

In the Petty Debts Court of the Island of Jersey

BETWEEN

PLAINTIFF
(enter plaintiff)

AND

DEFENDANT
(enter defendant)

**AFFIDAVIT IN SUPPORT OF APPLICATION TO SET ASIDE
JUDGMENT**

I, (enter your name) of (enter your address) **MAKE OATH and say as follows:**

That on or about the (enter date) **I became aware that a judgment had been recorded against me in the Petty Debts Court on the** (enter date) **in the sum of** £(enter sum) **in respect of** (provide outline of what the debt relates to).

Include any relevant facts to further your application.

Explain how you first became aware of the judgment.

Detail whether or not the summons was correctly addressed – if not explain any relevant inaccuracies.

If you received the Summons but did not attend Court - explain why.

Provide detail of the dispute between the parties and outline any defence which you believe you may have to the claim.

That the contents of this affidavit are true to the best of my knowledge, information and belief.

Wherefore I pray that the said judgment obtained on the (enter date) **may be set aside and the case sent to proof on the basis of the facts herein set forth.**

SWORN by the said (enter your name) **at** (enter location) **this** (enter date) **day of** (enter month) (enter year).

Before me (Advocate/Notary Public)

The Petty Debts Court

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

CLEARING YOUR CREDIT RATING

A judgment is a public record of what money the Court orders you owe to a plaintiff.

A judgment can be enforced against your earnings, your bank accounts or anything you own of value, to pay what is due.

A judgment can affect your creditworthiness and your ability to get loans, mobile phone contracts etc.

A record of Court judgments are maintained by various credit agencies. The credit agencies normally keep details of all Petty Debts Court judgments for a period of six years, although judgments are enforceable for up to ten years in Jersey.

Each week copies of all Petty Debts Court judgments are forwarded to:-

Registry Trust Limited—Telephone: 020 7380 0133

153-157 Cleveland Street

London

W1T 6QW

You can contact **Channel Islands Data Services** at www.cidsltd.com for a credit check.

PAYING A JUDGMENT

If a debt has been settled in full within one month of the judgment date, a credit agency may remove the judgment from your credit record.

If a judgment is paid after one month from the judgment date then the register may be amended to show that the judgment has been 'satisfied'.

In either instance, you should contact each agency (listed on the first page) for further information.

IF A JUDGMENT WAS TAKEN IN ERROR

PLAINTIFF: APPLICATION TO ABANDON BENEFIT OF JUDGMENT

If you suspect that a judgment has been taken against you in error, you should contact the Plaintiff who obtained the judgment to explain the circumstances. If they agree that an error has been made then they may consider issuing proceedings to bring the action back before the Court and the Court will be asked to abandon the benefit of the judgment.

An Act of Court will be issued and distributed in the same way as the original judgment, this will rectify your credit rating.

DEFENDANT: APPLICATION TO SET ASIDE A JUDGMENT TAKEN IN DEFAULT

If the Plaintiff does not accept that there was an error then you may be able to issue proceedings whereby you make an application to the Court to set aside the judgment.

An application to set aside a judgment can only be made if you have a good reason for not attending Court when the original judgment was taken and a defence to the claim.

The application will be heard in Court and the Judge will decide whether or not the judgment should be set aside. It is highly likely that the application will be opposed.

An application must be supported by an affidavit (a written statement sworn before an Advocate, Solicitor or Notary Public) of evidence (see page 4 for a template) detailing:-

- 1) how and when you became aware of the judgment;
- 2) your reason for not attending Court; and
- 3) your defence to the claim.

It is important that an application is made as soon as is reasonably practicable after there is an awareness that it exists.

To apply to set aside a judgment you must bring to the Magistrate's Court Greffe:-

- the sworn Affidavit;
- the summons—detailing why and when the Defendant is required to attend the Petty Debts Court;
- the claim Summary - the document used by the Court to record progress of the action;
- a stamped addressed envelope to the party you are summoning; and
- the Court fee.

Once the application has been filed, the Greffier will liaise with the Viscount's Department to request that enforcement of the judgment is placed on hold.

If the Court does grant the application it will then either refer the parties to mediation or alternatively will case manage the dispute and set time scales to bring the matter to a conclusion.