



Royal Court of Jersey  
Viscount's Department  
Morier House  
St Helier  
Jersey  
JE1 1DD

**RESERVATION OF TITLE QUESTIONNAIRE**  
**(TO BE COMPLETED IN CONJUNCTION WITH THE ATTACHED GUIDANCE NOTES)**

You are requested to complete this questionnaire [using **BLOCK CAPITALS**] and return it with the documents requested to the Viscount's Department, within 14 days. The purpose of this document is to support your claim.

Name of Claimant	
Name	
Address	
Post Code	
Telephone	
E-Mail	
Mobile	

**Claim Case Ref:**

Location of Goods	
Name	
Address	
Post Code	

1) Please state in general terms the nature of the goods which are the subject of your claim

2) Please state the total amount which you consider is owed to you by the debtor

£

3) Please state the period to which the debt relates

4) In relation to your terms and conditions of business

- a) please supply a copy;
- b) state where, when and how your conditions of trading were supplied to the debtor;
- c) provide evidence of acceptance of your conditions by the debtor;
- d) confirm when your current conditions of business were introduced.

5) In respect of all goods over which you make a claim please supply copies of:

- a) the order(s);
- b) the acknowledgement of the order(s);
- c) the delivery note(s);
- d) invoice(s).

6) Please provide:

- a) proof that the goods over which you make this claim were not supplied by any other supplier;
- b) proof that you can identify the goods over which you make a claim as relating to unpaid as opposed to paid invoices.

7) It is a matter for you to:

- a) Progress your claim by identifying the goods on the premises of the debtor. If you fail to identify the goods within the required time then your right to claim for the repossession of goods will be deemed to have lapsed and the goods will be sold for the benefit of the désastre.
- b) Upon identification of the goods, please supply a copy of the inventory prepared by you or your agent at the debtor's premises identifying the goods on those premises subject to this claim

I hereby claim reservation of title to the above-mentioned items.

Name of Claimant

Signature of claimant



## **RECOVERY OF GOODS SUPPLIED UNDER A RESERVATION OF TITLE CLAUSE IN A DÉSASTRE**

### **GUIDANCE NOTES**

1. **Reservation of title clauses are in principle recognised by the Viscount's Department. However, where any such clause purports to extend title reservation beyond bare reservation of ownership of any specified chattel such reservation may well be invalid by reason of the rule in Jersey that movables are generally not capable of being charged.**
2. **In Jersey Law, a landlord has security rights for unpaid rent over all goods located on rented premises, no matter to whom they belong, if the tenant's own property is insufficient to discharge that indebtedness. Goods subject to reservation of title are subject to this proviso.**
3. **Please be advised that the Viscount requires the following criteria to be met before considering a reservation of title claim. Compliance with time-scales and the payment of expenses incurred in proving such a claim are the responsibility of claimants under Article 30 of the Bankruptcy (Désastre) (Jersey) Law 1990.**
  - (a) You must provide documentary evidence showing when and how your company/business notified the bankrupt of your conditions of trading together with any acceptance thereof (it is not acceptable to provide invoices stating that such terms and conditions apply or that the goods remain your property until paid for unless these terms and conditions were notified and agreed prior to the delivery of the goods to which you are claiming title).
  - (b) You must provide documentary evidence to establish that the goods that you are claiming are part of an unpaid invoice (e.g. serial numbers match the goods listed on the unclaimed invoice).
  - (c) It is a matter for you to progress your claim by identifying the goods on the premises of the debtor. If you fail to identify the goods within the required time then your right to claim for the repossession of goods will be deemed to have lapsed and the goods will be sold for the benefit of the *désastre*.
  - (d) You will be requested to issue a credit note confirming receipt of the goods that you have recovered (the credit note must contain a detailed list including the individual value of the goods in order to cross-refer to the relevant invoice previously identified as being unpaid).
  - (e) The adjudication of a retention of title claim will generally take place after the Public Inspection of Claims in order to allow for the examination of any competing claims for the same goods (this process can take up to 12 weeks to complete).
  - (f) The Viscount is unable to consider any claim for the repossession of goods where such goods are no longer in the possession of the debtor or in circumstances where they have become incorporated with/in other property.

