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Beyond the boundary

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Jersey has a developed and sophisticated body of law which plays a key role in attracting international business to the Island. However, the size of the jurisdiction inevitably means that the number of cases coming before its courts is limited, particularly in “domestic” areas such as property law. Over the past few decades there have been very long stretches without any decisions of significance. Of course, the resolution of disputes between parties without the courts having to pronounce on the issues at stake is in many ways to be welcomed – litigation is best avoided if possible – but the consequence is that important points of law can remain unclear.

For those of us who advise on property law, the last few years have, however, seen a number of cases of significance, with the courts clarifying the law in a number of areas, including rights of way, co-ownership, the rights and duties of neighbours and the position of unmarried partners.

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