

ROYAL COURT

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20th February, 1991

Before: P.R. Le Cras, Esq., Commissioner, and
Jurats Le Ruez and Coutanche

Between: Pelido (CI) Limited, trading as
Zebra Hire Cars Plaintiff

And: David Alan Leighton Defendant

Contested application for an "Acte à
peine de prison".

Advocate P.C. Sinel for the Plaintiff.
Advocate Mrs. D.J. Lang for the Defendant.

JUDGMENT

COMMISSIONER LE CRAS: The Court initially orders that the Royal Court Acte of the 27th June, 1990, be amended by the Judicial Greffe, to provide for an arrest on wages at £25 per week.

I should like to say that we have noted the statement made in Bianchi -v- Gentili (12th July, 1990) Jersey Unreported, regarding the Court's discretion, and have also noted that no authorities were cited in that case, but that nevertheless the statement comes as a surprise to us. We think we have no alternative, in the absence of more lengthy argument, but to follow it.

We therefore propose to defer this summons until 10.00 a.m. on the 18th March, 1991, and if the application is maintained, we will expect to hear from the defendant on that occasion and to hear supporting evidence. For example, Mrs. Lang, a member of the Social Security Department, who will give evidence that the defendant has, in fact, attended five days a week, as he says. Costs will be in the cause.

Authorities cited:

Bianchi -v- Gentili (12th July, 1990) Jersey Unreported.

Emprunt (Jersey) Limited -v- Samuel Hunter Norris (24th January, 1990)
Jersey Unreported.

Loi (1886) sur l'Emprisonnement pour Dettes.