

# A quick guide to prescription (limitation) in Jersey

GUIDE

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There is no overarching statute in Jersey which lays down the periods within which claims must be brought. As in other jurisdictions, different periods apply to different types of claim. For some claims the period is determined by a specific statute. For others the customary law of the Island lays down the period.

The table below sets out the basic periods for some of the most common types of claim.

In certain circumstances the period is interrupted and accordingly its overall duration lengthened. In particular, the period is, in general terms, interrupted in cases where there was a real impediment which prevented the claim being brought. This can be either a legal impediment or a practical impediment.

The law in this area can be complex. It is recommended that legal advice is sought as to the precise period which is applicable on the facts of any given case.

In 2023 the Jersey Law Commission issued a Consultation Paper in which it is proposed that several of the periods are replaced by a core period of 3 years from the date of reasonable discoverability that a cause of action exists. If these proposals are carried forward, there will be a general shortening of the Jersey period for many types of legal action. These proposals remain under consideration. No imminent change in the law is envisaged.

| Type of Action                         | Period  | Trigger  | Source   |
|--|---------|--|--|
| Breach of trust claim by a beneficiary | 3 years | The earlier of the date of delivery of final accounts of the trust or knowledge of the breach<br><br>Broadly speaking, however, claims alleging fraud by a trustee and to recover trust property are not subject to a limitation period. There are also other nuances. | Art 57 Trusts (Jersey) Law 1984                                  |
| Torts                                  | 3 years | Date cause of action accrued (normally the date when damage was suffered)  | Art 2(1) Law Reform (Miscellaneous Provisions) (Jersey) Law 1967 |

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| Application to register a foreign judgment for enforcement under statutory arrangements for the enforcement of certain judgments of the superior courts of England and Wales, Scotland, Northern Ireland, Isle of Man and Guernsey | 6 years  | From the date of judgment                                      | Art 4(1) Judgments (Reciprocal Enforcement) (Jersey) Law 1960             |
| Action to enforce a judgment of the Royal Court  | 10 years | From the date on which the judgment became enforceable         | Art 7 Law Reform (Miscellaneous Provisions) (Jersey) Law 1967             |
| Breach of contract   | 10 years | Date cause of action accrued (normally the date of the breach) | <i>Classic Herd Ltd v Jersey Milk Marketing Board</i> [2014] JRC 127      |
| Pauline action for the return of property alienated to defeat a creditor   | 10 years | Date cause of action accrued                                   | <i>Esteem v Grupo Torras and others</i> 2002 JLR 53                       |
| Dishonest assistance in another's breach of fiduciary duty   | 3 years  | Date cause of action accrued                                   | <i>Nolan and others v Minerva Trust Co Ltd and others</i> [2014] JRC 078A |

## Contacts

To find out more, please get in touch with your usual Mourant contact, or alternatively, a full list of contacts specialising in litigation and dispute resolution can be found [here](#).