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PRACTICE DIRECTION NO.6 of 2002

22nd December, 2002

I am directed by the Bailiff to issue the following practice direction.

THE BUSINESS OF THE MATRIMONIAL CAUSES DIVISION

With effect from 1st January, 2003 the Matrimonial Causes Division will sit unrobed at 10.00 a.m. on specified Tuesdays, which will be indicated on the Court Calendar for 2003. The following matrimonial matters will be dealt with at that Court:-

1. Judicial Separations/Vesting Orders by consent
2. Provisional Orders.
3. Ancillary Relief consent orders.
4. All interlocutory matters relating to contested Petitions for Divorce and Judicial Separations including fixing of dates.
5. Directions hearings and contested matters which will not require hearings in excess of 30 minutes. Where exceptionally longer hearings are required special dates will be fixed.

Directions will be given in respect of contested matters, including fixing of dates for hearings. All applications etc. must be filed in the Matrimonial Interlocutory Court folder in the Greffe General Office by 12 noon on the preceding Friday, save that applications for Provisional Orders must be filed by 12 noon seven days prior to the Court sitting. A space of 6 cm. should be left clear at the head of the first page of each application, to enable the Greffe stamp to be applied.

THE BUSINESS OF THE ORDINARY COURT

It will be noted that the number of Ordinary Courts with Jurats has been reduced for 2003. It is intended that the agenda for these Courts will consist only of the following summary items which may be lodged without leave of the presiding judge

- (a) Arrests of wages
- (b) Guardianships and applications connected therewith
- (c) Simple evictions
- (d) Swearing and retirement of Parish Officials
- (e) Plaids d'Heritage [AS INDICATED ON THE COURT CALENDAR OR BY ADJOURNMENT]

In all matters where there is a requirement for findings of fact or for the exercise of discretion to be made by a Court composed of Jurats the application should first be listed before the Bailiff's Friday Court when directions will be given concerning a hearing date.

- (1) Rémedes
- (2) Terres mises à l'amende
- (3) Licitations
- (4) Vacation of Bonds

In future the attendance of Constables in Rémede applications will only be required on an adjournment after opposition has been signified.

Alderney and Sark criminal matters will be dealt with on an ad hoc basis. The Law Officers should either list for a plea and directions hearing on a Friday or if more convenient to go straight to a hearing before the Jurats, a date should be applied for.

Procedure for filing Applications etc.

1. All relevant papers must be filed in the appropriate Causes Folder in the Greffe General Office not later than
 - (i) 4.45 p.m. on the preceding Friday, for the Tuesday Ordinary Court
 - (ii) 4.45 p.m. on the preceding Wednesday, for the Friday Ordinary Court
2. In respect of Friday Ordinary Courts, two copies of each cause, and other documents, must be lodged, marked 'Bailiff's Copy' or 'Greffier's Copy' in the top

right hand corner, and in addition three additional, coloured, copies of the plans with Terres à l'amende applications. In respect of Tuesday Ordinary Courts, in addition to the above copies, three more copies must be lodged at the Greffe marked 'Jurat's Copy'.

3. Each firm's business must be headed by an Agenda. The Agenda must include items adjourned to that day, and it is the responsibility of each firm to locate any adjourned causes etc. and place them in the Causes Folder.
4. Causes must be on A4 paper and punched to aid filing. Items associated with a cause, such as reports etc., must be stapled to the cause and not attached with a paperclip. Please leave 6 cm clear at the top of the first page of each cause, to enable the Greffe stamp to be applied.
5. The Greffe cause should be the best available copy (and bear the relation of HM Sergeant) as it is reproduced in the Act of Court.
6. The original affidavits must be supplied to the Greffe, with a copy attached to the Bailiff's cause.

Her Majesty's Greffier