

26th January, 1987

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ROYAL COURT
(Samedi Division)

Before The Deputy Bailiff
Jurat M.L. Lucas
Jurat G.H. Hamon

Re: The Remise de Biens of Mr. James Barker:
The Representation of the Autorisés de
Justice, adjourned from the 23rd January, 1987.

Advocate F.J. Benest for the Autorisés de Justice
Advocate A.P. Begg for Mr. J. Barker.

JUDGMENT

The Deputy Bailiff: We are going to make orders which are slightly varied from those which we were asked to make.

With regard firstly to paragraph (ii) of the Prayer of the Representation, which deals with the income from the lodging house, we shall order Mr. Barker to account for and pay to the Viscount's Department by noon on Thursday 5th February, 1987, such income as has been received in respect of No. 4, St. Saviour's Crescent, less the petty cash expended (and also to give an account of those petty cash receipts and payments), from the 26th November, 1986 to that day, Thursday 5th February, 1987.

With regard to paragraph (iii) of the Prayer of the Representation, which deals with the question of access, we order that Mr. Barker give access to 4 High Street, St. Aubin, on Wednesday the 28th January, 1987, at 2.30 p.m. and to No. 4 St. Saviour's Crescent on Thursday the 29th January, 1987, at 10 a.m. to Advocate F.C. Hamon, to not more than two members of

his conveyancing staff, to a representative of the Island Development Committee, to a representative of the Fire Service, to a representative of the Public Health Department and to a parochial representative if necessary.

With regard to paragraph (iv) of the Prayer of the Representation, the question of possession of 4, High Street, St. Aubin (The Wine Bar) is adjourned to Thursday the 5th February, 1987, at 11.00 a.m., or as soon thereafter as possible, depending upon the duration of the Special Licensing Assembly. We also order Mr. Barker to deliver up to the Viscount's Department a whole set of keys of No. 4 St. Saviour's Crescent by noon on Monday 2nd February, 1987.

With regard to paragraph (v) of the Prayer of the Representation, we order that the officers of the States' and Honorary Police Forces should assist the Viscount if necessary, in putting into effect the order for access. That means that Advocate F.C. Hamon, and all the other people involved may call upon the Viscount for assistance, and the Viscount in turn may obtain assistance from the Police. And that, of course, means that we are not worried about the shorter period of notice in respect of access, because Mr. Barker is not in fact required to do anything: he may play an entirely passive role. But should he try to resist the orders of the Court, then that contempt will be dealt with physically by the Police gaining access.

Because we have lengthened the other periods, we are going to give instructions that the Viscount should serve notice on Mr. Barker personally of the orders made today. We want that to be done as soon as possible so that Mr. Barker has as much notice for next Monday as is possible; and for that reason, though we do not impose an obligation on Mr. Begg, we do ask him, as an Officer of the Court, to inform his client as soon as may be after this sitting is finished, of the orders we have made, and particularly the one with regard to access, since that has to be carried out so speedily.

And finally, we have asked the Judicial Greffier to write to Doctor Howard, for a full medical report, which we hope will be available to us when we next sit on Thursday 5th February, 1987, in case we have to consider any contempt matters on that day; that request to Dr. Howard will also ask him to give an explanation as to the reasons why we received the form of certificate which we did receive today, which we find it hard to believe that any doctor would have issued in the knowledge that it

was for consideration by the Court.

That I believe disposes of all the matters, with one exception, but of all the matters which have been raised before us.

The only other question is the one of costs: costs shall be left over to the 5th February, 1987. Jurat Lucas has raised the very sensible question of personal service; if Mr. Barker were to create obstructions to personal service. Again we will say that the Viscount's Department may obtain the assistance of the Police if necessary, to gain access to effect personal service, but that if personal service should prove impossible then service at Mr. Barker's home would be the alternative, but obviously personal service is preferable.