



Issued 4 October 2012

PRACTICE DIRECTION NO 1 of 2012

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

Handing down of Judgments

1. Although it is a matter of choice for the individual Court, it is often convenient, where judgment has been reserved, for the written judgment to be handed down electronically via Her Majesty's Greffier without, as in the past, being read aloud in Court. In this way, much time is saved for the Court, for practitioners and for litigants. Judgments have been handed down in this way by the Royal Court for a number of years now and the following practice direction is intended to formalise this practice.
2. Where this practice is followed, the judgment will be distributed in draft in advance to the parties' advocates at such time as the Court may direct. In such an event the following provisions will apply unless the Court, in a particular case, otherwise directs: -
 - (i) The judgment remains a draft judgment until formally handed down. It follows that the Court may make any changes which it wishes prior to the formal handing down;
 - (ii) The draft judgment is confidential. It may be shown, in confidence, to the parties but only for the purpose of obtaining instructions and on the strict understanding that the judgment, or its effect, is not to be disclosed to any other person.

Advocates may not disclose the draft judgment or its effect to any other person save for:-

- (a) associated legal advisers in the case such as English solicitors or counsel, who, similarly, may not disclose the draft judgment to anyone other than the client;
- (b) any relevant insurers and their legal advisers; who, similarly, may not disclose the draft judgment to anyone other than the client.

- (iii) Because the judgment is a draft, the parties may not rely upon it for any purpose until it is formally handed down.
3. The primary purpose of supplying the judgment in draft is to enable the advocates to consider the draft judgment and decide what consequential orders they should seek. Efforts should be made to agree these if possible.
 4. A secondary purpose is to enable the advocates to submit suggestions to the Court about typing errors, factual errors, wrong references and other minor corrections of that kind. Advocates are requested to submit these, including any nil returns, in writing or by e-mail to the appropriate court clerk not later than 12.00 noon on the day before the date fixed for handing down the judgment so that the necessary corrections to the text may be considered and incorporated, if appropriate, before the hearing. This facility is confined to the correction of textual mistakes and is not to be used as the occasion for attempting to persuade the judge to change the decision on matters of substance. The requirement to treat the draft and its substance as confidential must be strictly observed.
 5. On the day appointed for the handing down the Court will, either at a hearing or electronically, distribute final approved versions of the judgment. In order to avoid the risk of draft judgments being mistaken later for final judgments, all draft judgments will be clearly marked '**DRAFT**'. They may not be relied upon or used in Court.
 6. Where a litigant is acting in person, he will be supplied with a draft judgment at the same time as a legally represented party and on the same terms.

J TORODE
Her Majesty's Greffier
4 October 2012