

# **Royal Court of Jersey**

**FD21/02**

## **Practice Direction (Family Division) Miscellaneous provisions in relation to family practice**

To ensure uniformity in practice, the family judges set out below expectations as to the production and content of miscellaneous documents in family proceedings across the Royal Court.

1. Where counsel are instructed, application forms should be completed, checked and filed by lawyers. Too many application forms are completed by hand, only partially completed and occasionally illegible. Application forms must be checked by advocates to ensure that they are complete and are clear.
2. Application forms should contain all the information sought by that particular form, including the address of the respondent/s. Where an advocate is unable to include the address of a respondent to a particular application or suit, a covering letter should be produced for the court's benefit explaining any difficulties arising, identifying the manner in which advocates propose serving such documentation or enclosing a further application seeking such orders as may be required from the court to assist with service e.g. an order for deemed or substituted service.
3. Requests for further information and documentation
  - 3.1 the court does not require these documents to be filed at court (in the expectation that the replies will be included in the bundle for any eventual hearing). The court expects replies to set out the original request followed by the reply to that request in bold so that the request for further information and the reply are in the same document and easily followed;
  - 3.2 advocates should supply .docx (i.e. Word) copies of their requests for further information to the other party so that the insertion of replies on the same document can be easily produced;
  - 3.3 replies to requests for further information and documentation should include a statement of truth and be signed by counsel or the party and dated. A statement of truth by the deponent should be in the following form "The contents of this my statement/reply are true to the best of my knowledge or belief (I am authorised to sign this statement on behalf of .....)".

- 3.4 the court does not wish parties to produce "schedules of deficiencies". A party's unreasonable or unexplained failure to provide documentation or information by way of reply should form the subject of an application to the court if the default cannot be dealt with by the parties. For the avoidance of doubt, costs are at large should the court find that a party has unreasonably failed to provide information or documentation which is required to determine or settle a case.
4. Chronologies should only be produced if the court has given permission for parties to do so and, if so, they should contain a succinct summary of events relevant to the dispute, and should not normally include a recital of steps or exchanges in litigation.
  5. The court orders open offers to be exchanged and filed in all financial disputes. Such offers should be limited to a recital of the orders sought by that party from the court when disposing of the matter on an interim or final basis and should not contain any narrative background, comment or reasons for seeking any such orders.
  6. Where the court orders parties to file skeleton arguments, these should contain a succinct summary of a party's case, should refer to any relevant law and documentary evidence as applicable to that case by reference by page number to the bundle which will be electronically filed (in most cases) by CaseLines.
  7. Where advocates are required to sign applications, documents, or witness signatures, advocates must ensure that they print, type or stamp their name below their signature so that the court can easily identify their signature.
  8. Advocates should ensure that all affidavits or statements of evidence including affidavits of means are marked in the top right-hand corner on the front page with the date that the document was sworn or signed.

This Practice Direction will come into force with immediate effect.

14 July 2021