



Jersey

## **COURT OF APPEAL (CIVIL) (AMENDMENT No. 4) RULES 2014**

### **Arrangement**

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## **COURT OF APPEAL (CIVIL) (AMENDMENT No. 4) RULES 2014**

*Made**28th July 2014**Coming into force**1st September 2014*

**THE COURT OF APPEAL**, in pursuance of Article 19 of the Court of Appeal (Jersey) Law 1961<sup>1</sup>, the Schedule to the Terrorist Asset-Freezing (Jersey) Law 2011<sup>2</sup> and the Schedule to the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012<sup>3</sup>, has made the following Rules –

### **1 Interpretation**

In these Rules “principal Rules” means the Court of Appeal (Civil) Rules 1964<sup>4</sup>.

### **2 Rule 1 amended**

In Rule 1(1) of the principal Rules –

- (a) in the definition of “respondent’s case” for the words “Rule 8(3)” there shall be substituted the words “Rule 8(6)”;
- (b) for the full stop at the end of the definition of “respondent’s notice” there shall be substituted a semi-colon;
- (c) after that definition there shall be inserted the following definitions –
  - “ ‘timings letter’ means the letter referred to in paragraphs (1) and (2) of Rule 8;
  - ‘transcript’ means the transcript referred to in Rule 7(1).”.

### **3 Rule 3 amended**

In Rule 3 of the principal Rules for the words “one month” there shall be substituted the words “28 days”.

### **4 Rules 7 to 10 substituted**

For Rules 7, 8, 9 and 10 of the principal Rules there shall be substituted the following Rules –

**“7 Transcript**

- (1) Subject to any direction of the Court or the court below under Article 21(1) of the Law, after an appeal has been set down, the Judicial Greffier shall, upon the request of either party to the appeal, make a transcript of the official record of the proceedings at the hearing.
- (2) The transcript shall be furnished to the appellant and to every other party to the appeal upon payment of such charges as are fixed for the time being by rules of court pursuant to Article 21(4) of the Law.

**8 Timetable, directions *etc.* for the appeal**

- (1) Within 7 days of receiving the notice of appeal in accordance with Rule 4(2), the Judicial Greffier shall prepare and circulate to each of the parties to the appeal a timings letter.
- (2) The timings letter will –
  - (a) contain a timetable of the dates by which submissions and other documents referred to in this Rule are to be lodged with the Judicial Greffier;
  - (b) specify the manner, including the number of copies of documents to be lodged, in which the other matters referred to in this Rule are to be completed; and
  - (c) specify the sitting of the Court at which the appeal is scheduled to be heard,and may deal with any ancillary timetabling or related matter if expedient to do so.
- (3) The Judicial Greffier may at any stage of the appeal issue to the parties a supplementary or revised timings letter if the Judicial Greffier, on application by any party to the appeal, or otherwise, thinks it expedient to do so; and, if a supplementary or revised timings letter is issued, references in these Rules to the timings letter shall be construed as references to the timings letter as so supplemented or revised.
- (4) The appellant shall, in accordance with the timetable and in the manner specified in the timings letter, lodge with the Judicial Greffier –
  - (a) the acts or other documents containing the pleadings and proceedings in the court below, including –
    - (i) the order, judgment, decree or award under appeal,
    - (ii) so much of the legislation referred to, and of all documentary or other material produced, in the court below as is considered germane to the appeal;
  - (b) the notice of appeal;
  - (c) such parts of the transcript as are considered germane to the appeal;

- (d) where evidence was taken on affidavit, on commission or before the Viscount, such affidavit or the official record of such evidence given on commission or before the Viscount as is considered germane to the appeal;
- (e) the contentions to be urged and the authorities to be cited by the appellant in support of the appellant's appeal (hereinafter referred to as the 'appellant's case').

- (5) When the appellant has complied with paragraph (4) he or she shall, within 2 days, deliver to all parties on whom the notice of appeal was served a copy of the appellant's case.
- (6) A respondent shall, in accordance with the timetable and in the manner specified in the timings letter, lodge with the Judicial Greffier the contentions to be urged and the authorities (to the extent that they are additional to those contained in the appellant's case) to be cited by the respondent at the hearing of the appeal (hereinafter referred to as a 'respondent's case').
- (7) When a respondent has complied with paragraph (5) he or she shall, within 2 days, deliver to the appellant a copy of the respondent's case.

#### **9 Notification of hearing of appeal**

No later than 7 days before the first day of the sitting of the Court at which the appeal is scheduled to be heard, the Judicial Greffier shall circulate to each of the parties, or to his or her advocate or solicitor, a copy of the Court's agenda for the relevant sitting.

#### **10 Abandonment of appeal by non-prosecution**

Subject to Rule 16, if the appellant has not complied with Rule 8(4), the appellant's appeal shall be deemed to have been abandoned."

#### **5 Rule 14 amended**

In Rule 14(b) of the principal Rules, the words "of the official shorthand note" shall be deleted.

#### **6 Rule 18A inserted**

After Rule 18 of the principal Rules there shall be inserted the following Rule –

#### **"18A Appeals from proceedings under the Terrorist Asset-Freezing and Money Laundering and Weapons Development Laws**

- (1) In this Rule –  
'2011 Law' means the Terrorist Asset-Freezing (Jersey) Law 2011<sup>5</sup>;

‘2012 Law’ means the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012<sup>6</sup>;

‘appeal’ means an appeal against a decision of the Royal Court in proceedings under Article 28 or Article 29 of the 2011 Law or under Article 10 of the 2012 Law.

- (2) These Rules apply to an appeal subject to paragraphs (3) and (4).
- (3) Any special counsel appointed in the proceedings shall be taken to be a party directly affected by the appeal for the purposes of Rule 2(4) and by the contentions of the respondent for the purposes of Rule 5(4).
- (4) Rules 16A/7 to 16A/17 of the Royal Court Rules 2004 shall apply in relation to the appeal proceedings as they did in relation to the proceedings in the court below with the following modifications –
  - (a) references to the appellant or applicant in the proceedings in the court below shall be taken to refer to the appellant in the appeal;
  - (b) references to the Court shall be taken to refer to the Court of Appeal, or a judge thereof; and
  - (c) the reference in Rule 16A/7(1)(b) to the Chief Minister shall be construed as a reference to the respondent in the appeal.”.

#### **7 Citation and commencement**

These Rules may be cited as the Court of Appeal (Civil) (Amendment No. 4) Rules 2014 and shall come into force on 1st September 2014.

**C.J. COLEMAN**

*Assistant Judicial Greffier*

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- 1 *chapter 07.245*
  - 2 *chapter 17.861*
  - 3 *chapter 08.685*
  - 4 *chapter 07.245.10*
  - 5 *chapter 17.861*
  - 6 *chapter 08.685*