



Jersey

ROYAL COURT (AMENDMENT No. 3) RULES 2006

Arrangement

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SCHEDULE

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ROYAL COURT (AMENDMENT No. 3) RULES 2006

*Made**22nd June 2006**Coming into force**1st July 2006*

THE SUPERIOR NUMBER OF THE ROYAL COURT, in pursuance of Article 13 of the Royal Court (Jersey) Law 1948¹ and Article 107 of the Planning and Building (Jersey) Law 2002², has made the following Rules –

1 Interpretation

In these Rules, “principal Rules” means the Royal Court Rules 2004³.

2 Part 15 amended

- (1) In Rule 15/1(2) of the principal Rules, after the definition of “appeal” there shall be inserted the following definitions –

“ ‘modified procedure’ in relation to a planning appeal means the procedure set out in paragraphs (2), (3) and (4) of Rule 15/3B;

‘ordinary procedure’ in relation to a planning appeal means the procedure set out in paragraphs (2), (3) and (4) of Rule 15/3;

‘planning appeal’ means an appeal under Part 7 of the Planning and Building (Jersey) Law 2002 and ‘appellant’ in relation to such an appeal shall be construed accordingly;”.

- (2) In Rule 15/2(1) of the principal Rules, after the words “Schedule 4” there shall be inserted the words “or, in the case of a planning appeal, in the form set out in Schedule 4A”.

- (3) After Rule 15/3(1) of the principal Rules there shall be inserted the following paragraph –

“(1A) When paragraph (1) has been complied with in relation to a planning appeal, Rule 15/3A shall apply to the remaining procedural steps in the appeal.”.

- (4) After Rule 15/3 of the principal Rules there shall be inserted the following Rules –

“15/3A Planning appeals

- (1) Within 5 days of the respondent having complied with Rule 15/3(1) the Greffier shall consider the notice of appeal and the respondent’s affidavit and any accompanying documents and, having regard to –
 - (a) the nature and complexity of the issues raised;
 - (b) the questions of law (if any) involved;
 - (c) the extent to which any matter of public interest may arise in the proceedings; and
 - (d) any other circumstances of the appeal,shall, subject to Rule 15/3C, notify the parties in writing whether the Greffier is minded to treat the appeal as an appeal to be dealt with under the ordinary procedure or under the modified procedure and shall give the parties the opportunity to make written representations in that regard within such time as the Greffier may determine.
- (2) The Greffier shall consider any such representations and determine whether the appeal is to be dealt with under the ordinary procedure or under the modified procedure.
- (3) The appeal shall then proceed in accordance with that determination, but paragraph (2) does not affect the power of the Court at any stage of the proceedings of its own motion or on the application of any of the parties to order that the appeal be dealt with under whichever procedure the Court thinks fit.

15/3B Modified procedure in planning appeals

- (1) If the Greffier determines that a planning appeal is to be dealt with under the modified procedure, the Greffier shall give such directions as the Greffier thinks fit with a view to bringing the appeal on for hearing at the earliest opportunity.
- (2) Not less than 14 days before the hearing of the appeal, the appellant must furnish to the Court (and serve upon the other parties to the appeal) a written statement of the submissions that the appellant will make at the hearing concerning the issues in dispute in the appeal.
- (3) Not less than 7 days before the hearing of the appeal the respondent must furnish to the Court (and serve upon the other parties to the appeal) a written statement of the submissions that the respondent will make at the hearing concerning the issues in dispute in the appeal.
- (4) An appellant may, at the hearing of the appeal, appear and be heard by a representative who, if not an advocate, shall be –
 - (a) a solicitor (*écrivain*) of the Royal Court;
 - (b) an architect registered under the Architects (Jersey) Law 1954⁴; a member of the Royal Institution of Chartered

- Surveyors or a member of the Royal Town Planning Institute; or
- (c) a person approved by the Greffier or by the Bailiff as a person appropriate to represent the appellant.
- (5) The Minister may, at the hearing of the appeal, appear and be heard by a senior officer of the Planning and Environment Department authorized by the Minister for that purpose.
- (6) Provision may be made by practice directions in respect of the mode and duration of hearings of, and awards of costs in, planning appeals under the modified procedure.

15/3C Planning appeals ‘on the papers’

- (1) When, in accordance with paragraph (1) of Rule 15/3A, the Greffier has considered the notice of appeal and the respondent’s affidavit and any accompanying documents and has had regard to the matters referred to in sub-paragraphs (a) to (d) of that paragraph, the Greffier may, if the requirements of paragraph (2) are met, consider and determine the appeal on the basis of the documents filed with the Court and without oral arguments by the parties.
- (2) The requirements of this paragraph are that –
- (a) the appellant has in the notice of appeal stated that the appellant does not require an oral hearing of the appeal;
- (b) the Greffier has notified the parties in writing that the Greffier is minded to consider and determine the appeal under paragraph (1) and has given them the opportunity to make representations in that regard; and
- (c) the Greffier has considered any such representations.
- (3) If the Greffier decides to consider and determine the appeal under paragraph (1), the Greffier may give such directions to the parties as may be necessary for the filing of further written statements or submissions.
- (4) Provision may be made by practice directions in respect of awards of costs in relation to planning appeals considered and determined in accordance with this Rule.”.

3 Schedule 1 amended

In Schedule 1 to the principal Rules, the expression “Rule 15/5” shall be deleted.

4 Schedule 4A inserted

After Schedule 4 to the principal Rules there shall be inserted Schedule 4A set out in the Schedule to these Rules.

5 Citation and commencement

- (1) These Rules may be cited as the Royal Court (Amendment No. 3) Rules 2006.
- (2) These Rules shall come into force on 1st July 2006.

J.G.P. WHEELER

Master of the Royal Court

SCHEDULE

(Rule 3)

“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 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]¹ require an oral hearing of this appeal.

(signed) **Date**
[Appellant] [Advocate/solicitor for the appellant]

To the above-named Respondent

¹ *delete as appropriate*

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] [a member of the Royal Town Planning Institute]

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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(signed)
(Appellant)

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- ¹ *chapter 07.770*
 - ² *L.36/2006*
 - ³ *chapter 07.770.72*
 - ⁴ *chapter 05.025*