



Jersey

MATRIMONIAL CAUSES RULES 2005

Official Consolidated Version

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Jersey

MATRIMONIAL CAUSES RULES 2005

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Jersey

MATRIMONIAL CAUSES RULES 2005

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#) and Article 43 of the [Matrimonial Causes \(Jersey\) Law 1949](#) and all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

(1) In these Rules, unless the context otherwise requires –

“ancillary relief” means any relief obtainable by virtue of Articles 25, 27, 28, 29, 30, 31, 32 or 33 of the Law and includes an application for child maintenance;

“Children Law” means the [Children \(Jersey\) Law 2002](#);

“cause” means any action for divorce, nullity of marriage, or judicial separation and includes proceedings on an application by a husband or wife for a decree of presumption of death of the other spouse and dissolution of the marriage thereupon;

“child maintenance” means maintenance payable under an order pursuant to Article 25 of the Law;

“competent witness” means a person who, under Article 3 of, and the Schedule 1 to, the [Powers of Attorney \(Jersey\) Law 1995](#), would be competent to attest the document if it were an instrument creating a power of attorney;

“Court” means the Family Division of the Royal Court and includes the Greffier;

“defended cause” means a cause that is not an undefended cause;

“filed” means filed in the Judicial Greffe;

“Greffier” means the Judicial Greffier;

“Inferior Number” means the Inferior Number of the Royal Court;

“interim maintenance” means maintenance payable under an order pursuant to Article 31 of the Law;

“Law” means the [Matrimonial Causes \(Jersey\) Law 1949](#);

“legal representative” means an advocate or solicitor acting for a party to any proceedings, and includes a person authorized by that advocate or solicitor in accordance with practice directions for a specific purpose in the proceedings;

“lump sum payment” means a sum payable under an order pursuant to Article 29(1)(b) of the Law;

“notary public” means a notary public duly admitted and sworn and practising in Jersey;

“person named” includes a person described as “passing under the name of, or known as A.B”;

“practice directions” means directions issued pursuant to Rule 71;

“secured provision order” means an order pursuant to Article 25(2) or Article 29(1)(c) of the Law;

“spousal maintenance” means maintenance payable under an order pursuant to Article 29(1)(a) of the Law;

“transfer, sale or settlement of property order” means an order pursuant to Article 28(1) or 30(1), as the case may be, of the Law;

“undefended cause” means a cause in which no answer has been filed or in which all the answers filed have been struck out or withdrawn;

“variation of settlements order” means an order pursuant to Article 27(1) of the Law.

- (2) Words and phrases used in these Rules shall, unless the context otherwise requires, have the same respective meanings as in the Children Law.
- (3) In these Rules, unless the context otherwise requires, a Form referred to by number means the Form so numbered in the Schedule.

2 Powers of Greffier

Subject to Article 3(5) of the Law, the hearing of applications, the exercise of powers and the discharge of functions of the Royal Court set out in –

- (a) Articles 11, 25, 25A, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of the Law; and
- (b) the proviso to Article 3 of the [Separation and Maintenance Orders \(Jersey\) Law 1953](#),

may be undertaken by the Greffier in accordance with these Rules.

PART 2

INITIATION OF PROCEEDINGS

3 Application for leave to present petition

- (1) An application for leave to present a petition for divorce before 3 years have passed since the date of the marriage must be made by originating summons in accordance with Form 1.

- (2) There must be filed in support of the summons an affidavit by the applicant stating –
 - (a) the grounds on which the application is made;
 - (b) particulars of the hardship or depravity alleged;
 - (c) whether there has been any previous application under this Rule;
 - (d) whether there are living any children of the family and, if so, the names and dates of birth or ages of such children, where and with whom they are residing; and
 - (e) whether any, and if so, what attempts at reconciliation have been made, and any circumstances which may assist the Court to determine whether there is reasonable probability of a reconciliation between the parties.
- (3) A copy of the petition must be exhibited with the affidavit.
- (4) The application shall be heard before the Inferior Number on a date not less than 28 days from the filing of the originating summons to be fixed by the Greffier after consultation with the Bailiff.
- (5) Unless otherwise directed, the summons and the documents referred to in paragraphs (2) and (3) must be served on the respondent at least 28 clear days before the date of the hearing and must be accompanied by a form of acknowledgement in accordance with Form 1(a).
- (6) If the respondent wishes to oppose the application, the respondent, within 21 days of service in accordance with paragraph (5), must file an affidavit setting out the grounds on which it will be opposed.
- (7) The respondent may be heard without giving notice of intention to defend, but only with the leave of the Inferior Number.
- (8) References in this Rule to the petition and to the respondent are references to the intended petition and intended respondent.

4 Commencement of proceedings

- (1) Every cause must be commenced by filing a petition addressed to the Royal Court.
- (2) A petition must not be filed without leave if there is before the Royal Court another petition by the same petitioner that has not been dismissed or otherwise disposed of by a final order.
- (3) On the filing of a petition for divorce, judicial separation or nullity the Greffier shall annex to every copy of the petition for service a notice in Form 3 with Form 4 attached and shall also annex to the copy petition for service on the respondent the copy of any statement filed referred to in Rule 5(5).
- (4) An application for ancillary relief must be made in accordance with Rule 49.
- (5) Unless these Rules otherwise provide, any other application in a cause for leave or directions must be made by summons in Form 15 to the Court.

5 Contents of petition

- (1) Unless otherwise directed, every petition must state –

- (a) the names of the parties to the marriage and the date and place of the marriage;
- (b) the last address at which the parties to the marriage have lived together as husband and wife;
- (c) the occupation and residence of the petitioner and the respondent;
- (d) if it is alleged that the court has jurisdiction based on domicile in Jersey, that the parties to the marriage are domiciled in Jersey at the date of presentation of the petition;
- (e) if it is alleged that the court has jurisdiction based on habitual residence –
 - (i) the country in which the petitioner has been habitually resident throughout the period of one year ending with the date of presentation of the petition, or
 - (ii) if the petitioner has not been habitually resident in Jersey, that the respondent has been habitually resident during that period, with details in either case, including the addresses of the places of residence and the length of residence at each place;
- (f) whether there are living any children of the family and, if so –
 - (i) the number of such children and the full names (including surname) of each and the child's date of birth or (if it be the case) that the child is over 18, and
 - (ii) in the case of each minor child over the age of 16, whether the child is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation;
- (g) if it be the case, that there is a dispute whether a living child is a child of the family;
- (h) whether (to the knowledge of the petitioner in the case of the husband's petition) any other child now living has been born to the wife during the marriage and, if so, the full names (including surnames) of the child, the child's date of birth or, if it be the case, that he or she is over 18;
- (i) if there is a dispute as to whether a living child of one of the parties to the marriage (including an illegitimate or adopted child) has been accepted as one of the family by the other party, full particulars of the facts relied on by the petitioner in support of his or her allegation that the child has or, as the case may be, has not, been accepted as one of the family by the other party;
- (j) whether or not there are or have been any other proceedings in any court in Jersey or elsewhere with reference to the marriage or to any child of the family or between the petitioner and the respondent with reference to any property of either or both of them and, if so –
 - (i) the nature of the proceedings,
 - (ii) the date and effect of any decree or order, and
 - (iii) in the case of proceedings with reference to the marriage, whether there has been any resumption of cohabitation since the making of the decree or order;

- (k) whether there are any proceedings continuing in any country outside Jersey which relate to the marriage or are capable of affecting its validity or subsistence and, if so –
 - (i) particulars of the proceedings, including the court in or tribunal or authority before which they were begun,
 - (ii) the date when they were begun,
 - (iii) the names of the parties,
 - (iv) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed;and such proceedings shall include any which are not instituted in a court of law in that country, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and shall be treated as continuing if they have begun and have not been finally disposed of;
 - (l) the grounds upon which relief is sought, setting out with sufficient particularity the individual facts relied on, but not the evidence by which they are to be proved;
 - (m) in the case of a petition for divorce on the grounds of one year's or 2 years' separation, whether any, and if so what, agreement or arrangement has been made or is proposed to be made between the parties for the support of the respondent or, as the case may be, the petitioner or any child of the family;
 - (n) whether there has been any connivance or condonation on the part of the petitioner and, except in the case of a petition presented on either of the grounds specified in Article 7(2) of the Law, the petition is presented or prosecuted in collusion with the respondent or any of the co-respondents;
 - (o) any further or other information required by such of the following paragraphs as may be applicable.
- (2) A petition for a decree of nullity under Article 18(1)(d), (e), (f) or (i) of the Law shall state whether the petitioner was at the time of the marriage ignorant of the facts alleged, and whether marital intercourse with the consent of the petitioner has taken place since the discovery of the grounds for the decree.¹
- (3) A petition for a decree of presumption of death and dissolution of marriage shall state –
- (a) the last place at which the parties to the marriage cohabited;
 - (b) the circumstances in which the parties ceased to cohabit;
 - (c) the date when and the place where the respondent was last seen or heard of; and
 - (d) the steps which have been taken to trace the respondent.
- (4) If the petitioner, whether for his or her own protection or otherwise, wishes to omit from the petition any information required by paragraph (1) –
- (a) the petition may be filed without such information; and
 - (b) before service is effected the petitioner must make an *ex parte* application to the Greffier for leave for the petition to stand,

and if leave is refused, the Greffier shall make an order requiring the petition to be amended to comply with paragraph (1).

- (5) In the case of a petition for divorce, nullity or judicial separation that discloses that there is a minor child of the family, the petition must be accompanied by a separate written statement signed by the petitioner personally containing the information required by Form 5, if practicable, agreed with the respondent.
- (6) If an application for ancillary relief is made in a petition, it must contain a statement in general terms of the respondent's income and property in so far as they are within the petitioner's knowledge and belief.
- (7) The petition must conclude with a prayer setting out particulars of the relief claimed including –
 - (a) any application for a residence or contact order;
 - (b) any claim for ancillary relief, including child maintenance; and
 - (c) any claim for costs.
- (8) Every petition, if settled by an advocate or solicitor, must be signed by that person and, if not so settled, must be signed by the petitioner.
- (9) If a petitioner is legally represented, the petitioner's advocate or solicitor must endorse on the petition his or her name and address in Jersey, which shall be an address for service.
- (10) A petitioner acting in person must endorse on the petition an address for service, which must be the petitioner's place of residence or, if he or she has no place of residence in Jersey, an address for service in Jersey.
- (11) Unless otherwise directed by the Greffier on application being made to the Greffier *ex parte*, a certificate of marriage to which the petition relates must be filed with the petition.

5A Supplemental: petition for nullity on ground of issue of interim gender recognition certificate²

- (1) This Rule applies to a petition for nullity brought under Article 18(1)(g) of the Law.
- (2) Unless otherwise directed, the petitioner must file with the petition a copy of an interim gender recognition certificate issued to the petitioner or to the respondent, as the case may be.

5B Supplemental: petition for nullity on ground that respondent's change of gender would be recognized by an approved jurisdiction³

- (1) This Rule applies to a petition for nullity brought under Article 18(1)(h) of the Law.
- (2) The petition must contain particulars of the conditions satisfied and steps taken in the approved jurisdiction that are –
 - (a) prescribed; or
 - (b) relied upon to satisfy the Court that, but for the fact that the parties are still married, the change of gender would be recognized by that jurisdiction.

- (3) The petitioner must file such documents as the Greffier may direct in support of a petition to which this Rule applies.

5C Supplemental: petition for nullity on ground of respondent's gender having become acquired gender at time of marriage⁴

Where a petition for nullity is brought under Article 18(1)(i) of the Law and a full gender recognition certificate has been issued to the respondent, the petitioner must file a copy of that full certificate with the petition, unless otherwise directed.

6 Parties

- (1) Subject to paragraph (2), where a petition alleges that the respondent has committed adultery, the person with whom the adultery is alleged to have been committed shall be made a co-respondent in the cause unless the Court otherwise directs pursuant to Article 17 of the Law.⁵
- (2) If a petition alleges that the respondent has been guilty of an offence upon a named person, being an offence the facts of which also constitute adultery, that person shall not be made a co-respondent in the cause unless the Court so directs.⁶

7 Discontinuance of cause before service of petition

Before a petition is served on any person, the petitioner may file a notice of discontinuance whereupon the cause shall stand dismissed.

8 Notice of proceedings

Every copy of a petition for service on a respondent or co-respondent must be accompanied by a notice of proceedings in Form 3 and an acknowledgement of service in Form 4.

9 Service of petition and originating summons

- (1) Unless otherwise directed –
 - (a) a copy of every petition must be served personally or by post upon every respondent and co-respondent named in the petition;
 - (b) a copy of every originating summons must be served personally or by post upon the respondent to the petition.
- (2) Personal service on any person within Jersey shall be effected through the Viscount.
- (3) Personal service must not be effected by the petitioner or the intended petitioner.
- (4) For the purposes of paragraph (1), a copy of a petition shall be deemed to have been duly served if –
 - (a) an acknowledgement of service in Form 4 has been signed by the party to be served and has been returned to the Judicial Greffe; and
 - (b) the signature of the respondent is proved at the hearing or, where the cause is undefended, in the affidavit filed by the petitioner under Rule 28(2).

- (5) When an acknowledgement of service is returned to the Greffier, the Greffier shall send a copy to the petitioner or the petitioner's advocate or solicitor within 48 hours of its receipt.
- (6) If a copy of the petition has been sent to a party and no acknowledgement of service has been returned to the Judicial Greffe, the Greffier, if satisfied by affidavit or otherwise that the party has nevertheless received the document, may direct that the document be deemed to have been duly served on that party.
- (7) Paragraph (6) shall not apply if –
 - (a) the petition is presented on the ground of one year's separation coupled with the respondent's consent to a decree being granted; and
 - (b) none of the other facts mentioned in Article 7 of the Law is alleged,unless the petitioner produces to the Court a written statement containing the respondent's consent to the grant of a decree.
- (8) An application for leave to substitute for the modes of service prescribed by this Rule some other mode of service, or to substitute for service notice of the proceedings by advertisement or otherwise, must be made *ex parte* by lodging with the Greffier an affidavit, sworn by the petitioner or respondent, as the case may be, personally, setting out the grounds on which the application is made and the facts relied on.
- (9) No order giving leave to substitute notice of proceedings by advertisement shall be made unless it appears to the Greffier that there is a reasonable probability that the advertisement will come to the knowledge of the person concerned.
- (10) If leave is given to substitute for service notice of the proceedings by advertisement, the form of advertisement must be approved by the Greffier and copies of the newspapers containing the advertisement together with any notice to appear must be filed.
- (11) An application for leave to dispense with service altogether must be made *ex parte* to the Greffier supported by an affidavit setting out the grounds of the application and, if it appears necessary or expedient to do so, the Greffier may grant such leave.
- (12) Unless otherwise directed, service or delivery of any summons, notice or other document in a cause may, if no other mode of service or delivery is prescribed, be effected –
 - (a) where the party to be served –
 - (i) is the petitioner,
 - (ii) has given notice of intention to defend, or
 - (iii) has applied to be heard on ancillary matters,by leaving the notice or document at or by sending it by post to, the address for service;
 - (b) in any other case, by delivering the notice or document to the party to be served, or by leaving it at or by sending it by post to, the party's last known address.
- (13) If an address mentioned in paragraph (12) is in Jersey, service or delivery may be effected through the Viscount.

10 Service out of Jersey

- (1) A petition, originating summons, notice or other document in a cause or matter may be served out of Jersey without leave in the manner provided by this Rule.
- (2) When a petition is to be served out of Jersey, the time limited for giving notice of intention to defend in the notice accompanying the petition or contained in the notice shall be fixed having regard to the place or country where or in which the petition or notice is to be served.
- (3) When an originating summons is to be served out of Jersey, the date of the hearing shall be fixed having regard to the place or country where or in which the summons is to be served.
- (4) When it is desired to serve any petition, originating summons, notice or other document in a foreign country the following procedure may, subject to the provisions of any relevant convention between His Majesty and the Government of a foreign country, be adopted –
 - (a) the party bespeaking such service must lodge with the Greffier a request in Form 2 (which may be varied as necessary to meet the circumstances of the case);
 - (b) the request must be accompanied by the original document and a translation of it, in the language of the country in which service is to be effected, certified by or on behalf of the person making the request, a copy of each for every person to be served and any further copies that the Greffier may deem necessary;
 - (c) the documents to be served must be sealed with the seal of the Royal Court and shall be forwarded by the Greffier to the Bailiff for transmission through official channels;
 - (d) an official certificate, transmitted through official channels to the Bailiff, establishing the fact and the date of the service of the documents shall, provided that the official certificate in the case of a document to be served personally shows the server's means of knowledge as to the identity of the person served, be deemed to be sufficient proof of such service and shall be filed as, and be equivalent to, a record by the Viscount or an affidavit of service within the requirements of these Rules in that behalf; and
 - (e) where an official certificate, transmitted to the Bailiff through official channels, certifies that efforts to serve a document have been without effect, the Court may, upon the *ex parte* application of the person desiring to cause the document to be served, order that such person be at liberty to bespeak from the Greffier a request for substituted service of such document.⁷

11 Proof of service

Unless otherwise directed, save where Rule 9(10) has been complied with (or leave has been given to dispense with service altogether), a petition shall not proceed to trial or hearing unless the respondent and every co-respondent to the petition and every person named in it –

- (a) has given notice of intention to defend;

- (b) is shown by record of the Viscount or by affidavit in accordance with Form 6 (which record or affidavit must be filed) to have been served with the petition personally or in accordance with an order for substituted service; or
- (c) has returned to the Greffier an acknowledgement of service in accordance with Form 4.

12 Notice of intention to defend

- (1) In these Rules any reference to a notice of intention to defend is a reference to an acknowledgement of service in Form 4 containing a statement to the effect that the person by whom it is signed intends to defend the proceedings to which the acknowledgement relates, and any reference to giving notice of intention to defend is a reference to returning such a notice to the Greffier.
- (2) In relation to any person on whom there is served a document requiring or authorizing an acknowledgement of service to be returned to the Judicial Greffe, references in these Rules to the time limited for giving notice of intention to defend are references to 8 days after service of the document, exclusive of the day of service, or such other time as may be fixed.
- (3) Notice of intention to defend a cause begun by petition may be given at any time before the issue of the Greffier's certificate, notwithstanding that the time limited for giving the notice has expired.
- (4) Subject to paragraphs (2) and (3) a person may give notice of intention to defend notwithstanding that the person has already returned to the Judicial Greffe an acknowledgement of service not constituting such a notice.
- (5) Notice of intention to defend may be under protest, may be either general or limited to any claim made in the petition or by subsequent application or to making an application under these Rules.
- (6) Any notice of intention to defend under protest must state concisely the grounds of the protest and the party so giving the notice must, before the expiration of the time allowed for filing an answer, apply for directions as to the determination of any question arising by reason of such notice and, in default of making such application, shall be deemed to have given an unconditional notice of intention to defend.

12A Supplemental: acknowledgement of service of petition for nullity brought on ground relating to gender recognition⁸

- (1) This Rule applies where a petition for nullity is brought under –
 - (a) Article 18(1)(g) of the Law and an interim gender recognition certificate has been issued to the respondent;
 - (b) Article 18(1)(i) of the Law and a full gender recognition certificate has been issued to the respondent.
- (2) Where the respondent returns to the Greffier an acknowledgement of service in Form 4, the respondent must, unless otherwise directed, file with it a copy of the interim certificate or the full certificate, as the case may be.

13 Consent to grant of decree

- (1) If, before the hearing of a petition on the ground of one year's separation coupled with the respondent's consent to a decree being granted, the respondent wishes to indicate to the Court that he or she consents to the grant of a decree, the respondent must do so by giving the Greffier a notice to that effect signed by him or her personally.
- (2) For the purposes of paragraph (1) an acknowledgement of service containing a statement that the respondent consents to the grant of a decree shall be treated as such a notice if the acknowledgement is signed personally by the respondent and attested by a qualifying witness.
- (3) For the purpose of paragraph (2) a qualifying witness is –
 - (a) in Jersey, a Jurat or a Connétable, a Deputy of the States, an advocate or solicitor of the Royal Court or a notary public; or
 - (b) outside Jersey, a judge, justice of the peace, magistrate, mayor, chief officer of any city or municipal corporation, a lawyer qualified under the legal system of the place of execution, a person authorized to take oaths or affidavits or the equivalent thereof by the law of Jersey or the law of the place of execution, a British consular official (or a person for the time being discharging the duties of such an official) or, if the respondent is a member of the British armed forces, an officer of those forces authorized to take affidavits.⁹
- (4) A respondent to a petition on the ground mentioned in paragraph (1) may give notice to the Court either that he or she does not consent to a decree being granted or that any consent he or she has already given is withdrawn.
- (5) If notice is given under paragraph (4) and none of the other grounds mentioned in Article 7 of the Law is alleged, the proceedings on the petition shall be stayed and the Greffier shall thereupon give notice of the stay to all parties.

14 Supplemental and amended petitions

- (1) A supplemental petition may be filed without leave at any time before an answer is filed but thereafter only with leave of the Court.
- (2) A petition may be amended without leave at any time before an answer is filed but thereafter only with leave of the Court.
- (3) Subject to paragraph (4) an application for leave under this Rule –
 - (a) must, if no notice of intention to defend has been given by any opposite party, be made *ex parte* by filing an affidavit;
 - (b) may, if every opposite party who has given notice of intention to defend consents in writing to the supplemental petition being filed or the petition being amended, be made *ex parte* by filing the supplemental petition or a copy of the petition as proposed to be amended together with such consents in writing; and
 - (c) must, in any other case, be made by summons to be served, unless otherwise directed, on every opposite party.
- (4) The Court may, if it thinks fit, require an application for leave under paragraphs (3)(b) and (c) to be supported by an affidavit.

- (5) Any affidavit required to be filed in pursuance of paragraph (3)(a) or (4) must verify the new facts of which the deponent has personal cognisance and depose as to belief in the truth of the other new facts alleged.
- (6) An order made under this Rule shall –
 - (a) where any party has given notice of intention to defend, fix the time within which that party's answer must be filed or amended;
 - (b) if made after the Greffier has issued a certificate under Rule 28, provide for a stay of the hearing until the Greffier has issued a new certificate.
- (7) Unless otherwise directed, a copy of the supplemental petition or of the amended petition, together with a copy of the order (if any) made under this Rule and an acknowledgement of service in Form 4, so far as such form is applicable, must be served upon the respondent and co-respondent and, in the case of a respondent or co-respondent not named in the original petition, the supplemental petition or amended petition must be accompanied by a notice of proceedings in accordance with Form 3 or, as the case may be, Form 7, and a form of acknowledgement of service in accordance with Form 4, so far as such form is applicable, and the provisions of Rules 9 to 11 shall apply to the supplemental or amended petition as they apply to the original petition.

15 Interveners

- (1) If an allegation is made in a petition against a person who is not made either a respondent or co-respondent under Rule 6, the Court may order that a copy of the petition be served on that person accompanied, in lieu of a notice of proceedings, by a notice in Form 7, and an acknowledgement of service in Form 4, so far as such form is applicable.
- (2) Service of a copy of the petition under an order pursuant to paragraph (1) must, unless otherwise directed, be effected, and proof of service given, in the manner provided for by Rules 9, 10 and 11 in the case of service of a copy of a petition on a co-respondent.
- (3) Unless otherwise directed, a party intervening must join in the proceedings at the stage the proceedings have reached at the time that party appears, and his or her name must appear thereafter in the title to the cause.
- (4) References in this Rule to a petition include references to a supplemental or amended petition.

16 Filing of answer to petition

- (1) Subject to paragraph (2) and to Rules 13 and 17, a respondent or co-respondent who –
 - (a) wishes to defend the petition or to dispute any of the facts alleged in it;
 - (b) being the respondent wishes to make in the proceedings any allegation against the petitioner in respect of which the respondent prays for relief; or
 - (c) being the respondent to a petition to which Article 10(1) of the Law applies, wishes to oppose the grant of a decree on the ground mentioned in that Article,

must, within 14 days after the expiration of the time limited for giving notice of intention to defend, file an answer to the petition.

- (2) If the time limited for giving notice of intention to defend has expired, and the Greffier's certificate under Rule 28 has been issued, the time for filing an answer shall be deemed to have expired, notwithstanding that 14 days have not elapsed.

16A Supplemental: answer praying for decree of nullity on ground of issue of interim gender recognition certificate¹⁰

- (1) This Rule applies to an answer under Rule 16(1) that prays for a decree of nullity under Article 18(1)(g) of the Law.
- (2) The respondent must, unless otherwise directed, file with the answer a copy of an interim gender recognition certificate issued to the respondent or to the petitioner, as the case may be.

16B Supplemental: answer praying for decree of nullity on ground that petitioner's change of gender would be recognized by an approved jurisdiction¹¹

- (1) This Rule applies to an answer under Rule 16(1) that prays for a decree of nullity under Article 18(1)(h) of the Law.
- (2) Unless otherwise directed, the answer must contain particulars of the conditions satisfied and steps taken in the approved jurisdiction that are –
 - (a) prescribed; or
 - (b) relied upon to satisfy the Court that, but for the fact that the parties are still married, the petitioner's change of gender would be recognized by that jurisdiction.
- (3) The respondent must file such documents as the Greffier may direct in support of an answer to which this Rule applies.

16C Supplemental: answer praying for decree of nullity on ground of petitioner's gender having become acquired gender at time of marriage¹²

Where an answer under Rule 16(1) prays for a decree of nullity under Article 18(1)(i) of the Law and a full gender recognition certificate has been issued to the petitioner, the respondent must file a copy of the full certificate with the answer, unless otherwise directed.

17 Pleadings out of time

No pleading shall be filed out of time without leave of the Court after the Greffier's certificate has been issued under Rule 28.

18 Contents of answer and subsequent pleadings

- (1) If an answer, reply or subsequent pleading contains more than a simple denial of the facts stated in the petition, answer or reply, as the case may be, the pleading must set

out with sufficient particularity the facts relied on but not the evidence by which they are to be proved.

- (2) Unless otherwise directed, an answer by a husband or wife who disputes any statement required by Rule 5(1)(f)(g)(h) and (i) to be included in the petition must contain full particulars of the facts relied on.
- (3) Rule 5(7) shall, where appropriate, apply with the necessary modifications to a respondent's answer as it applies to a petition save that it shall not be necessary to include in the answer any claim for costs against the petitioner.
- (4) If an answer to any petition contains a prayer for relief, it must contain the information required by Rule 5(1)(k) in the case of the petition in so far as it has not been given by the petitioner.
- (5) An answer containing a claim for a residence order in respect of any minor child of the family must be accompanied by a separate written statement containing the information required by Form 5.
- (6) A party cited or person named in an answer who has given notice of intention to defend the answer and wishes to defend all or any of the charges made therein must, within 14 days after the expiration of the time limited for giving notice of intention to defend, file an answer to the charges by sending it by post or by leaving it at the Judicial Greffe.
- (7) Every answer or subsequent pleading, if settled by an advocate or solicitor, must be signed by that person and, if not so settled, must be signed by the party filing it.

19 Filing of reply and subsequent pleadings

- (1) A petitioner may file a reply to an answer within 14 days after having received a copy of the answer.
- (2) If the petitioner does not file a reply to an answer, the petitioner shall, unless the answer prays for a decree, be deemed, on making an application under Rule 28, to have denied every material allegation of fact made in the answer.
- (3) No pleading subsequent to a reply shall be filed without leave of the Court.

19A Supplemental: reply to answer praying for decree of nullity on ground relating to gender recognition¹³

- (1) This Rule applies where an answer is filed under Rule 16(1) which prays for a decree of nullity under –
 - (a) Article 18(1)(g) of the Law and an interim gender recognition certificate has been issued to the petitioner;
 - (b) Article 18(1)(i) of the Law and a full gender recognition certificate has been issued to the petitioner.
- (2) Where the petitioner files a reply under Rule 19(1) to the answer, he or she must, unless otherwise directed, file with it a copy of the interim certificate or the full certificate, as the case may be.

20 Supplemental answer and amendment of pleadings

Rule 14 shall apply, with the necessary modifications, to the filing of a supplemental answer, and the amendment of a pleading or other document not being a petition, as it applies to the filing of a supplemental petition and the amendment of a petition.

21 Particulars

- (1) A party on whom a pleading had been served may in writing request the party whose pleading it is to give particulars of any allegation or other matter pleaded and, if that party fails to give the particulars within a reasonable time, the party requiring them may apply for an order that the particulars be given.
- (2) The request or order in pursuance of which particulars are given must be incorporated with the particulars, each item of the particulars following immediately after the corresponding item of the request or order.
- (3) A party giving particulars, whether pursuant to an order or otherwise must file a copy of them within 24 hours of giving them to the party requesting them.

22 Delivery of subsequent pleadings

A copy of every answer (other than an answer which is required to be served in the same manner as a copy of a petition), reply and subsequent pleading must, within 24 hours after it is filed, be delivered to the opposite parties or their advocates or solicitors.

PART 3**PREPARATION FOR TRIAL****23 Discovery by interrogatories**

- (1) A party to a cause may by leave deliver interrogatories in writing for the examination of an opposite party.
- (2) A copy of the interrogatories proposed to be delivered must be filed when the summons is issued and a further copy must be served with the summons.
- (3) Interrogatories must, unless otherwise ordered, be answered by affidavit to be filed within 14 days.

24 Discovery and inspection of documents

- (1) The Court may order any party to a cause to furnish any opposite party with a list of the documents which are or have been in the party's possession, custody or power relating to any matter in question in the cause, and to verify such list by affidavit.
- (2) An order under paragraph (1) may be limited to such documents or classes of documents only, or to such only of the matters in question in the cause, as may be specified in the order.

- (3) If it is desired to claim that any documents are privileged from production, the claim must be made in the list of documents with a sufficient statement of the grounds of the privilege.
- (4) A party who has furnished any opposite party with a list of documents in compliance with paragraph (1) must allow the other party to inspect the documents referred to in the list (other than any which the furnishing party objects to produce) and to take copies thereof and, accordingly, must give the other party notice in writing stating a time within 7 days after furnishing the list at which the said documents may be inspected at a place specified in the notice.
- (5) The Court may order any party to a cause in whose pleadings or affidavits reference is made to any document to produce that document for the inspection of any other party and to permit that party to take copies thereof.

25 Medical examination in proceedings for nullity

- (1) Subject to paragraph (2), in proceedings for nullity on the ground of impotence or incapacity to consummate the marriage the petitioner must apply to the Greffier to determine whether medical inspectors should be appointed to examine the parties.
- (2) An application under paragraph (1) may not be made in an undefended cause –
 - (a) if the husband is the petitioner; or
 - (b) if the wife is the petitioner and –
 - (i) it appears from the petition that she was either a widow or divorced at the time of the marriage in question, or
 - (ii) it appears from the petition or otherwise that she has borne a child, or
 - (iii) a statement by the wife that she is not a virgin is filed,unless in any such case the petitioner is alleging his or her own impotence or incapacity.
- (3) References in paragraphs (1) and (2) to the petitioner shall, where the cause is proceeding only on the respondent's answer or where the allegation of impotence or incapacity is made only in the respondent's answer, be construed as references to the respondent.
- (4) An application under paragraph (1) by the petitioner must be made –
 - (a) if the respondent has not given notice of intention to defend, after the time limited for giving such notice has expired; or
 - (b) if the respondent has given notice of intention to defend, after the time allowed for filing the answer, or, if he or she has filed an answer, after it has been filed,and an application under paragraph (1) by the respondent must be made after the respondent has filed an answer.
- (5) If the party required to make an application under paragraph (1) fails to do so within a reasonable time, the other party may, if he or she is prosecuting or defending the cause, make an application under that paragraph.
- (6) In proceedings for nullity on the ground that the marriage has not been consummated owing to the wilful refusal of the respondent, either party may apply to the Greffier for the appointment of medical inspectors to examine the parties.

- (7) If the respondent has not given notice of intention to defend an application by the petitioner under paragraph (1) or (6) may be made *ex parte*.
- (8) Paragraphs (1) to (5) shall be deemed to apply in proceedings for nullity where the grounds of impotence or wilful refusal are pleaded in the alternative.
- (9) If the Greffier, on hearing an application under paragraph (1) or (6), considers it expedient to do so, the Greffier shall appoint a medical inspector or, if he or she thinks it necessary, two medical inspectors to examine the parties and to report to the Inferior Number the result of the examination.
- (10) At the hearing of any such proceedings as are referred to in paragraph (1) the Inferior Number may, if it thinks fit, appoint a medical inspector or two medical inspectors to examine any party who has not been examined or to examine further any party who has been examined.
- (11) The party on whose application an order under paragraph (9) is made or who has the conduct of proceedings in which an order under paragraph (10) has been made for the examination of the other party, must serve on the other party notice of the time and place appointed for his or her examination, and service of such notice must be effected and proof of service must be given in the manner provided for by Rules 9 and 11 in the case of service of a copy of a petition on a respondent.
- (12) However, if the respondent is represented by an advocate or solicitor, service must be effected on such advocate or solicitor, as the case may be, in the manner provided for by Rule 9.

26 Conduct of medical examination

- (1) Every medical examination under Rule 25 must be held at the consulting room of the medical inspector or, as the case may be, by one of the medical inspectors appointed to conduct the examination.
- (2) However, the Greffier may, on the application of a party, direct that the examination of that party shall be held at such other place as the Greffier thinks convenient.
- (3) Every party presenting for examination must sign, in the presence of the inspector or inspectors, a statement that he or she is the person referred to as the petitioner or respondent, as the case may be, in the order for the examination, and at the conclusion of the examination the inspector or inspectors shall certify on the statement that it was signed in his, her or their presence by the person who has been examined.
- (4) Every report made in pursuance of Rule 25 must be filed and either party shall be entitled to be supplied with a copy on request to the Greffier.

27 Directions for trial of issue

The Court may direct, and a petitioner and any party to a cause who has given notice of intention to defend may apply to the Court for directions for, the separate trial of any issue of fact or any question as to the jurisdiction of the Court.

28 Greffier's certificate and directions for trial

- (1) On the application in accordance with Form 20 of the petitioner in an undefended cause, or on the application in accordance with Form 21 of the petitioner or of any party who is defending a cause, the Greffier, if satisfied –
- (a) that a copy of the petition (including any supplemental or amended petition) and any subsequent pleading has been duly served on every party required to be served;
 - (b) if no notice of intention to defend has been given by any party entitled to give it, that the time limited for giving such notice has expired;
 - (c) if notice of intention to defend has been given by any party, that the time allowed for filing an answer has expired;
 - (d) if any answer has been filed, that the time allowed for filing any subsequent pleading has expired;
 - (e) in proceedings for nullity –
 - (i) that any application required by Rule 25(1) has been made, and
 - (ii) if an order for the examination of the parties has been made on an application under Rule 25, that the notice required by paragraph (11) of that Rule has been served and that the report of the inspector or inspectors has been filed,

shall issue a certificate (the “Greffier’s certificate”) to that effect.

- (2) If the cause is an undefended cause for divorce, judicial separation or a decree of nullity and, in a case to which Article 7(2)(a) of the Law applies, the respondent has filed a notice under Rule 13(1) of consent to the grant of a decree, then, unless otherwise directed, there must be filed with the application under paragraph (1) an affidavit by the petitioner –
- (a) containing the information required by Form 8, 8A, 9, 10 or 11 (whichever is appropriate) as near as may be in the order there set out, together with any corroborative evidence on which the petitioner intends to rely; and
 - (b) verifying, with such amendments as the circumstances may require, the contents of any statement of arrangements filed by the petitioner under Rule 5(5),

and the Greffier shall enter the cause on the next undefended list.¹⁴

- (3) In the case of a defended cause the Greffier may treat the application under paragraph (1) as a summons for directions so as to enable the Greffier to give such directions with regard to –
- (a) the future course of the cause;
 - (b) any application made therein for ancillary relief or for an order relating to a child; and
 - (c) the provision of evidence relating to the arrangements or proposed arrangements for the children of the family,

as appear to be necessary or desirable for securing the just, expeditious and economical disposal of the cause or application; and the Greffier shall give the parties notice of a date, time and place at which the request is to be considered.

- (4) In any other case the Greffier shall enter the cause on the next defended list.
- (5) The Greffier, when issuing the Greffier's certificate to the party that made the application under paragraph (1), shall send a copy to the address for service of each of the other parties to the cause.

29 Listing of causes and fixing date of trial

- (1) The Greffier shall prepare and maintain 2 numbered lists to be known as the "undefended list" and the "defended list" showing respectively the undefended causes and the defended causes which are for the time being set down for trial or hearing.
- (2) The causes shall be entered in each list in the order in which they were set down for trial or hearing and a copy of each list shall be displayed in a public place in the vicinity of the Royal Court.
- (3) Save with the consent of all parties and by leave of the Court no undefended cause shall be heard until after the expiration of 10 days from the date on which it is set down for hearing.
- (4) The Court may from time to time fix a day or days for the trial or hearing of the causes for the time being entered in the undefended list and the first of the days so fixed shall not be less than 10 days from the date on which it was fixed.
- (5) The Greffier shall, with the least possible delay, cause notice of the day or days so fixed to be made public in such manner as the Court shall direct.
- (6) When a cause has been entered in the defended list, either party may apply to the Bailiff in Chambers for a day to be fixed for the trial or hearing of the cause.
- (7) The party applying must, not less than 4 days before making an application under paragraph (6), notify in writing the other parties to the cause of the intention to make the application and when it is intended to make it.
- (8) Save with the consent of all parties, the day fixed for the trial or hearing of the cause must be not less than 10 days from the date of the application.
- (9) When a date has been fixed for the trial or hearing of a cause, the party that made the application must, within 4 days, notify that date to every party who was not present at the hearing of the application.
- (10) In all defended causes the petitioner must, at least 2 days before the day fixed for the trial or hearing, lodge with the Greffier the *billet* containing the full names of all parties to the cause and a list of all witnesses whom the petitioner proposes to call.
- (11) Any party who is defending or to be heard in a cause must, at least 2 days before the day fixed for the trial or hearing, lodge with the Greffier a list of all witnesses whom that party proposes to call.

PART 4

TRIAL ETC

30 Evidence at trial of cause

- (1) Subject to this Rule and the [Civil Evidence \(Jersey\) Law 2003](#) and any other enactment, any fact required to be proved by the evidence of witnesses at the trial of a cause begun by petition must be proved by the examination of the witnesses orally and in open court.
- (2) Nothing in this Rule shall affect the power of the Court at the trial to refuse to admit any evidence if in the interest of justice the Court thinks fit to do so.
- (3) The Court may order –
 - (a) that the evidence of any witness be reduced to writing and embodied in an affidavit which may be read at the trial on such conditions as the Court thinks reasonable;
 - (b) that the evidence of any particular fact be given at the trial in such manner as may be specified in the order and in particular –
 - (i) by statement on oath of information or belief, or
 - (ii) by the production of documents or entries in books, or
 - (iii) by copies of documents or entries in books, or
 - (iv) in the case of a fact which is or was a matter of common knowledge either generally or in a particular area by the production of a specified newspaper containing a statement of that fact; and
 - (c) that not more than a specified number of expert witnesses may be called.
- (4) An application to the Greffier for an order under paragraph (3) must –
 - (a) if no notice of intention to defend has been given; or
 - (b) if the petitioner and every party who has given notice of intention to defend consents to the order sought; or
 - (c) if the cause is undefended and the Greffier's certificate has been issued, be made *ex parte* by filing an affidavit stating the grounds on which the application is made.
- (5) Where an application is made before the trial for an order that the affidavit of a witness may be read at the trial or that evidence of a particular fact may be given at the trial by affidavit, the proposed affidavit or a draft thereof must be submitted with the application; and where the affidavit is sworn before the hearing of the application and sufficiently states the ground on which the application is made, no other affidavit shall be required under paragraph (4).
- (6) Subject to paragraph (7), any party may apply to the Court –
 - (a) for an order authorizing the Viscount or the Greffier to take in writing, on oath or affirmation, the evidence of any person who is a party or witness in a cause and who is in Jersey at the time of the application; or
 - (b) for a commission or for letters of request to examine a person who is a party or witness in a cause and who is not in Jersey at the time of the application.

- (7) Unless otherwise directed, evidence taken in accordance with paragraph (6) shall not be admissible at the trial or hearing unless the Court is satisfied that the deponent is dead, or out of Jersey or unable from sickness or other infirmity to attend court, in any of which cases the depositions duly certified shall be admissible in evidence.
- (8) The Court may of its own motion or on the application of any party give such further directions for the expeditious and efficient trial of the cause as it thinks fit.

31 Hearing of undefended causes by Greffier

- (1) The Greffier shall have jurisdiction to hear and determine undefended causes in accordance with this Rule.
- (2) As soon as practicable after a cause has been entered on the undefended list, the Greffier shall consider the evidence filed by the petitioner and –
 - (a) if satisfied that the petitioner has sufficiently proved the contents of the petition and is entitled to a decree, shall so certify; or
 - (b) if not so satisfied, may give the petitioner an opportunity of filing further evidence or remove the cause from the undefended list.
- (3) On the making of a certificate under paragraph (2), a date shall be fixed pursuant to Rule 29(4) for the pronouncement of a decree by the Greffier in open court and the Greffier shall send to the petitioner or his or her advocate or solicitor notice of the date and place so fixed and a copy of the certificate but, subject to paragraph (4), it shall not be necessary for any party to appear on that occasion.
- (4) Where the petition contains a prayer for costs, the Greffier may –
 - (a) if satisfied that the petitioner is entitled to such costs, include in the certificate a statement to that effect;
 - (b) if not so satisfied, give to any party who objects to paying such costs notice that, if that party wishes to proceed with his or her objection, the party must attend before the Court on the date fixed in accordance with paragraph (3).

32 Right of respondent, co-respondent or party cited to be heard on question of costs

- (1) A respondent, co-respondent or party cited may, without filing an answer, be heard on any question as to costs, but the Greffier may at any time order any party objecting to a claim for costs to file and serve on the party making the claim a written statement setting out the reasons for his or her objection.
- (2) A party shall be entitled to be heard on any question pursuant to paragraph (1) whether or not the party has filed an acknowledgement of service stating his or her wish to be heard on that question.
- (3) In proceedings after a decree nisi of divorce or a decree of judicial separation, no order the effect of which would be to make a co-respondent or party cited liable for costs not directly referable to the decree shall be made unless the co-respondent or party cited is a party to such proceedings or has been given notice of the intention to apply for such an order.

PART 5

ARRANGEMENTS FOR CHILDREN

33 Respondent's statement as to arrangements for children

- (1) A respondent on whom there is served a statement in accordance with Rule 5(5) may, whether or not he or she agreed that statement, file a written statement of his or her views on the present and proposed arrangements for the children in Form 5, and the respondent, upon filing any such statement, must send a copy of it to the petitioner.
- (2) Any such statement of the respondent's views must, if practicable, be filed within the time limited for giving notice of intention to defend and in any event before the Court considers the arrangements or proposed arrangements for the upbringing and welfare of the children of the family.

34 Applications relating to children of the family

- (1) An application may be made in the cause to the Court at any time before or after final decree by a party to the cause or by any other person for an order under any provision of Part 1 or Part 2 of the Children Law in relation to a child of the family; and where the applicant is not a party and has obtained such leave as is required under that Law to make the application, no leave to intervene in the cause shall be necessary.
- (2) If, while a cause is pending, proceedings relating to any child of the family are begun in any other court, a concise statement of the nature of the proceedings must immediately be filed by the person beginning the proceedings or, if that person is not a party to the cause, by the petitioner.

35 Procedure for complying with Article 25A of the Law

- (1) If no application mentioned in Rule 34(1) is pending, the Court shall, after making a certificate under Rule 31(2)(a), proceed to consider the matters specified in Article 25A(1) of the Law in accordance with this Rule.
- (2) If, on consideration of the relevant evidence, including any further evidence or report provided pursuant to this Rule and any statement filed by the respondent under Rule 33, the Court is satisfied that –
 - (a) there are no children of the family to whom Article 25A of the Law applies; or
 - (b) there are such children but the Court need not exercise its powers under the Children Law with respect to any of them or give any direction under Article 25A(2) of the Law,the Court shall certify accordingly and, in a case to which sub-paragraph (b) applies, the petitioner and the respondent shall each be sent a copy of the certificate by the Court.
- (3) The Court, if not satisfied as mentioned in paragraph (2), may, without prejudice to any power under the Children Law or Article 25A(2) of the Law, give one or more of the following directions –

- (a) that the parties, or any of them, file further evidence relating to the arrangements for the children (and the direction must specify the matters to be dealt with in the further evidence);
 - (b) that a welfare report on the children, or any of them, be prepared; and
 - (c) that the parties, or any of them, attend before the Court at the date, time and place specified in the direction,
- and the parties shall be notified accordingly.
- (4) When a direction is given under Article 25A of the Law, notice of the direction must be given to the parties.
 - (5) In this Rule “parties” means the petitioner, the respondent and any person who appears to the Court to have the care of the child.

PART 6

DECREES AND ORDERS AFTER DECREE NISI

36 Application for rescission of decree

- (1) An application by a respondent under Article 11(2) of the Law for the rescission of a decree of divorce must be made to the Court by summons.
- (2) An application under paragraph (1) must be supported by an affidavit setting out the allegations on which the applicant relies.
- (3) Unless otherwise directed, the summons and supporting affidavit must be served on the petitioner not less than 14 days before the day fixed for the hearing of the application.

37 Application under Article 11(3) of the Law

- (1) An application by the respondent to a petition for divorce for the Court to consider the financial position of the respondent after the divorce must be made by notice in Form 17.
- (2) A petitioner served with a notice in Form 17 must (unless the petitioner has already filed an affidavit of means) within 14 days after service of the notice, file an affidavit in answer to the application containing full particulars of property and income, and if that is not done, the Court may order the petitioner to file an affidavit containing such particulars.
- (3) Within 14 days after service of any affidavit under paragraph (2), or within such time as the Court may direct, the respondent must file an affidavit in reply containing full particulars of the respondent’s property and income unless already given in an affidavit of means filed by the respondent.

38 Intervention by Attorney General

- (1) If the Attorney General wishes to show cause against a decree nisi being made absolute, the Attorney General shall give notice to that effect to the Court and to the party in whose favour it was pronounced.

- (2) Within 21 days of giving notice under paragraph (1) the Attorney General shall file a plea setting out the grounds on which the Attorney General desires to show cause, together with a copy for service on the party in whose favour the decree was pronounced and every other party affected by the decree.
- (3) The Greffier shall serve a copy of the plea on each of the persons mentioned in paragraph (2).
- (4) Subject to paragraphs (5) and (6), these Rules shall apply to all subsequent pleadings and proceedings in respect of the plea as if it were a petition by which a cause is begun.
- (5) If no answer to the plea is filed within the time limited, or if an answer is filed and struck out or not proceeded with, the Attorney General may move the Court forthwith to rescind the decree and dismiss the petition.
- (6) Rule 28 shall apply to proceedings in respect of a plea by the Attorney General as it applies to the trial of a cause, so however that if all the charges in the plea are denied in the answer, the application for directions shall be made by the Attorney General and in any other case it shall be made by the party in whose favour the decree nisi has been pronounced.

39 Intervention by person other than Attorney General

- (1) If any person other than the Attorney General wishes to show cause against a decree nisi being made absolute and has been allowed by the Court under Article 23 of the Law to intervene, that person must give notice to that effect to the Greffier and file an affidavit in support stating the facts relied on and, within 24 hours of filing, serve a copy of the notice and affidavit in support on the party in whose favour the decree was pronounced, and on the other parties to the cause in which the decree was pronounced.
- (2) A party on whom a copy of the affidavit has been served under paragraph (1) may, within 14 days after service, file an affidavit in answer and, if that party does so, the party must, within 24 hours of filing, serve a copy on the person showing cause.
- (3) The person showing cause may file an affidavit in reply within 14 days after service of the affidavit in answer and, if that person does so, he or she must, within 24 hours of filing, serve a copy on each party who was served with a copy of the original affidavit.
- (4) No affidavit may be served after an affidavit in reply except with the leave of the Court.
- (5) A person showing cause must apply to the Greffier for directions within 14 days after expiry of the time allowed for filing an affidavit in reply or, if an affidavit in answer has been filed, within 14 days after the expiry of the time allowed for filing such an affidavit.
- (6) If the person showing cause does not apply under paragraph (5) within the time allowed, any of the other parties may do so.

40 Rescission of decree nisi by consent

- (1) If, after a decree nisi has been pronounced but before it has been made absolute, or after a decree of judicial separation has been pronounced, the petitioner and the

respondent have become reconciled, either party may apply to the Greffier by summons for an order rescinding the decree by consent.

- (2) A copy of the summons by which an application under paragraph (1) is made, in addition to being served on the petitioner or the respondent, as the case may be, must be served on any other party against whom costs have been awarded or who is otherwise affected by the decree; and such other party shall be entitled to be heard.

41 Decree absolute on lodging notice

- (1) Subject to Rule 42(1) and (2) and Rule 43, an application by a spouse to make absolute a decree nisi pronounced in the spouse's favour may be made by lodging with the Greffier a notice of application in Form 12.
- (2) The Greffier shall make the decree absolute if satisfied –
 - (a) that no –
 - (i) application for rescission of the decree or for re-hearing of the cause,
 - (ii) appeal against the decree or against the dismissal of an application for re-hearing of the cause, or
 - (iii) intervention under Rule 38 or 39,is pending;
 - (b) that the provisions of Article 11(3) to (5) of the Law do not apply or have been complied with; and
 - (c) that the provisions of Article 25A(1) of the Law have been complied with and the Court has not given any directions under 25A(2) of the Law.
- (3) However, if the notice is lodged more than 12 months after the decree nisi, there must be lodged with the notice an explanation in writing –
 - (a) giving reasons for the delay;
 - (b) stating whether the parties have lived with each other since the decree nisi and, if so, between what dates; and
 - (c) stating whether the applicant being the wife has, or being the husband has reason to believe that his wife has, given birth to any child since the decree nisi and, if so, stating the relevant facts and whether or not it is alleged that the child is or may be a child of the family,

and the Greffier may require the applicant to file an affidavit verifying the said explanation and may make such order on the application as the Greffier thinks fit.

42 Decree absolute on application

- (1) An application by a spouse for a decree nisi pronounced against the spouse to be made absolute may be made by summons after the expiration of the period of 3 months specified in Article 20(3) of the Law to the Greffier and shall be accompanied by a notice of application in accordance with Form 12 which must be served on the other spouse not less than 4 clear days before the day on which the application is to be heard.¹⁵

- (2) An order granting an application under this Rule shall not take effect until the Greffier is satisfied as to the matters mentioned in Rule 41(2).
- (3) In the following cases an application for a decree nisi to be made absolute must be made by summons, that is to say –
 - (a) where the Attorney General gives to the Court and to the party in whose favour the decree was pronounced a notice requiring more time to decide whether to show cause against the decree being made absolute and the notice has not been withdrawn; or
 - (b) where there are other circumstances which ought to be brought to the attention of the Court before the decree nisi is made absolute.
- (4) Unless otherwise directed, the summons by which the application is made must be served on every party to the cause (other than the applicant) and, in a case to which paragraph (1)(a) applies, on the Attorney General.

43 Expedition of decree absolute

- (1) No decree nisi may be made absolute until after the expiration of 6 weeks from the pronouncing of the decree.
- (2) However, an application to expedite the grant of a decree absolute may be made –
 - (a) in person to the Court at the hearing of the case; or
 - (b) if some matter arises after the decree nisi making it desirable that the decree absolute should be expedited, to the Court by summons supported by an affidavit.

44 Certificate of decree absolute

A certificate in Form 13 or Form 14, whichever is appropriate, that the decree has been made absolute shall be prepared and filed by the Greffier and the certificate shall be authenticated by fixing to it the seal of the Court.

45 Reversal of decree of judicial separation

- (1) A petition to the Court for the reversal of a decree of judicial separation must set out particulars of the decree which the Court will be requested to reverse and the grounds on which the petitioner relies.
- (2) The party in whose favour the decree was pronounced may file an answer within 14 days after service of a copy of the petition on that party.
- (3) Except as provided in paragraph (2), all proceedings on the petition shall be carried on in the same manner, so far as practicable, as proceedings on a petition for judicial separation.

45A Saving for certain decrees of nullity absolute on pronouncement¹⁶

Nothing in this Part affects a decree of nullity under Article 18(1)(g) or (h) of the Law that is absolute on pronouncement in accordance with the proviso to Article 20(1) of the Law.

PART 7

ANCILLARY RELIEF

46 Application of this Part

- (1) The procedures set out in this Part apply to any ancillary relief applications and to any application under Article 11(3) of the Law.
- (2) In this Part, unless the context otherwise requires –
 - “applicant” means the party applying for ancillary relief;
 - “respondent” means the respondent to the application for ancillary relief.

47 Overriding objective

- (1) The overriding objective of the Court is to deal with cases justly.
- (2) Dealing with a case justly includes, so far as is practicable –
 - (a) ensuring that the parties are on an equal footing;
 - (b) saving expense;
 - (c) dealing with the case in ways that are proportionate –
 - (i) to the amount of money involved,
 - (ii) to the importance of the case,
 - (iii) to the complexity of the issues, and
 - (iv) to the financial position of each party;
 - (d) ensuring that it is dealt with expeditiously and fairly; and
 - (e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.
- (3) The Court shall seek to give effect to the overriding objective when it –
 - (a) exercises any power given to it by this Part; or
 - (b) interprets any Rule.
- (4) The parties must help the Court to further the overriding objective.
- (5) The Court shall further the overriding objective by actively managing cases.
- (6) Active case management includes –
 - (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
 - (b) encouraging the parties to settle their disputes through mediation, where appropriate;
 - (c) identifying the issues at an early date;
 - (d) regulating the extent of disclosure of documents and expert evidence so that they are proportionate to the issues in question;
 - (e) helping the parties to settle the whole or part of the case;

- (f) fixing timetables or otherwise controlling the progress of the case;
- (g) making use of technology; and
- (h) giving directions to ensure that the trial of a case proceeds quickly and efficiently.

48 Right to be heard on ancillary questions

A respondent may be heard on any question of ancillary relief without filing an answer and whether or not the respondent has returned to the Greffier an acknowledgement of service stating his or her wish to be heard on that question.

49 Application for ancillary relief

- (1) Any application by a petitioner, or by a respondent who files an answer claiming relief for –
 - (a) child maintenance;
 - (b) interim maintenance;
 - (c) spousal maintenance;
 - (d) a secured provision order;
 - (e) a lump sum payment;
 - (f) a variation of settlement order; or
 - (g) a transfer, sale or settlement of property order,must be made in the petition or answer, as the case may be.
- (2) However, an application for ancillary relief that should have been made in the petition or answer may be made subsequently by leave of the Court, either by notice in Form 16 or at the hearing.
- (3) A notice of intention to proceed with an application for ancillary relief made in the petition or answer or an application for ancillary relief must be made by notice in Form 16.
- (4) An application by a petitioner or respondent for ancillary relief, not being an application that is required to be made in the petition or answer, must be made by notice in Form 16.
- (5) The terms of the order requested must be specified in the notice, and an application relating to immovable property must identify the property and give particulars, so far as is known to the applicant, of any hypothec or other charge.
- (6) No application for secured provision order, lump sum payment, variation of settlement order or for transfer, sale or settlement of property may be made by a respondent who has not filed an answer claiming relief within 2 months of final decree except with leave of the Greffier.
- (7) An application for leave under paragraph (6) must be made to the Greffier by summons supported by an affidavit accounting for the delay.

50 Application by parent, guardian, etc for ancillary relief in respect of children¹⁷

Any of the following persons, namely –

- (a) a parent or guardian of any child of the family;
- (b) any person in whose favour a residence order has been made with respect to a child of the family, and any applicant for such an order;
- (c) any other person who is entitled to apply for a residence order with respect to a child;
- (d) the Minister for Children and Education, where an order has been made under Article 24 of the Children Law placing a child in the care of the Minister; and
- (e) a child of the family who has been given leave to intervene in the cause for the purpose of applying for maintenance or secured provision,

may apply for an order for ancillary relief in respect of that child by notice in Form 16.

51 Separate representation of children on certain applications

- (1) If an application is made to the Court for a variation of settlement order, the Court may, if satisfied that the proposed variation might adversely affect the rights or interests of any children concerned, direct that the children be separately represented on the application and may appoint a guardian *ad litem* of the children for the purpose of the application.
- (2) On any other application for ancillary relief the Court may give such a direction or make such appointment as it is empowered to give or make by paragraph (1).
- (3) Before a person is appointed guardian *ad litem* under this Rule, the Court must be satisfied that that person has no interest in the matter adverse to that of the children and is a proper person to be such guardian.
- (4) This Rule is without prejudice to Rule 64.

52 Information required on an application for ancillary relief consent order

- (1) Subject to paragraphs (2) and (3), there must be lodged with every application for a consent order for ancillary relief 2 copies of a draft of the order in the terms sought, one of which must be indorsed with a statement signed by the respondent to the application signifying the respondent's agreement, and a statement of information form, which must include –
 - (a) the duration of the marriage, the age of each party and of any minor or dependent child of the family;
 - (b) an estimate in summary form of the approximate amount or value of the capital resources and net income of each party and of any minor child of the family;
 - (c) what arrangements are intended for the accommodation of each of the parties and any minor child of the family;
 - (d) whether either party has remarried or is cohabiting with another person, or has any present intention to marry or to cohabit with another person;
 - (e) if the terms of the order provide for a transfer of property, a statement confirming that any person in whose favour any hypothecary or other charge has been subscribed in respect of that property has been served with notice of

the application and that no objection to such a transfer has been made by the mortgagee within 14 days from such service; and

- (f) any other especially significant matters.
- (2) If an application is made for a consent order varying an order for periodical payments, it shall be sufficient compliance with paragraph (1) if the statement of information required to be lodged with the application includes only the information in respect of net income mentioned in paragraph (1)(b), and an application for a consent order for interim periodical payments pending the determination of an application for ancillary relief may be made in like manner.
- (3) If all or any of the parties attend the hearing of an application for financial relief the Court may dispense with the lodging of a statement of information in accordance with paragraph (1) and give directions for the information which would otherwise be required to be given in such a statement to be given in such a manner as it sees fit.

53 Notice of preliminary directions hearing (“PDH”)

- (1) Upon the filing of Form 16 the Greffier shall give the applicant a date for a preliminary directions hearing (in these Rules abbreviated to “PDH”).
- (2) The applicant must then serve on the other party a copy of Form 16 with the date and time of the PDH endorsed on it giving not less than 2 clear days notice of the PDH.
- (3) The notice required by paragraph (2) may be given by sending it to the last known address of a party that does not have, or is not deemed to have, an address for service.
- (4) If a party seeking ancillary relief has not filed Form 16 within 6 months of the issue of the decree nisi, the Greffier may, of the Greffier’s own motion, after giving not less than 28 days’ notice in writing to all parties to the cause and after having given the parties an opportunity to be heard, order that any application for ancillary relief be dismissed and may make such consequential order as to costs, or otherwise, as he or she thinks fit.

54 Procedure at PDH

- (1) The legal representatives of the parties must attend the PDH or, if any party is unrepresented, that party must attend the PDH in person.
- (2) At the PDH, the Greffier may give or make any of the directions or orders mentioned in Rule 55(1) and, in particular, directions or orders relating to the case review hearing under Rule 56.

55 Directions and orders in ancillary relief proceedings

- (1) The Court may at any stage of proceedings in connexion with ancillary relief after the issue of a summons or of its own motion give directions and make orders –
 - (a) as to the date of any subsequent proceedings (including the fixing of further appointments for any purpose);
 - (b) as to the service of any pleading, Form, statement or document by or on any party to or person in the proceedings;

- (c) as to anything required to be stated in any pleading, Form, statement or document in the proceedings;
 - (d) about –
 - (i) the valuation of assets,
 - (ii) obtaining and exchanging expert evidence, and
 - (iii) evidence to be adduced by each party and, if appropriate, as to a statement of the issues between the parties and chronologies or schedules to be filed by each party;
 - (e) as to affidavits (including affidavits of means);
 - (f) as to being at liberty to make an application to the Court in the proceedings;
 - (g) as to the rights of third parties (including trustees or hypothecary creditors or secured parties in relation to security interest) in connexion with the matters mentioned in sub-paragraphs (b) and (f);
 - (h) as to the forum for any subsequent proceedings;
 - (i) that the cause or proceedings be adjourned for alternative dispute resolution, out-of-court mediation or private negotiation;
 - (j) in relation to costs; or
 - (k) otherwise conducive to attaining in the cause the overriding objective set out in Rule 47.
- (2) A party may apply to the Court for an order that any person attend an appointment (an “inspection appointment”) before the Court and produce any documents to be specified or described in the order, the inspection of which appears to the Court to be necessary for disposing fairly of the application for ancillary relief or for saving costs.
- (3) No person shall be compelled by an order under paragraph (2) to produce a document at an inspection appointment which that person could not be compelled to produce at the hearing of the application for ancillary relief.
- (4) The Court shall permit any person attending an inspection appointment pursuant to an order under paragraph (2) to be represented at the appointment.

56 Case review hearing

- (1) The case review hearing shall be conducted with the objective of defining the issues and saving costs.
- (2) At the hearing the Greffier –
 - (a) shall determine the extent to which any questions seeking further information must be answered, and give directions for the production of such further documents as may be necessary;
 - (b) shall give directions, if not already given at the PDH, about –
 - (i) the valuation of assets (including, where appropriate, the joint instruction of joint experts),
 - (ii) obtaining and exchanging expert evidence, if required, and

- (iii) evidence to be adduced by each party and, if appropriate, about further chronologies or schedules to be filed by each party;
- (c) may, without prejudice to Rule 55(1), direct any one or more of the following –
 - (i) that a further case review hearing be fixed,
 - (ii) that an appointment be fixed for the making of an interim order,
 - (iii) that the case be fixed for final hearing and, if that direction is given, the Greffier shall determine whether or not the case is to be heard by the Inferior Number, or
 - (iv) that the case be adjourned for alternative dispute resolution, to include mediation, or for private negotiation or, in exceptional circumstances, generally; and
- (d) may make an interim order if an application for it has been made not less than 3 days beforehand.
- (3) Both parties must attend the hearing in person unless the Greffier orders otherwise.

57 Summons for directions

- (1) A party may apply at any stage of the proceedings for further directions by filing a summons in Form 15.
- (2) Rule 53 shall apply to the fixing of a date for the hearing of the summons as it applies to a PDH.
- (3) When, in the opinion of the Court, or a party alleges that, an application for ancillary relief gives rise to a contested issue of conduct of a nature likely materially to affect the question whether any, or what, order should be made, application must be made to the Greffier by summons for directions as to the filing and service of pleadings relative to the application and as to the further conduct of the proceedings.

58 Costs

At any court hearing or appointment any party may be requested produce to the Court an estimate of the costs incurred by that party.

59 Hearing of application for ancillary relief

- (1) At the hearing of an application for ancillary relief the Greffier shall, subject to Rules 60 and 61 investigate the allegations made in support of and in answer to the application, and may take evidence orally and may at any stage of the proceedings, whether before or during the hearing, order the attendance of any person for the purpose of being examined or cross-examined and order the disclosure and inspection of any document or require further statements.
- (2) A statement filed under paragraph (1) shall be sworn to be true.
- (3) Each party to the application must, at least 2 days before the day fixed for the hearing of the application, file a list containing the full names of all witnesses whom that party proposes to call.

60 Order on application for ancillary relief

- (1) Subject to Rule 61, the Greffier shall, after completing the investigation under Rule 59(1), make such order as the Greffier thinks just.
- (2) Pending the final determination of the application, the Greffier may make an interim order upon such terms as the Greffier thinks just.

61 Reference of application to Inferior Number

The Greffier may at any time refer an application for ancillary relief, or any question arising on such an application, to the Inferior Number for its decision.

PART 8**MISCELLANEOUS****62 Appeals against orders and decisions of the Greffier**

- (1) An appeal shall lie to the Inferior Number from any order or decision of the Greffier.
- (2) Any party to a cause affected by an order or decision of the Greffier, other than an interlocutory order, may apply to the Greffier, within 7 days of the order or decision, to give reasons for having made it.
- (3) The Greffier shall deliver reasons for the decision to the applicant and to every other party to the proceedings as soon as practicable, but, in any event, within 2 months of the application.
- (4) The appeal shall be brought by the appellant serving on every other party a notice of appeal in Form 18 and general grounds of appeal in Form 19, copies of which must also be delivered to the Greffier.
- (5) Forms 18 and 19 must be served within 10 days after the Greffier has delivered reasons in accordance with paragraph (3).
- (6) Any party may bring a cross-appeal within 10 days of receiving a notice of appeal from any other party.
- (7) Upon receipt of Forms 18 and 19, the Greffier shall order the preparation of a transcript of any evidence taken at the hearing before the Greffier, in accordance with Rule 65, at the cost of the appellant.
- (8) Within 14 days after filing Forms 18 and 19, the appellant must, having given due notice to every other party, attend before the Bailiff's Secretary to fix a date for the hearing of the appeal.
- (9) If the appellant does not fix a date for the hearing in accordance with paragraph (8), the appeal shall be deemed to have been abandoned.
- (10) Within 21 days of receiving the transcript, or within 21 days of delivery of the Greffier's reasons if no evidence was taken at the hearing before the Greffier, the appellant must serve on the respondent and on any other party to the appeal the appellant's contentions together with any reports, affidavits and authorities upon which the appellant intends to rely at the hearing of the appeal.

- (11) Within 21 days of the receipt of a copy of the appellant's contentions, reports, affidavits and authorities, the respondent and any other party to the appeal must file his or her contentions together with any reports, affidavits and authorities upon which each intends to rely at the hearing of the appeal.
- (12) No later than 5 clear days before the date fixed for the hearing of the appeal, the appellant and any other party to the appeal must lodge with the Greffier the contentions, reports, affidavits, authorities and any other pleadings which that party proposes to use and lodge 3 copies thereof with the Bailiff's Secretary.
- (13) Unless the Court otherwise directs, an appeal under this Rule does not operate as a stay of the order or decision appealed against.

63 Minors and persons of unsound mind

- (1) The *tuteur* of a minor, the guardian of a child or the curator of a person under curatorship may commence, prosecute, defend, intervene or make any application in any cause.
- (2) A minor who has no *tuteur* and a person of unsound mind who has no curator may apply to the Greffier *ex parte* through his or her next friend, for the appointment of a guardian *ad litem*, by whom he or she may commence, prosecute, defend, intervene or make any application in, any cause to which these Rules relate.
- (3) When in any cause any document is required to be served, and the person on whom service is to be effected is a minor, that document must, unless otherwise directed, be served on the *tuteur* or guardian *ad litem* of the minor or, if there be neither, upon the person with whom the minor resides or under whose care the minor is, and service so effected shall be deemed good service on the minor, provided that the Greffier may order that service made, or to be made, on the minor shall be deemed good service.
- (4) When in any cause any document is required to be served, and the person on whom service is to be effected is of unsound mind, that document must, unless otherwise directed, be served on the curator or guardian *ad litem* of such person or, if there be neither, upon the person with whom the person of unsound mind resides, or under whose care he or she is, and service so effected shall be deemed to be good service upon the person of unsound mind.
- (5) In spite of paragraphs (3) and (4), the Greffier may order that service effected, or to be effected, on a minor or person of unsound mind be deemed good.
- (6) If a petition or answer has been served on a minor or person of unsound mind, and no notice of intention to defend has been given by or on behalf of the minor or person of unsound mind, or if an order of justice or originating summons has been served on a minor or person of unsound mind, the party at whose instance the petition, answer, order of justice or originating summons was served must, before proceeding further, apply to the Greffier for an order that some proper person be appointed guardian *ad litem* of the minor or person of unsound mind.

64 Separate representation of children

If in any matrimonial proceedings it appears to the Court that a child ought to be separately represented, the Court may appoint an advocate or solicitor or some other proper person

(provided in any case that the person consents) to be the guardian *ad litem* of the child, with authority to take part in the proceedings on the child's behalf.

65 Transcript of evidence

- (1) Unless the Court otherwise directs, a digital or tape recording shall be made of the sworn evidence at the hearing of –
 - (a) any defended proceedings for divorce, judicial separation or nullity;
 - (b) an application –
 - (i) for ancillary relief, or
 - (ii) in relation to a child.
- (2) The Attorney General, the petitioner and any other party who at any time has given notice of intention to defend or intervene in the suit shall be entitled to require a transcript of proceedings in the suit and the Greffier shall, on the request of any person so entitled, furnish that person with a transcript of the whole or any part of the transcript on payment by that person of the charge on the same scale as that fixed by Rules of Court for transcripts of proceedings under Parts 1 and 3 of the [Court of Appeal \(Jersey\) Law 1961](#).
- (3) The costs of the transcript shall be included in the recoverable costs of the cause, provided that the Greffier may direct a party who brings an appeal in accordance with Rule 62 to pay the costs of the transcript in the first instance.

66 Correction of judgment and orders

Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court on summons without an appeal.

67 Affidavits

An affidavit for the purpose of the Law or these Rules made in Jersey must be made before the Bailiff, a Jurat or a notary public, or otherwise in accordance with the [Affidavits \(Advocates and Solicitors\) \(Jersey\) Law 1992](#) and, if made elsewhere, be made before a person authorized to take affidavits in the place where it is made.

68 Notice of file number

- (1) When an originating summons or a petition is filed at the Judicial Greffe the cause will be allotted a file number which must be indorsed at the top right hand corner of all documents filed subsequently.
- (2) A notice of the file number shall be sent by the Greffier to the advocate or solicitor or, if the petitioner is acting in person, to the petitioner who filed the originating summons or the petition.

69 Change of advocate or solicitor

Any party may change his or her advocate or solicitor at any stage of the proceedings but, until notice of any such change is filed by the new advocate or solicitor and copies of the notice are served on every other party to the proceedings (not being a party in default), the former advocate or solicitor shall be taken to be the advocate or solicitor of the party.

70 Entries in the Public Registry

The Court may give directions for the making in the Public Registry of all such entries as the circumstances of the case may require in accordance with Rule 18 of the [Royal Court Rules 2004](#).

71 Directions

The Greffier may, with the concurrence of the Bailiff, issue directions for the purpose of securing due observance of statutory requirements and uniformity of practice in matrimonial proceedings.

72 Citation

These Rules may be cited as the Matrimonial Causes Rules 2005.

SCHEDULE¹⁸

(Rule 1(3))

FORMS

| | | |
|-----------|---|---|
| Form 1 | – | Originating summons under Rule 3 |
| Form 1(a) | – | Acknowledgement to Originating Summons |
| Form 2 | – | Request for service in a foreign country |
| Form 3 | – | Notice of proceedings |
| Form 4 | – | Acknowledgement of service |
| Form 5 | – | Statement as to arrangements for children |
| Form 6 | – | Affidavit of service |
| Form 7 | – | Notice to a person entitled to intervene |
| Form 8 | – | Affidavit by petitioner in support of petition on the grounds of one year's or two years' separation, or on the grounds of nullity |
| Form 8A | – | Affidavit by Petitioner in support of petition for annulment under Article 18(1)(g) of the Matrimonial Causes (Jersey) Law 1949 |
| Form 9 | – | Affidavit by petitioner in support of petition on the grounds of adultery |
| Form 10 | – | Affidavit by petitioner in support of petition on the grounds of unreasonable behaviour |
| Form 11 | – | Affidavit by petitioner in support of petition on the grounds of desertion |
| Form 12 | – | Notice of application for decree nisi to be made absolute |
| Form 13 | – | Certificate of making decree nisi absolute (nullity) |
| Form 14 | – | Certificate of making decree nisi absolute (divorce) |
| Form 15 | – | Summons |
| Form 16 | – | Notice of application for ancillary relief |
| Form 17 | – | Notice of application under Rule 37 |
| Form 18 | – | Notice of appeal against order of the Greffier |
| Form 19 | – | General grounds of appeal |
| Form 20 | – | Application for Greffier's certificate (undefended) |
| Form 21 | – | Application Greffier's certificate (defended) |

Form 1

Originating summons*Matrimonial Causes Rules 2005 Rule 3(1)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

IN THE MATTER OF A PROPOSED PETITION BY A.B. FOR THE DISSOLUTION
OF [HIS] [HER] MARRIAGE WITH C.D.

LET
of
attend the Royal Court on day the day of 200
at [a.m.] [p.m.] on the hearing of an application of
for an order that [he] [she] be at liberty to file a petition for dissolution of [his] [her]
marriage with
solemnised on the day of 20 notwithstanding that three years
have not passed since the date of the marriage.

A copy of the affidavit in support of the application is delivered with this summons.

You are required to complete the accompanying Form 1(a) and send it to the applicant or
to [his] [her] advocate or solicitor.

If you wish to be heard on the application, you must attend at the time and place
mentioned above and, if you do not attend, the Court will give whatever directions and
make whatever order it thinks just and expedient.

Signed
(Applicant)

Date

A copy of this originating summons has been filed this day

Registrar/Greffier Substitute

Date

Form 1(a)

Acknowledgement of service of originating summons*Matrimonial Causes Rules 2005 Rule 3(5)***IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

APPLICANT

AND

RESPONDENT

IF YOU HAVE AN ADVOCATE OR SOLICITOR HAND THIS FORM TO HIM OR HER IMMEDIATELY

1. Have you received the originating summons delivered with this form? (*Write Yes or No*)☐

2. On what date did you receive it?

...../...../20.....

3. At what address did you receive it?
(*give full address including postcode*)

4. Are you the person named as the respondent in the originating summons? (*Write Yes or No*)

| |
|--------------------------|
| <input type="checkbox"/> |
| <input type="checkbox"/> |

5. Do you intend to oppose the application? (*Write Yes or No*)Give an address for service **in Jersey** to which any communications for you should be sent
(*give full address including postcode*)

Signed
(Respondent)

Date

If an advocate or solicitor is instructed:

[I am] [We are] acting for the respondent

Give address for service **in Jersey**

Signed

Date

Form 2

Request for service in a foreign country*Matrimonial Causes Rules 2005 Rule 10(4)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

I request that the [petition] [originating summons] [*or describe the document*] in this cause be sent through the proper channels to [*name of country*] for [service] [substituted service] on the [*name the party*] at [*address*] or elsewhere in [*name of country*].

I personally undertake to be responsible for all expenses incurred by [Her Majesty's Principal Secretary of State for Foreign Affairs] [the foreign judicial authority] in respect of the service requested and, on receiving due notification of the amount of such expenses, I undertake to pay the same to the Judicial Greffier.

Signed:**Date:**

[Applicant] [Applicant's advocate or solicitor]

Form 3

Notice of proceedings*Matrimonial Causes Rules 2005 Rule 8***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

A petition has been presented to the Royal Court. A copy of it [and a copy of the petitioner's Statement of Arrangements for the child(ren)] [is] [are] delivered with this Notice.

1. You must complete and detach the Acknowledgement of Service (**Form 4**) and send it so as to reach the Registrar, Family Division, Judicial Greffe, Royal Court, Royal Square, St Helier, Jersey, within days after you receive this Notice, inclusive of the day of receipt.
2. If you intend to instruct an advocate or solicitor to act for you, you should at once give him or her all the documents which have been served on you, so that he or she may send the Acknowledgement to the Judicial Greffe on your behalf. If you do not intend to instruct an advocate or solicitor, you should nevertheless give an address for service in the Acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Any change of address should be notified immediately to the Judicial Greffe. Remember that your address for service **must be in Jersey**.

NOTES ON QUESTIONS IN THE ACKNOWLEDGEMENT OF SERVICE

3. If you answer **Yes** to **Question 4** or **7** you must, within days after you receive this Notice, inclusive of the day of receipt, file an answer in the Judicial Greffe and, within 24 hours thereafter, send a copy of it to the petitioner's advocate or solicitor and every other party to the proceedings or, if he or she is not represented by an advocate or solicitor, to the petitioner.
4. Before you answer **Yes** to **Question 5** you should understand that -
 - (a) you are under no obligation to answer this question but you may do so if you wish;
 - (b) the answer **Yes** will be treated by the Court as an admission on which the petitioner is entitled to rely and may result in an order for costs being made against you.

5. Before you answer **Yes** to **Question 6** you should understand that the Court will grant a decree of divorce if it is satisfied on the evidence that the petitioner and you have lived apart for one year immediately preceding the presentation of the petition and that you consent to a decree being granted (*See attached notice*).

If after consenting you wish to withdraw your consent you must immediately inform the Judicial Greffe and give notice to the petitioner.

6. A decree absolute of divorce will end your marriage so that, *e.g.*
- (a) you may lose any pension rights which depend on the marriage;
 - (b) you may lose rights of occupancy of the matrimonial home.

A decree may have other consequences in your case depending on your particular circumstances and if you are in any doubt about these you should immediately consult an advocate or solicitor.

7. If you wish to make some financial or property claim on your own account, you must make an application on **Form 16** which may be obtained from the Judicial Greffe.

8. In support of the petition the petitioner alleges that the parties to the marriage have lived apart for a continuous period of at least [one] [two] years immediately preceding the presentation of the petition. You may, if you so wish, apply to the Court for it to consider your financial position after the divorce. The petition will tell you whether the petitioner proposes to make any financial provision for you. You should consider this information carefully before answering **Question 8** in the Acknowledgement of Service.

9. If you answer **Yes** to **Question 8** you must, before the decree is made absolute, apply to the Court by filing and serving on the petitioner a notice in **Form 17**, which may be obtained from the Judicial Greffe.

10. If you do not agree with the proposals regarding the child(ren) in the Statement of Arrangements, you may send to the Judicial Greffier a statement setting out your views on the proposals regarding the child(ren). A copy of your statement should, if practicable, reach the Judicial Greffe within the time allowed for filing an answer.

11. In connexion with **Question 11(d)**, if you wish to make an application for a

- (i) residence order;
- (ii) contact order;
- (iii) specific issue order; or
- (iv) prohibited steps order,

in respect of the child(ren), you must make a separate application on **Form C1** which may be obtained from the Judicial Greffe. **Before you apply for any of these orders or any other orders which may be available to you under the Children (Jersey) Law 2002, you are advised to see an advocate or a solicitor.**

12. If the petition is for nullity –

- (a) on the ground that an interim gender recognition certificate has been issued to a party to the marriage, and such a certificate has been issued to you, you must, when returning the acknowledgement of service, attach to it a copy of your interim certificate;
- (b) on the ground that a change of your gender would be recognized by an approved jurisdiction, you may, when returning the acknowledgement of service, be required to attach to it such documents as the Greffier may direct;
- (c) on the ground that your gender was the acquired gender at the time of the marriage under the Gender Recognition (Jersey) Law 2010 and a full gender recognition certificate has been issued to you, you must, when returning the acknowledgement of service, attach to it a copy of your full certificate.

Signed
(Petitioner)
Address in Jersey

Date:

.....
.....
.....

If an advocate or solicitor is instructed

[I am] [We are] acting for the petitioner
Address for service in Jersey

.....
.....
.....

Signed

Date:

Registrar/Greffier Substitute

Date:

Form 4
Acknowledgement of service
Matrimonial Causes Rules 2005 Rule 8

IN THE ROYAL COURT OF JERSEY
(Family Division)

File No:

BETWEEN PETITIONER
AND RESPONDENT
AND CO-RESPONDENT

**IF YOU INTEND TO INSTRUCT AN ADVOCATE OR A SOLICITOR TO ACT FOR YOU,
GIVE HIM OR HER THIS FORM IMMEDIATELY. READ CAREFULLY THE NOTICE
OF PROCEEDINGS BEFORE ANSWERING THE FOLLOWING QUESTIONS.**

| | | |
|----|--|---|
| 1. | Have you received the petition delivered with this form? | |
| 2. | On which date and at what address did you receive it? | On the day of 20 at |
| 3. | Are you the person named as the [respondent] [co-respondent] in the petition? | |
| 4. | Do you intend to defend the case? | |
| 5. | <i>(In the case of a petition alleging adultery)</i> Do you admit the adultery alleged in the petition? | |
| 6. | <i>(In the case of a petition alleging one year's separation with the respondent's consent to a decree)</i> Do you consent to a decree being granted? | |
| 7. | <i>(In the case of a petition alleging two years' separation)</i> Do you intend to oppose the grant of a decree on the ground that the divorce will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the marriage? | |

| | | |
|-----|--|--|
| 8. | In the event of a decree nisi being granted on the basis of one year's separation with the respondent's consent, or two years' separation, do you intend to apply to the Court for it to consider your financial position as it will be after the divorce? | |
| 9. | Even if you do not intend to defend the case by filing an answer, do you wish to be heard on the claims in the petition for - | |
| | (i) costs | |
| | (ii) child maintenance | |
| | (iii) interim maintenance | |
| | (iv) spousal maintenance | |
| | (v) a lump sum | |
| | (vi) secured provision | |
| | (vii) transfer, sale or settlement of property | |
| | (viii) variation of a settlement | |
| 10. | Do you wish to make application on your own account for - | |
| | (i) child maintenance | |
| | (ii) interim maintenance | |
| | (iii) spousal maintenance | |
| | (iv) secured provision | |
| | (v) a lump sum | |
| | (vi) transfer, sale or settlement of property | |
| | (vii) variation of a settlement | |
| 11. | (a) Have you received a copy of the Statement of Arrangements for child(ren)? | |
| | (b) What was the date of the Statement of Arrangements for the child(ren)? | |

| | |
|---|--|
| <p>(c) Do you agree with the proposals in that Statement of Arrangements?</p> <p><i>If No you may file a written statement of your views on the present and the proposed arrangements for the child(ren).</i></p> <p><i>It would help if you sent that statement to the Judicial Greffe with this Form. You can get a form from the Judicial Greffe.</i></p> | |
| <p>(d) Do you intend to make an application on your own account for a residence order, contact order, specific issue order or prohibited steps order?</p> <p><i>If you do, you must make an application on Form C1. You can get the Form from the Judicial Greffe.</i></p> | |

Signed

Date

[Respondent] [Co-respondent]
Address **in Jersey**

.....
.....
.....

Note: *If you do not reside in Jersey, you should put the address of a place in Jersey to which documents may be sent to you.*
If you subsequently wish to change your address for service, you must notify the Judicial Greffe.

If an advocate or solicitor is instructed

[I am] [We are] acting for the [respondent] [co-respondent]
Address for service **in Jersey**

.....
.....
.....

Signed

Date

Form 5

Statement of arrangements for children*Matrimonial Causes Rules 2005 Rules 5(5) and 33(1)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

TO THE PETITIONER

You must complete this Form if you or the respondent have any children under 18.

If your husband/wife does not agree with the proposals he/she will have an opportunity at a later stage to state why he/she does not agree and will be able to make his/her own proposals.

You should take or send the completed form, signed by you (and, if agreement is reached, by your husband/wife) together with a copy to the Judicial Greffe when you issue your petition.

The Court will only make an order if it considers that an order will be better for the child(ren) than no order.

If you wish to apply for any of the orders which may be available to you under Article 10 of the Children (Jersey) Law 2002 you are advised to see an advocate or solicitor. A list of advocates and solicitors can be obtained from the Judicial Greffe.

TO THE RESPONDENT

The petitioner has completed this Form which will be sent to the Court at the same time that the petition is filed.

Please read all parts of the Form carefully.

If you agree with the arrangements and proposals for the children you should sign at the end of the Form.

Please use black ink. You should return the Form to the petitioner, or his/her advocate or solicitor.

If you do not agree with all or some of the arrangements or proposals you will be given the opportunity of saying so when the petition is served on you.

SECTION A - DETAILS OF CHILDREN (Please read 1, 2 and 3 before you complete this section)

- 1. Children of both parties** *(Give details only of any children born to you and the respondent or adopted by you both)*

| Forenames | Surname | Date of Birth |
|-----------|---------|---------------|
| (i) | | |
| (ii) | | |
| (iii) | | |
| (iv) | | |
| (v) | | |

2. **Other children of the family** *(Give details of any other children treated by both of you as children of the family: for example your own or the respondent's)*

| Forenames | Surname | Date of Birth | Relationship to Yourself Respondent |
|-----------|---------|---------------|-------------------------------------|
| (i) | | | |
| (ii) | | | |
| (iii) | | | |
| (iv) | | | |
| (v) | | | |

3. **Other children who are not children of the family** *(Give details of any children born to you or the respondent that have not been treated as children of the family or adopted by you both)*

| Forenames | Surname | Date of Birth |
|-----------|---------|---------------|
| (i) | | |
| (ii) | | |
| (iii) | | |
| (iv) | | |
| (v) | | |

SECTION B - ARRANGEMENTS FOR THE CHILDREN OF THE FAMILY

This section must be completed. Give details for each child if arrangements are different. (If necessary, continue on another sheet and attach it to this Form).

4. **Home details** *(please tick the appropriate boxes)*

| | |
|---|---|
| (a) The address at which the children now live. | |
| (b) Give the names of all other persons living with the children including your husband/wife if he/she lives there. State their relationship to the children. | |
| (c) Will there be any change in these arrangements? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |

5. Education and training details *(please tick the appropriate boxes)*

| | |
|---|--|
| (a) Give the name of the school, college or place of training attended by each child. | |
| (b) Do the children have any special educational needs? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
| (c) Is the school, college or place of training, fee-paying? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details of how much the fees are per term/year)</i> |
| (d) Are fees being regularly paid? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
| (e) Will there be any change in these arrangements? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |

6. Childcare details *(please tick appropriate boxes)*

| | |
|--|--|
| (a) Which parent looks after the children from day to day? If responsibility is shared, please give details | |
| (b) Does that parent go out to work? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details of his/her hours of work)</i> |

| | |
|--|---|
| (c) Does someone look after the children when the parent is not there? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
| (d) Who looks after the children during school holidays? | |
| (e) Will there be any change in these arrangements? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |

7. Maintenance *(please tick the appropriate boxes)*

| | |
|--|---|
| (a) Does your husband/wife pay towards the upkeep of the children? If there is another source of maintenance, please specify. | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details of how much)</i> |
| (b) Is the payment made under a court order? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details including the name of the court)</i> |
| (c) Do the children have any special educational needs? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details including the name of the court)</i> |
| (d) Has maintenance for the children been agreed? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |

| | |
|---|---|
| (e) If not, will you be applying for a child maintenance order? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
|---|---|

8. Details for contact with the children *(please tick appropriate box)*

| | |
|--|---|
| (a) Do the children see your husband/wife? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
| (b) Do the children ever stay with your husband/wife? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |
| (c) Will there be any change to these arrangements? Please give details of the proposed arrangements for contact and residence. | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details)</i> |

9. Details of health *(please tick appropriate box)*

| | |
|--|---|
| (a) Are the children generally in good health? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details of any serious disability or chronic illness)</i> |
| (b) Do the children have any special health needs? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details of the care needed and how it is to be provided)</i> |

10. Details of care and other court proceedings *(please tick appropriate box)*

| | |
|--|---|
| (a) Are the children in the care of Health and Social Services or under the supervision of a Children's Officer or Probation Officer? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give detail including any court proceedings)</i> |
| (b) Are any of the children on the Child Protection Register? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details and, if known, the date of registration)</i> |
| (c) Are there or have there been any proceedings in any court involving the children, for example adoption, custody/residence, access/contact, care, supervision or maintenance? | <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(please give details and send a copy of any order to the Court)</i> |

SECTION C - TO THE PETITIONER**Mediation**

If you and your husband/wife do not agree about arrangements for the child(ren), would you agree to discuss the matter with a mediator and your husband/wife?

☐ No ☐ Yes

Declaration

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed
(Petitioner)

Date

SECTION D - TO THE RESPONDENT**Mediation**

If you and your husband/wife do not agree about arrangements for the child(ren), would you agree to discuss the matter with a mediator and your husband/wife?

☐ No ☐ Yes

Declaration

I agree with the arrangements and proposals contained in sections A and B of this Form.

Signed
(Respondent)

Date

Form 6

Affidavit of service*Matrimonial Causes Rules 2005 Rule 11(b)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

I,

of

make oath and say that I did on the day of 200 serve

a copy of the [petition] [originating summons] [notice] in this matter [together with a

Notice of Proceedings and Form of Acknowledgment of Service] on

, the [respondent] [co-respondent] []

by delivering the same to the said

personally at

*(State means of knowledge of identity of the person served)***SWORN etc.**

Form 7

Notice to a person entitled to intervene

Matrimonial Causes Rules 2005 Rules 14(7) and 15(1)

**IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

PETITIONER

AND

RESPONDENT

To: *[Co-respondent's name and address*

]

TAKE NOTICE that a petition has been presented to the Royal Court by

A copy of it is delivered with this Notice.

You are required to complete the accompanying Form of Acknowledgement of Service, and send it to the Registrar, Family Division, Judicial Greffe, St Helier, Jersey within days of receipt of this Notice.

Unless you intervene by giving notice of intention to defend you are not entitled to be heard. If you do not intervene, the Court may, without further notice to you, proceed to hear the petition and pronounce judgment, notwithstanding your absence.

Date

Registrar/Greffier Substitute

Form 8

Affidavit by petitioner in support of petition on the ground of one year's or two years' separation, or on the ground of nullity*Matrimonial Causes Rules 2005 Rule 28(2)(a)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

| QUESTION | ANSWER |
|--|--------|
| About the petition | |
| 1. Have you read the petition filed in this cause? | |
| 2. Do you wish to alter or add to any statement in the petition? If so, state the alterations or additions. | |
| 3. Subject to these alterations and additions (if any), is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief. | |
| 4. State the date on which you and the respondent separated. | |
| 5. Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the address and the period or periods, giving dates, and describe the arrangements for sharing the accommodation. | |

| About the child(ren) of the family | |
|------------------------------------|---|
| 6. | Have you read the Statement of Arrangements filed in this cause? |
| 7. | Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions. |
| 8. | Subject to these alterations and additions (if any) is everything stated in your petition [and Statement of Arrangements for the child(ren)] true to the best of your knowledge and belief? |

AFFIDAVIT

I, *(full name)*
 of *(full residential address)*
(occupation)

make oath and say as follows -

1. I am the petitioner in this cause.

2. **The answers to Questions 1 to 8 are true.**

(1) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him/her.

3. I identify the signature⁽¹⁾
 appearing on the copy Acknowledgement of Service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4. I identify the signature⁽¹⁾
 appearing at section D of the Statement of Arrangements dated now produced to me and marked "B" as the signature of the respondent.

(2) Exhibit any other document on which the petitioner wishes to rely.

5.⁽²⁾

6.(a) Both my [husband] [wife] and I were domiciled in Jersey on the date these proceedings began

(give details)

] **or**

(3) Delete as the case may be.

[(b) [My husband/wife] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the presentation of the petition]⁽³⁾.

(4) If the petitioner seeks a judicial separation, amend accordingly.

7. I ask the Court to grant a decree dissolving my marriage with the respondent⁽⁴⁾ on the grounds stated in my petition [and to order the respondent to pay the costs of this cause]⁽⁵⁾.

(5) Delete if costs are not sought.

Sworn at

this day of 20

Before me

[Advocate] [Solicitor] [Notary Public]⁽³⁾

Form 8A

Affidavit by Petitioner in support of petition for annulment under Article 18(1)(g) of the Matrimonial Causes (Jersey) Law 1949*Matrimonial Causes Rules 2005 Rule 28(2)(a)***IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN**PETITIONER****AND****RESPONDENT**

| QUESTION | ANSWER |
|---|--------|
| About the Petition | |
| 1. Have you read the petition in this cause? | |
| 2. Do you wish to alter or to add to any statement in the petition? If so, state the alterations. | |
| 3. Subject to these alterations or additions (if any) is everything stated in your petition true? | |
| About the interim gender recognition certificate | |
| 4. State the date on which the interim gender recognition certificate was issued. State the name of the person to whom the certificate has been issued. You must attach a copy of the interim certificate to this form. | |
| About other proceedings | |
| 5. To the best of your knowledge and belief has there been or is there continuing any of the following proceedings: <ul style="list-style-type: none"> • an application to amend an error in the interim certificate; • an appeal against a decision to amend (or not to amend) an error in the interim certificate; • a reference under Article 7(1) of the Gender Recognition (Jersey) Law 2010; or • an appeal against a decision made following a reference under Article 7(1)? | |

| | |
|---|--|
| <p>If so, please give details of those proceedings and any order made. (You should also attach copies of any order made).</p> | |
| <p>About the child(ren) of the family</p> <p>6. Have you read the Statement of Arrangements filed in this cause?</p> | |
| <p>7. Do you wish to alter anything in the Statement of Arrangements or add to it?</p> <p>If so, state the alterations or additions.</p> | |
| <p>8. Subject to these alterations and additions (if any) is everything stated in your petition [and Statement of Arrangements for the child(ren)] true to the best of your knowledge and belief?</p> | |

AFFIDAVIT

I, *(full name)*
of *(full residential address)*

(occupation)

make oath and say as follows –

1. I am the petitioner in this cause.

2. **The answers to Questions 1 to 8 are true.**

(1) Delete if the Acknowledgement is signed by an advocate or a solicitor.

(2) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him / her.

3. ⁽¹⁾ I identify the signature ⁽²⁾
appearing in the copy acknowledgement of service now produced to me and marked “A” as the signature of my husband/wife, the respondent in this cause.

4. I exhibit marked “B” a copy of the interim gender recognition certificate issued to myself/the respondent in this cause.

(3) if you have answered “Yes” to question 5, exhibit any document on which you intend to rely.

5. ⁽³⁾

6. I identify the signature⁽²⁾
 appearing at section D of the Statement of Arrangements dated
 now produced to me and marked "C"
 as the signature of the respondent.
7. [(a) Both my [husband] [wife] and I were domiciled in Jersey on the
 date these proceedings began
 (give details)

] or
- [(b) [My husband/wife] [and] [I] [has] [have] been habitually resident in
 Jersey throughout one year immediately prior to the presentation of
 the petition] or
- [(c) My [husband] [wife] died before the presentation of the petition and
 at death [was domiciled in Jersey] [had been habitually resident in
 Jersey for 1 year before [his] [her] death].⁽⁴⁾
8. I ask the court to grant a decree annulling my marriage with the
 respondent on the ground stated in my petition [and to order the
 respondent to pay the costs of this suit].⁽⁵⁾

⁽⁴⁾ Delete as the case may
 be.

⁽⁵⁾ Delete if costs are not
 sought.

Sworn at

this day of 20

Before me

[Advocate] [Solicitor] [Notary Public]⁽⁴⁾

Form 9
Affidavit by petitioner in support of petition on the ground of adultery
Matrimonial Causes Rules 2005 Rule 28(2)(a)

IN THE ROYAL COURT OF JERSEY
(Family Division)

File No:

BETWEEN PETITIONER
AND RESPONDENT
AND CO-RESPONDENT

| QUESTION | ANSWER |
|---|--------|
| About the petition | |
| 1. Have you read the petition filed in this cause? | |
| 2. Do you wish to alter or add to any statement in the petition? If so, state the alterations or additions. | |
| 3. Subject to any such alterations and/or additions, is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief. | |
| 4. State briefly your reasons for saying that the respondent has committed the adultery alleged. | |
| 5. On what date did it first become known to you that the respondent had committed the adultery alleged? | |

| | | |
|---|---|--|
| 6. | Do you find it intolerable to live with the respondent? | |
| 7. | Since the date given in the answer to Question 5, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates. | |
| About the child(ren) of the family | | |
| 8. | Have you read the Statement of Arrangements filed in this cause? | |
| 9. | Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions. | |
| 10 | Subject to these alterations and additions (if any) is everything stated in your petition [and Statement of Arrangements for the child(ren)] true to the best of your knowledge and belief? | |

AFFIDAVIT

I, *(full name)*
of *(full residential address)*
(occupation)

make oath and say as follows -

1. I am the petitioner in this cause.

2. **The answers to Questions 1 to 10 are true.**

(1) Delete if the Acknowledgement is signed by an advocate or a solicitor.

(2) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him/her.

(3) Insert if admission statement exhibited.

3.⁽¹⁾ I identify the signature⁽²⁾
appearing on the copy Acknowledgement of Service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.⁽³⁾ I identify the signature⁽²⁾
appearing at the foot of the document now produced to me and marked "B" as the signature of the respondent.

5. I identify the signature⁽²⁾
appearing at section D of the Statement of Arrangements dated now produced to me and marked "C" as the signature of the respondent.

(4) Exhibit any other document on which the petitioner wishes to rely.

6.⁽⁴⁾

7. [(a) Both my [husband] [wife] and I were domiciled in Jersey on the date these proceedings began

(give details)
.....
.....] or

(5) Delete as the case may be.

[(b) [My husband/wife] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the presentation of the petition]⁽⁵⁾.

(6) If the petitioner seeks a judicial separation, amend accordingly.

(7) Amend or delete as appropriate.

8. I ask the Court to grant a decree dissolving my marriage with the respondent⁽⁶⁾ on the grounds stated in my petition [and to order the respondent/co-respondent to pay the costs of this cause]⁽⁷⁾.

Sworn at

this day of 20

Before me

[Advocate] [Solicitor] [Notary Public]⁽⁵⁾

Form 10

Affidavit by petitioner in support of petition on the grounds of unreasonable behaviour*Matrimonial Causes Rules 2005 Rule 28(2)(a)***IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

PETITIONER

AND

RESPONDENT

| QUESTION | ANSWER |
|--|--------|
| About the petition | |
| 1. Have you read the petition filed in this cause including what is said about the behaviour of the respondent? | |
| 2. Do you wish to alter or add to any statement in the petition or the particulars? If so, state the alterations or additions. | |
| 3. Are all the statements in the petition and the particulars, including any alterations or additions, true? | |
| 4. If you consider that the respondent's behaviour has affected your health, state the effect that it has had. | |
| 5. (i) Is the respondent's behaviour as set out in your petition and particulars continuing? (ii) If the respondent's behaviour is not continuing, what was the date of the final incident relied upon by you in your petition? | |

| | | |
|---|---|--|
| 6. | <p>(i) Since the date given in answer to Question 5 or, if no date is given in answer to that question, since the date of the petition, have you lived at the same address as the respondent?</p> <p>(ii) If so, state the address and the period or periods, giving dates to the best of your knowledge or belief, and describe the arrangements for sharing the accommodation.</p> <p>[State:</p> <ul style="list-style-type: none"> • whether you have shared a bedroom; • whether you have taken your meals together; • what arrangement you have made for cleaning the accommodation and for other domestic tasks. • what arrangements you have made for the payment of household bills and other expenses.] | |
| About the child(ren) of the family | | |
| 7. | Have you read the Statement of Arrangements filed in this cause? | |
| 8. | <p>Do you wish to alter anything in the Statement of Arrangements or add to it?</p> <p>If so, state the alterations or additions.</p> | |
| 9. | Subject to these alterations and additions (if any) is everything stated in your petition [and Statement of Arrangements for the child(ren)] true to the best of your knowledge and belief? | |

AFFIDAVIT

I, _____ (full name)
 of _____ (full residential address)
 _____ (occupation)

make oath and say as follows -

1. I am the petitioner in this cause.

2. The answers to Questions 1 to 9 above are true.

(1) Delete if the Acknowledgement is signed by an advocate or a solicitor.

(2) Insert name as it appears on the Acknowledgement of Service.

(3) Exhibit any medical report or document on which the petitioner wishes to rely.

3.⁽¹⁾ I identify the signature⁽²⁾
 appearing on the copy Acknowledgement of Service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4. I exhibit marked "B" a certificate/report of Dr⁽³⁾

5. I identify the signature⁽²⁾
 appearing at section D of the Statement of Arrangements dated now produced to me and marked "C" as the signature of the respondent.

6.(a) Both my [husband] [wife] and I were domiciled in Jersey on the date these proceedings began

(give details)
] or

(4) Delete as the case may be.

[(b) [My husband/wife] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the presentation of the petition]⁽⁴⁾.

(5) If the petitioner seeks a judicial separation, amend accordingly.

(6) Amend or delete as appropriate.

7. I ask the Court to grant a decree dissolving my marriage with the respondent⁽⁵⁾ on the grounds stated in my petition [and to order the respondent to pay the costs of this cause]⁽⁶⁾.

Sworn at

this day of 20

Before me

[Advocate] [Solicitor] [Notary Public]⁽⁴⁾

Form 11

Affidavit by petitioner in support of petition on the ground of desertion*Matrimonial Causes Rules 2005 Rule 28(2)(a)***IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

PETITIONER

AND

RESPONDENT

| QUESTION | ANSWER |
|---|--------|
| About the Divorce petition | |
| 1. Have you read the petition filed in this cause? | |
| 2. Do you wish to alter or add to any statement in the petition? If so, state the alterations or additions. | |
| 3. Subject to any such alterations and/or additions, is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief. | |
| 4. State the date on which you and the respondent separated and, if different, the date on which the alleged desertion began. Did you agree to the separation? | |
| 5. State briefly the facts you rely on in support of the allegation that the respondent deserted you, and your reason for saying that the desertion continued up to the presentation of the petition. | |

| | | | |
|---|---|-----------------------------|-----------------------------|
| 6. | Did the respondent ever offer to resume cohabitation? | | |
| 7. | State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to Question 4, and the periods of residence at each address: | | |
| | From to | <i>Petitioner's address</i> | From to |
| | | | <i>Respondent's address</i> |
| 8. | Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates. | | |
| About the child(ren) of the family | | | |
| 9. | Have you read the Statement of Arrangements filed in this cause? | | |
| 10. | Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions. | | |
| 11. | Subject to these alterations and additions (if any) is everything stated in your petition [and Statement of Arrangements for the child(ren)] true to the best of your knowledge and belief? | | |

AFFIDAVIT

I, *(full name)*
of *(full residential address)*
(occupation)

make oath and say as follows -

1. I am the petitioner in this cause.

2. **The answers to Questions 1 to 11 are true.**

(1) Delete if the Acknowledgement is signed by an advocate or a solicitor.

(2) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him/her.

(3) Exhibit any other document on which the petitioner wishes to rely.

3.⁽¹⁾ I identify the signature⁽²⁾
appearing on the copy Acknowledgement of Service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.⁽³⁾ I identify the signature⁽²⁾
appearing at the foot of the document now produced to me and marked "B" as the signature of the respondent.

5.⁽³⁾

6. [(a) Both my [husband] [wife] and I were domiciled in Jersey on the date these proceedings began

(give details)

.....] **or**

(4) Delete as the case may be.

[(b) [My husband/wife] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the presentation of the petition]⁽⁴⁾.

(5) If the petitioner seeks a judicial separation, amend accordingly.

(6) Delete if costs are not sought.

7. I ask the Court to grant a decree dissolving my marriage with the respondent⁽⁵⁾ on the grounds stated in my petition [and to order the respondent to pay the costs of this cause]⁽⁶⁾.

Sworn at

this day of 20

Before me

[Advocate] [Solicitor] [Notary Public]⁽⁴⁾

Form 12

Notice of application for decree nisi to be made absolute*Matrimonial Causes Rules 2005 Rule 41(1)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

TAKE NOTICE that the [petitioner] [respondent] applies for the decree nisi pronounced
in this cause on the day of 20 , to be made absolute.

Signed:**Date:**

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

Form 13

Certificate of making decree nisi absolute (nullity)*Matrimonial Causes Rules 2005 Rule 44***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

Referring to the decree made in this cause on the day of 20 ,
whereby it was ordered that the marriage in fact solemnised on the day of
 20 , at between
 the petitioner and the respondent [*in the*
case of a void marriage be pronounced and declared to have been by law void and the said
petitioner be pronounced to have been and to be free of all bond of
marriage with the said respondent] [*in the case of a voidable*
marriage be annulled] unless sufficient cause be shown to the Court within
 from the making thereof why the said decree should not be made
absolute, and no such cause having been shown, it is hereby certified that the said decree
was on the day of 20 , made final and absolute [*in the case of*
a void marriage and that the said marriage was by law void and that the said petitioner was
and is free from all bond of marriage with the said respondent] [*in the case of a voidable*
marriage and that the said petitioner was from that date and is free from all bond of
marriage with the said respondent].

Dated this day of 20 .

Form 14

Certificate of making decree nisi absolute (divorce)*Matrimonial Causes Rules 2005 Rule 44***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

Referring to the decree made in this cause on the day of 20 ,
whereby it was decreed that the marriage had and solemnised on the day of
 20 , at between
 the petitioner and the respondent be
dissolved unless sufficient cause be shown to the Court within
from the making thereof why the said decree should not be made absolute, and no such
cause having been shown, it is hereby certified that the said decree was on the
day of 20 , made final and absolute and that the said marriage was
thereby dissolved.

Dated this day of 20 .

Form 15

Summons*Matrimonial Causes Rules 2005***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

TAKE NOTICE that the [petitioner] [respondent] [co-respondent] intends to apply to the
[Inferior Number] [Judicial Greffier] on the day of 20 ,
at [a.m.] [p.m.] for -

Signed:**Date:**

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

A copy of this summons has been filed this day

Registrar/Greffier substitute

Date

Form 16

Notice of [intention to proceed with] application for ancillary relief*Matrimonial Causes Rules 2005 Rule 49***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

TAKE NOTICE that the [petitioner] [respondent] intends to [apply to the Judicial Greffier] [proceed with the application in the [petition] [answer]] for -

- child maintenance
- interim maintenance
- spousal maintenance
- secured provision
- a lump sum
- variation of a settlement
- transfer, sale or settlement of property
(*please provide address(es)*)

*please indicate which***Signed:**[Advocate/Solicitor for the]
[Petitioner] [Respondent]**Date:**

Form 17

Notice of application for Court to consider respondent's financial position

Matrimonial Causes Rules 2005 Rule 37(1)

**IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

TAKE NOTICE that the respondent intends to apply to the Court under Article 11(3) of the Matrimonial Causes (Jersey) Law 1949 for the Court to consider the financial position of the respondent after the divorce.

Notice will be given to you of the time fixed for the hearing of the application.

TAKE NOTICE also that you must send to the Judicial Greffier, so as to reach the Judicial Greffe within days after you receive this notice (inclusive of the day of receipt), an affidavit giving full particulars of your property and income.

You must at the same time send a copy of your affidavit to [the [advocate] [solicitor] for] the respondent.

If you wish to allege that the applicant has property or income you should say so in your affidavit.

Signed:

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

Date:

Form 18

Notice of appeal (Greffier)*Matrimonial Causes Rules 2005 Rule 62(4)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

TAKE NOTICE that the [petitioner] [respondent] intends to appeal against the decision of the [Registrar] [Greffier Substitute] given on the day of 20 [ordering] [refusing to order] that -

(state in full the order appealed against)

A statement of the general grounds of appeal is attached.

NOTICE will be given by the Court of the time fixed for the hearing of the appeal.

Signed:

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

Date:

Form 19

General grounds of appeal

Matrimonial Causes Rules 2005 Rule 62(4)

**IN THE ROYAL COURT OF JERSEY
(Family Division)**

File No:

BETWEEN

PETITIONER

AND

RESPONDENT

The general grounds of appeal referred to in the Notice of Appeal are that -

(set out each ground in separate numbered paragraphs)

1.

Signed:

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

Date:

Form 20

Application for Greffier's certificate (undefended)*Matrimonial Causes Rules 2005 Rule 28(1)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

The petitioner hereby applies for the Certificate of the Judicial Greffier under Rule 28(1) of the Matrimonial Causes Rules 2005, and for the cause to be set down for hearing.

The respondent [and co-respondent] [was] [were] served with the petition on the
day of , 20 .

The time allowed for giving notice of intention to defend was days.

[Advocate/Solicitor for the]
Petitioner

Date:

(for use by the Judicial Greffe only)

GREFFIER'S CERTIFICATE

I HEREBY CERTIFY that, the requirements of Rules 28(1) and 28(2)(a) of the Matrimonial Causes Rules 2005 having been complied with, the cause may proceed to trial undefended at the Royal Court, Royal Square, on the day of , 20 .

I FURTHER CERTIFY that the petitioner has sufficiently proved the contents of the petition and is entitled to a decree.

I FURTHER CERTIFY that the petitioner is entitled to costs.

The dispute as to costs will be heard on the same date at [a.m.] [p.m.]

Greffier Substitute**Date**

Form 21

Application for Greffier's certificate (defended)*Matrimonial Causes Rules 2005 Rule 28(1)***IN THE ROYAL COURT OF JERSEY
(Family Division)****File No:**

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

The [petitioner] [respondent] hereby applies for the Certificate of the Judicial Greffier under Rule 28(1) of the Matrimonial Causes Rules 2005 and for the cause to be entered on the defended list for hearing.

The respondent [and co-respondent] [was] [were] served with the petition on the
day of 20 .

[Notice of intention to defend was given by the co-respondent on the
20 .] day of

A copy of the answer [and cross-petition] was served on the petitioner on the
day of 20 .

[A copy of the petitioner's reply [and answer to the cross-petition] was served on the
respondent [and co-respondent] on the day of 20 .]

[Advocate/Solicitor for the]
[Petitioner] [Respondent]

Date:

ENDNOTES

Table of Legislation History

| Legislation | Year and No | Commencement |
|---|----------------------------------|--|
| Matrimonial Causes Rules 2005 | R&O.83/2005 | 1 August 2005 except – 9 December 2005, Rule 73 |
| Matrimonial Causes (Amendment) Rules 2007 | R&O.43/2007 | 29 March 2007 |
| Matrimonial Causes (Amendment No. 2) Rules 2010 | R&O.15/2010 | 21 May 2010 |
| Sexual Offences (Consequential Amendments) (Jersey) Regulations 2018 | R&O.110/2018 | 23 November 2018 |
| Royal Court (Amendment No. 25) Rules 2019 | R&O.94/2019 | 9 October 2019 |
| States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021 | R&O.29/2021 | 2 March 2021 |
| Constitution of the States and Public Elections (Jersey) Law 2021 | L.11/2021 | 22 June 2022 |

Table of Renumbered Provisions

| Original | Current |
|---------------|----------------|
| 72 | Spent, omitted |
| 73 | Spent, omitted |
| 74(1) | 72 |
| 74(2) and (3) | Spent, omitted |
| Schedule 1 | Schedule |
| Schedule 2 | Spent, omitted |

Table of Endnote References

| | |
|-------------------------|---|
| ¹ Rule 5(2) | <i>amended by R&O.15/2010</i> |
| ² Rule 5A | <i>inserted by R&O.15/2010</i> |
| ³ Rule 5B | <i>inserted by R&O.15/2010</i> |
| ⁴ Rule 5C | <i>inserted by R&O.15/2010</i> |
| ⁵ Rule 6 | <i>amended by R&O.43/2007</i> |
| ⁶ Rule 6(2) | <i>amended by R&O.110/2018</i> |
| ⁷ Rule 10(4) | <i>revised on 11 January 2024 by Law Revision Board item 2023/1</i> |
| ⁸ Rule 12A | <i>inserted by R&O.15/2010</i> |
| ⁹ Rule 13(3) | <i>amended by L.11/2021</i> |
| ¹⁰ Rule 16A | <i>inserted by R&O.15/2010</i> |
| ¹¹ Rule 16B | <i>inserted by R&O.15/2010</i> |

-
- ¹² *Rule 16C* inserted by R&O.15/2010
¹³ *Rule 19A* inserted by R&O.15/2010
¹⁴ *Rule 28(2)* amended by R&O.15/2010
¹⁵ *Rule 42(1)* amended by R&O.43/2007
¹⁶ *Rule 45A* inserted by R&O.15/2010
¹⁷ *Rule 50* amended by Rule 73, R&O.94/2019, R&O.29/2021
¹⁸ *Schedule* amended by R&O.15/2010