



Jersey

## **CIVIL PARTNERS CAUSES RULES 2012**

### **Official Consolidated Version**

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Jersey

## CIVIL PARTNERS CAUSES RULES 2012

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Jersey

## CIVIL PARTNERS CAUSES RULES 2012

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#) and Article 69 of the [Civil Partnership \(Jersey\) Law 2012](#), 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 44, 47, 48, 49, 50, 51, 52 or 53 of the Law and includes an application for child maintenance;

“annulment” means annulment of a civil partnership;

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

“cause” means any action for –

- (a) dissolution;
- (b) a separation order; or
- (c) annulment,

and includes proceedings by a civil partner on an application for a presumption of death order and dissolution of the civil partnership;

“cause application” means an application to the Royal Court by a civil partner for –

- (a) dissolution;
- (b) a separation order;
- (c) annulment; or
- (d) a presumption of death order and dissolution thereupon.

“child maintenance” means maintenance payable under an order pursuant to Article 44 of the Law;

“competent witness” means a person who, under Article 3 of, and 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;

“dissolution” means dissolution of a civil partnership;

“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 51 of the Law;

“Law” means the [Civil Partnership \(Jersey\) Law 2012](#);

“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 49(1)(b) of the Law;

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

“party maintenance” means maintenance payable under an order pursuant to Article 49(1)(a) of the Law;

“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 77;

“presumption of death order” means an order under Article 38 of the Law;

“secured provision order” means an order pursuant to Article 44(2) or Article 49(1)(c) of the Law;

“separation order” means an order under Article 33 of the Law;

“transfer, sale or settlement of property order” means an order pursuant to Article 48(1) or 50(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 47(1) of the Law.

- (2) Words and phrases in the Children Law shall, unless the context otherwise requires, have the same respective meanings in these Rules as they do in that 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 27(7) 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 32, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54 and 55 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 Request for leave to present application

- (1) A request for leave to present an application for dissolution before 3 years have passed since the date of the formation of the civil partnership must be made by originating summons in accordance with Form CP1.
- (2) There must be filed in support of the summons an affidavit by the requesting party stating –
  - (a) the grounds on which the request is made;
  - (b) particulars of the hardship or depravity alleged;
  - (c) whether there has been any previous request 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 application for dissolution must be exhibited with the affidavit.
- (4) The request 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 CP1(a).
- (6) If the respondent wishes to oppose the request for leave, 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 application for dissolution and to the respondent are references to the intended application for dissolution and intended respondent.

#### **4 Commencement of proceedings**

- (1) Every cause must be commenced by filing a cause application addressed to the Royal Court.
- (2) A cause application must not be filed without leave if there is before the Royal Court another cause application by the same applicant that has not been dismissed or otherwise disposed of by a final order.
- (3) On the filing of a cause application for dissolution, a separation order, or annulment the Greffier shall annex to every copy of the application for service a notice in Form CP3 with Form CP4 attached and shall also annex to the copy application for service on the respondent the copy of any statement filed referred to in Rule 5(5).
- (4) Any claim for ancillary relief must be made in accordance with Rule 55.
- (5) Unless these Rules otherwise provide, any other request in a cause for leave or directions must be made by summons in Form CP14 to the Court.

#### **5 Contents of cause application**

- (1) Unless otherwise directed, every cause application must state –
  - (a) the names of the parties to the civil partnership and the date and place the civil partnership was formed;
  - (b) the last address at which the parties have lived together as civil partners;
  - (c) the occupation and residence of the applicant and the respondent;
  - (d) if it is alleged that the court has jurisdiction based on domicile in Jersey, that the parties to the civil partnership are domiciled in Jersey at the date of presentation of the application;
  - (e) if it is alleged that the court has jurisdiction based on habitual residence –
    - (i) the country in which the applicant has been habitually resident throughout the period of one year ending with the date of presentation of the application, or
    - (ii) if the applicant 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 any other child now living has been born to a partner during the civil partnership 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 has been accepted as a child of the family by the other party, full particulars of the facts relied on by the applicant in support of his or her allegation that the child has or, as the case may be, has not, been accepted as a child 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 civil partnership or to any child of the family or between the applicant 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 civil partnership, whether the parties have lived together again since the making of the decree or order;
- (k) whether there are any proceedings continuing in any country outside Jersey which relate to the civil partnership 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 application 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 cause application for dissolution 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 applicant or any child of the family;
- (n) whether there has been any connivance or condonation on the part of the applicant and, except in the case of an application presented on either of the grounds specified in Article 28(c) of the Law, the application is presented or prosecuted in collusion with the respondent;
- (o) any further or other information required by such of the following paragraphs as may be applicable.

- (2) A cause application for annulment under Article 36(1)(b), (c), or (f) of the Law shall state whether the applicant was, at the time of the formation of the civil partnership, ignorant of the facts alleged, and whether the parties have carried on living together since the discovery of the grounds for the decree.
- (3) A cause application for a presumption of death order shall state –
  - (a) the last place at which the parties cohabited;
  - (b) the circumstances in which the parties ceased to live together;
  - (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 applicant, whether for his or her own protection or otherwise, wishes to omit from the cause application any information required by paragraph (1) –
  - (a) the cause application may be filed without such information; and
  - (b) before service is effected the applicant must make an *ex parte* application to the Greffier for leave for the cause application to stand,and if leave is refused, the Greffier shall make an order requiring the cause application to be amended to comply with paragraph (1).
- (5) In the case of a cause application for dissolution, a separation order or annulment that discloses that there is a minor child of the family, the application must be accompanied by a separate written statement signed by the applicant personally containing the information required by Form CP5, if practicable, agreed with the respondent.
- (6) If a claim for ancillary relief is made in a cause application, it must contain a statement in general terms of the respondent's income and property in so far as they are within the applicant's knowledge and belief.
- (7) The cause application must conclude with a prayer setting out particulars of the relief claimed including any claim –
  - (a) for a residence or contact order;
  - (b) for ancillary relief, including child maintenance; and
  - (c) for costs.
- (8) Every cause application, if settled by an advocate or solicitor, must be signed by that person and, if not so settled, must be signed by the applicant.
- (9) If an applicant is legally represented, the applicant's advocate or solicitor must endorse on the cause application his or her name and address in Jersey, which shall be an address for service.
- (10) An applicant acting in person must endorse on the cause application an address for service, which must be the applicant'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 a written request being made to the Greffier *ex parte*, a civil partnership certificate to which the cause application relates must be filed with the cause application.

**6 Supplemental: cause application for annulment on ground of issue of interim gender recognition certificate**

- (1) This Rule applies to a cause application for annulment brought under Article 36(1)(d) of the Law.
- (2) Unless otherwise directed, the applicant must file with the cause application a copy of an interim gender recognition certificate issued to the applicant or to the respondent, as the case may be.

**7 Supplemental: cause application for annulment on ground that respondent's change of gender would be recognized by an approved jurisdiction**

- (1) This Rule applies to a cause application for annulment brought under Article 36(1)(e) of the Law.
- (2) The cause application 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 in a civil partnership (or an equivalent overseas relationship), the change of gender would be recognized by that jurisdiction.
- (3) The applicant must file such documents as the Greffier may direct in support of a cause application to which this Rule applies.

**8 Supplemental: cause application for annulment on ground of respondent's gender having become acquired gender at time of formation of civil partnership**

Where a cause application for annulment is brought under Article 36(1)(f) of the Law and a full gender recognition certificate has been issued to the respondent, the applicant must file a copy of that full certificate with the application, unless otherwise directed.

**9 Discontinuance of cause before service of cause application**

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

**10 Notice of proceedings**

Every copy of a cause application to be served on a respondent must be accompanied by a notice of proceedings in Form CP3 and an acknowledgement of service in Form CP4.

**11 Service of cause application and originating summons**

- (1) Unless otherwise directed –
  - (a) a copy of every cause application must be served personally or by post upon every respondent named in the application;

- (b) a copy of every originating summons must be served personally or by post upon the respondent to the application.
- (2) Personal service on any person within Jersey shall be effected through the Viscount.
- (3) Personal service must not be effected by the applicant or the intended applicant.
- (4) For the purposes of paragraph (1), a copy of an application shall be deemed to have been duly served if –
- (a) an acknowledgement of service in Form CP4 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 applicant under Rule 33(2).
- (5) When an acknowledgement of service is returned to the Greffier, the Greffier shall send a copy to the applicant or the applicant's advocate or solicitor within 48 hours of its receipt.
- (6) If a copy of the cause application 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 cause application is presented on the ground of one year's separation coupled with the respondent's consent to an order being made; and
- (b) none of the other facts mentioned in Article 28 of the Law is alleged, unless the applicant produces to the Court a written statement containing the respondent's consent to the making of an order.
- (8) An *ex parte* request 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, may be made by lodging with the Greffier an affidavit, sworn by the applicant or the respondent, as the case may be, personally, setting out the grounds 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) A written request seeking leave to dispense with service altogether may be made *ex parte* to the Greffier supported by an affidavit setting out the grounds 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 applicant,

- (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.

## **12 Service out of Jersey**

- (1) A cause application, 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 cause application is to be served out of Jersey, the time limited for giving notice of intention to defend in the notice accompanying the application or contained in the notice shall be fixed having regard to the place or country where or in which the application 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 cause application, 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 CP2 (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 a written request made *ex parte* by 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.<sup>1</sup>

### **13 Proof of service**

Unless otherwise directed, save where Rule 11(10) has been complied with (or leave has been given to dispense with service altogether), a cause application shall not proceed to trial or hearing unless the respondent to the application 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 CP6 (which record or affidavit must be filed) to have been served with the application 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 CP4.

### **14 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 CP4 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 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 and may be either general or limited to any claim or other application made in the proceedings.
- (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 taken to have given an unconditional notice of intention to defend.

**15 Supplemental: acknowledgement of service of cause application for annulment brought on ground relating to gender recognition**

- (1) This Rule applies where a cause application for annulment is brought under –
  - (a) Article 36(1)(d) of the Law and an interim gender recognition certificate has been issued to the respondent;
  - (b) Article 36(1)(f) 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 CP4, the respondent must, unless otherwise directed, file with it a copy of the interim certificate or the full certificate, as the case may be.

**16 Consent to making of order for dissolution or separation**

- (1) If, before the hearing of a cause application on the ground of one year's separation coupled with the respondent's consent to an order being made, the respondent wishes to indicate to the Court that he or she consents to the making of an order, 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 making of an order 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.<sup>2</sup>
- (4) A respondent to a cause application on the ground mentioned in paragraph (1) may give notice to the Court either that he or she does not consent to an order being made 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 28 of the Law is alleged, the proceedings on the cause application shall be stayed and the Greffier shall thereupon give notice of the stay to all parties.

**17 Supplemental and amended cause applications**

- (1) A supplemental cause application may be filed without leave at any time before an answer is filed but thereafter only with leave of the Court.
- (2) A cause application 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) leave under this Rule –
  - (a) must, if no notice of intention to defend has been given by any opposite party, be sought by written request *ex parte* supported by an affidavit;
  - (b) may, if every opposite party who has given notice of intention to defend consents in writing to the supplemental cause application being filed or the cause application being amended, be sought by written request *ex parte* appending the supplemental cause application or a copy of the cause application as proposed to be amended together with such consents in writing; and
  - (c) must, in any other case, be sought by summons to be served, unless otherwise directed, on every opposite party.
- (4) The Court may require a request or summons, under paragraph (3)(b) or (3)(c), respectively, 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 giving leave 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 33, provide for a stay of the hearing until the Greffier has issued a new certificate.
- (7) Unless otherwise directed, a copy of the supplemental cause application or of the amended cause application, together with a copy of the order (if any) made under this Rule and an acknowledgement of service in Form CP4, so far as such form is applicable, must be served upon the respondent and, unless the Court orders otherwise, the provisions of Rules 11 to 13 shall apply to the supplemental or amended cause application as they apply to the original cause application.

## 18 Interveners

- (1) If an allegation is made in a cause application (including a supplemental or amended cause application) against a person other than the respondent, the Court may order that a copy of the cause application be served on that person, and may give such related directions as it thinks fit.
- (2) Unless otherwise directed, a party intervening must join in the proceedings at the stage the proceedings have reached at the time that party appears.

## 19 Filing of answer to cause application

- (1) Subject to paragraph (2) and to Rules 16 and 23, a respondent who –
  - (a) wishes to defend the cause application or to dispute any of the facts alleged in it;
  - (b) being the respondent wishes to make in the proceedings any allegation against the applicant in respect of which the respondent prays for relief; or



- (c) being the respondent to a cause application to which Article 31(1) of the Law applies, wishes to oppose the application 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 cause application.

- (2) If the time limited for giving notice of intention to defend has expired, and the Greffier's certificate under Rule 33 has been issued, the time for filing an answer shall be deemed to have expired, notwithstanding that 14 days have not elapsed.

## **20 Supplemental: answer seeking annulment on ground of issue of interim gender recognition certificate**

- (1) This Rule applies to an answer under Rule 19(1) that requests a decree of annulment under Article 36(1)(d) 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 applicant, as the case may be.

## **21 Supplemental: answer seeking annulment on ground that applicant's change of gender would be recognized by an approved jurisdiction**

- (1) This Rule applies to an answer under Rule 19(1) that requests a decree of annulment under Article 36(1)(e) 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 in a civil partnership, the applicant'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.

## **22 Supplemental: answer seeking annulment on ground of applicant's gender having become acquired gender at time of formation of civil partnership**

Where an answer under Rule 19(1) requests a decree of annulment under Article 36(1)(f) of the Law and a full gender recognition certificate has been issued to the applicant, the respondent must file a copy of the full certificate with the answer, unless otherwise directed.

## **23 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 33.

**24 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 cause application, 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 civil partner who disputes any statement required by Rule 5(1)(f), (g), (h) and (i) to be included in the cause application 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 cause application save that it shall not be necessary to include in the answer any claim for costs against the applicant.
- (4) If an answer to a cause application contains a prayer for relief, the answer must contain the information required by Rule 5(1)(k) in the case of the cause application in so far as it has not been given by the applicant.
- (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 CP5.
- (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.

**25 Filing of reply and subsequent pleadings**

- (1) An applicant may file a reply to an answer within 14 days after having received a copy of the answer.
- (2) If the applicant does not file a reply to an answer, the applicant shall, unless the answer prays for an order or decree, be deemed, on making a request under Rule 33, 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.

**26 Supplemental: reply to answer praying for decree of annulment on ground relating to gender recognition**

- (1) This Rule applies where an answer is filed under Rule 19(1) which prays for a decree of annulment under –
  - (a) Article 36(1)(d) of the Law and an interim gender recognition certificate has been issued to the applicant;
  - (b) Article 36(1)(f) of the Law and a full gender recognition certificate has been issued to the applicant.
- (2) Where the applicant files a reply under Rule 25(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.

**27 Supplemental answer and amendment of pleadings**

Rule 17 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 cause application, as it applies to the filing of a supplemental cause application and the amendment of a cause application.

**28 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.

**29 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 cause application), 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****30 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.

**31 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.

### **32 Directions for trial of issue**

The Court may direct, and an applicant 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.

### **33 Greffier's certificate and directions for trial**

- (1) On the request in accordance with Form CP19 of the applicant in an undefended cause, or on the request in accordance with Form CP20 of the applicant or of any party who is defending a cause, the Greffier, if satisfied –
  - (a) that a copy of the cause application (including any supplemental or amended cause application) 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,shall issue a certificate (the “Greffier’s certificate”) to that effect.
- (2) If the cause is an undefended cause and, in a case to which Article 28(c)(i) of the Law applies, the respondent has filed a notice under Rule 16(1) of consent to the making of an order, then, unless otherwise directed, there must be filed with the request under paragraph (1) an affidavit by the applicant –
  - (a) containing the information required by Form CP7, CP8, CP9 or CP10 (whichever is appropriate) as near as may be in the order there set out, together with any corroborative evidence on which the applicant intends to rely; and
  - (b) verifying, with such amendments as the circumstances may require, the contents of any statement of arrangements filed by the applicant under Rule 5(5),

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

- (3) In the case of a defended cause the Greffier may treat the request 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 claim 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 claim; 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 request under paragraph (1), shall send a copy to the address for service of each of the other parties to the cause.

### **34 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 request the Bailiff in Chambers to fix a day for the trial or hearing of the cause.
- (7) The party must, not less than 4 days before making the request, notify the other parties in writing of the intention to make the request and when and where it will be made.
- (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 request.
- (9) When a date has been fixed for the trial or hearing of a cause, the party that requested the date must, within 4 days, notify that date to every party who was not present when the request was heard.
- (10) In all defended causes the applicant 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 applicant 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

#### 35 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 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) A request 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 applicant 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 request is made.
- (5) Where a request 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 request; and where the affidavit is sworn before the hearing of the request and

sufficiently states the ground on which the request is made, no other affidavit shall be required under paragraph (4).

- (6) Subject to paragraph (7), any party may request the Court –
  - (a) to authorize 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 request; or
  - (b) to order a commission or 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 request of any party give such further directions for the expeditious and efficient trial of the cause as it thinks fit.

### **36 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 applicant and –
  - (a) if satisfied that the applicant has sufficiently proved the contents of the application and is entitled to an order or decree, shall so certify; or
  - (b) if not so satisfied, may give the applicant 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 34(4) for the pronouncement of an order or decree by the Greffier in open court and the Greffier shall send to the applicant 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 cause application contains a prayer for costs, the Greffier may –
  - (a) if satisfied that the applicant 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).

### **37 Right of respondent or other party to be heard on question of costs**

- (1) A respondent or other party 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.

## **PART 5**

### **ARRANGEMENTS FOR CHILDREN**

#### **38 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 CP5, and the respondent, upon filing any such statement, must send a copy of it to the applicant.
- (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.

#### **39 Requests relating to children of the family**

- (1) A request 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 person making the request is not a party and has obtained such leave as is required to make an application under that Law, 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 applicant.

#### **40 Procedure for complying with Article 45 of the Law**

- (1) If no request mentioned in Rule 39(1) is pending, the Court shall, after making a certificate under Rule 36(2)(a), proceed to consider the matters specified in Article 45(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 38, the Court is satisfied that –
  - (a) there are no children of the family to whom Article 45 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 45(2) of the Law,



the Court shall certify accordingly and, in a case to which sub-paragraph (b) applies, the applicant 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 45(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 45 of the Law, notice of the direction must be given to the parties.
- (5) In this Rule “parties” means the applicant, the respondent and any person who appears to the Court to have the care of the child.

## **PART 6**

### **PROCEDURES FOLLOWING CONDITIONAL ORDERS**

#### **41 Request for rescission of conditional order for dissolution**

- (1) A request by a respondent under Article 32(2) of the Law for the rescission of a conditional order for dissolution must be made to the Court by summons.
- (2) The request must be supported by an affidavit setting out the allegations on which the respondent relies.
- (3) Unless otherwise directed, the summons and supporting affidavit must be served on the applicant not less than 14 days before the day fixed for the hearing of the request.

#### **42 Request under Article 32(3) of the Law**

- (1) A request to the Court for it to consider the financial position of the respondent after dissolution must be made by notice in Form CP16.
- (2) An applicant served with a notice in Form CP16 must (unless the applicant has already filed an affidavit of means) within 14 days after service of the notice, file an affidavit in answer to the request containing full particulars of property and income, and if that is not done, the Court may order the applicant 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.

**43 Intervention by Attorney General**

- (1) If the Attorney General wishes to show cause against a conditional order, 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 conditional order was made and every other party affected by it.
- (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 an application 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 conditional order and dismiss the application.
- (6) Rule 33 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 conditional order has been made.

**44 Intervention by person other than Attorney General**

- (1) If any person other than the Attorney General wishes to show cause against a conditional order and has been allowed by the Court under Article 42 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 conditional order was made, and on the other parties to the cause in which the order was made.
- (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.

**45 Rescission of conditional order by consent**

- (1) If, after a conditional order has been made but before the making of a final order, or after a separation order has been made, the applicant and the respondent have become reconciled, either party may request the Greffier to make an order rescinding the decree by consent.
- (2) A request under paragraph (1) must be made by summons which, in addition to being served on the applicant 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 order; and such other party shall be entitled to be heard.

**46 Final order on lodging notice**

- (1) Subject to Rule 47(1) and (2) and Rule 48, a request to the Court by a civil partner to make final a conditional order made in that partner's favour may be made by lodging with the Greffier a notice in Form CP11.
- (2) The Greffier shall make the order final if satisfied –
  - (a) that no –
    - (i) application for rescission of the order or for re-hearing of the cause,
    - (ii) appeal against the order or against the dismissal of a request for re-hearing of the cause, or
    - (iii) intervention under Rule 43 or 44,is pending;
  - (b) that the provisions of Article 32(3) to (5) of the Law do not apply or have been complied with; and
  - (c) that the provisions of Article 45(1) of the Law have been complied with and the Court has not given any directions under Article 45(2) of the Law.
- (3) However, if the notice is lodged more than 12 months after the conditional order was made, there must be lodged with the notice a written statement –
  - (a) of the reasons for the delay; and
  - (b) whether the parties have lived with each other since the making of the order and, if so, between what dates,

and the Greffier may require the requesting party to file an affidavit in support and may make such order on the request as the Greffier thinks fit.

**47 Final order on application**

- (1) A request to the Court by a civil partner for a conditional order made against that partner to be made final may be made by summons after the expiration of the period of 3 months specified in Article 39(3) of the Law to the Greffier and shall be accompanied by a notice in accordance with Form CP11 which must be served on the other partner not less than 4 clear days before the day on which the request is to be heard.
- (2) An order granting a request under this Rule shall not take effect until the Greffier is satisfied as to the matters mentioned in Rule 46(2).

- (3) In the following cases a request for a conditional order to be made final 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 order was made a notice requiring more time to decide whether to show cause against the order being made final 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 conditional order is made final.
- (4) Unless otherwise directed, the summons by which the request is made must be served on every party to the cause (other than the requesting party) and, in a case to which paragraph (3)(a) applies, on the Attorney General.

#### **48 Expedition of final order**

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

#### **49 Certificate of final order**

A certificate in Form CP12 or Form CP13, whichever is appropriate, that the conditional order has been made final shall be prepared and filed by the Greffier and the certificate shall be authenticated by fixing to it the seal of the Court.

#### **50 Reversal of separation order**

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

#### **51 Saving for certain decrees of annulment**

Nothing in this Part affects a decree of annulment under Article 36(1)(d) or (e) of the Law that is absolute on pronouncement in accordance with the proviso to Article 39(1) of the Law.

## PART 7

### ANCILLARY RELIEF

#### 52 Application of this Part

- (1) The procedures set out in this Part apply to any claim for ancillary relief and to any application under Article 32(3) of the Law.
- (2) In this Part, unless the context otherwise requires –
  - “claimant” means the party applying for ancillary relief;
  - “respondent” means the respondent to the application for ancillary relief.

#### 53 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.

#### **54 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.

#### **55 Claim for ancillary relief**

- (1) Any claim by an applicant, or by a respondent who files an answer claiming relief for –
  - (a) child maintenance;
  - (b) interim maintenance;
  - (c) party 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 cause application or answer, as the case may be.
- (2) However, a claim for ancillary relief that should have been made in the cause application or answer may be made subsequently by leave of the Court, either by notice in Form CP15 or at the hearing.
- (3) A claim for ancillary relief, or notice of intention to proceed with a claim for ancillary relief made in the application or answer, must be made or given by notice in Form CP15.
- (4) A claim by an applicant or respondent for ancillary relief, not being a claim that is required to be made in the application or answer, must be made by notice in Form CP15.
- (5) The terms of the order requested must be specified in the notice, and a claim relating to immovable property must identify the property and give particulars, so far as is known to the claimant, of any hypothec or other charge.
- (6) No claim for a 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 order except with leave of the Greffier.
- (7) A request for leave under paragraph (6) must be made to the Greffier by summons supported by an affidavit accounting for the delay.

**56 Request by parent, guardian, etc. for ancillary relief in respect of children<sup>3</sup>**

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 person requesting 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 Families, 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 requesting maintenance or secured provision,

may request an order for ancillary relief in respect of that child by notice in Form CP15.

**57 Separate representation of children on certain claims**

- (1) If a claim 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 claim and may appoint a guardian *ad litem* of the children for the purpose of the claim.
- (2) On any other claim 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 70.

**58 Information required on a request for ancillary relief consent order**

- (1) Subject to paragraphs (2) and (3), there must be lodged with every request 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 request signifying the respondent's agreement, and a statement of information form, which must include –
  - (a) the duration of the civil partnership, 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 is cohabiting with another person (of either sex) or has any present intention of doing so;

- (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 request and that no objection to such a transfer has been made by any such person within 14 days from such service; and
  - (f) any other especially significant matters.
- (2) If a request 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 request includes only the information in respect of net income mentioned in paragraph (1)(b), and a request for a consent order for interim periodical payments pending the determination of a claim for ancillary relief may be made in like manner.
  - (3) If all or any of the parties attend the hearing of a claim 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.

#### **59 Notice of preliminary directions hearing (“PDH”)**

- (1) Upon the filing of Form CP15 the Greffier shall give the claimant a date for a preliminary directions hearing (in these Rules abbreviated to “PDH”).
- (2) The claimant must then serve on the other party a copy of Form CP15 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 claiming ancillary relief has not filed Form CP15 within 6 months of the issue of the conditional order, 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 claim for ancillary relief be dismissed and may make such consequential order as to costs, or otherwise, as he or she thinks fit.

#### **60 Procedure at PDH**

- (1) The legal representatives of the parties must attend the PDH or, if a 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 61(1) and, in particular, directions or orders relating to the case review hearing under Rule 62.

#### **61 Directions and orders in ancillary relief proceedings**

- (1) The Court may at any stage of proceedings in connection 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 apply 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 connection 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 53.
- (2) A party may request the Court to 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 claim for ancillary relief or for saving costs.
- (3) No person shall be compelled to produce a document at an inspection appointment which that person could not be compelled to produce at the hearing of the claim for ancillary relief.
- (4) The Court shall permit any person attending an inspection appointment to be represented at the appointment.

## **62 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 61(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 a request 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.

### **63 Summons for directions**

- (1) A party may at any stage of the proceedings request further directions by filing a summons in Form CP14.
- (2) Rule 59 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, a claim 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, a request must be made to the Greffier by summons for directions as to the filing and service of pleadings relative to the claim and as to the further conduct of the proceedings.

### **64 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.

### **65 Hearing of claim for ancillary relief**

- (1) At the hearing of a claim for ancillary relief the Greffier shall, subject to Rules 66 and 67 investigate the allegations made in support of and in answer to the claim, 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 must, at least 2 days before the day fixed for the hearing of the claim, file a list containing the full names of all witnesses whom that party proposes to call.

#### **66 Order on claim for ancillary relief**

- (1) Subject to Rule 67, the Greffier shall, after completing the investigation under Rule 65(1), make such order as the Greffier thinks just.
- (2) Pending the final determination of the claim, the Greffier may make an interim order upon such terms as the Greffier thinks just.

#### **67 Reference of claim to Inferior Number**

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

## **PART 8**

### **MISCELLANEOUS**

#### **68 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 request the Greffier in writing, 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 written request.
- (4) The appeal shall be brought by the appellant serving on every other party a notice of appeal in Form CP17 and general grounds of appeal in Form CP18, copies of which must also be delivered to the Greffier.
- (5) Forms CP17 and CP18 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 CP17 and CP18, the Greffier shall order the preparation of a transcript of any evidence taken at the hearing before the Greffier, in accordance with Rule 71, at the cost of the appellant.
- (8) Within 14 days after filing Forms CP17 and CP18, 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.

## **69 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 cause application 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 cause application, 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.

**70 Separate representation of children**

If in any civil partnership 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.

**71 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 dissolution, a separation order or annulment;
  - (b) a claim or request –
    - (i) for ancillary relief, or
    - (ii) in relation to a child.
- (2) The Attorney General, the applicant and any other party who at any time has given notice of intention to defend or intervene in the cause shall be entitled to require a transcript of proceedings in the cause 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 [for the time being] 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 68 to pay the costs of the transcript in the first instance.

**72 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.

**73 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.

**74 Notice of file number**

- (1) When an originating summons or a cause application 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 applicant is acting in person, to the applicant who filed the originating summons or the application.

**75 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.

**76 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 Part 18 of the [Royal Court Rules 2004](#).

**77 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 civil partnership proceedings.

**78 Citation**

These Rules may be cited as the Civil Partners Causes Rules 2012.

**SCHEDULE<sup>4</sup>**

(Rule 1(3))

|             |   |  |
|-------------|---|--|
| Form CP1    | – | Originating summons under Rule 3   |
| Form CP1(a) | – | Acknowledgement to Originating Summons   |
| Form CP2    | – | Request for service in a foreign country   |
| Form CP3    | – | Notice of proceedings  |
| Form CP4    | – | Acknowledgement of service   |
| Form CP5    | – | Statement as to arrangements for children  |
| Form CP6    | – | Affidavit of services  |
| Form CP7    | – | Affidavit by applicant in support of cause application on the grounds of one year's or two years' separation, or on the ground of nullity              |
| Form CP8    | – | Affidavit by applicant in support of cause application for annulment under Article 28(c)(i) of the <a href="#">Civil Partnership (Jersey) Law 2012</a> |
| Form CP9    | – | Affidavit by applicant in support of cause application on the grounds of unreasonable behaviour  |
| Form CP10   | – | Affidavit by applicant in support of cause application on the grounds of desertion   |
| Form CP11   | – | Notice of request for conditional order to be made   |
| Form CP12   | – | Certificate of making conditional order final (annulment)  |
| Form CP13   | – | Certificate of making conditional order final (dissolution)  |
| Form CP14   | – | Summons  |
| Form CP15   | – | Notice of claim for ancillary relief   |
| Form CP16   | – | Notice of request to consider respondent's financial position  |
| Form CP17   | – | Notice of appeal against order of the Greffier   |
| Form CP18   | – | General grounds of appeal  |
| Form CP19   | – | Request for Greffier's certificate (undefended)  |
| Form CP20   | – | Request for Greffier's certificate (defended)  |

Form CP1

**Originating summons***Civil Partners Causes Rules 2012 Rule 3(1)*

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

**File No:**

IN THE MATTER OF A PROPOSED CAUSE APPLICATION BY A.B. FOR THE  
DISSOLUTION  
OF [HIS] [HER] CIVIL PARTNERSHIP WITH C.D.

LET

of

attend the Royal Court on            day the            day of            201    at [a.m.] [p.m.] on  
the hearing of a request of            for an order that [he] [she] be at liberty to file a  
cause application for dissolution of [his] [her] civil partnership with  
solemnised on the            day of            20    notwithstanding that three years have not  
passed since the date of the formation of the civil partnership.

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

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

If you wish to be heard on the request, 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**

(Requesting party)

**Date**


---

*A copy of this originating summons has been filed this day*

*Registrar/Greffier Substitute**Date*



Form CP1(a)

**Acknowledgment of service of originating summons**

*Civil Partners Causes Rules 2012 Rule 3(5)*

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

**File No:**

BETWEEN

REQUESTING PARTY

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**)
- 5. Do you intend to oppose the request? (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 CP2

**Request for service in a foreign country**

*Civil Partners Causes Rules 2012 Rule 12(4)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

I request that the [cause application] [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 [His 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:**

[Requesting Party] [Requesting Party's advocate or solicitor]

**Date:**

Form CP3

**Notice of proceedings***Civil Partners Causes Rules 2012 Rule 10***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

A cause application has been presented to the Royal Court. A copy of it [and a copy of the applicant'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 CP4**) 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 **6** 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 applicant'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 applicant.
4. Before you answer **Yes** to **Question 5** you should understand that the Court will make a dissolution order if it is satisfied on the evidence that the applicant and you have lived apart for one year immediately preceding the presentation of the cause application and that you consent to an order being made (*See attached notice*).

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

5. A final dissolution order will end the civil partnership so that, *e.g.*
  - (a) you may lose any pension rights which depend on the fact that you are civil partners;
  - (b) you may lose rights of occupancy of the civil partnership home.

A dissolution order 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.

6. If you wish to make some financial or property claim on your own account, you must make the claim on **Form CP15** which may be obtained from the Judicial Greffe.
7. In support of the cause application the applicant alleges that the parties to the civil partnership have lived apart for a continuous period of at least [one] [two] years immediately preceding the presentation of the cause application. You may, if you so wish, apply to the Court for it to consider your financial position after dissolution. The cause application will tell you whether the applicant proposes to make any financial provision for you. You should consider this information carefully before answering **Question 7** in the Acknowledgement of Service.
8. If you answer **Yes** to **Question 7** you must, before the dissolution order is made final, apply to the Court by filing and serving on the applicant a notice in **Form CP16**, which may be obtained from the Judicial Greffe.
9. 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.
10. In connection with **Question 10(d)**, if you wish to make a claim 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 the claim separately on **Form C1** which may be obtained from the Judicial Greffe. **Before you make a claim 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.**
11. If the cause application is for a decree of annulment –
  - (a) on the ground that an interim gender recognition certificate has been issued to a party to the civil partnership, 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 civil partnership 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**  
(Applicant)

**Date:**

Address **in Jersey**

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

*If an advocate or solicitor is instructed*

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

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

**Signed**

**Date:**

---

*Registrar/Greffier Substitute*

**Date:**

Form CP4

**Acknowledgement of service***Civil Partners Causes Rules 2012 Rule 10***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

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 cause application delivered with this form?   |  |
| 2. On which date and at what address did you receive it?   | On the            day of            20<br>at.....<br>.....<br>.....<br>..... |
| 3. Are you the person named as the respondent in the cause application?  |  |
| 4. Do you intend to defend the case?   |  |
| 5. <i>(In the case of a cause application alleging one year's separation with the respondent's consent to a decree)</i><br>Do you consent to a decree being granted?   |  |
| 6. <i>(In the case of a cause application alleging two years' separation)</i> Do you intend to oppose the making of an order on the ground that the dissolution will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the civil partnership? |  |
| 7. In the event of a conditional order being made 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 dissolution?   |  |

|  |   |
|--|---|
| <p>8. 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 cause application for –</p> <ul style="list-style-type: none"> <li>(i) costs</li> <li>(ii) child maintenance</li> <li>(iii) interim maintenance</li> <li>(iv) spousal maintenance</li> <li>(v) a lump sum</li> <li>(vi) secured provision</li> <li>(vii) transfer, sale or settlement of property</li> <li>(viii) variation of a settlement</li> </ul>  | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>9. Do you wish to make any claim on your own account for –</p> <ul style="list-style-type: none"> <li>(i) child maintenance</li> <li>(ii) interim maintenance</li> <li>(iii) party maintenance</li> <li>(iv) secured provision</li> <li>(v) a lump sum</li> <li>(vi) transfer, sale or settlement of property</li> <li>(vii) variation of a settlement</li> </ul>   | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |
| <p>10. (a) Have you received a copy of the Statement of Arrangements for child(ren)?</p> <p>(b) What was the date of the Statement of Arrangements for the child(ren)?</p> <p>(c) Do you agree with the proposals in that Statement of Arrangements?</p> <p><i>If <b>No</b> 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> | <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> |

(d) Do you intend to make any claim on your own account for a residence order, contact order, specific issue order or prohibited steps order?

*If you do, you must make the claim on Form CI. You can get the Form from the Judicial Greffe.*

|  |
|--|
|  |
|  |

**Signed**

**Date**

[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]  
Address for service **in Jersey**

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

**Signed**

**Date**

\_\_\_\_\_



Form CP5

**Statement of arrangements for children***Civil Partners Causes Rules 2012 Rules 5(5) and 38(1)***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

**TO THE APPLICANT**

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

If your civil partner 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 partner) together with a copy to the Judicial Greffe when you file your cause application with the Royal Court.**

**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 applicant has completed this Form which will be sent to the Court at the same time that the cause application is filed with the Royal Court.

**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 applicant, 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 cause application is served on you.

**SECTION A – DETAILS OF CHILDREN (Please read 1, 2 and 3 before you complete this section)****1. Children of the family**

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

**2. Children who are not children of the family (Give details of any children born to you or to 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).**

**3. 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 civil partner 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> |

**4. 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> ) |
|---|---|

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

|  |  |
|--|--|
| (a) Which civil partner looks after the children from day to day? If responsibility is shared, please give details |  |
| (b) Does that civil partner 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 that civil partner 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> )                          |

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

|  |   |
|--|---|
| (a) Does your civil partner 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 emotional 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> ) |

**7. Details for contact with the children** (*please tick appropriate boxes*)

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

**8. Details of health** (*please tick appropriate boxes*)

|  |   |
|--|---|
| (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> ) |

**9. 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 APPLICANT****Mediation**

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

No  Yes

**Declaration**

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

**Signed**  
(Applicant)

**Date**

**SECTION D – TO THE RESPONDENT****Mediation**

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

No  Yes

**Declaration**

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

**Signed**  
(Respondent)

**Date**

Form CP6

**Affidavit of service**

*Civil Partners Causes Rules 2012 Rule 13(b)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

I,

of

make oath and say that I did on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_ serve a copy of the [cause application] [originating summons] [notice] in this matter [together with a Notice of Proceedings and Form of Acknowledgment of Service] on \_\_\_\_\_, the [respondent] [ \_\_\_\_\_ ] by

delivering the same to the said  
personally at

*(State means of knowledge of identity of the person served)*

**SWORN** etc.

Form CP7

**Affidavit by applicant in support of cause application on the ground of one year's or two years' separation, or on the ground of nullity***Civil Partners Causes Rules 2012 Rule 33(2)(a)***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

| QUESTION   | ANSWER |
|--|--------|
| <b>About the cause application</b>   |        |
| 1. Have you read the cause application that has been filed?  |        |
| 2. Do you wish to alter or add to any statement in the cause application? If so, state the alterations or additions.   |        |
| 3. Subject to these alterations and additions (if any), is everything stated in your cause application 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 described the arrangements for sharing the accommodation. |        |
| <b>About the child(ren) of the family</b>  |        |
| 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 cause application [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 applicant in this cause.
- 2. The answers to Questions 1 to 8 are true.**
3. I identify the signature .....<sup>(1)</sup> appearing on the copy Acknowledgement of Service now produced to me and marked “A” as the signature of my civil partner, the respondent in this cause.

(1) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him/her.
4. I identify the signature .....<sup>(1)</sup> appearing at section D of the Statement of Arrangements dated ..... now produced to me and marked “B” as the signature of the respondent.
- 5.<sup>(2)</sup>

(2) Exhibit any other document on which the applicant wishes to rely.
6. [(a) Both my civil partner and I were domiciled in Jersey on the date these proceedings began  
*(give details)*.....  
.....  
..... ]
- or**
- [(b) [My civil partner] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the filing of the cause application]<sup>(3)</sup>.
7. I ask the Court to make an order [dissolving] [annulling] my civil partnership with the respondent<sup>(4)</sup> on the grounds stated in my cause application [and to order the respondent to pay the costs of this cause]<sup>(5)</sup>.

(3) Delete as the case may be.  
(4) If the applicant seeks a separation order, amend accordingly.  
(5) Delete if costs are not sought.

Sworn at  
this          day of                                  201



Before me

[Advocate] [Solicitor] [Notary Public]<sup>(3)</sup>

Form CP8

**Affidavit by applicant in support of cause application for annulment under Article 28(c)(i) of the [Civil Partnership \(Jersey\) Law 2012](#)***Civil Partners Causes Rules 2012 Rule 33***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

| QUESTION  | ANSWER |
|---|--------|
| <b>About the cause application</b>  |        |
| 1. Have you read the cause application that has been filed?   |        |
| 2. Do you wish to alter or add to any statement in the cause application? If so, state the alterations or additions.  |        |
| 3. Subject to these alterations and additions (if any), is everything stated in your cause application true?<br>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.   |        |
| <b>About the interim gender recognition certificate</b>   |        |
| 4. State the date on which the interim gender recognition certificate was issued.<br>State the name of the person to whom the certificate has been issued.<br><b>You must attach a copy of the interim certificate to this form.</b>  |        |
| <b>About the proceedings</b>  |        |
| 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"> <li>• an application to amend an error in the interim certificate;</li> <li>• an appeal against a decision to amend (or not to amend) an error in the interim certificate;</li> <li>• a reference under Article 7(1) of the <a href="#">Gender Recognition</a></li> </ul> |        |

|  |  |
|--|--|
| <p><a href="#">(Jersey) Law 2010</a>; or</p> <ul style="list-style-type: none"> <li>an appeal against a decision made following a reference under Article 7(1)?</li> </ul> <p>If so, please give details of those proceedings and any order made. (You should also attach copies of any order made).</p> |  |
| <b>About the child(ren) of the family</b>  |  |
| <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?<br/>If so, state the alterations or additions.</p>  |  |
| <p>8. Subject to these alterations and additions (if any) is everything stated in your cause application [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 applicant 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. 3.<sup>(1)</sup> I identify the signature ..... <sup>(2)</sup> appearing on the copy Acknowledgement of Service now produced to me and marked “A” as the signature of my civil partner, the respondent in this cause.
- (2) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by him/her. 4. I exhibit marked “B” a copy of the interim gender recognition certificate issued to myself/the respondent in this cause.
- (3) Exhibit any other document on which the applicant wishes to rely. 5.<sup>(3)</sup>
6. I identify the signature ..... <sup>(2)</sup> appearing at section D of the Statement of Arrangements dated ..... now produced to me and marked “C” as the signature of my civil partner.

7. (a) Both my civil partner and I were domiciled in Jersey on the date these proceedings began

(give details).....

.....] or

(4) Delete as the case may be.

(b) [My civil partner] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the filing of the cause application]<sup>(4)</sup>.

(c) My civil partner died before the filing of the cause application and at death [was domiciled in Jersey] [had been habitually resident in Jersey for 1 year before [his] [her] death]<sup>(4)</sup>.

(5) Delete if costs are not sought.

8. I ask the Court to make a decree annulling my civil partnership with the respondent on the grounds stated in my cause application [and to order the respondent to pay the costs of this cause]<sup>(5)</sup>.

Sworn at

this            day of            201

Before me

[Advocate] [Solicitor] [Notary Public]<sup>(4)</sup>

Form CP9

**Affidavit by applicant in support of cause application on the grounds of unreasonable behaviour***Civil Partners Causes Rules 2012 Rule 33***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

| QUESTION  | ANSWER |
|---|--------|
| <b>About the cause application</b>  |        |
| 1. Have you read the cause application that has been filed, including what is said about the behaviour of the respondent?   |        |
| 2. Do you wish to alter or add to any statement in the cause application or the particulars?<br>If so, state the alterations or additions.  |        |
| 3. Are all the statements in the cause application 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 cause application and particulars continuing?<br>(ii) If the respondent's behaviour is not continuing, what was the date of the final incident relied upon by you in your cause application?  |        |
| 6. (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 cause application, have you lived at the same address as the respondent?<br>(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>[State:</p> <ul style="list-style-type: none"> <li>• whether you have shared a bedroom;</li> <li>• whether you have taken your meals together;</li> <li>• what arrangement you have made for cleaning the accommodation and for other domestic tasks.</li> <li>• what arrangements you have made for the payment of household bills and other expenses.]</li> </ul> |  |
| <b>About the child(ren) of the family</b>  |  |
| <p>7. Have you read the Statement of Arrangements filed in this cause?</p>   |  |
| <p>8. Do you wish to alter anything in the Statement of Arrangements or add to it?<br/>If so, state the alterations or additions.</p>  |  |
| <p>9. Subject to these alterations and additions (if any) is everything stated in your cause application [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 applicant 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.

3.<sup>(1)</sup> I identify the signature .....<sup>(2)</sup> appearing on the copy Acknowledgement of Service now produced to me and marked “A” as the signature of my civil partner, the respondent in this cause.

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

4. I exhibit marked “B” a certificate/report of Dr .....<sup>(3)</sup>.

5. I identify the signature .....<sup>(2)</sup> appearing at section D of the Statement of Arrangements

dated . . . . .now produced to me and marked “C” as the signature of the respondent.

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

6.[(a) Both my civil partner and I were domiciled in Jersey on the date these proceedings began (give details)..... ]

**or**

(4) Delete as the case may be.

[(b) [My civil partner] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the filing of the cause application]<sup>(4)</sup>.

(5) If the applicant seeks a separation order, amend accordingly.

7. I ask the Court to make an order dissolving my civil partnership with the respondent<sup>(5)</sup> on the grounds stated in my cause application [and to order the respondent to pay the costs of this cause]<sup>(6)</sup>.

(6) Amend or delete as appropriate

Sworn at

this day of 201

Before me

[Advocate] [Solicitor] [Notary Public]<sup>(4)</sup>

Form CP10

**Affidavit by applicant in support of cause application on the grounds of desertion***Civil Partners Causes Rules 2012 Rule 33***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

| QUESTION  | ANSWER                     |            |                             |
|---|----------------------------|------------|-----------------------------|
| <b>About the cause application</b>  |                            |            |                             |
| 1. Have you read the cause application that has been filed?   |                            |            |                             |
| 2. Do you wish to alter or add to any statement in the cause?<br>If so, state the alterations or additions.   |                            |            |                             |
| 3. Subject to any such alterations and/or additions, is everything in your cause application true?<br>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.<br>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 filing of the cause application.                                      |                            |            |                             |
| 6. Did the respondent ever offer to result 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<br>to  | <i>Applicant's address</i> | From<br>to | <i>Respondent's address</i> |



|   |  |
|---|--|
| <p>8. Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household?<br/>If so, state the addresses and the period or periods, giving dates.</p>         |  |
| <b>About the child(ren) of the family</b>   |  |
| <p>9. Have you read the Statement of Arrangements filed in this cause?</p>  |  |
| <p>10. Do you wish to alter anything in the Statement of Arrangements or add to it?<br/>If so, state the alterations or additions.</p>  |  |
| <p>11. Subject to these alterations and additions (if any) is everything stated in your cause application [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 applicant in this cause.
2. **The answers to Questions 1 to 11 above are true.**

- |  |                         |  |
|--|-------------------------|--|
| <p>(1) Delete if the Acknowledgement is signed by an advocate or a solicitor.</p>                          | <p>3.<sup>(1)</sup></p> | <p>I identify the signature . . . . .<sup>(2)</sup> appearing on the copy Acknowledgement of Service now produced to me and marked “A” as the signature of my civil partner, the respondent in this cause.</p> |
| <p>(2) Insert name of the respondent exactly as it appears on the Acknowledgement of Service signed by</p> | <p>4.</p>               | <p>I identify the signature . . . . .<sup>(2)</sup> appearing at the foot of the document now produced to me and marked “B” as the signature of the respondent.</p>  |
|  | <p>5.<sup>(3)</sup></p> |  |

him/her.

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

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

(give details).....

.....

.....]or

(4) Delete as the case may be.

[(b) [My civil partner] [and] [I] [has] [have] been habitually resident in Jersey throughout one year immediately prior to the filing of the cause application]<sup>(4)</sup>.

(5) If the applicant seeks a separation order, amend accordingly.

7. I ask the Court to make an order dissolving my civil partnership with the respondent<sup>(5)</sup> on the grounds stated in my cause application [and to order the respondent to pay the costs of this cause]<sup>(6)</sup>.

(6) Delete if costs are not sought.

Sworn at

this day of 201

Before me

[Advocate] [Solicitor] [Notary Public]<sup>(4)</sup>

Form CP11

**Notice of request for conditional order to be made final**

*Civil Partners Causes Rules 2012 Rule 46(1)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

TAKE NOTICE that the [applicant] [respondent] applies for the conditional order made in this cause on the                      day of                      20                      , to be made final.

**Signed**

**Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]



Form CP13

**Certificate of making conditional order final (dissolution)***Civil Partners Causes Rules 2012 Rule 49***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

Referring to the order made in this cause on the                      day of                      201                      ,  
whereby it was decreed that the civil partnership had and solemnised on the                      day of  
                    201                      , at                      between                      the applicant and  
                    the respondent be dissolved unless sufficient cause be shown to the Court  
within                      from the making thereof why the said order should not be made final,  
and no such cause having been shown, it is hereby certified that the said order was on the  
                    day of                      201                      , made final and that the said civil partnership was thereby  
dissolved.

Dated this                      day of                      201

Form CP14

**Summons***Civil Partners Causes Rules 2012 Rules 4(5) and 63(1)***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

TAKE NOTICE that the [applicant] [respondent] intends to apply to the [Inferior Number] [Judicial Greffier] on the                    day of                    201                    , at                    [a.m.] [p.m.] for –

**Signed:****Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]

---

*A copy of this summons has been filed this day*

*Registrar/Greffier substitute**Date*

Form CP15

**Notice of [intention to proceed with] claim for ancillary relief***Civil Partners Causes Rules 2012 Rule 55(2), (3) and (4)***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

TAKE NOTICE that the [applicant] [respondent] intends to [make a claim to the Judicial Greffier] [proceed with the claim in the [cause application] [answer]] for –

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

*please indicate which***Signed:****Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]

Form CP16

**Notice of request for Court to consider respondent's financial position**

*Civil Partners Causes Rules 2012 Rule 42(1)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

TAKE NOTICE that the respondent intends to request the Court under Article 32(3) of the [Civil Partnership \(Jersey\) Law 2012](#) to consider the financial position of the respondent after dissolution.

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

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 requesting party has property or income you should say so in your affidavit.

**Signed:**

**Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]



Form CP17

**Notice of appeal (Greffier)**

*Civil Partners Causes Rules 2012 Rule 68(4)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

TAKE NOTICE that the [applicant] [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:**

**Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]

Form CP18

**General grounds of appeal**

*Civil Partners Causes Rules 2012 Rule 68(4)*

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

**File No:**

BETWEEN

APPLICANT

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:**

**Date:**

[Advocate/Solicitor for the]

[Applicant] [Respondent]

Form CP19

**Request for Greffier's certificate (undefended)***Civil Partners Causes Rules 2012 Rule 33(1)***IN THE ROYAL COURT OF JERSEY  
(Family Division)****File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

The applicant requests the Certificate of the Judicial Greffier under Rule 33(1) of the Civil Partners Causes Rules 2012, and that the cause to be set down for hearing.

The respondent was served with the cause application in this cause on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

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

[Advocate/Solicitor for the]

**Date:**

Applicant

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*(for use by the Judicial Greffe only)*

**GREFFIER'S CERTIFICATE**

I HEREBY CERTIFY that, the requirements of Rules 33(1) and 33(2)(a) of the Civil Partners Causes Rules 2012 having been complied with, the cause may proceed to trial undefended at the Royal Court, Royal Square, on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

I FURTHER CERTIFY that the applicant has sufficiently proved the contents of the cause application and is entitled to an order.

I FURTHER CERTIFY that the applicant 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 CP20

**Request for Greffier’s certificate (defended)**

*Civil Partners Causes Rules 2012 Rule 33(1)*

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

**File No:**

BETWEEN

APPLICANT

AND

RESPONDENT

The [applicant] [respondent] hereby applies for the Certificate of the Judicial Greffier under Rule 33(1) of the Civil Partners Causes Rules 2012 and for the cause to be entered on the defended list for hearing.

The respondent was served with the cause application in this cause on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_.

A copy of the answer [and cross-proceedings] was served on the applicant on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_.

[A copy of the applicant’s reply [and answer to the cross-proceedings] was served on the respondent on the \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_.]

[Advocate/Solicitor for the]

**Date:**

[Applicant] [Respondent]



## ENDNOTES

### Table of Legislation History

| Legislation   | Year and No                     | Commencement                  |
|---|---------------------------------|-------------------------------|
| Civil Partners Causes Rules 2012  | <a href="#">R&amp;O.42/2012</a> | 2 April 2012                  |
| Royal Court (Amendment No. 25) Rules 2019   | <a href="#">R&amp;O.94/2019</a> | 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 | <a href="#">R&amp;O.29/2021</a> | 2 March 2021                  |
| Constitution of the States and Public Elections (Jersey) Law 2021   | <a href="#">L.11/2021</a>       | 22 June 2022                  |
| Changes to Ministerial Offices (Jersey) Amendment Order 2024  | <a href="#">R&amp;O.10/2024</a> | 9.30 a.m. on 27 February 2024 |

### Table of Endnote References

- 
- <sup>1</sup> Rule 12(4) *revised on 11 January 2024 by Law Revision Board item [2023/1](#)*
- <sup>2</sup> Rule 16(3) *amended by L.11/2021*
- <sup>3</sup> Rule 56 *amended by R&O.94/2019, R&O.29/2021, R&O.10/2024*
- <sup>4</sup> Schedule *revised on 11 January 2024 by Law Revision Board item [2023/1](#), editorial change in Form CP5, “Details of children” deleted, “Details of children” inserted instead, editorial change in Forms CP7, CP8, CP9 and CP10, “make oath and say” deleted, “make oath and say” inserted instead*