



Jersey

ROYAL COURT (AMENDMENT No. 6) RULES 2007

Arrangement

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SCHEDULE

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ROYAL COURT (AMENDMENT No. 6) RULES 2007

*Made**14th May 2007**Coming into force**21st May 2007*

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 Rule 6/23A inserted

After Rule 6/23 of the principal Rules there shall be inserted the following Rule –

“6/23A Exchange of affidavits etc.

- (1) At any stage in any cause or matter, the Court may, if it thinks fit for the purpose of disposing fairly and expeditiously of the cause or matter, direct any party to serve on the other parties, on such terms as the Court thinks just, affidavits or written statements containing the oral evidence that the party intends to lead on any issues of fact to be decided at the trial.
- (2) If the party serving an affidavit or statement under paragraph (1) does not call the witness to whose evidence it relates, no other party may put it in evidence at the trial without the leave of the Court.
- (3) Unless the Court otherwise orders, if the party serving the affidavit or statement does call such a witness at the trial –
 - (a) that party may not without the consent of the other parties or the leave of the Court lead evidence from that witness the substance of which is not included in the affidavit or statement served, except in relation to new matters which have arisen in the course of the trial;

- (b) the Court may, on such terms as it thinks fit, direct that the affidavit or statement served, or part of it, shall stand as the evidence in chief of the witness or part of such evidence;
 - (c) whether or not the affidavit or statement or any part of it is referred to during the evidence in chief of the witness, any party may put the affidavit or statement or any part of it in cross-examination of that witness.
- (4) A party who fails to comply with a direction given under paragraph (1) shall not without the leave of the Court be entitled to adduce evidence to which the direction related.”.

3 Rule 18/5 amended

In Rule 18/5 of the principal Rules –

- (a) for paragraph (3) there shall be substituted the following paragraphs –
 - “(3) If the Bailiff grants the application, the Bailiff shall notify the applicant and the Greffier in writing that the caveat has been lodged.
 - (3A) On receipt of that notification –
 - (a) the applicant shall give written notice of the lodging of the caveat to every person whose immovable property is affected by it; and
 - (b) the Greffier shall cause it to be placed, until the caveat has been lifted or is no longer in force, in a file forming part of the Public Registry.”;
- (b) in paragraph (4) for the words “paragraph (3)” there shall be substituted the words “paragraph (3A)(b)”.

4 Schedule 3 amended

In Schedule 3 to the principal Rules –

- (a) in the heading, for the word “**Forms**” there shall be substituted the word “**Form**”;
- (b) after item 7 there shall be inserted the following item –
 - “7a Every party shall within days serve upon every other party [affidavits made] [statements signed] by those witnesses of fact upon whose evidence it is intended to rely”.

5 Schedule 6 amended

For the last form in Schedule 6 to the principal Rules (‘Form of acknowledgement where a third party makes a declaration with regard to existing hypothecary rights’) there shall be substituted the form set out in the Schedule to these Rules.

6 Citation

These Rules may be cited as the Royal Court (Amendment No. 6) Rules 2007 and shall come into force 7 days after they are made.

P. MATTHEWS

Deputy Judicial Greffier

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- ¹ *chapter 07.770*
² *chapter 07.770.72*