

# PROJET DE LOI

ENTITLED

## **Loi relative aux Prescriptions** \*

[CONSOLIDATED TEXT]

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Ordres en Conseil Vol. II, p. 326; as amended by the Decimal Currency (Bailiwick of Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 560); the Prescription (Amendment) (Guernsey) Law, 1997 (No. XXVIII of 1997, Ordres en Conseil Vol. XXVII, p. 499). This Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247).

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## **Loi relative aux Prescriptions**

### ARRANGEMENT OF ARTICLES

1. Article 1.
2. Article 2.
3. Article 3.
4. ...

# PROJET DE LOI

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## Loi relative aux Prescriptions

### Article 1.

1. Toutes demandes mobilières et actions personnelles qui se prescrivent maintenant par le laps de dix ans, seront à l'avenir prescrites par le laps de six ans.

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### NOTES

*The Law is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part IC, with effect from 13th March, 1948.*

*The following cases have referred to this Law:*

*Smith v. Harvey* (1981) (Unreported, Court of Appeal, 3rd and 4th March, 14th April) (Court of Appeal Judgments, 1964-89, p. 197);

*States of Guernsey v. Bordeaux Vineries Limited & Paine* (2000) 28.GLJ.63;

*Yaddehige v. Credit Suisse Trust Limited, Collas Day and MPR Private Clients Limited* (2007) (Unreported, Royal Court, 30th March) (Guernsey Judgment No. 8/2007); 2007-08 GLR Note 4.

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### Article 2.

2. Les prescriptions commencées à l'époque de la promulgation de la présente Loi, par son enregistrement sur les records de cette île, après qu'elle aura reçu la sanction de Sa Majesté en Conseil, seront réglées conformément aux lois précédemment en force. Néanmoins les prescriptions alors commencées, et pour lesquelles il faudrait encore, suivant les dites lois, plus de six ans, à compter de la même époque, seront accomplies par le laps de six ans.

### Article 3.

3. Le paiement d'intérêts reconnus par le débiteur sur une pièce par écrit portant intérêt, aura l'effet d'interrompre la prescription courante contre la dite pièce.

### Article 4.

4. ...

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**NOTES**

*Article 4 (not "sections 4 and 5" as shown, incorrectly, in the Prescription (Amendment) (Guernsey) Law, 1997, section 2) was repealed by the Prescription (Amendment) (Guernsey) Law, 1997, section 2, with effect from 19th January, 1998.<sup>1</sup>*

*The Law received Royal Sanction on 13th December, 1889 and was registered on the Records of the Island of Guernsey and came into force in the Island of Guernsey on 4th January, 1890.*

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<sup>1</sup> Prior to its repeal, section 5 of Article 4 was amended in accordance with the provisions of the Decimal Currency (Bailiwick of Guernsey) Law, 1970, section 8, with effect from 2nd February, 1971.