



Royal Court of Jersey
Family Division

Divorce Proceedings Procedure
For Obtaining Financial Orders
(Ancillary Relief)

Judicial Greffe
Royal Court House
Royal Square
St Helier
JE1 1JG
Tel: 01534 441300
Fax: 01534 441399
www.gov.je/familycourt

The Court can make an order if there are financial disputes about money or property. This guide does not give a statement of the law and will not help you to decide what to ask the Court to do if you are in dispute with your spouse about financial matters. You must decide what to do and what order/s you want to ask the Court to make but you are strongly recommended to obtain legal advice.

You may ask the Court staff for information concerning Court procedures, but Court staff are NOT allowed to offer legal advice or advise you about your different legal options.

No application for lump sums, transfer, sale of or settlement of property, secured provision order or variation of settlement order may be made by a respondent who has not filed an answer making financial claims within 2 months of the decree absolute, except with leave of the Court.

The Procedure for contested financial cases

1. Starting an Application

If you are the petitioner, you will already have set out in your petition what orders you are seeking. In order to proceed with your claims, you must file Form 16. If you are the respondent, you must file a Form 16. In both cases delete the orders you are not seeking and identify the property or properties over which you are making a claim. The Court will give you a date for a preliminary directions hearing. Form 16, once it has been processed by the Registrar, will be returned to you so that you can arrange for it to be served on your spouse. If he or she has an advocate or a solicitor, then it is the advocate or solicitor who must be served instead. Form 16 can be found within Divorce forms and applications section on www.gov.je/familycourt.

2. The Preliminary Directions Hearing

This takes place before the Registrar. If you have lawyers acting for you, they will attend and you don't have to. However, if you do not

have lawyers acting for you, you **MUST** attend the preliminary directions hearing.

The Registrar will usually make directions as to the filing of evidence about the parties' finances, and fix a date for a Case Review hearing. If either you or your spouse do not comply with the deadlines set by the Registrar, cost orders may be made against the person failing to do so. You will be ordered to file an affidavit of means – see [Practice Direction FD13/01](#). A link to the Family Division practice directions can be found on the Divorce, Separation and Relationship Breakdown section on www.gov.je/familycourt.

3. **The Case Review Hearing**

All parties **AND** their lawyers **MUST** attend.

The purpose of the case review hearing, which again is held before the Registrar, is to determine whether anything can be done to sort out the dispute, and find out what outstanding areas of disagreement need to be addressed.

Sometimes, as a result of this process, agreed orders can be made. Even if there is not full agreement, there may be agreement as to certain aspects of the dispute, and interim or full orders may be made.

If agreement cannot be reached, the Registrar may make further orders as the filing of further evidence, and will set a date for a final hearing. The Registrar will normally order that the parties are to set out/confirm in writing what orders are being sought at a specified time before the final hearing. Interim child maintenance orders (periodical payments) may be made.

4. **The final hearing**

You, your lawyer and the witnesses must attend the final hearing.

Difficult or lengthy cases may be referred to the Inferior Number of the Royal Court.

If Agreement is Reached

If agreement is reached before the final hearing, you and your spouse must lodge a draft order for approval by the Registrar, signed by both of you consenting to an order being made in the terms of the draft. You must at the same time send to the Court a Statement of Information for a Consent Order form, giving all the information required by it, and signed and dated by both of you. See [Practice Direction FD12/07](#). A link to the Family Division practice directions can be found in the Divorce, Separation and Relationship Breakdown section on www.gov.je/familycourt.

A final order cannot be made (except for interim maintenance for yourself or child maintenance) until the pronouncement of the decree nisi. The order cannot come into force until the divorce is finalised (made absolute).

USEFUL NUMBERS

Acting Bâtonnier (responsible for the allocation of lawyers to litigants under the Legal Aid Scheme) TEL: 0845 8001066

THE LAW AND RULES

[Matrimonial Causes \(Jersey\) Law 1949](#) ('the Law') and [Matrimonial Causes Rules 2005](#). ('the Rules').

Links to the Law and Rules can be found within the Divorce, separation and relationship breakdown guidance section within www.gov.je/familycourt.

Other Matrimonial Guidance Notes available from within the Divorce, separation and relationship breakdown guidance section within www.gov.je/familycourt

Draft Divorce Petition

Guidance Notes for completing a Divorce Petition
Procedural Guide for Divorce Proceedings
Divorce Proceedings Arrangements for Children