



Jersey

ROYAL COURT (AMENDMENT No. 19) RULES 2015

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SCHEDULE

7



Jersey

ROYAL COURT (AMENDMENT No. 19) RULES 2015

Made

27th May 2015

Coming into force

28th May 2015

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948¹, has made the following Rules –

1 Interpretation

In these Rules, “principal Rules” means the Royal Court Rules 2004².

2 Part 15 amended

- (1) In Part 15 of the principal Rules the following provisions shall be deleted –
 - (a) in Rule 15/1(2) –
 - (i) in the definition of “modified procedure” the words “in relation to a planning appeal means the procedure set out in paragraphs (2), (3) and (4) of Rule 15/3B, and,”,
 - (ii) in the definition of “ordinary procedure” the words “a planning appeal or”,
 - (iii) the definition of “planning appeal”;
 - (b) in Rule 15/2(1)(a) the words “a planning appeal”;
 - (c) Rule 15/2(1)(b); and
 - (d) Rules 15/3(1A), 15/3A, 15/3B, 15/3C and 15/3D.
- (2) In Rule 15/2(1)(c) of the principal Rules, for the words “Schedule 4B” there shall be substituted the words “Schedule 4A”.

3 Part 15A inserted

After Part 15 of the principal Rules there shall be inserted the following Part –

“PART 15A**APPEALS UNDER THE PLANNING AND BUILDING (JERSEY)
LAW 2002****15A/1 Application of Part 15A and interpretation**

- (1) This Part applies to an appeal to the Royal Court on a point of law under Article 12(6) or Article 116(5) of the Planning and Building (Jersey) Law 2002³.
- (2) In this Part, unless the context otherwise requires –
 - (a) ‘appeal’ means an appeal to which this Part applies (and ‘appellant’ shall be construed accordingly);
 - (b) ‘determination’ means the determination by the Minister under the Planning and Building (Jersey) Law 2002 to which the appeal relates;
 - (c) ‘Minister’ means the Minister for Planning and Environment;
 - (d) a party includes a person served or to be served by direction of the Court under Rule 15A/2(8);
 - (e) a person affected by the determination –
 - (i) in relation to an appeal under Article 12(6) of the Planning and Building (Jersey) Law 2002, is any person (other than the appellant) who is a third party,
 - (ii) in relation to an appeal under Article 116(5) of the said Law, is any person (other than the appellant or the Greffier) to whom the Minister was required under Article 116(3) of the said Law to give notice of his or her determination;
 - (f) ‘third party’ means a person who –
 - (i) has an interest in, or is resident on, land any part of which lies within 50 metres of any part of the site to which the determination related, and
 - (ii) prior to the determination, made a representation in writing in respect of it.

15A/2 Procedure on an appeal

- (1) An appeal shall be brought by serving through the Viscount a notice of appeal in the form set out in Schedule 4B.
- (2) The notice of appeal must set out –
 - (a) the name and address for service of the person bringing the appeal;
 - (b) the interest of the person bringing the appeal;

- (c) the nature and content of the determination (and a copy of any written reasons given for the determination must be included); and
 - (d) the point of law involved.
- (3) The appellant shall not, except with the leave of the Court, be entitled to rely on any point of law as a ground of appeal unless it is specified in the notice of appeal.
 - (4) The notice of appeal must be served on the Minister and on all persons affected by the determination.
 - (5) The person bringing the appeal must within 2 days after service of the notice of appeal furnish a copy of the notice to the Greffier together with a copy of the record of the Viscount certifying that the notice has been duly served.
 - (6) Within 5 days of receiving the notice of appeal the Greffier shall inform the parties that a date is to be fixed for a directions hearing and, in consultation with the parties, shall fix a date for the hearing.
 - (7) At the hearing the Greffier shall give directions –
 - (a) for the lodging of written submissions and any other material by the parties; and
 - (b) for the hearing and disposal by the Court of the appeal.
 - (8) If at any stage the Court is of opinion that any person who ought to have been served has not been served, the Court may adjourn the appeal on such terms (if any) as it may direct in order that that person may be served.

15A/3 Withdrawal etc.

- (1) Subject to paragraph (2) the Court may allow a party to withdraw a notice or anything else under this Part on such terms as to costs or otherwise as may be just.
- (2) An appeal may not be withdrawn unless all persons served have been given an opportunity to be heard.”.

4 Part 17 amended

In Rule 17/3(1) of the principal Rules –

- (a) in sub-paragraph (f) the words “Article 11(5) or (7) of the Island Planning (Jersey) Law 1964,” shall be deleted;
- (b) for sub-paragraph (k) there shall be substituted the following sub-paragraph –
 - “(k) the grant of the applications for the registration of –
 - (i) a planning obligation under Article 25(15), and
 - (ii) an agreement modifying or discharging a planning obligation under Article 25(16),

of the Planning and Building (Jersey) Law 2002;”.

5 Schedule 4A deleted

Schedule 4A to the principal Rules shall be deleted.

6 Schedule 4B renumbered; new Schedule 4B inserted

- (1) Schedule 4B to the principal Rules shall be renumbered as Schedule 4A.
- (2) After the renumbered Schedule 4A to the principal Rules there shall be inserted Schedule 4B set out in the Schedule to these Rules.

7 Citation and commencement

These Rules may be cited as the Royal Court (Amendment No. 19) Rules 2015 and shall come into force on the day after they are made.

M. THOMPSON

Master of the Royal Court

SCHEDULE

(Rule 6(2))

“SCHEDULE 4B

(Rule 15A/2(1))

FORM OF NOTICE OF APPEAL UNDER THE PLANNING AND BUILDING (JERSEY) LAW 2002

Between *(give full name)* Appellant

And The Minister for Planning and Environment Respondent

TAKE NOTICE that, in exercise of the right of appeal conferred by Article [12] [116]⁽¹⁾ of the Planning and Building (Jersey) Law 2002, I am appealing to the Royal Court against your determination on⁽²⁾ 20 that⁽³⁾

The appeal is brought on the following point(s) of law:⁽⁴⁾

My interest in the subject matter of this appeal is:⁽⁵⁾

I append a copy of the written reasons given by the Minister for the determination.⁽⁶⁾

(signed)

[Appellant] [Advocate/solicitor for the appellant]

Date:

To the above-named Respondent [and⁽⁷⁾]

(1) *Delete as appropriate*
(2) *Give the date of the Minister’s determination*
(3) *State what was the nature and content of the determination*
(4) *State the point(s) of law involved*
(5) *Set out what is your interest in the appeal*
(6) *Omit if no written reasons were given*
(7) *The notice must also be served on all persons directly affected by the determination of the Minister*

The Appellant’s address for service is:

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.....”

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- ¹ *chapter 07.770*
² *chapter 07.770.72*
³ *chapter 22.550*