

ROYAL COURT

31st March, 1988

Before: V.A. Tomes, Esq., Deputy Bailiff
assisted by Jurats Vint and Myles

Mr M
- v -
Mrs M

Representation of Mr M

Advocate G.R. Boxall on behalf of Mr M
Advocate A. Messervy on behalf of Mrs M

JUDGMENT

DEPUTY BAILIFF: The suddenness of this matter is not, in the view of the Court, a reason for the Court to refuse either to hear the Representation or to decide upon the matter, and we note that it is the suddenness itself that has brought the parties to counselling at all. We believe that there is room for a compromise here and we aim at a compromise deliberately in order to try to ensure that counselling does continue and in order to show that we are determined that there will be staying access where the children are willing. I remind the parties that the Court sought to procure staying access as long ago as by its Order of October, 1986. Therefore the Court makes an Order today for staying access in respect of Davinia alone from 2.00 p.m. on Sunday the 3rd April to 10.00 a.m. on Tuesday the 5th April.

This will enable her to have the company of her father when he is not working and to attend the Easter show at the Opera House on Monday night, but it shortens the period of staying access asked for to exclude that period when she would have spent the time mostly with Mrs M . We make the two conditions requested by Mr Messervy and accepted by Mr Boxall with regard to the sleeping arrangements and the earlier return if D were to say that she wants to go.

Now, I want to say a word about Miss A . We accept the integrity of her opinions and we accept her obvious desire to be impartial and not to side with one party or another, but we do not live in an ideal world. The Court has a duty to perform and we do not accept that our decision today is "another nail in the coffin". In open Court today Mrs M has indicated that she is prepared to think about staying access in the Summer and therefore the compromise that we order today should be acceptable to her. We feel entitled, indeed bound, to make this Order because for whatever reason, counselling has not taken place between December and now. To that extent our wishes were ignored by the parties and it is now to take place only because of the present application. Therefore the parties have brought this situation upon themselves. We hope that they will now undertake counselling with enthusiasm and with determination so that we don't face a similar situation immediately before the Summer school holidays.

Authority referred to:-

W. Petitioner -v- H. Respondent: 23/6/87 J.J. as yet unreported, in particular pp. 2 and 3.

