

**ROYAL COURT OF JERSEY**

**RC 18/02**

**Production and Content of Bundles For Use In The Royal Court**

Civil Cases

(1) Subject to paragraph 8 hereof, it shall be the responsibility of the designated party, not less than two clear working days before any civil case is to be heard:-

(A) to lodge with the Bailiff's Judicial Secretary sufficient copies of a bundle or bundles of documents (the "Court Bundle") for the presiding judge and the Jurats (if Jurats are sitting), containing a copy of a short skeleton argument, a list of essential preparatory reading, all the relevant pleadings and relevant Acts of Court (in the form set out in the Guidelines annexed hereto) together with all relevant documents, authorities to be cited and correspondence required by any party; the reason for relying on any authority should ordinarily be set out in the skeleton argument supported by identification of the relevant passage(s) in the authority. It is not necessary to set out the passage relied upon.

(B) unless requested otherwise, to lodge with the Samedi Section of the Judicial Greffe an electronic copy of the bundle of documents containing one copy of the skeleton argument, the relevant pleadings, the relevant Acts of Court and an index of the authorities (but not the authorities themselves) to be cited by any party; and

(C) to lodge with each of the other parties to the action or their advocates one copy of the bundle of documents specified in sub-paragraph (A) of this paragraph.

- (2) Any bundles lodged may use double sided printing to avoid unnecessary waste or costs being incurred .
- (3) Any document created by any party for litigation shall use a font and size of font so that the document is clearly legible for 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.
- (4) Unless otherwise ordered by the Court or agreed in writing between the parties or their advocates, the designated party in the case of the trial of the action shall be the plaintiff or representor as the case may be, in the case of an interlocutory application shall be the applicant (or where several applications by different applicants are to be heard by the Court on the same day by the applicant who first fixed the date for the hearing) and in the case where the Court has ordered that a preliminary issue be determined shall be the party at whose instance the preliminary issue was ordered to be tried.
- (5) Subject to paragraph 8 hereof, 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.
- (6) 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.

(7) Subject to paragraph (8) hereof, it shall be the responsibility of any party other than the designated party, not less than two clear working days before any civil case is to be heard by the Royal Court :-

(A) to lodge with the Bailiff's Judicial Secretary sufficient copies of a bundle or bundles of documents for the presiding judge and the Jurats (if Jurats are sitting), containing a copy of a short skeleton argument and a list of essential preparatory reading and any documents authorities to be cited or relevant correspondence not included in the bundle to be filed by the designated party;

(B) to lodge with the Judicial Greffier an electronic copy of the skeleton argument and an index of any additional authorities to be cited by that party not included in the Court Bundle; and

(C) to lodge with each of the other parties to the action or their advocates one copy of the bundle specified in sub-paragraph (A) of this paragraph.

(8) If the relevant material to be produced to the Royal Court comprises between 3 and 6 lever arch files, the required bundles should be provided to the Royal Court at least 1 working week before the hearing takes place. Where the bundles comprise more than 6 lever arch files, the required bundles should be delivered at least 2 weeks prior to the case being heard.

(9) Paragraphs (1) (A), (C) and (2) to (7) and (11) to (17) of this practice direction shall also apply to applications before the Master save that one copy only of the bundle shall

be filed with the Master's secretary and that there is no obligation to file a copy of the bundle with the Judicial Greffier.

### Criminal Cases

(10) It shall be the responsibility of each party, not less than two clear working days before any criminal or quasi-criminal trial is due to be heard:-

(A) to lodge with the Bailiff's Judicial Secretary sufficient copies of a bundle or bundles of documents for the presiding judge and the Jurats (if Jurats are sitting) each to have a copy of the authorities to be cited; provided always that where authorities to be cited relate to an application which shall be determined by the presiding judge without Jurats the Jurats shall not be provided with a copy of those authorities;

(B) to lodge with the Judicial Greffier one copy of the index of authorities to be cited by that party; and

(C) to lodge with all the other parties or their advocates one copy of the bundle of documents specified in sub-paragraph (A) of this paragraph.

### All Cases

(11) The provisions of paragraphs (1) to (9) hereof shall not apply to any case which of necessity is to be heard at short notice or to any case to be dealt with during public or private business on a Friday morning or afternoon but in relation to such matters it shall be the responsibility of each party to lodge such documents as shall be required by the Court, the Judicial Greffier and the other parties with them 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) In advance of the filing of bundles in accordance with this Practice Direction all parties to an action are required to consult with each other in order to ensure that the contents of bundles filed to avoid duplication. Furthermore, authorities included in a bundle filed by any party should be confined to those authorities that a party intends to rely on and cite at the hearing in question.
- (15) It shall be the responsibility of each party to keep the Bailiff's Judicial Secretary fully informed at all times as to which cases are likely to settle and which cases are likely to proceed to a hearing or trial.
- (16) 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 against the lawyer representing that party personally 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.

- (17) This Practice Direction applies to all applications before the Royal Court and the Master of the Royal Court and replaces the previous practice direction issued in relation to this subject matter.

This practice direction replaces Practice Direction RC13/01, and shall have immediate effect.

# **GUIDELINES FOR THE PRODUCTION OF THE COURT BUNDLE**

## **GENERAL POINTS**

1. The Court Bundle in a civil action should comprise one copy, and one copy only, of all relevant Acts of Court, pleadings, particulars, etc. in a civil action arranged in a logical sequence and specimen examples of bundles for three common types of case are set out below.
2. Amended pleadings filed by consent or with leave only should be inserted in the pleadings bundle. Particularly it is the proper practice to identify amendments made to a pleading by underscoring additional material 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.
3. Further and better particulars of pleadings should be placed immediately behind the pleading for which the particulars are given. It is not necessary to include the Request for particulars as it is proper practice for the request for particulars to be incorporated in the particulars.
4. In actions where there are several defendants the pleadings relating to each defendant specific to that defendant should be placed together.
5. 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.

6. 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.
7. In an interlocutory application, the summons which the Court is sitting to hear should be placed at the front of the pleadings bundle. If there are several summonses to be heard and the summonses have been issued by more than one party and it is not possible to reach agreement on the order in which they should be heard, the summonses should be sorted into date order.
8. A full copy of each authority relied upon should be included in the authorities part of any court bundle 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.
9. Correspondence included should only be correspondence relevant to an issue before the Court requiring adjudication and which correspondence the Court needs to consider.



## **Specimen Bundle 1**

### **Trial of a simple action**

#### **Index to documents that should be contained in the bundle**

Document	Divider letter
	(where appropriate)
Act of Court dated DDMMYY setting the action down for hearing	A
Order of Justice dated DDMMYY	B
Answer filed by the first defendant on the DDMMYY	C
Reply to the first defendant's answer (filed DMMYY)	D
Amended answer filed by the second defendant on the DDMMYY	E

## **Specimen bundle 2.**

## **Trial of more complex action**

### **Index to the documents that should be contained in the bundle**

Document	Divider letter
	(where appropriate)
Act of Court dated DDMMYY setting the action down for hearing	A
Plaintiff's Statement of Claim filed on the DDMMYY	B
First defendants' amended answer filed on the DDMMYY	C
Further and better particulars of the first defendants' amended answer (filed DDMMYY)	E
Plaintiff's reply to the first defendants' amended answer (filed DDMMYY)	F

First defendants' rejoinder filed with  
leave of the court on the DDMMYY

G

Second defendant's answer and  
counterclaim filed on the DDMMYY

H

Plaintiff's reply and answer to the  
second defendant's answer and  
counterclaim

I

Second defendant's reply to the  
plaintiff's answer to the  
counterclaim (filed DDMMYY)

J

Third defendant's answer filed on  
the DDMMYY

K

Act of Court dated DDMMYY  
convening XYZ as a third party to  
the action at the instance of the third  
defendant

L

Answer filed by third party in

M

response to third defendant's answer

(filed DDMMYY)

**Specimen bundle 3.**

**Interlocutory application**

**Index to the documents that should be contained in the bundle**

Document	Divider letter
	(where appropriate)
Summons [see note 5 above if more than one summons]	A
Pleadings etc as set out above.	etc.

## **FORM OF INDEX OF AUTHORITIES**

**(list cases for each category in date order)**

(1) Jersey reported Judgments:

Smith -v- Jones (1980) JJ. 408.

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

(2) Jersey unreported Judgments:

The references should include the date, but no serial/file number):

Smith -v- Jones [2004] JRC 103.

(3) English civil authorities:

Smith -v- Jones (1980) 1 All ER 560.

(4) English criminal appeal reports:

Smith (1980) 2 Cr. App. R. (S) 464.

(5) Reference to Texts:

As a broad principle, the reference should start with (1) the Author's name; followed by (2) The Title of the Work; (3) the Edition; (4) page of reference

6. With Halsbury

The reference should start with (1) the Ed'n; (2) Halsbury; (3) the Volume no; and (4) the paragraph.