

JOINT APPLICATION FOR A JUDICIAL SEPARATION ORDER

IN THE ROYAL COURT OF GUERNSEY (Matrimonial Causes Division)

BETWEEN Name of **Party 1**:

AND Name of **Party 2**:

JURISDICTION

Note: The usual basis for the court to have jurisdiction is where one or both parties are habitually resident in Guernsey.

Habitual Residence

Your habitual residence is the place in which your life is mainly based. You must be settled there and intend to stay settled there. Some of the following may apply: you work there, own property, have your children in school there, and your main family life takes place there.

Domicile

Your domicile is the place of your permanent home in which you live, or to which you intend to return. When you were born you will have acquired your parents' domicile (for example, your father's if they were married, or your mother's if they weren't married or if your father died before you were born). If you have since moved to another jurisdiction and made that your permanent home then your domicile may have moved there. If you were born in Guernsey, lived your entire life here, and intend to stay here, then it is very likely that you'll be both habitually resident and domiciled here.

More information on domicile is in Part V of the Matrimonial Causes Law, 2022.

Same sex couples

There is a further basis for the court to have jurisdiction that applies only to a marriage of a same sex couple. This can apply where the parties married each other under the law of the Bailiwick, and it appears to the Court to be in the interests of justice to assume jurisdiction.

The usual basis for the court to have jurisdiction in respect of the marriage of a same sex couple is habitual residence.

1. On what basis does the Court have jurisdiction? Please tick all that apply:

- Party 1 has been *habitually resident* in the Bailiwick throughout the previous year
- Party 2 has been *habitually resident* in the Bailiwick throughout the previous year
- Party 1 is *domiciled* in the Bailiwick.
- Party 2 is *domiciled* in the Bailiwick.
- The parties are of the same sex and married each other under the law of the Bailiwick

YOU AND THE MARRIAGE

2. What are the full names of the parties to the marriage?

Party 1:

Party 2:

Note:

If these names are not the parties' married names or the name shown on the marriage certificate, please provide details of when and how the name changed and provide copies of relevant documentary evidence.

3. When did you get married?

DD/MM/YYYY

4. Where did you get married?

- Guernsey (including Herm and Jethou)
 - Alderney
 - Sark
 - Somewhere else (please specify where below)
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-
5. Do you seek to be judicially separated from each other?:
- Yes (Please complete the rest of this form)
 - No (Do not continue to complete or file this form. This form is to be completed and filed by those who seek to be judicially separated)

CHILDREN

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- | | |
|--|---|
| <p>6. Are there any <i>children of the marriage</i> who are:</p> <ul style="list-style-type: none">• under the age of 18 years;• receiving instruction at an educational establishment or undergoing training for a trade, profession, or vocation, whether or not the child is also in gainful employment; or• children to whom the Court has directed section 15 of <i>the Law</i> should apply? <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes (<u>please write their names and dates of birth below, and complete the form called Statement of Arrangements for Children</u>)</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> | <p><i>Note:</i></p> <p><i>A child of the marriage is defined in section 50 of the Law</i></p> <p><i>The Court will not make a judicial separation order unless it has considered the position of any children of the marriage, and is satisfied that one of the circumstances set out in section 15 of the Law applies.</i></p> |
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EXISTING OR PREVIOUS COURT PROCEEDINGS

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7. Are there any existing or previous court proceedings about the marriage (this includes in relation to money) or the children of the marriage? This includes proceedings outside the Bailiwick of Guernsey.
- Yes (If yes, please provide details and enclose a copy of any orders made in relation to the marriage)
 - No
-

REPRESENTATION BY AN ADVOCATE

8. Is Party 1 represented by an Advocate?

- No
- Yes. Please provide the Advocate's details below.
Advocate's name:
Firm:
Address:
-

9. Is Party 2 represented by an Advocate?

- No
- Yes. Please provide the Advocate's details below.
Advocate's name:
Firm:
Address:
-

ADDRESS FOR SERVICE

10. What is Party 1's address for service? **Please tick one box only.**

- Party 1's advocate's address
- The following address:

Note:

An address for service means an address in the Bailiwick at which any document can validly be served.

If a document is served there, the Court will assume you have received it.

11. What is Party 2's address for service? **Please tick one box only.**

- Party 2's advocate's address
- The following address:

Note:

An address for service means an address in the Bailiwick at which any document can validly be served.

If a document is

served there, the Court will assume you have received it.

ACCOMPANYING DOCUMENTS

12. Included with this form is (please tick all that apply):

Note:

The Court may ask for further documents at any time.

- A certified copy of the marriage certificate

- (Where the marriage certificate is not in English) A translation of the marriage certificate certified as a true and accurate translation of the original document

- Copies of any orders made about the marriage or the children.

- Documents in connection with any change of name

- (If you have answered "yes" to Question 7) A copy of the completed form called Statement of Arrangements for Children

Note:

This includes orders made in proceedings outside the Bailiwick

WE APPLY FOR A JUDICIAL SEPARATION ORDER.

SWORN STATEMENT OF TRUTH

*Note to the Parties: **DO NOT write anything in this part of the form.** When you have completed this form, you will need to take it to a person authorised to administer oaths or take sworn declarations in the place that you are, and to swear or affirm before that person that the facts stated in this form are true. The Court will generally accept a statement of truth sworn or affirmed:*

(a) anywhere in the Bailiwick, before a notary public or Advocate of the Royal Court of Guernsey of 5 years' standing or more,

(b) in Guernsey, Herm or Jethou, before a Jurat of the Royal Court of Guernsey,

(c) in Alderney, before a Jurat of the Court of Alderney,

(d) in Sark, before the Seneschal,

(e) in a place outside the Bailiwick –

(i) before a person empowered to administer oaths or take sworn declarations in that place, or

(ii) in accordance with the rules in force in that place governing the swearing of statements of truth.

We understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a sworn statement of truth without an honest belief in its truth.

We each Swear and promise on the faith and truth that we owe to God/Affirm that the facts stated in this form (and, if enclosed, the completed form called Statement of Arrangements for Children) are true.

TO BE COMPLETED BY THE PERSON BEFORE WHOM THE STATEMENT OF TRUTH IS SWORN OR AFFIRMED:

SWORN/AFFIRMED (delete as appropriate)

by the said (Party 1)

at

this day of 20

TO BE COMPLETED BY THE PERSON BEFORE WHOM THE STATEMENT OF TRUTH IS SWORN OR AFFIRMED:

SWORN/AFFIRMED (delete as appropriate)

by the said (Party 2)

at

this day of 20

You should consider the following when completing this form:

- *the Matrimonial Causes Law, 2022, and especially section 12,*
- *the Matrimonial Causes Rules, 2024, and especially rule 4.*

Copies can be found at www.guernseylegalresources.gg