



Jersey

# **ROYAL COURT (APPEALS FROM PETTY DEBTS COURT) RULES 2004**

**Revised Edition**

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Jersey

## ROYAL COURT (APPEALS FROM PETTY DEBTS COURT) RULES 2004

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Jersey

## **ROYAL COURT (APPEALS FROM PETTY DEBTS COURT) RULES 2004**

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948,<sup>1</sup> Article 2 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 1967,<sup>2</sup> Article 3 of the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000<sup>3</sup> and of all other powers enabling it in this behalf, has made the following Rules –

Commencement [[see endnotes](#)]

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### **1 Interpretation**

In these Rules –

“the Act of Court” means the Act of the court below in relation to the Order;

“the Appellant” means the party making the appeal;

“the Court” means the Royal Court;

“the court below” means the Petty Debts Court;

“file” means file with the Greffier and “filed” shall be construed accordingly;

“the Greffier” means the Judicial Greffier;

“the Order” means the decision against which the appeal is made;

“the Respondent” means all parties to the appeal other than the Appellant;

“the Transcript” means the transcript of the hearing in the court below.

### **2 Limitation on Appeals**

No appeal shall lie from the court below to the Court without the leave of the court below or the leave of the Bailiff.

**3 Applications to the court below for leave to appeal and a stay of the Order**

- (1) No application to the court below for leave to appeal against any decision of that court shall be made to that court except at the end of the hearing at which the Order shall be made.
- (2) No application to the court below for a stay of the Order pending appeal shall be made to that court except at the same time as the said application for leave to appeal.
- (3) Where leave to appeal is granted, it shall be granted subject to the condition that the Appellant shall comply with the provisions of Rule 5(1) and 5(3) and that failure so to do shall set aside the said grant of leave.
- (4) Where leave to appeal is granted, the Judge who made the Order shall furnish the Greffier with a copy of the reasons for the Order and the Greffier shall furnish a copy of the said reasons to the Appellant and the Respondent.

**4 Application to the Bailiff for leave to appeal and a stay of the Order**

- (1) Any application to the Bailiff for leave to appeal against any decision of the court below shall be made within 7 days from the date of the Order *ex parte* to the Bailiff in Chambers by notice of appeal substantially in the form set out in Schedule 1 to which shall be attached a copy of the Act of Court.
- (2) The Appellant shall file a copy of the notice of appeal within one day from furnishing this to the Bailiff.
- (3) The Greffier shall inform the judge who made the Order who shall thereupon furnish the Greffier with the reasons for the Order, which the Greffier shall send to the Bailiff together with a copy of the Act of Court.
- (4) The Greffier shall furnish a copy of the said reasons to the Appellant and the Respondent.
- (5) Notice of any application for a stay of the Order shall be included in the notice of appeal and shall be accompanied by an affidavit in support thereof.
- (6) The Bailiff may determine an application for leave *ex parte* and in Chambers.
- (7) Any application for a stay shall be determined with the Bailiff hearing all parties affected.
- (8) Where leave to appeal is granted, it shall be granted subject to the condition that the Appellant shall comply with the terms of Rule 5(2) and 5(3) and that failure to do so shall set aside the said grant of leave.

**5 Service of the notice of appeal upon the Respondent and fixing the date for the hearing of the appeal**

- (1) Where leave to appeal is granted by the court below, the Appellant shall, within 7 days from the date of the grant of leave –

- (a) serve by ordinary post upon the Respondent at his or her address for service a copy of the notice of appeal substantially in the form set out in Schedule 2 and a copy of the grant of leave; and
  - (b) file one copy of the notice of appeal, of the grant of leave and of the pleadings and other documents in relation to the proceedings in the court below.
- (2) Where leave to appeal is granted by the Bailiff, the Appellant shall, within 7 days from the date of the grant of leave –
  - (a) serve by ordinary post upon the Respondent at his or her address for service a copy of the notice of appeal and a copy of the grant of leave; and
  - (b) file one copy of the notice of appeal, of the grant of leave and of the pleadings and other documents in relation to the proceedings in the court below.
- (3) The Appellant shall within 14 days from receiving the Transcript serve upon the Respondent at his or her address for service a form of notice substantially in the form set out in Schedule 3 to appear before the Bailiff's Secretary, at a date and time convenient to the latter which shall be within 2 working days from the date on which the said form of notice shall be served upon the Respondent.

#### **6 Transcript of the hearing in the court below**

- (1) The Appellant shall, within 7 days of the obtaining of leave, ask the Greffier for a transcript of the hearing in the court below and shall, within 48 hours of so doing, inform the Respondent thereof.
- (2) The Transcript shall be produced by the Greffier as soon as reasonably possible and the Appellant shall, upon payment of the transcription fee due in respect thereof, be entitled to a copy thereof.
- (3) The Appellant shall furnish a copy of the Transcript to the Respondent within 2 days from receiving the Transcript.

#### **7 The filing of skeleton arguments**

- (1) The Appellant shall, at least 10 working days before the date fixed for the hearing of the appeal, furnish to the Respondent and file a skeleton argument in relation to the appeal.
- (2) The Respondent shall, at least 3 working days before the date fixed for the hearing of the appeal, furnish to the Appellant and file a skeleton argument in relation to the appeal.

#### **8 Extension or abridgement of time**

The Bailiff, the Court or the Greffier shall have power to enlarge or abridge the time appointed by these Rules, or fixed by an order, for doing any act, on such terms (if any) as the justice of the case may require, and any such enlargement

may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

## **9 Citation**

These Rules may be cited as the Royal Court (Appeals from Petty Debts Court) Rules 2004.



## SCHEDULE 1

(Rule 4(1))

**FORM OF NOTICE OF APPEAL WHERE LEAVE TO APPEAL HAS NOT  
BEEN GRANTED BY THE PETTY DEBTS COURT**

IN THE ROYAL COURT OF JERSEY

BETWEEN

APPELLANT

AND

RESPONDENT

On appeal from the decision of the Petty Debts Court dated the \_\_\_\_\_, 200-, by which IT WAS ORDERED:-

day of

[set out the Order and attach a copy of the Act of Court]

The appellant hereby applies to the Bailiff for:-

- (1) leave to appeal against the Order; and
- (2) a stay of enforcement of the Order pending appeal.

The grounds of the appeal are:-

[set out the grounds of appeal]

If leave to appeal is granted, the Appellant shall seek the following orders from the Royal Court

[set out orders sought]

Appellant/Advocate/Solicitor for the Appellant

.....  
Date

**SCHEDULE 2**

(Rule 5(1))

**FORM OF NOTICE OF APPEAL WHERE LEAVE TO APPEAL HAS BEEN  
GRANTED BY THE PETTY DEBTS COURT**

IN THE ROYAL COURT OF JERSEY

BETWEEN

APPELLANT

AND

RESPONDENT

On appeal from the decision of the Petty Debts Court dated the  
, 200-, by which IT WAS ORDERED:-

day of

*[set out the order]*

Whereas leave to appeal was granted by the Petty Debts Court.

The grounds of the appeal are:-

*[set out the grounds of appeal]*

The appellant shall seek the following orders from the Royal Court:-

*[set out the orders sought]*.....  
Appellant/Advocate/Solicitor for the Appellant.....  
Date

(Rule 5(3))

IN THE ROYAL COURT OF JERSEY

APPELLANT

RESPONDENT

The Respondent is hereby warned to appear before the Bailiff's Secretary on the day of \_\_\_\_\_, 200-, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon in order to fix a date for the hearing of the appeal before the Royal Court.

.....  
Date

**ENDNOTES****Table of Legislation History**

| <b>Legislation</b>                                      | <b>Year and No</b> | <b>Commencement</b> |
|---|--------------------|---------------------|
| Royal Court (Appeals from Petty Debts Court) Rules 2004 | R&O.35/2004        | 1 June 2004         |

**Table of Renumbered Provisions**

| <b>Original</b> | <b>Current</b>                           |
|-----------------|--|
| 1(1)            | 1  |
| 1(2)            | spent, omitted from this revised edition |

**Table of Endnote References**

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|              |                       |
|--------------|-----------------------|
| <sup>1</sup> | <i>chapter 07.770</i> |
| <sup>2</sup> | <i>chapter 04.600</i> |
| <sup>3</sup> | <i>chapter 07.615</i> |