

Royal Court Practice Direction

RC 20/09

Practice Direction for Service of Process

This practice direction applies to those wishing to serve proceedings within Jersey where personal service through the Viscount's Department is normally required under the Royal Court Rules but where the Viscount is unable to effect service due to coronavirus and social distancing measures in force at the time service is required.

This Practice Direction does not apply to defendants who (in the case of individuals) do not reside in the island or to legal entities who do not have a place of business, registered office or other address for service in Jersey.

1. Where a plaintiff considers that difficulties with personal service may arise, a plaintiff should endeavour to agree with a defendant or any advisor representing a defendant a method of service. A defendant or any advisor retained are expected to cooperate with any such request as part of the obligation of effective case management.
2. Any agreement shall be recorded in writing and shall be sent to the Master of the Royal Court for ratification. An agreement may be reached by an exchange of emails. An Act of Court will then be issued in pdf form under Royal Court Rule 5/10 permitting service by the method agreed with a specified date requiring the defendant to appear before the Royal Court at a specified time. This will ordinarily be the Friday afternoon sitting of the Royal Court.
3. In the absence of agreement, an application should be made to the Master of the Royal Court to dispense with personal service and for substituted service again under Rule 5/10. The application may be by email. It should summarise briefly the nature of the claim and should attach any draft pleading and any relevant correspondence with a defendant or any advisor. Ordinarily the application will be without notice to the intended defendant. The normal duty of full and frank disclosure applies to any such application. A supporting affidavit is not required but any statements made will be treated as if they had been made on affidavit.
4. The Master will consider the application on the papers. Ordinarily, the order is likely to be granted unless the Master requires additional information. The Master may also seek additional information from a defendant if considered necessary.
5. If the application is granted, an Act of Court in pdf form will then be issued under Royal Court Rule 5/10 permitting service by the method ordered by the Master.
6. On any ex parte applications to the Bailiff sitting alone or to the Royal Court, if a party wishes to use another method of service in Jersey instead of personal

service, permission must be sought expressly as part of the application and drawn to the express attention of the Bailiff or the Royal Court

7. The plaintiff must effect service in the manner required by the relevant Act of Court summoning the defendant or convened party to appear before the Royal Court.
8. The Act of Court will also require the plaintiff to file proof of service with the Judicial Greffe. This will be by no later than 5pm on the Tuesday before the sitting at which the defendant is required to appear unless the Act of Court specifies otherwise.
9. The parties or their advisers following service are also expected to cooperate to agree that the matter may be placed on the pending list or adjourned. An initial adjournment of 6 weeks (rather than the usual 4 weeks) may be agreed without reference to the Court. Any longer period or additional adjournment will still require Court approval pursuant to practice Direction RC 17/02.

This guide will remain in force for so long as the Royal Court is unable to operate normally due to the coronavirus outbreak.

12th May 2020