

ROYAL COURT OF JERSEY

FD 20/01

Production and content of bundles for use in the Family Court (Registrars)

1. It shall be the responsibility of the designated party, who is, unless otherwise agreed by the parties or ordered by the court, the party in the position of applicant at the hearing, or if there are cross applications, the party whose application was first in time, not less than **five clear working days** before any family case is to be heard, to lodge with the Family Proceedings' Officers at the Judicial Greffe an agreed paginated indexed bundle (the "**Court Bundle**"). The Court Bundle for the presiding Registrar should be clearly marked with the name, case number and date of hearing and labelled "Court Bundle" and should contain such of the following documents as ordered by the court:-
 - 1.1 an up to date case summary of the background to the hearing confined to those matters which are relevant to the hearing and the management of the case and limited, if practicable, to four A4 pages;
 - 1.2 a statement of the issue or issues to be determined at that hearing, agreed if possible;
 - 1.3 a position statement by each party setting out a summary of the order or directions sought by that party at that hearing;
 - 1.4 an up to date chronology of relevant events;
 - 1.5 skeleton arguments, if appropriate;
 - 1.6 a list of essential reading for that hearing;
 - 1.7 acts of court in date order;
 - 1.8 applications in date order;
 - 1.9 statements and affidavits in date order;
 - 1.10 experts' and other reports;
 - 1.11 such other documents as are necessary to dispose of the cause or application.
2. A second agreed paginated bundle for the use of any witnesses to be called to give evidence shall also be provided to the Family Proceedings' Officers in advance of the hearing, clearly marked with the name, case number and date of hearing and labelled "**Witness Bundle**". This should contain only those documents which witnesses will be asked to consider in the course of their evidence.
3. Unless prior permission has been sought and granted by the court, being satisfied that such direction is necessary and proportionate to the issues in dispute, the Court Bundle

shall consist of no more than one A4 size lever arch file or ring binder, limited to 350 sheets of A4 paper and shall consist of only those documents which are relevant to the hearing and which it is necessary for the court to read, or to which reference will be made, during the hearing. If reference needs to be to voluminous documentation e.g. bank statements, separate paginated bundles of any such documents in strict date order shall be provided for the use of the court (and, as necessary, witnesses) at the hearing; these do not need to be filed in advance of the hearing.

4. Copies of all authorities relied upon shall be contained in a separate composite bundle, agreed by the advocates or parties, clearly marked with the name, case number and date of hearing and labelled "**Authorities Bundle**", to be lodged not less than **three clear working days** before the commencement of the hearing. Where expedient (i.e. where the Court Bundle is slim enough to accommodate core documents and authorities), the Court and Authorities bundle may be combined but shall be prepared and filed as the Court Bundle.
5. Unless requested otherwise, the party in the position of applicant at the hearing shall lodge with the Judicial Greffe (to: JGRCourtDocuments@gov.je) an electronic copy of the Court Bundle and a copy of the Authorities Bundle.¹ Each bundle shall be filed as a set of Acrobat .pdf files corresponding to the documents listed in the index and named to match as closely as possible the index entries taking into account the limitations on characters available in naming files.
6. The party in the position of applicant at the hearing shall serve upon each of the other parties to the action (via their respective advocate if so represented) one copy of the Court Bundle and the Authorities Bundle.
7. Any bundles lodged may use double sided printing to avoid unnecessary waste or costs being incurred.

¹ Reference should be paid *pro tem* to the Bailiff's directions as to how bundles should be filed while social distancing restrictions remain in place.

8. Any document created by any party for litigation shall use a type and size of font that is clearly legible to the Court. Wherever possible, copies of any other documents or cases should also be produced in a format that is clearly legible for the Court. All documents (e.g. photographs or plans) originally produced in colour, should be copied in colour for the Court Bundle.
9. It shall be the duty of the designated party to consult with all other parties in sufficient time to ensure compliance with this practice direction.
10. It shall be the duty of any other party to the application to co-operate fully with the designated party to produce the Court Bundle and Authorities Bundle.
11. The provisions of paragraphs (1) to (10) above shall not apply to any application which is, of necessity, to be heard at short notice. In relation to such matters, it shall be the responsibility of each party to lodge such documents as might reasonably be required by the Court, or relied upon by the parties, in an appropriate form having regard to the requirements in this practice direction in such manner as to enable the hearing to proceed as expeditiously as possible.
12. All bundles of documents which shall be lodged pursuant to these directions shall have an index and shall be paginated in accordance with the Guidelines annexed hereto.
13. All references to authorities in any index produced pursuant to these directions shall be made in the form set out in the Guidelines annexed hereto and shall be separated using individual tabs or dividers. Each category of authority shall be listed in date order starting with the earliest in time. Authorities not referred to in a skeleton argument should not be inserted in a bundle without justification.
14. It shall be the responsibility of each party to keep the Family Proceedings' Officer fully informed at all times as to which cases are likely to settle and which cases are likely to proceed to a hearing.
15. It is the intention of the Court to enforce the requirements of this Practice Direction and, in appropriate cases, to award costs against a defaulting party or personally against the lawyer representing that party who fails to adhere to this Practice Direction without reasonable excuse. Any non-compliance may also lead to restrictions on how long a party

may address the Court or to adjournments.

16. This Practice Direction applies to all applications or causes proceeding before the Registrars which have a time estimate of more than one hour.
17. This Practice Direction shall come into force with immediate effect.

24th June 2020

GUIDELINES FOR THE PRODUCTION OF THE COURT BUNDLE

GENERAL POINTS

1. The Court Bundle in a family action should comprise one copy, and one copy only, of all relevant Acts of Court and pleadings, arranged in a logical sequence.
2. Each section of the bundle should be separated by numbered tabs and each page in each section should be individually paginated.
3. Amended pleadings filed by consent or with leave only should be inserted in the pleadings bundle. Proper practice is to identify amendments made to a pleading by underscoring additional material in red and drawing a line through words to be deleted. Where a pleading has been amended extensively or there have been multiple amendments a clean version of the latest pleading should also be inserted.
4. Affidavits should be identified in the index and clearly separated using individual tabs or dividers. Exhibits to any affidavit should also be identified in the index and separated using individual tabs or dividers.
5. Any documents in the Court Bundle which are not already paginated or which are not already adequately numbered should be paginated so that each section of the bundle is paginated sequentially. It is not necessary to paginate the entire Court Bundle consecutively or to paginate those sections of the Court Bundle where the contents of that section already contain page numbers or which are adequately numbered.
6. A full copy of each authority relied upon should be included in the aAuthorities bBundle unless the authority is voluminous in which case the head note and the whole of any section dealing with the point in issue must be included.
7. Correspondence included should only be correspondence relevant to an issue before the Court requiring adjudication and which correspondence the Court needs to consider.

FORM OF INDEX OF AUTHORITIES

(List cases for each category in date order)

(1) Jersey reported Judgments:

Le Couteur -v- Romeril (1980) JJ. 408.

Ribeiro -v- Brown (1985-86) JLR 464 or N. 6.

(2) Jersey unreported Judgments:

The references should include the date, but no serial/file number: Neveu -v- Jones [2004] JRC 103.

(3) English authorities:

Smith -v- Jones (1980) 1 FLR 560.

(4) Reference to Texts:

As a broad principle, the reference should start with:

a) the author's name; followed by

b) the title of the work;

c) the edition;

d) the page of reference