



J. TORODE
HER MAJESTY'S GREFFIER

REGISTRAR-GENERAL
BIRTHS, MARRIAGES, DEATHS

Issued 24th November, 2015

PRACTICE DIRECTION NO 5 OF 2015

TUESDAY ORDINARY COURTS

1. Changes will be made to the way that the civil business of a Tuesday Ordinary Court is conducted with effect from 1 January 2016.
2. The principal changes are:
 - a) the Tuesday Ordinary Court will be held twice in every calendar month, starting at 1015 hours as a Commercial Court for the hearing of applications relating to corporate entities, such as corporate insolvency matters and other applications under The Companies (Guernsey) Law, 2008 which require a hearing before Jurats. At the conclusion of the Commercial Court, any other matters that are currently listed for a Tuesday Ordinary Court will be heard;
 - b) every Tuesday at 0945 hours or, if later, at the conclusion of the Contracts Court, the Court will sit to hear unopposed and straightforward applications under The Liquor Licensing Ordinance, 2006; and
 - c) every Thursday at 0945 hours or, if later, at the conclusion of the Contract Court, the Court will sit to hear uncontested applications for the appointment of a guardian or permission to sell real property by a guardian.

The Tuesday 1015 Court

3. All applications and supporting documentation for hearing at the 1015 Tuesday Ordinary Court (both the Commercial Court and the Ordinary Court that will follow at the conclusion of the Commercial Court) shall be lodged at the Greffe on or before 4.00 p.m. three business days before the Tuesday (i.e. normally on a Thursday but if the following Monday is a Public Holiday, on the previous Wednesday). At the foot of every Cause, counsel or the applicant/plaintiff if unrepresented, shall provide a realistic time estimate. If the estimate is for a hearing of more than one hour, the Greffe must be contacted for a special date and time for hearing the application. Urgent applications may be lodged at any time and the Greffe will advise a date and time for hearing the application after liaising with the judge and Jurats. In the case of hearings of more than one hour in estimated duration and urgent applications, counsel or the applicant/plaintiff must provide details of the availability of the parties and their witnesses when lodging the application.
4. Applications lodged after the lodging time set out above will be listed for the next sitting of the 1015 Tuesday Ordinary Court or, if requested, will be treated as applications for an urgent hearing date, with leave of the judge.

5. At or before 2 p.m. on the last business day before the Tuesday (i.e. normally the Monday before) the Greffe will produce an agenda of the business tabled for that Tuesday with a “not before” time for the commencement of the Court that will follow after the Commercial Court and, if appropriate, “not before” time for specified matters. It is to enable the efficient scheduling of business that Advocates or applicants/plaintiffs are asked to give time estimates that are as realistic as possible. If there are no items for the 1015 Commercial Court normal Ordinary Court matters will be heard from 1015.
6. The Court will continue, as at present, to be robed when sitting at 1015 on a Tuesday.

The Tuesday 0945 Court

7. Every Tuesday, at 0945 hours or, if later, at the conclusion of the Contracts Court, the Court will hear uncontested applications made under The Liquor Licensing Ordinance, 2006. That is to say it will hear applications where there is no public opposition, where the statutory reports all support the application and where any conditions that are asked to be attached to the licence are not opposed. Any application which is expected to take more than five minutes must not be listed for the 0945 Court and must instead be listed for a 1015 Tuesday Ordinary Court at the conclusion of the Commercial Court. If, either before or during the hearing, the Court considers that an application may last more than five minutes, it will adjourn the matter to the next 1015 Court, which may be later that morning. Thus, where a publication is required, the publication may be made for 0945 but if someone attends Court to oppose the application, it will be adjourned.
8. All other applications shall be lodged at the Greffe on or before 4 p.m. three business days before the Tuesday (i.e. normally on the preceding Thursday).
9. If it appears to the Court that the number of matters listed for hearing at 0945 is more than can reasonably be expected to be heard before 1015, counsel or the applicants may be advised to attend at a later time or date.
10. Five copies of the application, and supporting documents, will be required for applications under the 2006 Ordinance and one clean copy of the cause.
11. Advocates appearing at the 0945 Court will not be required to wear robes but shall wear bands.

The Thursday 0945 Court

12. Every Thursday, at 0945 hours or, if later, at the conclusion of the Contracts Court, the Court will hear applications for the appointment of guardians (Curatelle and Tutelle) and for permission to sell real property by a guardian provided it is anticipated that the application can be heard in not more than five minutes. That will include most of the applications currently heard by the Court such as, typically, those supported by a full and comprehensive medical affidavit, where all the close family members are involved as guardian or family council and support the application.
13. All applications and supporting documentation for hearing at the 0945 Thursday Court shall be lodged at the Greffe on or before 4 p.m. three business days before the Thursday (i.e. normally on a Monday). Five copies of the application, and supporting documents, and one clean copy of the cause will be required.

14. If it appears to the Court that the number of matters listed for hearing at 0945 is more than can reasonably be expected to be heard in the time available, counsel or the applicants may be advised to attend at a later time or date.
15. Any applications which are contested or which may take longer than five minutes shall be listed for hearing at a Tuesday 1015 Ordinary Court, at the conclusion of the Commercial Court.
16. The Court will not be robed but counsel shall be required to wear bands.

Special Constables, Deed Polls for Children, Hawkers' Licences, additional hours or additional premises under section 19 and section 20 of the Liquor Licencing Ordinance

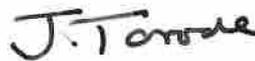
17. Applications for the swearing-in of Special Constables, Deed Polls for Children, Hawkers' Licences and additional hours or additional premises under sections 19 and section 20 of the Liquor Licencing Ordinance, shall continue to be heard either on a Tuesday or Thursday at the conclusion of Contracts Court, as at present.

Revocation

18. This Practice Direction replaces the times set out in section 2.1 of Practice Direction 1 of 2008.

Commencement

19. The new procedures set out above will take effect from 1 January 2016.



J TORODE
Her Majesty's Greffier