

PROJET DE LOI

ENTITLED

The Judgments (Interest) (Bailiwick of Guernsey) Law, 1985 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXIX, p. 133; as amended by the Judgments (Interests) Rules, 1996 (O.R.C. No. I of 1996).

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the 13th day of December, 1984, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Power of the Court to award interest on debts and damages.

1. (1) In any proceedings in the Court for the recovery of any debt or damages, the Court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate as the Court thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment:

Provided that nothing in this section –

- (a) shall authorise the giving of interest upon interest, or
- (b) shall apply in relation to any debt upon which interest is payable as of right whether by virtue of any agreement or otherwise, or
- (c) shall affect the damages recoverable for the dishonour of a bill of exchange.

(2) Where in any such proceedings as are mentioned in the last

preceding subsection judgment is given for a sum which (apart from interest on damages) exceeds two hundred pounds or such other sum as the Royal Court of Guernsey may from time to time by Rules of Court prescribe and represents or includes damages in respect of personal injuries to the plaintiff or any other person, or in respect of a person's death, then (without prejudice to the exercise of the power conferred by that subsection in relation to any part of that sum which does not represent such damages) the Court shall exercise that power so as to include in that sum interest on those damages or on such part of them as the Court considers appropriate, unless the Court is satisfied that there are special reasons why no interest should be given in respect of those damages.

(3) Any order under this section may provide for interest to be calculated at different rates in respect of different parts of the period for which interest is given, whether that period is the whole or part of the period mentioned in subsection (1) of this section.

NOTE

The following cases have referred to this Law:

Douglas v. Gallienne (1990) 10.GLJ.72;
Wren v. Millsea Limited (1986) 4.GLJ.67;
Buckley v. Ronez Limited 2009–10 GLR 120;
Public Trustee v. Red River Properties et al [2020]GRC050
(Unreported, Royal Court, 18th September);
Morgan, Morgan and Blue Sky Equity Trading LLP v. Bank Julius Baer & Co Limited [2021]GRC011 (Unreported, Royal Court, 10th May).

Judgment debts to carry [Judgment].

2. Every judgment debt of the Court shall carry interest at the rate of [8%] per annum or such other rate as the Royal Court of Guernsey may from time to time by Rules of Court prescribe from the date of the judgment until the same shall be satisfied; and such interest may be recovered by the judgment creditor as part of such judgment.

NOTES

In section 2, the figure and symbol in square brackets were substituted by the Judgments (Interests) Rules, 1996, rule 1, with effect from 1st October, 1996.

The following cases have referred to section 2:

Buckley v. Ronez Limited 2009–10 GLR 120;
Public Trustee v Red River Properties et al [2020]GRC050
(Unreported, Royal Court, 18th September).

The word in square brackets shown, incorrectly, in the printed version of the marginal note to this section as "Judgment" should read "interest".

Rules of Court.

3. Any power conferred by this Law to make any Rules of Court shall be construed as including a power exercisable in the like manner to vary or repeal the Rules of Court.

Interpretation.

4. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

"the Court" means –

- (a) the Court of Appeal constituted under and by virtue of the Court of Appeal (Guernsey) Law, 1961^a,
- (b) the Royal Court of Guernsey,
- (c) the Magistrate's Court constituted under and by virtue

^a Ordres en Conseil Vol. XVIII, p. 315.

of the Magistrate's Court (Guernsey) Law, 1954^b,

(d) the Court of Alderney, and

(e) the Court of the Seneschal of Sark,

"judgment debt", in relation to section 2 of this Law, means all Acts of Court and orders of the Court made after the coming into force of this Law whereby any sum of money, or any costs, charges, or expenses shall be payable to any person; and any judgment debt shall have the effect of a judgment of the Court, and the person to whom any judgment debt shall be payable, shall be deemed to be a judgment creditor,

"personal injuries", in relation to section 1 of this Law includes any disease and any impairment of a person's physical or mental condition.

(2) The Interpretation (Guernsey) Law, 1948^c, shall apply to the interpretation of this Law throughout the Bailiwick.

(3) Any reference in this Law to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as extended, repealed or replaced, extended or applied by or under any other enactment including this Law.

NOTES

The following case has referred to section 4:

Public Trustee v Red River Properties et al [2020]GRC050

^b Ordres en Conseil Vol. XVI, p. 161.

^c Ordres en Conseil Vol. XIII, p. 355.

(Unreported, Royal Court, 18th September).

The Magistrate's Court (Guernsey) Law, 1954 has since been repealed by the Magistrate's Court (Guernsey) Law, 2008, section 46(b), with effect from 1st September, 2009, subject to the savings and transitional provisions in section 47 of the 2008 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Repeal of Alderney enactments with saving provisions.

5. Section 22B of the Government of Alderney Law, 1948, as amended^d, and the Government of Alderney (Amendment) Law, 1983^e, are hereby repealed:

Provided that every judgment debt in respect of which the aforesaid section 22B applies shall continue to carry interest until the same shall be satisfied at such rate as applies to judgment debts in respect of which this Law applies and such interest shall continue to be recoverable by the judgment creditors as part of such judgment as if the aforesaid section 22B and the aforesaid Law of 1983 had not been repealed.

NOTES

The Government of Alderney Law, 1948 has since been repealed by the Government of Alderney Law, 1987, section 63(1), Schedule 3, with effect from 1st August 1987, subject to the savings and transitional provisions in section 63(2) and section 64 of the 1987 Law.

The Government of Alderney Law, 1987 has since been repealed by the Government of Alderney Law, 2004, section 63(1), Schedule 3, with effect from 1st May, 2005, subject to the savings and transitional provisions in section 63(2) and section 64 of the 2004 Law.

Citation.

^d Ordres en Conseil Vol. XIII, p. 416.

^e Ordres en Conseil No. XII of 1983.

6. This Law may be cited as the Judgments (Interest) (Bailiwick of Guernsey) Law, 1985.

Commencement.

7. This Law shall come into force on the expiration of the period of two months commencing on the date on which it is registered on the records of the Island of Guernsey.

NOTE

The Law was registered on the Records of the Island of Guernsey on 18th February, 1986.
