



Royal Court of Jersey
Family Division

Procedure For Appealing Against
An Order Made By The Registrar In
Divorce Proceedings Or Children
Proceedings

Judicial Greffe
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About this leaflet

This leaflet will help you if you have been involved in a case before a Registrar of the Family Division of the Royal Court (“the Registrar”) and you want to appeal against a decision made by the Registrar. It will tell you:

- what to think about before you appeal;
- what you need to do to make an appeal; and
- what to expect from the appeal process

Terms we use in this leaflet

The Registrar makes decisions in divorce proceedings, which can be decisions about financial matters or relating to the children of the marriage. In this leaflet any decision made by the Registrar in divorce proceedings will be referred to as “**a matrimonial decision**”.

The Registrar also makes decisions about children where there are no divorce proceedings because the mother and father were never married. In this leaflet these will be referred to as “**children proceedings**” and any decisions made by the Registrar will be referred to as “**children decisions**”.

In divorce proceedings, **the petitioner**, either a husband or a wife, is the person who filed the divorce petition. The **respondent** is the other spouse. However if you are the person who wants to appeal against a matrimonial decision you are then known as the “**appellant**”. The other spouse is known as the “**respondent**” in the appeal proceedings even though he or she may have been the petitioner in the divorce proceedings.

In children proceedings, **the applicant**, either the father or the mother, is the person who filed the application in respect of the child. The **respondent** is the other party. However if you are the person who wants to appeal against a children decision you are then known as the “**appellant**”. The other party is known as the “**respondent**” in the appeal proceedings even though he or she may have been the applicant in the original application.

“**The order**” is the formal Act of Court which contains the decision made by the Registrar against which you want to appeal.

Most hearings before the Registrar are recorded. If there is an appeal the evidence given at the hearing is typed up and this is known as the “**transcript**”.

This leaflet is only a guide. You may want to take legal advice before making decisions based on this leaflet.

Can I appeal against the outcome of my case?

You cannot appeal against the Registrar’s decision just because you don’t like or agree with the decision. You can only appeal if you have proper legal grounds e.g. if you can show that the decision was wrong because of a serious mistake or because the procedure was not followed properly.

What should I think about before I make an appeal?

Appealing can be a costly and lengthy process. There are some of the things you need to think about before you begin.

You need to act quickly

Once the Registrar has made the decision you have a limited time in which to appeal so you need to act quickly.

You may need legal advice

The success of your appeal is likely to depend on detailed legal and procedural points, so you are strongly advised to get advice from a lawyer before making an appeal.

You may have to pay a fee

You will have to pay a Court fee when you appeal. Details of the fees can be found on the website www.gov.je/familycourt. If you feel that you cannot afford to pay the fee then you should apply in writing to the Viscount at the Viscount’s Department, Morier House, Halkett Place, St Helier, JE1 1DD for a certificate of exemption from payment of judicial fees (“an exemption certificate”). Your letter should contain your full name

and address, including the post code, telephone contact details and email address if you have one. Please also give brief details of the case and the names of the other parties involved. You should also provide a summary of your income, outgoings and significant assets and liabilities.

Costs may be awarded against you

If you lose your appeal, you may be ordered to pay the other person's costs, including the costs of their lawyer, if they have one.

How do I file an appeal?

If you are unhappy with a decision made by the Registrar you can appeal against it to the Inferior Number of the Royal Court, i.e. the Bailiff or Deputy Bailiff or a Commissioner sitting with two Jurats ("the Royal Court").

The fact that you have filed an appeal does not stop the decision of the Registrar from taking effect. To give an example, the Registrar may have decided that you should pay maintenance for your spouse or children which you think is too high. You still have to comply with the Registrar's order unless you make an application to the Royal Court (contact the Bailiff's Judicial Secretary) and the Royal Court agrees to stay the order, i.e. put the order on hold until the appeal is heard.

The procedures for appealing from matrimonial decisions and children decisions are slightly different and it is important that you follow the correct procedure.

How do I know which procedure to follow?

The easiest way to decide which procedure you should follow is by looking at the case reference number on your Court documents. Each case before the Registrar has a unique number found in the top right hand corner of Court orders or on documents filed in the Court. If the number is, for example, 001/16 this means that it is a divorce file and you should follow the procedure for matrimonial decisions set out below.

If your file number is, for example, CH2016/01, then it is a matter relating to children and you should follow the procedure for children decisions set out below.

Appeals against matrimonial decisions

1. If you are unhappy with a decision made by the Registrar in divorce proceedings about finances and/or children, you have 7 days from the date of the order (not the date you receive it) to write and ask the Registrar to set out in writing the reasons why the decision was made.
2. The Registrar will provide the reasons as soon as possible but, in any event, no later than two months from the date of the order. Copies of the reasons are provided to you and to the other party.
3. You only have 10 days from the date of the Registrar providing the reasons in which to lodge your appeal. If you do not do so you will have to make an application to the Royal Court for permission to lodge an appeal “out of time”. The Royal Court will not automatically grant this permission so you will need to provide good reasons why you did not appeal within the 10 days.
4. In order to lodge or file your appeal you must fill in a notice of appeal known as a Form 18. This form is relatively easy to complete as all you need to do is copy the decision or decisions you wish to appeal against from the order made by the Registrar. You must also provide details of the general grounds of your appeal by filling in a Form 19. In that form you should set out each and every reason why you are appealing known as “**general grounds of appeal**” in separate numbered paragraphs. You will need to give more detailed reasons later in the process. You can get these forms from the Judicial Greffe or you can download them from www.gov.je/familycourt.
5. Once you have filled in the Forms 18 and 19 you must give copies to the other party and also give a copy to the receptionist at the Judicial Greffe. Please note that the other party, having received your notice of appeal, may decide that he or she also wants to appeal against all or part of the order. This is known as a “**cross-appeal**” and the other party must complete and provide both you and the receptionist at the Judicial Greffe with his or her own Forms 18 and 19 within 10 days of receiving your notice of appeal.
6. Once you have filed the notice of appeal you have 14 days within which to make an appointment to see the Bailiff’s Judicial Secretary. You must write and tell the other party the date and time you are going to see the Bailiff’s Judicial

Secretary and you must give four clear days' notice of the appointment. Keep a copy of the letter. The purpose of this meeting is to fix a date for the hearing of the appeal. If you do not do this then it might be assumed that you have abandoned your appeal as you don't want to continue with it.

7. Once the appeal or cross-appeal has been filed, the transcript will be prepared. You will have to pay for this unless you have a certificate of exemption from the Viscount. Details of how much this will cost can be obtained from the Court Transcription Service at the Judicial Greffe. Please also note that it could take some time for the transcript to be completed.
8. You will be notified when the transcript is ready and you then have 21 days from the date on which you are notified that the transcript is ready to serve the other party with your "**contentions**". This is a document which sets out in detail the reasons why you think the matrimonial decision was wrong and what you would like the Royal Court to order instead. You must also provide the other party with all other documents, affidavits or legal cases which you intend to refer to at the hearing of the appeal. If there was no evidence taken at the hearing and therefore no transcript, the 21 day period starts from the date when the Registrar provided the reasons for the decision.
9. The other party then has 21 days from receiving your documents to provide you with a copy of his or her contentions and the documents and authorities that he or she would like to refer to the Royal Court.

Appeals against children decisions

1. If you are unhappy with a final decision made by the Registrar you write and ask the Registrar to set out in writing the reasons why the decision was made. You cannot appeal against an order made by the Registrar which was an interim order and not a final order. There is no time limit for making the request for the reasons.
2. Once you have received the written reasons you have 10 days to serve anyone who was involved in the proceedings before the Registrar with a notice in writing that you want to appeal all or part of the decision and explain the reasons why you think the decision was wrong. You must also give a copy to the receptionist at the Judicial Greffe. There is no specific form for this. If you need more than

the 10 days for this then you will need to apply to the Bailiff for an extension of the time period.

3. As soon as possible after you have filed your notice of appeal you must provide to the other parties the following:-
 - (i) a copy of the original application which was made to the Registrar, a copy of the order setting out the decision and of any order staying the execution of the order, if any;
 - (ii) a copy of the transcript of any evidence (see paragraph 7 above);
 - (iii) a copy of the reasons given for the decision.
4. If the respondent also wants the decision to be varied in whole or in part, or if he or she wants the Registrar's decision to stand or if he or she wants to cross appeal, then he or she must give a copy of a notice of appeal setting out the grounds of appeal to the appellant and to the receptionist at the Judicial Greffe.
5. Once you have filed the notice of appeal you have to make an appointment to see the Bailiff's Judicial Secretary. You must write and tell the other party the date and time you are going to see the Bailiff's Judicial Secretary. You must give at least two clear days' notice of the appointment but it is better if as much notice as possible is given to the other party. Keep a copy of the letter. The purpose of this meeting is to fix a date for the hearing of the appeal. If you do not do this then might it be assumed that you have abandoned your appeal as you don't want to continue with it.

The meeting with the Bailiff's Judicial Secretary

The same thing happens whether the appeal is against a matrimonial decision or a children decision. The Bailiff's Judicial Secretary will already have a copy of your notice of appeal and will know that you are attending to fix a date for the hearing of the appeal. You must take with you a cheque made payable to the Treasurer of the States for the amount of the fees. If you have been given an exemption certificate by the Viscount, take a copy of the certificate for the Bailiff's Judicial Secretary instead of a cheque.

If the Bailiff's Judicial Secretary (or the Bailiff himself when he has seen the papers) feels that other orders need to be made before the hearing of the appeal e.g. in relation

to other documents which need to be filed, then there might be a date fixed for a “**directions hearing**” at which the Bailiff will tell you what other information is required before the appeal can be heard.

Bundles

Before the appeal hearing you must provide the Bailiff’s Judicial Secretary with 4 copies of the bundle of those documents to be referred to in the course of the hearing. The attached link will take you a [Royal Court practice direction](#) which tells you what should be in the bundle.

General advice

Keep copies of the documents which you produce and the documents which are given to you by the other party or by the Court as you will need them throughout the proceedings.

PLEASE NOTE that although members of staff in the Judicial Greffe and/or the Bailiff’s Chambers can help you with the process, they are not allowed to give you legal advice. If you are unsure of your legal position you should take legal advice.