

STATES OF JERSEY



Jersey

DRAFT STAMP DUTIES AND FEES (AMENDMENT OF LAW – NO. 5) (JERSEY) REGULATIONS 202-

Lodged au Greffe on 7th March 2022
by the Chief Minister
Earliest date for debate: 25th April 2022

STATES GREFFE

REPORT

The Draft Stamp Duties and Fees (Amendment of Law – No. 5) (Jersey) Regulations 202- would increase court fee income in light of a review conducted by the Judicial Greffe. The background to the review is the proposed acquisition of a court case management system approved by the States as part of the investment in information technology under the Government Plan and whether court fees should increase consequent upon this investment.

The review showed that court fees:

- do not cover certain steps taken by the courts
- do not always reflect the significance or value of the matter being considered
- have not increased since 2013
- are out of step with those charged in other comparable jurisdictions.

The Schedule to the [Stamp Duties and Fees \(Jersey\) Law 1998](#) sets out the stamp duty payable in relation to civil actions and claims in the Jersey courts, including the Petty Debts Court. The rate of stamp duty payable depends on the amount of the claim involved.

The current rates of stamp duty in the Petty Debts Court range from £7 for the lowest value claims to Rate J (£300) where the claim is between £25,000 and £30,000. These draft Regulations would increase the fees for actions in the Petty Debts Court by an average of 10.6%. The Jersey Retail Price Index increased by 21.9% between September 2012 and December 2021. The average increase in the ‘lettered rates’, including rate A (which applies to photocopying) is 13.7%.

In the Royal Court, which hears claims valued over £30,000, claims of up to £2 million are currently subject to Rate J (£300) and to Rate M (£1,500) if over £2 million. These draft Regulations would introduce more granular fees, with the introduction of three new rates, N, O and P, with rate M now applying to claims of between £500,000 and £1 million (£750), rate N for claims between £1 million and £1.5 million (£1,000), rate O for claims between £1.5 million and £2 million (£1,250) and rate P for claims in excess of £2 million.

There are also certain court applications where the court’s blessing or approval is sought for a particular course of action to avoid later legal challenges. Such applications do not involve a claim for a sum of money or damages. However, the value of assets affected by the application may be very significant. It is proposed that the fee payable should have regard to this value and the benefit of the court’s blessing to the applicant.

The increase in the lettered rates also applies to a variety of services and actions carried out by the Judicial Greffe, Viscount’s Department and Bailiff’s Chambers.

Allocation of increased revenue

The Bailiff as head of the judiciary indicated in 2019 an intent to digitally transform the workings of the courts, replacing traditional paper-driven administrative processes with a court case management system. Jersey’s court systems needed a major update both to reflect rapid changes to technology and significant advances in many other countries.

The 2020–2023 Government Plan approved an outline business case which included estimates of the capital cost of implementing new systems and the revenue cost such as licence fees and system maintenance.

Investigative works were carried out in 2020, and an updated business case included a proposal that the ongoing costs might be funded by an increase in court fees which reflect ‘user pays’ charges balanced against the need for access to justice.

In 2021, the courts digitalisation project team conducted a tender process. Several proposals were received from established suppliers of court case management systems. The tender process is still underway, and the licence cost proposed by the preferred bidder is subject to commercial confidentiality.

The additional revenue which might be collected as a result of the proposed changes is difficult to estimate as it is dependent on the number and value of civil claims submitted to the courts in any given year. A modelling exercise indicates that the revenue increase could be in the region of £500,000 in a typical year. The aim of the proposed increase is to fund the ongoing annual cost of computer software licences. The precise effect of the increases on income from court cases cannot be predicted with any certainty.

The project team proposes that the preferred bidder conducts a three-month ‘discovery’ phase, and if this is successful the Judicial Greffier would seek to enter into a contract with the supplier in July 2022. The signing of the contract is dependent on having a clear revenue stream to fund the ongoing cost of the new systems.

Financial and manpower implications

There are no new financial or manpower implications for the States arising from the adoption of this proposition.

EXPLANATORY NOTE

These Regulations, if made, would amend the judicial fees set out in Schedule 1 of the Stamp Duties and Fees (Jersey) Law 1998. These fees are charged for civil actions in the Petty Debts Court or the Royal Court. The Regulations –

- increase the existing lettered rates A to L in paragraph 1 of Schedule 1 and introduce 4 new letter rates M to P;
- change the lettered rate that applies to various actions;
- allows certain fees to be charged based on the value of the assets affected by the relief sought, rather than just the value of the claim.

These Regulations will come into force 7 days after they are made.



Jersey

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Jersey

DRAFT STAMP DUTIES AND FEES (AMENDMENT OF LAW – NO. 5) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 3 of the [Stamp Duties and Fees \(Jersey\) Law 1998](#) –

1 **Schedule 1 (judicial fees) to the [Stamp Duties and Fees \(Jersey\) Law 1998](#) amended**

- (1) These Regulations amend Schedule 1 to the [Stamp Duties and Fees \(Jersey\) Law 1998](#).
- (2) In paragraph 1 (lettered rates), for sub-paragraphs (a) to (m) there is substituted –
 - “(a) by rate A, £1.50;
 - (b) by rate B, £16;
 - (c) by rate C, £35;
 - (d) by rate D, £45;
 - (e) by rate E, £65;
 - (f) by rate F, £90;
 - (g) by rate G, £130;
 - (h) by rate H, £165;
 - (i) by rate I, £220;
 - (j) by rate J, £330;
 - (k) by rate K, £400;
 - (l) by rate L, £550;
 - (m) by rate M, £750;
 - (n) by rate N, £1,000;
 - (o) by rate O, £1,250;
 - (p) by rate P, £1,500.”
- (3) In paragraph 3 (tables of judicial fees) –
 - (a) in the table for item 2, for the row relating to item (2)(a) there is substituted –

	“(a) First <i>billet</i> in the proceedings or counterclaim in an action –			
	(i) where the value of the claim or the value of the assets affected by the claim does not exceed £2 million	rate J	<i>Billet</i> or application	Greffier
	(ii) where the value of the claim or the value of the assets affected by the claim exceeds £2 million	rate P	<i>Billet</i> or application	Greffier”;

(b) in the table for item 2, for the row relating to item (2)(d) there is substituted –

	“(d) Setting down for hearing –			
	(i) where the value of the claim or the value of the assets affected by the claim does not exceed £2 million	rate J	Application	Greffier
	(ii) where the value of the claim or the value of the assets affected by the claim exceeds £2 million	rate P	Application	Greffier”;

(c) in the table for item 2, for the rows relating to item (2)(e) there is substituted –

	“(e) Hearing of the action in a case, or any interlocutory matter therein, where the court appoints a special day for judging a dispute between parties, whether or not witnesses are heard, for each half day or part of a half day –			
	(i) where the value of the claim or the value of the assets affected by the claim	rate J	<i>Billet</i> or application	Greffier

	does not exceed £100,000			
(ii)	where the value of the claim or the value of the assets affected by the claim exceeds £100,000 but does not exceed £500,000	rate L	<i>Billet</i> or application	Greffier
(iii)	where the value of the claim or the value of the assets affected by the claim exceeds £500,000 but does not exceed £1 million	rate M	<i>Billet</i> or application	Greffier
(iv)	where the value of the claim or the value of the assets affected by the claim exceeds £1 million but does not exceed £1.5 million	rate N	<i>Billet</i> or application	Greffier
(v)	where the value of the claim or the value of the assets affected by the claim exceeds £1.5 million but does not exceed £2 million	rate O	<i>Billet</i> or application	Greffier
(vi)	where the value of the claim or the value of the assets affected by the claim exceeds £2 million	rate P	<i>Billet</i> or application	Greffier”;

(d) in the table for item 26, in the third column of the row relating to item (a), for “rate H” there is substituted “rate J”;

(e) for the table for item 31 there is substituted –

	Item 31.	Stamp Duty, by Figure or Rate	Chargeable Document	Designated Officer
31.	ORDERS OF JUSTICE AND PROVISIONAL ORDERS –			
(a)	Order of justice signed by Bailiff –			

	(i) where the value of the claim or the value of the assets affected by the claim does not exceed £2 million	rate J	Order of justice	Bailiff
	(ii) where the value of the claim or the value of the assets affected by the claim exceeds £2 million	rate P	Order of justice	Bailiff
(b)	Provisional order –			
	(i) signed by Bailiff –			
	(A) where the value of the claim or the value of the assets affected by the claim does not exceed £2 million	rate J	Provisional order	Bailiff
	(B) where the value of the claim or the value of the assets affected by the claim exceeds £2 million	rate P	Provisional order	Bailiff
	(ii) signed by Judge of Petty Debts Court	rate E	Provisional order	Greffier”;

(f) for the table for item 36 there is substituted –

	“Item 36.	Stamp Duty, by Figure or Rate	Chargeable Document	Designated Officer
36.	REMONSTRANCE, REPRESENTATION OR DOLEANCE –			
(a)	Presentation to Court –			
	(i) where the value of the assets affected by the remonstrance, representation or <i>doléance</i> does not exceed £2 million	rate J	Remonstrance, representation or <i>doléance</i>	Greffier
	(ii) where the value of the assets affected by the remonstrance, representation or <i>doléance</i> exceeds £2 million	rate P	Remonstrance, representation or <i>doléance</i>	Greffier

(b)	Where the Court fixes a special day for the hearing, each half day or part of a half day –	rate L	Remonstrance, representation or <i>doléance</i>	Greffier
	(i) where the value of the assets affected by the remonstrance, representation or <i>doléance</i> does not exceed £2 million	rate L	Remonstrance, representation or <i>doléance</i>	Greffier
	(ii) where the value of the assets affected by the remonstrance, representation or <i>doléance</i> exceeds £2 million	rate P	Remonstrance, representation or <i>doléance</i>	Greffier”;

- (g) in the table for item 38, –
- (i) in the third column of the row relating to item (a), for “rate C” there is substituted “rate G”,
- (ii) the row relating to item (b) is deleted;
- (h) in the table for item 40, in the third column, for “rate E” there is substituted “rate J”;
- (i) after the table for item 40 there is inserted –

	“Item 40A.	Stamp Duty, by Figure or Rate	Chargeable Document	Designated Officer
40A.	CONSENT ORDERS WITHOUT HEARING			
	For approval of a consent order where no hearing has occurred	rate G	Act of court approving consent order	Greffier”;

- (j) in the table for item 41, in the third column, for “rate E” there is substituted “rate G”;
- (k) in the table for item 43, in the third column, for “rate E” there is substituted “rate J”;
- (l) the table for item 48 is deleted.

2 Citation and commencement

These Regulations may be cited as the Stamp Duties and Fees (Amendment of Law – No. 5) (Jersey) Regulations 202- and come into force 7 days after they are made.