

Orders of the Royal Court

I
1990



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 5th day of June, 1990 before Sir Charles Frossard, Kt., Bailiff; present:—Harry Wilson Bisson, Herbert Nicolle Machon, Geoffrey Ernest Le Page, Esquires, Mrs. Dorothy Winifred Le Pelley, Leonard Arthur Moss, John Edward Morris, Kenneth John Rowe and Lawrence Oscar Ozanne, Esquires, Jurats.

No. 1 Order, 1990

ENTITLED

The Royal Court (Affidavits) Civil Rules, 1990

THE ROYAL COURT, in exercise of the powers conferred upon it by Article 64 of the Reform (Guernsey) Law, 1948, and section 12 of the Royal Court of Guernsey (Miscellaneous Reform Provisions) Law, 1950, and of all other powers enabling it in that behalf, hereby orders:—

Form of Affidavit

1. Every affidavit sworn in a cause or matter must be entitled in that cause or matter.

2. (1) Every affidavit must be expressed in the first person and, unless the Court otherwise directs, must state the place of residence of the deponent and his occupation or, if he has none, his description, and if he is, or is employed by, a party to the cause or matter in which the affidavit is sworn, the affidavit must state that fact.

(2) In the case of a deponent who is giving evidence in a professional, business or other occupational capacity the affidavit may, instead of stating the deponent's place of residence, state the address at which he works, the position he holds and the name of his firm or employer, if any.

3. Every affidavit containing more than one page must be bound and, whether or not both sides of the paper are used, the printed, written or typed sides of the paper must be numbered consecutively.

4. Every affidavit must be divided into paragraphs numbered consecutively, each paragraph being as far as possible confined to a distinct portion of the subject.

5. Dates, sums and other numbers must be expressed in an affidavit in figures and not in words.

6. Every affidavit must be signed by the deponent and the attestation must be completed and signed by the person before whom it is sworn.

Affidavit by two or more deponents

7. Where an affidavit is made by two or more deponents, the names of the persons making the affidavit must be inserted in the attestation except that, if the affidavit is sworn by both or all the deponents at one time before the same person, it shall be sufficient to state that it was sworn by both (or all) of the "above named" deponents.

Affidavit by illiterate or blind person

8. Where it appears to the person administering the oath that the deponent is illiterate or blind, he must certify in the attestation that—

- (a) the affidavit was read in his presence to the deponent,
- (b) The deponent seemed perfectly to understand it, and
- (c) the deponent made his signature or mark in his presence;

and the affidavit shall not be used in evidence without such a certificate unless the Court is otherwise satisfied that it was read to and appeared to be perfectly understood by the deponent.

Contents of affidavit

9. (1) An affidavit may contain only such facts as the deponent is able of his own knowledge to prove.

(2) An affidavit sworn for the purpose of being used in interlocutory proceedings may contain statements of information or belief with the sources and grounds thereof.

Scandalous, etc. matter in affidavit

10. The Court may order to be struck out of any affidavit any matter which is scandalous, irrelevant or otherwise oppressive.

Alterations in affidavit

11. An affidavit which has in the attestation or body thereof any interlineation, erasure or other alteration shall not be filed or used in any proceeding without the leave of the Court unless the person before whom the affidavit was sworn has initialled the alteration and, in the case of an erasure, has re-written in the margin of the affidavit any words or figures written on the erasure and has signed or initialled them.

Document to be used in conjunction with affidavit to be exhibited to it

12. (1) Any document to be used in conjunction with an affidavit must be exhibited, and not annexed, to the affidavit.
- (2) Any exhibit to an affidavit must be identified by a certificate of the person before whom the affidavit is sworn.

13. These Rules may be cited as the Royal Court (Affidavits) Civil Rules, 1990.

14. These Rules shall come into force on the 5th day of June, 1990.

K. H. TOUGH,
Her Majesty's Greffier.

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

PRICE 25p