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PRACTICE DIRECTION NO 2 of 2008

Royal Court Civil Rules, 2007 - Transitional Provisions

1. Pursuant to Rule 94, the Royal Court Civil Rules, 2007 come into force on 4 February 2008 and, unless the Court otherwise decides, shall not apply to any action which, on that date, is inscribed on the Rôle des Causes en Preuve to which the 1989 Rules shall continue to apply.

2. **Actions which have been tabled in Court before 4 February 2008 and which have been adjourned without being placed on the Rôle des Causes à Plaider**

Such actions can continue to be adjourned. The 2007 Rules do not expressly limit the length of time during which an action can be adjourned before the Defendant has to indicate whether it is to be defended. This is to allow parties to agree to settle an action on the basis that the Defendant will make regular payments and with the intention that the proceedings will be withdrawn after the final payment has been made. To save incurring Court fees it is preferable that such adjournments are agreed out of Court.

3. **Actions which have been placed on the Rôle des Causes à Plaider and to which no defences have been filed before 4 February 2008**

A Summons for Defences will have to be issued by the Plaintiff. In keeping with the spirit of Rule 16(4) the Court will expect applications for defences to be filed in all such matters within three months, that is before the end of April 2008. Any Defendant who has not filed a defence within three months of the case being inscribed on the Rôle des Causes à Plaider will have to show good cause for any adjournment beyond three months.

4. **Actions where a defence has been filed and the action remains on the Rôle des Causes à Plaider on 4 February 2008**

The Court will expect to case manage all such cases in accordance with the 2007 Rules. The Advocate for the Plaintiff in each such case is directed to list the matter for directions to be given in an Interlocutory Court before the end of April. The Court will then decide whether to place the action on the Rôle des Causes en Preuve, in which event the 2007 Rules will thereafter apply to that action.

5. Actions which are inscribed on the Rôle des Causes en Preuve as at 4 February 2008

The 1989 Rules will continue to apply to such actions unless the Court otherwise directs. On the first occasion on which any such action comes before the Court after 4 February 2008, counsel shall advise the Court that the matter is still subject to the 1989 Rules. The Court will then consider whether to order that the 2007 Rules shall apply to it. The presumption will be that such an order will be made unless the parties can show a good reason for the 1989 Rules to continue to apply.

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