

ROYAL COURT

18th January, 1988

Before: Commissioner P.R. Le Cras
 assisted by Jurats Coutanche and Hamon

BETWEEN
 AND

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PETITIONER
 RESPONDENT

Appeal by the Respondent against an Order of
 Mr P.D. Harris, Greffier Substitut, made on
 the 9th June, 1987

Advocate R. Renouf for the Respondent
 Advocate C.J. Dorey for the Petitioner

JUDGMENT

COMMISSIONER LE CRAS: This is an appeal from an Order of the Greffier which is made on three grounds. The Order of the Greffier which is appealed against is "that from the 1st day of October, 1987, the respondent do pay or cause to be paid to the Viscount for the benefit of the said J
 the sum of twenty pounds (£20.00) per week for so long as the said J
 is receiving full-time education, or until further order".

The three grounds of appeal are these:-

- "1. That the Order is wrong in principle, the said J being in receipt of a grant from the States of Jersey to provide for his maintenance.
2. That the Order is ineffective and of little benefit to the said J in that the greater part of the amount ordered to be paid is deducted from the grant the said J receives from the States of Jersey.
3. That the Greffier Substitute could not have given the Order which was made had he made proper reference to the evidence available to him and to the financial circumstances of the Respondent".

Insofar as concerns the first ground, we find there is no merit in the submissions which have been made on behalf of the respondent appellant. That the States made a grant in no way relieves the respondent of all responsibility.

On the second ground it is quite clear and is accepted on behalf of the appellant that there is no effect on the grant for the current year. As to the position for subsequent years, we have no evidence before us, and if there is any effect, then this may be the subject of an application de novo to the Greffier. We are dealing here with an appeal and can only take the facts as they were at the time of the presentation to the Greffier.

So far as the third ground is concerned, we see no merit at all in the submissions of the appellant. In our view the Greffier was perfectly entitled to make the order which he made.

Authorities referred to:

Lord Lillford -v- Glynn (1979) 1AER 441, CA.
Distribution of Matrimonial Assets on Divorce (2nd edition) -
published 1982 by Michael Rakusen and Peter Hunt - particular references
to:

p.301 - Ashley -v- Ashley (1965) 3AER 554

p.302 - Barnes -v- Barnes (1972) 3AER 872, CA

p.304 - Williams (LA) -v- Williams (EM) (sub nom. Williams -v- Williams)
(1974) 3AER 377

p.308 - Tovey -v- Tovey (1977) 8 Fam Law 80, CA.

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