

THE ROYAL COURT

APPEALS TO THE COURT OF APPEAL

May 2022

Royal Court House
St James Street
St Peter Port
Guernsey
GY12NZ

www.guernseyroyalcourt.gg



THE ROYAL COURT
OF GUERNSEY

CRIMINAL AND CIVIL APPEALS TO THE COURT OF APPEAL

This Guide is produced to assist you, as the prospective Appellant, in bringing your criminal or civil appeal for determination by the Guernsey Court of Appeal. It sets out the Court's basic structure and its associated procedures. It is not meant to be definitive or a substitute for researching your case, the law and the relevant rules, or for instructing an Advocate to represent you.

The Guernsey Court of Appeal comes under the provisions of The Court of Appeal (Guernsey) Law, 1961 and operates within its civil and criminal divisions under The Court of Appeal (Criminal Division) (Guernsey) Rules, 1964, and The Court of Appeal (Civil Division) (Guernsey) Rules, 1964. Court fees are set out in The Court of Appeal (Civil Division) (Costs and Fees) (Guernsey) Rules, 2012 and The Court of Appeal (Civil Division) (Cost and fees) (Guernsey) (Amendment) Rules 2018. The Law and Rules can be found on the Guernsey Legal Resources website www.guernseylegalresources.gg

Appeals from the decisions of the Magistrate's Court are dealt with by the Royal Court, under the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988 or under Section 18 of The Magistrate's Court (Guernsey) Law, 2008 for civil cases—they are not dealt with by the Court of Appeal.

The President of the Court of Appeal is the Bailiff of Guernsey. The other Judges are appointed by Her Majesty the Queen and comprise of the Bailiff of Jersey and a panel of senior lawyers from outside Guernsey.

The Court of Appeal is scheduled to sit five times a year for up to five days at a time, during the months of February, April, July, September and December. The Court of Appeal is made up of an uneven number of judges the minimum number being three This is referred to as the plenary court.

If you wish to appeal a decision of the Royal Court, either in a criminal or a civil matter, you should refer to the law and associated rules and take the following basic steps:-

A) *Criminal Matters*

- File a *Notice of Appeal together with brief grounds of appeal with the Registrar of the Court of Appeal within twenty-eight days of conviction or the pronouncement of sentence**

*Forms to do this can be found on the Royal Court website and are also attached to this leaflet.

**If you are appealing your criminal sentence only, then you will need to seek the permission (leave) of the Court that handed down the sentence before going to the Court of Appeal, this can be done by completing the form and submitting it to the Registrar. If you are appealing a conviction which involves a question of law alone, no leave is required, otherwise leave is required.

B) Civil Matters

- Determine whether the decision is appealable or if leave (permission) to appeal is required.
- Serve your Notice of Appeal on all parties to the proceedings, within 28 days of the Order of the Court or the Judgment was pronounced. After 28 days the court may grant leave to appeal out of time.
- Pay the relevant court fees.
- Within seven days of serving your Notice of Appeal, you should apply to the Court to have the matter set down.
- Once the Appeal has been set down you have up to four months to compile and lodge your case. You may not need this amount of time or the Court may decide to shorten it.

C) Criminal and Civil Matters***Timetable***

Once the formalities around lodging and serving have been completed, the Registrar will contact the parties, usually by e-mail, with directions for a timetable leading up to a specified sitting of the Court of Appeal. The Court expects an agreed bundle of digital papers (and in hard copy if specified) to be lodged by the parties three weeks before the scheduled sitting of the Court.

Court Proceedings

All matters will be heard in public, unless an application is made by you, giving reasons, for the matter to be heard In Camera (private).

Judgment

The Court endeavours to give a decision either during the week it is sitting or as soon as possible thereafter.