Royal Court

(Samedi Division) 187.

11th December, 1991.

Before: Mr. V. A. Tomes, Deputy Bailiff
Jurat Mrs. B. Myles
Jurat A. Vibert

Between:	**Glendale Hotel Holdings Limited**	**First Plaintiff**
	David Eves and Helga Maria Eves (née Buchel)	**Second Plaintiffs**
And:	**The Tourism Committee of the States of Jersey**	**Defendant**

Application by the Defendant to raise Injunction in Order of Justice.

Advocate C.E. Whelan for the Defendant.

RESERVED REASONED JUDGMENT.

The first plaintiff was owned by the second plaintiffs, who were directors of the first plaintiff. The first plaintiff owned and operated the Glendale Private Hotel situate at Les Landes, St. Martin, a guest-house of fifty-six bed capacity (the premises).

The defendant is a Committee of the States of Jersey constituted for the purpose of exercising the powers conferred, and performing the duties imposed, upon the Committee by the Tourism (Jersey) Law, 1948 (the Law).

The Law was enacted, as set out in its long title "... ***to make better provision for the encouragement and development of Tourism in the Island, to establish a more effective control of the accommodation and attractions available for tourists and to provide for divers matters connected with the matters aforesaid ....***"

On the 7th August, 1990, the defendant's director wrote to the first named second plaintiff in the capacity of secretary of the first plaintiff, giving notice of the cancellation of the registration of the premises with effect from 8th September, 1990.

On the 26th September, 1990, I signed an Order of Justice presented to me by Advocate P. C. Sinel on behalf of the plaintiffs seeking, inter alia, declarations that the conditions imposed by the defendant in a letter of the 25th May, 1990, effecting registration of the premises, were void ab initio or alternatively voidable - it being alleged in the body of the Order of Justice that the third condition was unlawful, unnecessary, ultra vires, unreasonable and incomprehensible - and that the defendant's cancellation of the registration of the premises as from the 8th September, 1990, was unlawful - it being alleged in the body of the Order of Justice that the decision to cancel the registration of the premises was unlawful, unreasonable, unnecessary and ultra vires and made in violation of the principles of natural justice - and damages.

The Order of Justice contained an immediate interim injunction suspending the cancellation of the registration of the premises until the 26th October, 1990, or further order.

On the 3rd October, 1990, the Court sat specially and at short notice to hear an application from the defendant for the interim injunction to be discharged.

The hearing was ex parte because, unfortunately, Mr. Sinel, who had notice of the hearing and intended to be present, was ill. The Court decided to proceed with the hearing because, on an application made ex parte on sufficiently cogent grounds, the Court has power to vary or discharge an injunction granted ex parte (see London City Agency (JCD) Limited v. Lee (1969) 3 All E.R. 1376). However, the Court does not discharge or vary an injunction on an ex parte application unless satisfied on the merits of the particular case that there is a clear case for doing so and the Court reserved

the right to adjourn the proceedings at any stage to an inter partes hearing.

At the end of the hearing the Court discharged the injunction, being satisfied that Crown Advocate Whelan had advanced sufficiently cogent grounds. The Court stated that it would give its reasons, in writing, later, and this we now proceed to do.

There existed a history of disputes between the plaintiffs and the defendant. On the 18th September, 1989, the defendant's chief hotel inspector wrote to the first plaintiff, inter alia, to give notice that the defendant was of the opinion that the premises had ceased to be qualified for registration and inviting written representations on the matter within fourteen days. The letter stated that on expiry of the period of fourteen days the defendant would meet again to consider the matter and that, if it remained of the same opinion, it would cancel the registration forthwith. On the 5th October, 1989, the defendant decided to cancel the registration and this decision was notified to the first plaintiff on the 6th October, 1989. The cancellation was uncertain in that the defendant decided that no further guests should be accepted on the premises with effect from midnight on Friday, 6th October, 1989, and that on the departure of the last guest already in residence the premises should be de-registered. Certain negotiations ensued, in which the plaintiffs sought sympathetic treatment and undertook to close the premises on the 31st October, 1989. The relevant Act of the defendant reads that: "Recalling its limited statutory authority in the matter, the Committee decided that it could not impose a condition requiring closure at the end of October, but that Mr. Eves should be reminded of his assurance in this respect." In the "Committee's statement", in an appeal to which we shall refer shortly, the defendant pleaded that it had " ..... agreed to suspend, until the last day of October, 1989, the cancellation of registration ...." Mr. Whelan claimed that this was a convenient use of language in a pleading, that the drafting was his own and that he had indulged a use of language which was not appropriate. However, in her affidavit in the present proceedings the

defendant's Chief Officer (whose post is known as that of Director of Tourism) deposed that "I have been shown the Order of Justice and its annexures ..... and I confirm the facts which are pleaded in ..... the Committee's statement ....." There was no evidence of a re-registration of the premises on the 6th October, 1989, or subsequently, and there really can be no doubt that that which the defendant did in 1989 was exactly the same as the injunction of the 26th September, 1990, did in relation to the cancellation of the registration of the premises with which the Court was concerned.

By notice of appeal dated the 1st December, 1989, and served on the 4th December, 1989, the first plaintiff appealed to the Court against the decision of 6th October, 1989, and/or 31st October, 1989, to cancel the registration of the premises. The fact that the plaintiff was not certain which decision or decisions it was that it had to appeal against demonstrates the unfortunate confusion which surrounded the decisions of the defendant relating to the premises in October, 1989.

The defendant filed the Committee's statement on the 21st December, 1989, that is to say within the time allowed by Rule 11(3) of the Royal Court Rules, 1982 (the Rules). The appellant's case is dated the 23rd March, 1990, and was, presumably, lodged with the Judicial Greffier on that day, out of the time allowed by Rule 11/3(3) of the Rules which required the lodging to take place at any time before the expiration of two months after the day on which the Committee's statement was delivered to the appellant. Rule 11/3(4) provides that when the appellant has lodged the appellant's case, he shall, within two days, deliver to the Committee a copy of the appellant's case. However, due to an unfortunate error on the part of the first plaintiff's previous legal adviser, the appellant's case was not delivered to Crown Advocate Whelan until the 13th July, 1990, a period of nearly four months after it was lodged with the Judicial Greffier. Rule 11/3(5) of the Rules provides that the Committee shall, within two months after delivery to it of the appellant's case,

lodge the Committee's case. Consequently, the Committee's case was lodged on the 12th September, 1990, and the appeal was not heard.

This was unfortunate because, as result, the quality of the defendant's proceedings in October, 1989, had not been judicially considered. At that time the defendant either suspended the cancellation of the registration or extended the registration or effectively re-registered the premises. On the balance of probabilities we considered that the defendant suspended the cancellation of the registration of the premises retrospectively to the 6th October, 1989, which Crown Advocate Whelan argued strongly was impossible for me to do in 1990 when I granted an injunction on the 26th September, 1990, with the intention to suspend the cancellation of the registration retrospectively to the 8th September, 1990.

The first limb of Crown Advocate Whelan's attack on the injunction relied upon the urgency of the matter and the associated question of delay. He cited the Rules of the Supreme Court 1991, the latest edition of the "White Book", at page 500, rule 29/1/8:-

"Though this rule authorises ex parte applications by the plaintiff, such an application for an injunction will not be granted unless it is made promptly, and it must be shown that there are strong grounds to justify its being made ex parte .....

"Ex parte injunctions are for cases of real urgency where there has been a true impossibility of giving notice of motion. Such an injunction may be refused, unless the plaintiff has an overwhelming case on the merits, if the delay in making the application has been insufficiently explained."

Crown Advocate Whelan also cited Halsbury's Laws of England 4th edition, Vol. 24, p.541 at para. 962:

"Delay. A plaintiff must be able to show that he has not been guilty of improper delay in applying to the court, for delay, even if not amounting to acquiescence, may deprive him of the right to an interlocutory injunction."

And at p.587, para. 1051:-

"Application for an injunction may be made by a plaintiff ex parte on affidavit in a case of urgency. The granting of ex parte injunctions is the exercise of a very extraordinary jurisdiction, and therefore the time at which the plaintiff first had notice of the act complained of will be looked at very carefully in order to prevent an improper order being made against a party in his absence, and if the applicant has acquiesced for some time it will not be granted".

And at p.590 para. 1058:-

"Necessity for disclosing material facts on ex parte applications. If the application for an interlocutory injunction or interim order is made ex parte, the applicant must state his case fully and fairly to the court and disclose all material facts. The affidavits in support of an ex parte application should also always state the precise time at which the plaintiff or those acting for him became aware of the threatened injury, and should show, in effect, either that notice to the defendant would be mischievous or that the matter is so urgent that, if notice were served, the mischief would have been done before the injunction could be obtained. Unless the affidavits show the above, the application may be directed to stand over for notice to be served on the defendant".

The relevant facts were that although given notice of the cancellation on the 7th August, 1990, the plaintiffs did not respond until the 5th September, 1990, when the second named second plaintiff wrote to the director of the defendant advising that the second plaintiffs had resigned their directorships in the first plaintiff and had reverted to the conditions imposed on the 25th May, 1990, when the defendant had re-registered the premises. The defendant's director replied on the 7th September, 1990, offering a meeting with new directors of the first plaintiff on the 13th September, 1990. There was no response to that letter. On the 20th and 21st September, 1990, the Attorney General gave notice to the first plaintiff of an intention to refer matters to the Licensing Assembly on the 27th September, 1990. The Order of Justice containing the injunctions was served on the morning of the 27th September, 1990.

Crown Advocate Whelan argued that nearly two months had elapsed since notice of cancellation had been given and that throughout that time the plaintiffs had done nothing. It was particularly noticeable that the first plaintiff had a full right of appeal under Article 22 of the Law and that it had failed to take any steps to exercise that right. Neither any reference to the urgency of the matter nor any explanation for the delay had been contained in the affidavit sworn by the firstnamed second plaintiff in support of the injunction applied for. The previous legal adviser had written to the defendant on the 6th August, 1990, advising that his firm did not feel able to continue to act for the plaintiffs and that the files had been passed to Mr. Sinel; it seemed, therefore, that Mr. Sinel had been instructed already at that date.

In the opinion of the Court the English authorities on the question of urgency were of limited value because of the different practice in this jurisdiction whereby injunctions are granted by means of an Order of Justice signed by the Bailiff or Deputy Bailiff. Crown Advocate Whelan suggested that a routine application for an injunction could be made on a Summons, but the Court was not aware that that procedure had ever been utilised in this jurisdiction. He conceded that on the authority of Walters and twenty-eight others -v- Bingham 1985 - 86 JLR 439 it is very clear that the Bailiff or Deputy Bailiff has a very wide discretion whether or not to grant injunctions. Equally, as in the case of Abbott Industries Inc. v. Warner and others 1985-86 JLR 375, there were limits to the exercise of discretion, which had to be exercised within recognized judicial principles and was not entirely at large.

The Court accepted the validity of the English authorities cited to it on the question of delay, but contrary to Crown Advocate Whelan's suggestion, delay had been considered at the time of the grant of the injunction. He conceded that even if notice of appeal had been given under Article 22 of the Law, there would have been no stay of the cancellation of the registration of the premises and an injunction would still have been necessary to achieve a stay. Article

22 of the Law substantially predated the enactment of general Royal Court Rules. Any appeal to the Inferior Number would have been heard summarily, so much so that specific provision was made in Article 22 for any appeal to be entered, heard and determined either in term or in vacation. Consequently, there was no provision in Article 22 to enable an appellant to seek a stay of execution of a cancellation pending appeal.

That was not to say that this Court should not review an injunction of the ground that there had been improper delay on the part of the plaintiffs in applying to me for the injunction. However, in such event, it would have been essential, in the view of the Court, in the interests of Justice, that the plaintiffs should have had the opportunity to be heard in order to explain and justify the delay. Accordingly, if delay had been the sole ground of complaint, the Court would have adjourned the hearing in order that it might proceed 'inter partes' when Mr. Sinel, or another counsel, would have been available to represent the plaintiffs.

Crown Advocate Whelan's next line of attack was the form of the terms of the Order. He cited the 1991 White Book rule 29/1/2 at page 497:-

"General Principles. The usual purpose of an interlocutory injunction is to preserve the status quo until the rights of the parties have been determined in the action. The injunction will almost always be negative in form, to restrain the defendant from doing some act. Very exceptionally it may be mandatory, requiring an act to be done".

Mr. Whelan argued that the injunction did not preserve the status quo but reversed it.

This point merged with his next point - he cited Halsbury (supra) at p.511 para. 901:-

"Meaning of injunction. An injunction is a judicial remedy by which a person is ordered to refrain from doing or to do a

particular act or thing. In the former case it is called a restrictive injunction, and in the latter a mandatory injunction...."

Crown Advocate Whelan's understanding was that the defendant had been placed under a mandatory injunction, i.e. to re-register the premises. Consequently, he cited further authorities concerning the language of the order and the tests to be applied before a mandatory injunction could be granted on an interlocutory application.

Certainly, the intention at the time of granting the injunction was not to grant a mandatory injunction, but to grant a restrictive injunction suspending the effect of the decision retrospectively to the 8th September, 1990. The status quo, immediately before the 8th September, 1990, was that the premises were registered premises. That was the status quo intended to be preserved by the injunction. Crown Advocate Whelan argued that the registration had been cancelled with effect from the 8th September, 1990, and that the injunction, if it were a restrictive injunction was impossible of implementation because the registration had been cancelled and the certificate of registration withdrawn some three weeks earlier.

The court did not necessarily accept that argument. It might be that the language of the injunction would have had to be varied. It was open to the Court to vary the terms of an injunction or to discharge an injunction and impose new injunctions in its stead. It might be that injunctions should have been part restrictive and part mandatory, e.g. suspending the cancellation retrospectively and ordering the defendant to restore the certificate of registration. The Court had an inherent jurisdiction to do what was required in the interests of Justice. What it was sought to do here was to do precisely that which the defendant had done in October, 1989, when it either suspended the cancellation or extended the registration of the premises. If Mr. Whelan's arguments were well founded, then the first plaintiff's appeal against the October, 1989, decisions should have succeeded because the defendant's proceedings were defective.

Again, the Court would not have been prepared to decide that the injunction in the Order of Justice was a mandatory injunction and thus failed to meet the tests to be applied - requirement to do something unlawful not to be imposed; special circumstances necessary (not exceptional circumstances as Crown Advocate Whelan argued); Cyanamid guidelines not relevant; unusually strong and clear case needed; general complaints insufficient - without giving an opportunity to counsel for the plaintiffs to present counter arguments. Thus, if this limb of the application too had stood alone, the Court would have adjourned the hearing in order that it might proceed 'inter partes' when Mr. Sinel, or another counsel, would have been available to represent the plaintiffs.

Crown Advocate Whelan's final line of attack was that the injunction was an order against a public authority, where special considerations applied. The defendant is a public body to which the legislature has given statutory powers and, more importantly, duties. Mr. Whelan cited the White Book 1991 at rule 29/1/2 on page 498:-

"Where the acts of a public body are in question the public interest is an important factor and qualifies the ordinary financial considerations referred to in American Cyanamid Co. -v- Ethicon Ltd (1975) 1 All E.R. 504 (H.L.)..... A public authority should not be restrained by interlocutory injunction from exercising its statutory powers unless the plaintiff shows that there is a real prospect that he will succeed in his claim for a permanent injunction at the trial".

One of the two cases referred to in the White Book is Smith v. Inner London Education Authority (1978) 1 All E.R. 411, C.A. In that case, the policy of the local education authority was to provide secondary education exclusively in comprehensive schools and to eliminate schools to which entry was by selection according to ability. Pursuant to their power under S13(1) of the Education Act 1944 the authority, in July 1976, submitted to the Secretary of State proposals to cease to maintain an old established boys' grammar school. The school was gradually to be phased out of existence and to be closed in 1981. The parents of boys at the grammar school objected to the proposals. It is not necessary for us to recite the details of

the proposals or of the objections. The objections were considered by the authority but did not prevail and in January 1977 the Secretary of State approved the proposals. In May 1977 the parents' association issued a writ against the authority claiming a declaration that the proposals were unlawful under the 1944 Act and an injunction to restrain the authority from implementing them. By motion, the parents applied for an interlocutory injunction pending trial. On 27th June, 1977, the judge granted interlocutory injunctions restraining the authority from implementing the proposals and ordering them to cancel or reverse any implementation of them already carried out. The authority appealed and the appeal was allowed and the injunction discharged.

As an aside, the Court noted that the injunctions granted by the judge were both restrictive - restraining the authority from implementing the proposals - and mandatory - ordering them to cancel or reverse any implementation already carried out. This was analagous to an injunction in this case suspending the cancellation and requiring the restoration of the certificate of registration. No objection was taken to the form of the injunction.

The second reason for the discharge of the injunction was that a local authority should not be restrained by interlocutory injunction from exercising its statutory powers unless the plaintiff had shown that there was a real prospect that he would succeed in his claim for a permanent injunction at the trial. In the circumstances, there was no real prospect of the parents succeeding in their claims at the trial.

On 27th June, 1977, Megarry V.C., had granted the injunction and order on the grounds (i) that there was a serious issue to be tried, whether the authority had misused its powers under the 1944 Act (it had been claimed that the approval of the proposals by the Secretary of State was ultra vires the Secretary of States' powers under the Education Act 1944 and was therefore unlawful and of no effect); (ii) that the balance of convenience favoured the grant of

the injunction and order; and (iii) that the delays by the plaintiffs did not make it unjust to grant the injunction and order.

The grounds of the appeal were that the vice-chancellor had erred in law (i) in concluding that there was a serious issue to be tried; (ii) in holding that in the circumstances of the case the plaintiffs merely had to show that their case raised a serious question to be tried and was neither frivolous nor vexatious, as that was not the appropriate test where an interlocutory injunction was sought against a public authority to control the exercise of its statutory duties and discretions; (iii) in holding that the plaintiffs were not barred by their laches from obtaining an interlocutory injunction; (iv) that the vice-chancellor had misdirected himself in exercising his discretion by holding that the grant of the interlocutory injunction would maintain the status quo; and (v) that the terms of the injunction were too wide and/or insufficiently certain.

We cite extracts from the headnote at p.p. 412 and 413:-

"(i) The courts were entitled to interfere with a decision of a local education authority only where it had exceeded or misused its powers, had misdirected itself in fact or in law or had exercised its discretion wrongly or for no good reason .....

"(ii) A local authority should not be restrained by interlocutory injunction from exercising its statutory powers unless the plaintiff has shown that there was a real prospect that he would succeed in his claim for a permanent injunction at the trial. In the circumstances, there was no real prospect of the parents succeeding in their claims at the trial ...; American Cyanamid Co. v. Ethicon (supra) applied .....

"(iii) Where the defendant is a public authority performing duties to the public, one must look at the balance of convenience more widely and take into account the interests of the public in general to whom the duties are owed. This is an example of the 'special factors'

affecting the balance of convenience which are referred to in American Cyanamid v. Ethicon Ltd."

At p.418, Lord Denning M.R. said this:-

"Lastly, a word about American Cyanamid Co. v. Ethicon Ltd. which we have so often. Counsel for the authority said that it should be confined to actions between parties in private law; and should not be extended to cases against local authorities in public law. I see some merit in this suggestion, especially in view of F. Hoffmann-La Roche & Co. AG v. Secretary of State for Trade and Industry (1974) 2 All E.R. 1128 (1975) AC 295; and also when one is considering the respective compensation in damages. But without going into detail, I am of opinion that a local authority should not be restrained, even by an interlocutory injunction, from exercising its statutory powers or doing its duty towards the public at large, unless the plaintiff shows that he had a 'real prospect of succeeding in his claim for a permanent injunction at the trial'. In this case I fear that I see no real prospect of the parents succeeding at the trial. To grant an interlocutory injunction in the circumstances would do more harm than good. It would only put off the evil day for a year."

At p.422, Browne L.J. said:-

"The question of balance of convenience does not arise. Megarry V.C. came to the 'clear conclusion that the balance of convenience favours the grant of the injunctions claimed and not their refusal'. He only considered the balance of convenience as between the plaintiffs and the authority, but I think counsel for the authority is right in saying that where the defendant is a public authority performing duties to the public one must look at the balance of convenience more widely, and take into account the interests of the public in general to whom these duties are owed. I think this is an example of the 'special factors' affecting the balance of convenience which are referred to by Lord Diplock in American Cyanamid Co. v. Ethicon Ltd."

Crown Advocate Whelan urged upon us that the view there expressed could not be more true in the circumstances of the present case. There were other people involved. The Committee's director or chief officer had a sworn duty under the law. The Committee had a

statutory duty to others who were not before the Court and to the public. Smith & ors. v. Inner London Education Authority made it clear that there were others to be considered. To put it in no finer terms, the Committee had no confidence in the establishment under consideration. The Committee was not sanguine that everything was well. There were people looking forward to their holiday. It was possible that people would arrive in Jersey and be sadly disappointed. There were inadequate standards; no meals at advertised times; the public interest was guests arriving with nowhere to stay; in the Committee's experience it was by no means guaranteed that those who travelled would be accommodated. The one month's notice had been to allow the plaintiffs time to re-locate customers and not to continue to accept new bookings.

The other case mentioned in the White Book was R. v. Westminster City Council, ex p.Sierbien, The Independent, March 26, 1987, C.A. For a report of that case Crown Advocate Whelan referred the Court to Halsbury's Monthly Review April 1987 at p.25, para. L966:-

"A local authority refused licences to applicants to use premises as sex establishments. The applicants were granted leave to apply for judicial review and sought interlocutory injunctions restraining the authority from interfering with their use of the premises as sex establishments until the applications were heard. Held, (i) for interlocutory relief to be granted, the applicants had to have a reasonable prospect of success on serious issues. Although the issues in the present case were serious, as opposed to frivolous or vexatious, and there was an arguable case in support of the applications, it was doubtful whether, on the facts, the applicants had a reasonable prospect of success. In addition, the balance of convenience favoured the refusal of interlocutory relief as against a public body. Interlocutory injunctions would be refused accordingly. (ii) The court would also refuse to set aside the leave for judicial review ..... R. v. Westminster City Council, ex parte Costi (1987) Independent, 12 March (Queen's Bench Division: Otton J). American Cyanamid Co. v. Ethicon Ltd. .... applied.

"On appeal by the applicants against the refusal of the interlocutory injunctions, held, where the acts of a public body were in question, the public interest was an important factor and would qualify the ordinary financial considerations in the decision in American Cyanamid supra. It had been argued that the authority's refusal to grant licences for the establishments, in pursuance of what it claimed to be its public duty, caused the applicants to be running the establishments in breach of the criminal law. However, the relevance of that argument was a matter for the judge's discretion, which had been properly exercised. The appeal would accordingly be dismissed. R. v. Westminster City Council, ex parte Sierbien (1987) Independent, 26 March, Times 30 March (Court of Appeal: Dillon and Nicholls LJJ). Decision of Otton, J., supra, affirmed in part."

The White Book 1991 was now available, which had not been the case when I had granted the immediate interim injunction. In Crown Advocate Whelan's submission, balance of convenience was not relevant in the case of a mandatory injunction. However if it was, and the American Cyanamid v. Ethicon Ltd. principles did apply, then in evaluating whether to grant or refuse an injunction the public interest was an important factor. The public interest was very wide and was "a mighty heavy consideration". Had I taken these principles into account, I might well have reached a different conclusion. The injunctions should not have been granted.

In the judgment of the Court this argument prevailed. Neither Smith v. Inner London Education Authority nor R. v. Westminster City Council, ex p. Sierbien had been drawn to my attention when I signed the plaintiffs' Order of Justice. Thus I applied the same principles as in the case of any private litigant. Here, because the Committee was a public body there were special considerations which had not been taken into account. The Court applied the principles contained in the two cases referred to. Here, there could be no possibility of a permanent injunction because only a temporary suspension had been sought and obtained. The injunction restrained the Committee from exercising its statutory powers and

should not have been granted unless there was a real prospect of a permanent injunction.

Thus, the court was satisfied that, without hearing the reserved matters inter partes, Crown Advocate Whelan had advanced sufficiently cogent grounds to justify the discharge of the injunction and the Court discharged the injunction accordingly.

AUTHORITIES

Tourism (Jersey) Law, 1948.

London City Agency (JCD) Limited-v-Lee (1969) 3 AllER 1376.

Royal Court Rules, 1982, Rule 11.

R.S.C. (1991 Edn):r.29/1/2: p.497-8
r.29/1/8: p.500.

4 Halsbury 24:para 901, p.511
para.962, p.541.
para 587, p.1051
para 590, p.1058

Abbott Industries Inc.-v-Warner (1985-86) JLR 375

Smith-v-Inner London Education Authority (1978) 1 AllER 411 C.A.

R.-v-Westminster City Council, ex parte Sierbien (April, 1987) Halsbury's Monthly Review, para L966, p.25.

AUTHORITIES

Tourism (Jersey) Law, 1948.

Tourism (General Provisions)(Jersey) Order, 1958: Rule 5(k).

London City Agency (JCD) Limited-v-Lee (1969) 3 AllER 1376.

Royal Court Rules, 1982, Rule 11.

R.S.C. (1991 Edn):r.29/1/2: p.497-8
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4 Halsbury 24:para 901, p.511
para.962, p.541.
para 587, p.1051
para 590, p.1058

Abbott Industries Inc.-v-Warner (1985-86) JLR 375

A.G.-v-Shaban (25th May, 1988) Jersey Unreported.

Smith-v-Inner London Education Authority (1978) 1 AllER 411 C.A.

R.-v-Westminster City Council, ex parte Sierbien (April, 1987) Halsbury's Monthly Review, para L966, p.25.

Leisure Data-v-Bell (1988) Fleet Street Reports 367.