

21st November, 1985

Royal Court (Inferior Number)

Representation of Mr James Barker - Doléance

BAILIFF: Well, the Court does not think it necessary to give reasons for its' decision, but its' decision is that it will accept the first part of the prayer of the Representation or Doléance. It is actually because it accepts that the remedy of Doléance still exists, and has not been abrogated by the Court of Appeal Law of 1961, or indeed by any other provision, and it is still open, therefore, in the appropriate case, for this remedy to be applied for.

And therefore, this Court will refer this Representation to the Superior Number.

Now, that's as far as this Court can go; and you understand that?

Mr Barker: Yes, I do Sir.

Bailiff: Once it is referred to the Superior Number, once the Superior Number is siezed of it, it is then a matter for the Superior Number to consider how to deal with it.

And, as I said earlier, it appears that there are in fact two stages, but that is a matter for the Superior Number to decide. The only other thing I think that has to be said by this Court, is that we continue the order - the order I think which was made last Friday week - under which Dégrèvement Réalisation proceedings are stayed, pending the decision of the Superior Number.