

ROYAL COURT

5.

11th January, 1990

Before: P.R. Le Cras, Esq., Commissioner, and  
Jurats Blampied and Orchard

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Representation of Goddard Trustees;  
Preliminary issue of provision of  
address for service by the  
defendant.

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Advocate S.C. Nicolle for the Attorney General  
(convened as amicus curiae).  
Advocate M.H. Clapham for Representors.

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**JUDGMENT**

COMMISSIONER LE CRAS: The obligation which falls on a defendant to give an address for service arises under Rule 6/7(3) when he shall "within twenty-one days of the date on which the action was placed on such list, ..... file an answer to the action and give an address for service in the Island".

We are not satisfied that given the terms of Rule 5/6(2)(a) that the mere act of putting in a pleading constitutes an undertaking on behalf of the advocate acting for the defendant to be the address for service.

We agree with Miss Nicolle that the Greffier must receive the answer, even if it is defective as to the address. It follows from that that where no address is given Rule 6/7(4) cannot apply. However, in such a case, given the clear words of Rule 6/7(3), the answer is clearly incomplete and it is our

view that the Court has a discretion to strike the answer out, either under the inherent jurisdiction of the Court, or under Rule 6/13. However, before it can do so, it is again our view that as in effect the answer is incomplete notice should be given as under Rule 6/7(5) in the same way as if the answer had not been put in.

It is clearly of the very greatest importance that an address for service in the Island should be given in order that litigation may be conducted without undue delay.