrawn.

Interpreters

If you are worried you might not understand, you may come to the hearing accompanied by a friend who can translate for you.

How to complete the summons and claim summary

The summons and the claim summary should contain the same brief explanation why you are making a claim against the defendant and the amount of money claimed. This is so the Court and the defendant can understand your claim.

You should also insert in the summons any interest you are claiming, including the rate of interest and the period of time.

Your summons should also claim costs (as set out on page 7 of this guide).

You should make sure that you have the correct name and address for the defendant. This might be the name of an individual or a company.

Even if you have dealt with an individual, you should check if that person was acting for a company. In particular, you should look at any agreements, letters, emails or other documents you have to see whether you were dealing with a company.

Details of a company's name and address can be checked at the Company Registry at the Jersey Financial Services Commission at www.jerseyfsc.org/registry.

If the defendant does not live in Jersey please contact the Greffier.

What if I need help to complete a document?

If you need guidance on how to complete a claim summary or a summons, you should contact one of the Greffiers (tel: (01534) 440081 email: mcg@gov.je) who will assist you. However they cannot advise you on the merits of your claim.

Service

Once the claim summary and summons are complete, the Greffier will post the summons to the defendant.

Getting a date for the first court appearance

Normally claims are first heard on a Wednesday. You should contact the Greffier to obtain a date when your claim will first be heard.

FORM 1

Case ID no.:



**The Petty Debts Court
CLAIM SUMMARY**

DEFENDANT:
Contact number:
PLAINTIFF:
Contact number:

Actioning the Defendant to pay the sum of £ which the Plaintiff claims in respect of:

.....
.....
.....
.....
.....
.....

together with interest (if applicable) and costs.

The summons in these proceedings to appear in the Petty Debts Court on Wednesday, the day of

.....2018 was posted by me in a letter addressed to the Defendant at:

.....
.....

on the day of 20.....

(Signed) Greffier

FORM 2



**The Petty Debts Court
SUMMONS**

DEFENDANT:
 ADDRESS:

You are required to appear in:
THE PETTY DEBTS COURT
 The Magistrate’s Court, Union Street, St. Helier, Jersey
 on Wednesday the day of 20..... at 10.00 a.m.
 to defend the claim details of which appear below.

IF YOU DO NOT APPEAR, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE.

PLAINTIFF:
 ADDRESS:

Actioning the Defendant to pay the sum of £ which the Plaintiff claims in respect of:

.....

You will stop this going to Court if before the date given above you pay the sum of £ being:

- a) The amount claimed of £
- b) Interest on the said amount at the Court rate up to the date given above being the sum of £
- c) Fixed/indemnity costs in the sum of £; and
- d) Court fees in the sum of £ (which can be deducted if payment is made five days before the date given above).

Dated the day of 20.....

(Signed) Plaintiff

What will it cost?

To bring a claim, you have to pay a court fee. The fee depends on the amount of your claim.

Your Claim Amount	You Will Pay
Up to £100.00	£7.00
£100.01 to £500.00	£15.00
£500.01 to £1,000.00	£30.00
£1,000.01 to £5,000.00	£80.00
£5,000.01 to £10,000.00	£120.00
£10,000.01 to £15,000.00	£150.00
£15,000.01 to £25,000.00	£200.00
£25,000.01 to £30,000.00	£300.00

If your claim is not disputed, you can reclaim the court fee and a contribution for your time and effort (“fixed costs”).

Your Claim Amount	The Fixed Costs
Up to £100.00	£30.00
£100.01 to £500.00	£60.00
£500.01 to £1,000.00	£120.00
£1,000.01 to £2,500.00	£180.00
£2,500.01 to £10,000.00	£240.00
£10,000.01 to £30,000.00	£300.00

If your claim is disputed, a separate guide sets out what costs the successful party can claim.

Should you be unsuccessful, you may be ordered to pay a contribution towards the costs of the other party: this could include their legal costs.