



Jersey

## ROYAL COURT (AMENDMENT No. 5) RULES 2007

### Arrangement

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## ROYAL COURT (AMENDMENT No. 5) RULES 2007

*Made**22nd March 2007**Coming into force**1st April 2007*

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948<sup>1</sup>, has made the following Rules –

### 1 Interpretation

In these Rules, “principal Rules” means the Royal Court Rules 2004<sup>2</sup>.

### 2 Part 15 amended

After Rule 15/3C of the principal Rules there shall be inserted the following Rule –

#### “15/3D Planning appeals by third parties

- (1) This Rule applies to an appeal under Article 114 of the Planning and Building (Jersey) Law 2002.
- (2) In this Rule ‘respondent’s affidavit’ means the affidavit filed by the respondent in accordance with Rule 15/3(1).
- (3) The appellant shall, when the notice of appeal is served on the respondent in accordance with Rule 15/2(1), cause a copy of it to be served on the person to whom planning permission was granted (hereinafter referred to as ‘the applicant’).
- (4) The respondent shall, when the respondent’s affidavit is served on the appellant, cause a copy of it to be served on the applicant.
- (5) Within 14 days of receiving the copy of the respondent’s affidavit, the applicant –
  - (a) must inform the Greffier in writing whether or not the applicant wishes to be heard at the appeal; and

- (b) may lodge with the Greffier and cause to be served on the appellant an affidavit setting out anything relevant to the determination of the appeal not contained in the respondent's affidavit.
- (6) An applicant who informs the Greffier that he or she wishes to be heard at the appeal shall thereupon be joined as a party to the appeal.
- (7) In an appeal to which this Rule applies –
  - (a) Rule 15/3A shall have effect as if the reference in paragraph (1) of that Rule to the respondent having complied with Rule 15/3(1) were a reference to the applicant (if the applicant has informed the Greffier that he or she wishes to be heard at the appeal) having lodged an affidavit under paragraph (5)(b) of this Rule or the time within which to do so having expired;
  - (b) subject to sub-paragraph (c), Rule 15/3B applies to such an applicant as it applies to the respondent;
  - (c) Rule 15/3B(4) applies to such an applicant as it applies to the appellant;
  - (d) in Rule 15/3C 'respondent's affidavit' includes an affidavit lodged under paragraph (5)(b) of this Rule; and
  - (e) Rule 15/4 shall be taken to empower the Court to allow such an applicant on terms as to costs or otherwise to file supplementary affidavits."

### **3 Schedule 4 amended**

In Schedule 4 to the principal Rules, for the words "apply to the Bailiff's Secretary on the day of" there shall be substituted the words "apply to the Bailiff's Secretary at a.m./p.m. on".

### **4 Schedule 4A substituted**

For Schedule 4A to the principal Rules there shall be substituted the Schedule set out in the Schedule to these Rules.

### **5 Citation**

These Rules may be cited as the Royal Court (Amendment No. 5) Rules 2007 and shall come into force on 1st April 2007.

**J.G.P. WHEELER**

*Master of the Royal Court*

**SCHEDULE**

(Rule 4)

**“SCHEDULE 4A**

(Rule 15/2(1))

**FORM OF NOTICE OF APPEAL UNDER THE PLANNING AND  
BUILDING (JERSEY) LAW 2002****In the Royal Court of Jersey**Between *(full name)* Appellant

And The Minister for Planning and Environment Respondent

**PART A** *(to be completed by all appellants)*

TAKE NOTICE that in exercise of the right of appeal conferred by Article  of the Planning and Development (Jersey) Law 2002 I am appealing to the Royal Court against your decision on *(date of decision)*  20  to *(give details of, not reasons for, the decision)*

on the grounds that *(state grounds of appeal with sufficient particularity to make clear the nature of your case)*

AND FURTHER TAKE NOTICE that I shall apply to the Bailiff’s Secretary at [a.m.][p.m.]<sup>1</sup> on  20 *(which will be within 5 days of this notice having been served)* to fix a time and place for the hearing on this appeal.

AND FURTHER TAKE NOTICE that I [do] [do not]<sup>1</sup> require an oral hearing of this appeal.

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<sup>1</sup> Delete as appropriate

*(signed)*

**Date**

**[Appellant] [Advocate/solicitor for the appellant]<sup>1</sup>**

To the above-named Respondent<sup>2</sup>

**PART B** *(complete this Part only if you require an oral hearing of the appeal at which you do not wish to represent yourself or to have an advocate represent you)*

I WISH TO APPOINT *(full name of intended representative)*

of *(address of intended representative)*

to represent me at the hearing of the appeal.

My intended representative is *(delete whichever does not apply)*

[a solicitor (*écrivain*) of the Royal Court] [an architect registered under the Architects (Jersey) Law 1954] [a member of the Royal Institution of Chartered Surveyors]

**OR** *(if the intended representative is none of the above)*

I APPLY for my intended representative to be approved as a person appropriate to represent me at the hearing of the appeal. My intended representative is –

*(please specify the experience and qualifications of the intended representative in sufficient detail to enable the Court to determine whether he/she is a person appropriate to represent you at the appeal)*

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<sup>2</sup> *If the appeal is against the grant of planning permission, this notice must also be served on the person to whom the permission was granted*

*(signed)*

**(Appellant)**

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- <sup>1</sup> *chapter 07.770*  
<sup>2</sup> *chapter 07.770.72*