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PRACTICE DIRECTION NO. 3 OF 2002

EXHIBITS TO AFFIDAVITS

I am directed by the Bailiff to issue the following Practice Direction.

The legal aid administrator has drawn attention to the heavy cost to the legal aid fund in matrimonial proceedings where an affidavit is filed with anything up to twelve exhibits and a fee of £10 is charged by the notary public for each exhibit. This has caused a review in procedure for filing exhibits in all divisions of the Royal Court, regardless of whether parties are legally aided or not.

As a general rule where a deponent is exhibiting a miscellany of documents they should be contained in one exhibit unless the number of pages exceeds 100 (i.e. 200 where printed on both sides of the paper) when the advocate may choose to divide them into two or more exhibits. Generally pages in exhibits running to more than a few pages should be numbered consecutively and where appropriate there should be an index identifying the various documents included and the affidavit will make reference to the page number rather than the exhibit number. Whilst the original affidavit will have the exhibits bound up in the most convenient way it will be appreciated if copies for the judges except in the most straightforward case can be placed in ring binders for ease of reading.

It is appreciated that there may be cases where these directions cannot be conveniently complied with (for example where the affidavit is prepared in another jurisdiction), but taxing officers will have the right to disallow any notarial fees that they consider have been unnecessarily incurred due to a proliferation in the number of exhibits.

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