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ROYAL COURT
(Samedi Division) 139

19th October, 1993

Before: **F.C. Hamon, Esq., Commissioner, and Jurats Coutanche and Vibert**

Between: **The Reverend Peter Geoffrey Kevitt Manton** **Representor**

And: **The Postal Committee of the States of Jersey** **Respondent**

Application by the Representor for a mandatory injunction requiring the Respondent to deliver his election manifesto leaflets.

The Reverend P.G.K. Manton on his own behalf.
C.E. Whelan, Esq., Crown Advocate for the Respondent.

JUDGMENT

THE COMMISSIONER: On 5th October, 1993, Mr. David Martin Watkins brought an Order of Justice against the Reverend Manton, which was served on him on the same day. The purport of the Order of Justice, was, *inter alia*, to enjoin Mr. Manton from disseminating his election manifesto leaflets which Mr. Watkins alleges contain defamatory material.

The Postal Department have declined to deliver the leaflets, not because they are caught by the terms of the interim injunction, but because they themselves would be in contempt; and

such contempt may be even more serious than any possible contempt of Mr. Manton.

In Arlidge and Eady's Law of Contempt (1982 Ed'n) at p.64 the learned authors state:

> ***"There is authority to suggest that persons aiding and abetting or inciting disobedience to an order of the court are guilty of criminal contempt, even if the disobedience of the principal contemner amounts only to a civil contempt".***

While we sympathise with Mr. Manton as his manifesto will not now go out before the election, we cannot order the Postal Committee to carry out a contempt. Where we believe that Mr. Manton has gone wrong is that he did not seek to raise the injunction in the Order of Justice served on him on 5th October, 1993. We cannot deal with that aspect today as Mr. Watkins has not been convened for today's hearing. Therefore Mr. Manton's application has no basis in law. Should we have acceded to his request we would in effect be ordering the Postal Department to breach an injunction; that cannot be correct, even though we do have some sympathy for Mr. Manton.

There will be no order for costs.

Authorities

Arlidge and Eady: "The Law of Contempt" (1982 Ed'n): p.64.