

Jersey Law 11/2000

**COURT OF APPEAL (CIVIL) (JUDICIAL REVIEW) (JERSEY)
RULES 2000**

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(Jersey) Rules 2000

Court of Appeal (Jersey) Law 1961

IN THE COURT OF APPEAL OF JERSEY

The 26th day of January 2000

THE COURT OF APPEAL, in pursuance of Article 19 of the Court of Appeal (Jersey) Law 1961,¹ as amended, and of all other powers enabling it in this behalf, has made the following Rules –

Interpretation

1. In these Rules, unless the context otherwise requires –

“appeal against the refusal of leave or the grant of leave with conditions *ex parte*” means an appeal to the Court against a decision of the Bailiff, sitting as sole judge, to refuse or to grant with conditions an application made *ex parte* for leave to apply for judicial review;

“appeal against the refusal or the grant of leave *inter partes*” means an appeal to the Court against a decision of the Bailiff, sitting as sole judge, to refuse or to grant with or without conditions an application made *inter partes* for leave to apply for judicial review;

“appeal against an order setting aside or refusing to set aside leave” means an appeal to the Court against a decision of the Bailiff, sitting as sole judge, to set aside or to refuse to set aside an order of the Bailiff, sitting as sole judge, made *ex parte* granting leave to apply for judicial review or to vary or to refuse to vary conditions attached to such an order;

¹ Recueil des Lois, Volume 1961–1962, page 107.

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“appeal against the substantive order” means an appeal to the Court against the decision of the Royal Court in relation to the application for judicial review”;

“conditions” means any terms or conditions imposed on the applicant or any stay or other order granted to the applicant upon the grant of leave to apply for judicial review;

“the Court” means the Court of Appeal;

“the court below” means the court whose decision is appealed from.

Limitation on application

2.-(1) These Rules shall apply only to appeals to the Court in relation to or in connection with applications for judicial review in civil proceedings.

(2) After paragraph (2) of Rule 1 of the Court of Appeal (Civil) (Jersey) Rules 1964,² as amended, there shall be inserted the following paragraph –

“(3) These Rules shall not apply to appeals to the Court under Rules 3, 4 or 5 of the Court of Appeal (Civil) (Judicial Review) (Jersey) Rules 2000.”.

Appeal against the refusal of leave or the grant of leave with conditions *ex parte*

3.-(1) An appeal against the refusal of leave or the grant of leave with conditions *ex parte* shall be brought by notice of appeal substantially in the form set out in the First or Second Schedule hereto.

(2) Except with the leave of the Court, the applicant shall not be entitled at the hearing of the appeal to rely on any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.

² No. 4561.

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(3) Where the applicant intends to appeal against the refusal of leave or the grant of leave with conditions *ex parte*, he shall apply to the court below for leave to appeal to the Court at the hearing before the court below.

(4) Where leave to appeal to the Court is granted by the court below, the notice of appeal shall be lodged with the Judicial Greffier within seven days from the date on which the order of the court below was made.

(5) Where leave to appeal to the Court is not granted by the court below, the applicant shall, if he intends to proceed with the appeal, lodge with the Judicial Greffier the notice of appeal and an application to the Court for leave to appeal, within seven days from the date on which the order of the court below was made.

(6) The applicant shall, within seven days from the date of lodging of the notice of appeal, lodge with the Judicial Greffier four copies of –

- (a) the documents including authorities which were presented to the court below;
- (b) the order of the court below;
- (c) the notice of appeal;
- (d) where appropriate, the application to the Court for leave to appeal; and
- (e) any additional authorities to which the applicant wishes to refer.

(7) If the applicant shall fail to comply with the terms of paragraph (6) of this Rule, then, subject to the terms of Rule 7, the appeal shall be deemed to have been abandoned.

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(8) A date shall be fixed for the hearing of the appeal as soon as is convenient to the Court and the Judicial Greffier shall, with the least possible delay, give notice thereof to the applicant or his advocate or solicitor.

Appeal against the refusal or grant of leave *inter partes*

4.-(1) An appeal against the refusal or grant of leave *inter partes* shall be brought by notice of appeal substantially in the form set out in the Third, Fourth, Fifth or Sixth Schedule hereto.

(2) Except with the leave of the Court, the appellant shall not be entitled at the hearing of the appeal to rely on any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.

(3) Where a party intends to appeal against the refusal or grant of leave *inter partes*, the party shall apply to the court below for leave to appeal to the Court at the hearing before the court below.

(4) Where leave to appeal to the Court is granted by the court below, the notice of appeal shall be lodged with the Judicial Greffier within seven days from the date on which the order of the court below was made.

(5) Where leave to appeal to the Court is not granted by the court below, the party appealing shall, if he intends to proceed with the appeal, lodge with the Judicial Greffier the notice of appeal and an application to the Court for leave to appeal, within seven days from the date on which the order of the court below was made.

(6) Every notice of appeal and, where appropriate, every application to the Court for leave to appeal to the Court shall be served upon all other parties who appeared before the court below and are directly affected by the appeal within seven days from the date on which the order of the court below was made and the appellant shall, within one day from receiving the record of the Viscount certifying that the notice of appeal or the notice of appeal and the application for leave have been duly served, lodge with the Judicial Greffier a copy of the same and a

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copy of the notice of appeal or the notice of appeal and the application for leave.

(7) The appellant shall, within seven days from the date of lodging of the notice of appeal, lodge with the Judicial Greffier, four copies of –

- (a) the documents including authorities which were presented to the court below by every party to the appeal;
- (b) the order of the court below;
- (c) the notice of appeal;
- (d) where appropriate, the application for leave to appeal to the Court; and
- (e) any additional authorities to which the appellant wishes to refer.

(8) When the appellant has complied with paragraph (7) of this Rule he shall, within one day, deliver to every other party to the appeal a copy of the documents referred to in paragraph (7) of this Rule.

(9) If the appellant shall fail to comply with the terms of paragraph (7) of this Rule, then, subject to the terms of Rule 7, the appeal shall be deemed to have been abandoned.

(10) A date shall be fixed for the hearing of the appeal as soon as is convenient to the Court and the Judicial Greffier shall, with the least possible delay, give notice thereof to the appellant and to every other party to the appeal or to their respective advocates or solicitors.

Appeal against an order setting aside or refusing to set aside leave

5.-(1) An appeal against an order setting aside or refusing to set aside leave shall be brought by notice of appeal substantially in the form set out in the Seventh, Eighth, Ninth or Tenth Schedule hereto.

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(2) Except with the leave of the Court, the appellant shall not be entitled at the hearing of the appeal to rely on any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.

(3) Where a party intends to appeal against an order setting aside or refusing to set aside leave *inter partes*, the party shall apply to the court below for leave to appeal to the Court at the hearing before the court below.

(4) Where leave to appeal to the Court shall be granted by the court below, the notice of appeal shall be lodged with the Judicial Greffier within seven days from the date on which the order of the court below was made.

(5) Where leave to appeal shall not be granted by the court below, the party appealing shall, if he intends to proceed with the appeal, lodge with the Judicial Greffier the notice of appeal and an application to the Court for leave to appeal, within seven days from the date on which the order of the court below was made.

(6) Every notice of appeal and, where appropriate, every application to the Court for leave to appeal to the Court shall be served upon all other parties who appeared before the court below who are directly affected by the appeal within seven days from the date on which the order of the court below was made and the appellant shall, within one day from receiving the record of the Viscount certifying that the notice of appeal or the notice of appeal and the application for leave have been duly served, lodge with the Judicial Greffier a copy of the same and a copy of the notice of appeal or the notice of appeal and the application for leave.

(7) The appellant shall, within seven days from the date of lodging of the notice of appeal, lodge with the Judicial Greffier, four copies of –

- (a) the documents including authorities which were presented to the court below by every party to the appeal;

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- (b) the order of the court below;
- (c) the notice of appeal;
- (d) where appropriate, the application for leave to appeal to the Court; and
- (e) any additional authorities to which the appellant wishes to refer.

(8) When the appellant has complied with paragraph (7) of this Rule he shall, within one day, deliver to every other party to the appeal a copy of the documents referred to in paragraph (7) of this Rule.

(9) If the appellant shall fail to comply with the terms of paragraph (7) of this Rule, then, subject to the terms of Rule 7, the appeal shall be deemed to have been abandoned.

(10) A date shall be fixed for the hearing of the appeal as soon as is convenient to the Court and the Judicial Greffier shall, with the least possible delay, give notice thereof to the appellant and to every other party to the appeal or to their respective advocates or solicitors.

Appeal against the substantive order

6.-(1) An appeal against the substantive order shall be brought by notice of appeal substantially in the form set out in the Eleventh Schedule hereto.

(2) Except with the leave of the Court, the appellant shall not be entitled at the hearing of the appeal to rely on any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.

(3) Every notice of appeal shall be served upon all other parties who appeared before the Court below and are directly affected by the appeal within fourteen days from the date on which the order was made and the appellant shall, within one day from receiving the record of the Viscount certifying that the notice of appeal has been duly served,

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lodge with the Judicial Greffier a copy of the same and a copy of the notice of appeal.

(4) The following parts of the Court of Appeal (Civil) (Jersey) Rules 1964,³ shall apply to appeals under this Rule, subject to the amendments, set out below –

- (a) Rule 4 thereof;
- (b) Rule 5 thereof;
- (c) Rule 6 thereof;
- (d) Rule 7 thereof;
- (e) Rule 8 thereof, subject to the period of “four months” referred to in paragraph (1) thereof being changed to “one month”;
- (f) Rule 9 thereof;
- (g) Rule 10 thereof, subject to the period of “four months” referred to being changed to “one month”;
- (h) Rule 11 thereof;
- (i) Rule 12 thereof;
- (j) Rule 13 thereof;
- (k) Rule 14 thereof; and
- (l) Rule 15 thereof.

Extension of time

³ No. 4561

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7.-(1) The Court or a judge thereof shall have power to enlarge or abridge the time appointed by these Rules, or fixed by an order, for doing any act or taking any proceeding, on such terms (if any) as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

(2) Without prejudice to the power of the Court or a judge thereof under paragraph (1) of this Rule to enlarge or abridge the time prescribed by any provision of these Rules, the period for serving notice of appeal under paragraph (3) of Rule 6 of these Rules may be enlarged or abridged by the court below at any time.

8. These Rules may be cited as the Court of Appeal (Civil) (Judicial Review) (Jersey) Rules 2000, and shall come into force on the third day of April 2000.

A.W. FAUVEL

Deputy Judicial Greffier.

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FIRST SCHEDULE

(Rule 3(1))

**FORM OF NOTICE OF APPEAL AGAINST THE REFUSAL OF LEAVE
*EX PARTE***

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was refused in respect of [state the judgment, order, decision or other proceeding in respect of which relief is sought or, if leave was refused in relation to only part of the application for judicial review, the part of the application which was refused in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of this appeal are –

.....
Advocate for the Applicant

To the Judicial Greffier.

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SECOND SCHEDULE

(Rule 3(1))

**FORM OF NOTICE OF APPEAL AGAINST THE CONDITIONS
ATTACHED TO THE GRANT OF LEAVE *EX PARTE***

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was granted in respect of [state the part of the application which was granted and the conditions in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of this appeal are –

.....
Advocate for the Applicant

To the Respondent or to his advocate or solicitor.

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THIRD SCHEDULE

(Rule 4(1))

**FORM OF NOTICE OF APPEAL AGAINST THE REFUSAL OF LEAVE
*INTER PARTES***

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was refused in respect of [state the judgment, order, decision or other proceeding in respect of which relief is sought or, if leave was refused in relation to only part of the application for judicial review, the part of the application which was refused in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of this appeal are –

.....
Advocate for the Applicant

To the Respondent or to his advocate or solicitor.

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FOURTH SCHEDULE

(Rule 4(1))

**FORM OF NOTICE OF APPEAL BY THE APPLICANT AGAINST THE
CONDITIONS ATTACHED TO THE GRANT OF LEAVE *INTER
PARTES***

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was granted in respect of [state the part of the application which was granted and the conditions in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [stated the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the Applicant

To the Respondent or to his advocate or solicitor.

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FIFTH SCHEDULE

(Rule 4(1))

**FORM OF NOTICE OF APPEAL AGAINST THE GRANT OF LEAVE
*INTER PARTES***

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was granted in respect of [state the judgment, order, decision or other proceeding in respect of which relief is sought or, if the application for leave was granted in part, the part of the leave which granted in relation to which the appeal is lodged], the respondent will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of this appeal are –

.....
Advocate for the Respondent

To the Applicant or to his advocate or solicitor.

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SIXTH SCHEDULE

(Rule 4(1))

**FORM OF NOTICE OF APPEAL BY THE RESPONDENT AGAINST
THE CONDITIONS ATTACHED TO THE GRANT OF LEAVE *INTER
PARTES***

In the Court of Appeal of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was granted in respect of [state the part of the application which was granted and the conditions in relation to which the appeal is lodged], the respondent will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of this appeal are –

.....
Advocate for the Respondent

To the Appellant or to his advocate or solicitor.

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SEVENTH SCHEDULE

(Rule 5(1))

**FORM OF NOTICE OF APPEAL AGAINST AN ORDER SETTING
ASIDE LEAVE**

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby leave to apply for judicial review was set aside in respect of [state the part of the leave which was set aside in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the Applicant

To the Respondent or to his advocate or solicitor.

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EIGHTH SCHEDULE

(Rule 5(1))

**FORM OF NOTICE OF APPEAL AGAINST AN ORDER IMPOSING
CONDITIONS UPON THE GRANT OF LEAVE MADE UPON AN
APPLICATION TO SET ASIDE LEAVE**

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby conditions were attached to the grant of leave to apply for judicial review upon an application to set aside leave in respect of [state the part of the grant of leave and the conditions in relation to which the appeal is lodged], the applicant will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the Applicant

To the Respondent or to his advocate or solicitor.

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NINTH SCHEDULE

(Rule 5(1))

**FORM OF NOTICE OF APPEAL AGAINST AN ORDER REFUSING TO
SET ASIDE LEAVE**

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby the application to set aside leave to apply for judicial review was refused in respect of [state the judgment, order, decision or other proceeding in respect of which relief is sought or, if the application to set aside leave was refused in part, the part of the leave which was not set aside in relation to which the appeal is lodged], the respondent will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the Respondent

To the Applicant or to his advocate or solicitor.

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TENTH SCHEDULE

(Rule 5(1))

**FORM OF NOTICE OF APPEAL AGAINST AN ORDER REFUSING TO
IMPOSE CONDITIONS UPON THE GRANT OF LEAVE MADE UPON
AN APPLICATION TO SET ASIDE LEAVE**

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the order made by the Royal Court on the day of 20 , whereby the application to attach conditions to the grant of leave to apply for judicial review was refused on an application to set aside leave in respect of [state the part of the grant of leave and the conditions in relation to which the appeal is lodged], the respondent will ask the Court of Appeal to order [state the precise form of order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the Respondent

To the Applicant or to his advocate or solicitor.

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ELEVENTH SCHEDULE

(Rule 6(1))

FORM OF NOTICE OF APPEAL AGAINST THE SUBSTANTIVE ORDER

In the Court of Appeal of Jersey

On appeal from the Royal Court of Jersey

BETWEEN.....Applicant

AND.....Respondent

TAKE NOTICE that, on appeal from the judgement given [or order made] by the Royal Court at the hearing of these judicial review proceedings on the day of 20 , whereby it was adjudged [or ordered, or directed] that.....[or, if only part of the judgment or order is appealed from, on appeal from so much of the judgment given [or order made] by the Royal Court on the day of 20 , as adjudged [or ordered, or directed] that] the applicant/respondent will ask the Court of Appeal to order [state the precise form of the order applied for].

AND FURTHER TAKE NOTICE that the grounds of the appeal are –

.....
Advocate for the applicant/respondent

To the respondent/applicant or to his advocate or solicitor.