

IN THE ROYAL COURT OF JERSEY

17th February, 1988

Before the Deputy Bailiff, assisted by
Jurats Coutanche and Le Boutillier

Evidence (Proceedings in Other Jurisdictions)
(Jersey) Order 1983

Ex parte Imacu Limited
Michael John Forrest
and
John Georges Lampaert

Advocate S.J. Habin for Imacu Ltd.,
M.J. Forrest and J.G. Lampaert, Representors
Advocate S.C. Nicolle, the Crown Advocate, on behalf
of the Attorney General

Judgment on application, made at the hearing, by
Imacu Ltd., Forrest and Lampaert, to amend their
Representation of the 6th April, 1987

THE DEPUTY BAILIFF: The Court has had full regard to the arguments of both parties, and in addition has researched a number of cases, mentioned, in summary, in the "White Book".

With considerable reluctance, we are going to grant leave to amend the representation in the terms of the application. We have had particular regard to the case of G.L. Baker Ltd -v- Medway Building and Supplies, Ltd. (1958) 3 All ER 540, because although that case is quoted at p.340 of the "White Book", under the heading "General Principles for Grant of Leave to Amend", that case does, in fact, show that leave was given, during the trial or hearing, and therefore could easily have been cited at p.343 of the "White Book", under the heading "At the Trial or Hearing". That case also reviewed Tildesley -v- Harper, (1876) 10 Ch. D. 393, which contained the classical statement by Bramwell L.J., of the practice to be followed.

Therefore, with considerable reluctance, as I have said, having regard to the delay and the careless manner in which the Representors dealt with this matter, we grant leave, but we order that the Representors will pay the costs of the Attorney General, of and incidental to the application for leave on a full indemnity basis.

Authorities: referred to at the hearing *
referred to in the Judgment B

B * R.S.C. (1985 Edn) :0.20/5

0.20/5 - 8/6

0.20/5 - 8/11

B G.L. Baker, Ltd -v- Medway Building Supplies, Ltd, (1958) 3 All
ER 540.

B Tildesley -v- Harper, (1876) 10 Ch. D. 393.