14 pages.

ROYAL COURT
(Samedi Division) 180.

7th October, 1996

Before: The Judicial Greffier

In the Matter of the Representation of Mayo Associates S.A. & others

Between	Mayo Associates S.A., Troy Associates Limited, T.T.S. International S.A., Michael Gordon Marsh and Miles Tweedale Stott	Representors
And	The Finance & Economics Committee of the States of Jersey	Respondent

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Application by the Representors for an Order that the Respondent furnish the Representors with a full statement of the reasons for their various decisions which are complained of in the Representation.

Advocate P.C. Sinel for the Representors;
The Solicitor General for the Respondent.

THE JUDICIAL GREFFIER: This application relates to the application for a judicial review which has been brought by the Representors by Representation dated 8th December, 1994. In the Representation the Representors seek Orders that a decision of the Respondent be quashed, that the Respondent be condemned to admit certain complaints of the Representors and to investigate the activities of a bank, that the Respondent be condemned to suspend these activities pending the completion of such investigation and that the Respondent be condemned to exercise its powers pursuant to a particular statute in such a manner as to prevent the bank or a subsidiary of a related bank from behaving in the future in the manner complained of by the Representors. The matters complained of relate to actions 94/6 and 94/254 which are complaints of the Representors in relation to the bank and various other parties in relation to monies which have allegedly gone missing and in relation to commissions by reason of investment programmes with regard to the currency markets.

On 24th October, 1995, an interlocutory Summons was issued for a hearing to begin on 14th November, 1995. I dealt with the matters relating to paragraph 1 of that Summons in my written Judgment dated 7th December, 1995, and in an Act also dated 7th December, 1995. However, paragraph 2 of the Summons called upon

the Respondent to show cause why I should not give such further directions as are necessary or desirable for the progression of the action. When I first heard the Summons it became apparent that what the Representors were actually seeking under this paragraph was an Order that the Respondent furnish the Representors with a full statement of reasons for their decisions which are complained about in the Representation. I decided that the Respondent had not had sufficient notice of this precise application and, accordingly, this matter was adjourned to be dealt with at a later date. The hearing in relation to this matter occurred partly on the afternoon of 29th January, 1996 and partly on the afternoon of 9th February, 1996. I intended to deliver my decision on this on 28th February, 1996 and had prepared the full written text thereof. However, I became aware that on 28th February, 1996, the Royal Court would be sitting in order to hear the appeal against the orders which I had made on 7th December, 1995, and that the decision on that appeal might well affect the decision on the matter of reasons. Accordingly, I held over my decision until after the Judgment was given on the appeal. That Judgment, which was delivered on 6th March, 1996, indicated that the issue as to whether the Representor had the appropriate status to bring the Representation would need to be resolved first. That issue has now been resolved and, by virtue of an amendment to the Representation, the Respondent now accepts that the Representor has the necessary status. On 2nd October, 1996, the Solicitor General and Advocate P.C. Sinel appeared before me again in order to make submissions upon the effect of the Judgment of the Royal Court on the Appeal dated 6th March, 1996. Because of the unusual history of this matter, because I had written a full Judgment before the decision of the Royal Court on 6th March, 1996, and because the parties disagree on the effect of the Judgment dated 6th March, 1996, on this decision I am going to take the unusual approach of firstly setting out the Judgment which I had written, secondly, assessing the effect upon that Judgment of the Judgment dated 6th March, 1996, and, thirdly, giving my decision in relation to this application.

(A) THE JUDGMENT WRITTEN PRIOR TO 6TH MARCH, 1996

In my written Judgment dated 7th December, 1995, (which appears in the Unreported Judgments series under the date of 8th December, 1995, for some reason) I had to consider a related point and I am now quoting from line 14 on page 8 of that Judgment:-

> ***"The third line of opposition raised by the learned Solicitor related to the question as to whether the Representors were entitled to be provided with detailed reasons for the decisions made by the Respondent. In paragraph 18 of the Respondent's amended Answer there is included the following sentence:-***
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> > ***"Not only is it not obliged to give reasons for its decision to third parties, but it is precluded from***

doing so by the duty of confidentiality imposed upon it by the Laws."

I believe that there are really two separate points here. The first point relates to the question as to whether the principles in the R v Lancashire County Council case in relation to the provision of reasons only come into operation once a Judge of the Public Law Court has been satisfied by the Representor that the facts disclosed are sufficient to entitle the Representor to apply for a Judicial Review of the decision. The difficulty in Jersey in relation to this relates to the lack of the need for any preliminary application for leave. The Representors have not obtained leave to bring the application for judicial review because no such leave is required in Jersey. There is a difficulty here inasmuch that if a Representor is not in the same position as an applicant who has obtained leave in England then unless the matter as to whether they had a sufficient interest in the matter and the other matters which are determined on an application for leave are dealt with in some way as a preliminary issue then the Representor will never obtain the Respondent's reasons for the decision. It seems to me that the position in Jersey, until such time as appropriate Rules are passed by the Royal Court, is that a Representor should be treated as being in the same position as a person in England or Wales who has obtained leave and therefore that the dicta in the R v Lancashire County Council should apply."

The principles referred to in the above quotation were set out on page 5 and 6 of the Judgment and I am now repeating these commencing on line 38 of page 5 as follows:-

"(3) In the case of R v Lancashire County Council, ex parte Huddleston (1986) 2 All ER 942 CA my attention was drawn to various sections in relation to the duty of a local authority whose decision is challenged in Judicial Review proceedings. In relation to this I quote firstly from the headnote as follows:-

"Per curiam. A local authority whose decision is challenged in judicial review proceedings should, like the judge of an inferior court, not be partisan in those proceedings and should, in the interests of high standards of public administration, assist the court by disclosing, so far as necessary, such reasons as are adequate to enable the court to ascertain whether the local authority was in error in reaching its decision by taking into account irrelevant considerations or not taking into account relevant considerations. However, what are 'adequate' reasons will depend on the circumstances of each case and the grant of leave to apply for judicial review does not constitute a licence

to fish for new and hitherto unperceived grounds of complaint."

This is dealt with more fully in the following section from page 945 of the Judgment of Sir John Donaldson MR as follows:-

"Counsel for the council also contended that it may be an undesirable practice to give full, or perhaps any, reasons to every applicant who is refused a discretionary grant, if only because this would be likely to lead to endless further arguments without giving the applicant either satisfaction or a grant. So be it. But in my judgment the position is quite different if and when the applicant can satisfy a judge of the public law court that the facts disclosed by her are sufficient to entitle her to apply for judicial review of the decision. Then it becomes the duty of the respondent to make full and fair disclosure.

Notwithstanding that the courts have for centuries exercised a limited supervisory jurisdiction by means of the prerogative writs, the wider remedy of judicial review and the evolution of what is, in effect, a specialist administrative or public law court is a post war development. This development has created a new relationship between the courts and those who derive their authority from the public law, one of partnership based on a common aim, namely the maintenance of the highest standards of public administration.

With very few exceptions, all public authorities conscientiously seek to discharge their duties strictly in accordance with public law and in general they succeed. But it must be recognised that complete success by all authorities at all times is a quite unattainable goal. Errors will occur despite the best of endeavours. The courts, for their part, must and do respect the fact that it is not for them to intervene in the administrative field, unless there is a reason to inquire whether a particular authority has been successful in its endeavours. The courts must and do recognise that, where errors have, or are alleged to have occurred, it by no means follows that the authority is to be criticised. In proceedings for judicial review, the applicant no doubt has an axe to grind. This should not be true of the authority."

The learned Solicitor is asking me, in relation to this application, to come to a different view in relation to the way in which this Representor should be treated as far as the principles set out in R. v. Lancashire County Council, ex parte Huddleston (1986) 2 All ER 942 C.A. are concerned. This could only be upon the basis of my distinguishing between an

application for discovery and an application for a statement of reasons. I cannot see that I can possibly do this because the decision which I made and which is set out on page 8 of the earlier Judgment was specifically a decision in relation to whether the Representors were entitled to be provided with detailed reasons for the decisions made by the Respondent. What I decided there was that if R. v. Lancashire County Council, ex parte Huddleston represented good law in Jersey then it should be applied to this case. Upon the basis of the matters put before me on 7th December, 1995, it appeared to me that it did represent good law in Jersey but both parties have now had the opportunity to complete fuller research for the purposes of the hearing.

The key question is therefore, does R. v. Lancashire County Council, ex parte Huddleston represent good law in Jersey.

The learned Solicitor submitted that it did not.

Her main authority in this respect was that of Daisy Hill Real Estates Limited v. The Rent Control Tribunal (8th June, 1995) Jersey Unreported. This case was an appeal by a Representor who is seeking judicial review of the decision of the Rent Control Tribunal against my decision to refuse their application for certain better and further particulars.

The main relevant section from that Judgement begins on page 6 at line 21 and reads as follows:-

> *"There is, of course, no appeal from a decision of the Rent Control Tribunal. (See Macready v. Amy (1950) JJ 11). Mr. Bailhache referred us to the Appeal of Mr. John Dixon Habin under Regulation 10 of the Gambling (Licensing Provisions) (Jersey) Regulations, 1965, (1971) JJ 1637 where the learned Bailiff said at 1649:-*
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> > *"The first principle to emerge, Therefore, is that in those enacted Laws constituting an authority and which contain no appeal provisions, that authority need give no reasons for its decision and its decision cannot be impugned in a Court of Justice, unless, perhaps, it could be demonstrated that the decision was made in total disregard of the interests of the public in general".*
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> *Mr. Bailhache told us that part of the judgment of the Superior Number was so plainly wrong that it could not be binding upon us, particularly as the Superior Number has only one judge of law, albeit eight judges of fact. But as H.M. Solicitor General argued this interlocutory hearing is no place to decide whether the actual procedures can be impugned rather than the decision. We have carefully regarded Housing Committee v. Phantesie Investments (1985-86) JLR 96, and R. v. Civil Service Appeal Board ex parte Cunningham (1991) 4 All ER 310.*

These cases raise important issues which the court of trial will no doubt have to grasp. It is to be recalled that the opening paragraph of the reply to the request reads:

> *"In reply to the requests numbered 1 to 6 inclusive and 12 the Tribunal says that the full details of the Tribunal's case were set out in the Answer and that the Representor is not entitled to any of the particulars requested since they do not relate to the representor's case for the judicial review of the Tribunal's decision".*

What the Judicial Greffier said at page 4, when dealing with the fundamental question of the meaning of "fair rent" is this:

> *"The question as to whether or not the respondent should be required to give detailed reasons for its decision is one of the matters in dispute in this action and if I were to grant the order for these particulars then it would pre-empt the decision".*

The learned Greffier goes on to say that, in his opinion, and in any event, the Answer contains a number of statements which "together adequately explain why the respondent decided that the rents which it set were fair rents".

We are not prepared to go further. Mr. Bailhache has alerted us to what is likely to be a difficult trial but, at the present time, we have to agree with the learned Greffier that many of these particulars, if granted, might pre-empt the very important matters that have to be resolved in due course. The authority in this jurisdiction, at present, is against the Tribunal having to justify its decision. We feel that while the reasons given by the Tribunal seem at times to ask more questions than they answer, it is not the purpose of further and better particulars to cause the Tribunal to have to make a full declaration of its policy. We cannot fault the learned Greffier's decision. This Court is not yet certain of whether the Tribunal is bound in law to supply <u>any</u> reason for its decision and will remain uncertain until the whole matter has been fully resolved at trial.".

It is clear that the further and better particulars were partly being sought in order to obtain fuller reasons for the decision of the Rent Control Tribunal. Indeed, an Order that a statement of reasons be provided by the Rent Control Tribunal was one of the remedies being sought by the Representor in the prayer to the Representation.

It is clear that the Royal Court did not have before it the R. v. Lancashire County Council, ex parte Huddleston Judgment when making its decision in relation to Daisy Hill. It did, have before it the case of R v. Civil Service Appeal Board, ex parte Cunningham (1991) 4 All ER 310 and the learned Solicitor drew my attention to the passage on page 315 of that Judgment which makes reference to R. v. Lancashire County Council, ex parte Huddleston, which passage is quoted below at page 10 of this Judgment.

Furthermore, from the section quoted above it is clear that the Royal Court was influenced both by the fact that the question as to whether or not the Respondent should be required to give detailed reasons for its decision was one of the matters in dispute in the Daisy Hill case and by the fact that in my opinion the answer already given by the Rent Control Tribunal contained a number of statements which "together adequately explained why the Respondent decided that the rents which it set were fair rents".

I cannot see that I can draw from the Daisy Hill case a principle that the principles set out in R. v. Lancashire County Council, ex parte Huddleston do not apply to Jersey. It seems to me that the Court was leaving the issue of the provision of reasons over to be dealt with at a full trial. However, it is clear from the quotation above that the Royal Court did consider the English case of R. v. Civil Service Appeal Board, ex parte Cunningham. If the Royal Court considered that case then it was clearly willing to consider the way in which the law in England had developed in relation to matters of judicial review.

What principles, therefore, should be applied in relation to the matter of the provision of reasons to the Court to assist the Court in relation to determining an application for judicial review? It is clear that in Jersey the jurisdiction in relation to judicial review has developed in an unstructured way and is very badly in need of better structuring. It is also clear that the principles which we have thus far incorporated have been imported from the UK. It is also clear that those principles are continuing to develop in the UK. Accordingly, it is clear to me that the source of authority in Jersey must continue to be the English judgments and authorities until such time as Jersey may develop a separate body of law and principles on the matter of its own.

The learned Solicitor drew my attention to the section quoted above from the Daisy Hill Judgment in relation to the Appeal of Mr. John Dixon Habin under Regulation 10 of the Gambling (Licensing Provision) Regulations, 1965 (1971) JJ 1637. Although that Judgment is authority in relation to the matter of the duty to give reasons for an appeal decision in general, I cannot see that it provides any authority for the judicial review jurisdiction which has grown up since that time and, in particular, in relation to the question as to whether the Court

should be provided with reasons for the purposes of such proceedings.

It seems to me, that the two leading cases which I must consider are those of R. v. Lancashire County Council, ex parte Huddleston and R. v. Civil Service Appeal Board, ex parte Cunningham.

In addition to the sections of R. v. Lancashire County Council, ex parte Huddleston quoted above I would quote from the following two additional passages on page 947 of the Judgment:-

(a) first commencing just above e :-

"In the vast majority of cases authorities whose decisions are challenged will no doubt put before the court all that is necessary to enable justice to be done, for I agree that they have, or should have, a common interest with the courts in ensuring that the highest standards of administration are maintained and that, if error has occurred, it should be corrected. I agree, therefore, that when challenged they should set out fully what they did and why, so far as is necessary, fully and fairly to meet the challenge.

In so doing, they will, in my view, be making full and fair disclosure and putting the cards face upwards on the table as referred to by Sir John Donaldson MR. I express my views in a rather more restricted way, for I would not wish it to be thought that once an applicant has obtained leave he is entitled to demand from the authority a detailed account of every step in the process of reaching the challenged decision in the hope that something will be revealed which will enable him to advance some argument which has not previously occurred to him."

(b) commencing at letter h as follows:-

"The important matter in every case where judicial review is granted is to make clear that all the relevant facts have been considered, but this may not always require them all to be specified.

In relation to R. v. Civil Service Appeal Board, ex parte Cunningham, it appears to me that the following sections are particularly important as follows:-

(a) first, commencing just below e on page 315:-

"The cross-appeal

In R v. Lancashire CC, ex p Huddleston [1986] 2 All ER 941 at 945 I expressed the view that we had now reached the position in the development of judicial review at which public law bodies and the courts should be regarded as being in partnership in a common endeavour to maintain the highest standards of public administration, including, I would add, the administration of justice. It followed from this that, if leave to apply for judicial review was granted by the court, the court was entitled to expect that the respondent would give the court sufficient information to enable it to do justice and that in some cases this would involve giving reasons or fuller reasons for a decision than the complainant himself would have been entitled to. Parker LJ and Sir George Waller did not share my unease at the limited disclosure made by the council in that case, but I do not understand them to have disagreed with the principle.

Those of us with experience of judicial review are very much aware that the scope of the authority of decision-makers can vary very widely and so long as that authority is not exceeded it is not for the courts to intervene. They and not the courts are the decision-makers in terms of policy. They and not the courts are the judges in the case of judicial or quasi-judicial decisions which are lawful. The public law jurisdiction of the courts is supervisory and not appellate in character. All this is very much present to the minds of judges who are asked to give leave to apply for judicial review. Such leave will only be granted if the applicant makes out a prima facie case that something has gone wrong of a nature and extent which might call for the exercise of the judicial review jurisdiction. Whatever the initial position the fact that leave to apply for judicial review has been granted calls for some reply from the respondent. How detailed that reply should be will depend upon the circumstances of the particular case. He does not have to justify the merits of his decision, but he does have to dispel the prima facie case that it was unlawful, something which would not arise if leave to appeal had been refused."

(b) The section commencing on page 316 just below d as follows:-

"In fairness to the board it must be emphasised that it is not being unco-operative. It has been advised, mistakenly as I think, that to attempt any justification of a particular award, however surprising that award might be, would be to concede the right of every claimant to reasons. As I have sought to show, this is not so. The principles of public law will require that those affected by decisions are given the reasons for those decisions in some cases, but not in others. A classic example of the latter category is a decision not to appoint or not to

promote an employee or office holder or to fail an examinee. But, once the public law court has concluded that there is an arguable case that the decision is unlawful, the position is transformed. The applicant may still not be entitled to reasons, but the court is."

From the quotations from cases set out above I deduce the following principles:-

(1) First, that there is a clear distinction between whether there is a duty upon an administrative body to provide reasons for its decision when the decision is given and whether there is a duty to provide reasons to the Court in order to assist the Court with deciding whether the case is one in which it should make an Order against the administrative body. In particular, the last quotation above from R. v. Civil Service Appeal Board, ex parte Cunningham makes this distinction very clear. In the present case, even if the Committee is not under any duty to provide reasons for its decisions, it is under a duty to provide some form of statement of reasons to the Court in line with R. v. Lancashire County Council, ex parte Huddleston and R. v. Civil Service Appeal Board, ex parte Cunningham.

(2) Secondly, the duty to provide some sort of reasons to the Court is a limited duty and what are adequate reasons will depend upon the circumstances of each case and a Representor is not entitled to demand from the Respondent a detailed account of every step in the process of reaching the challenged decisions. The Respondent should set out fully what they did and why, but only so far as is necessary, fully and fairly to meet the challenge.

The difficulty in this case is that I do not have before me any detailed request for a statement of reasons but merely a general request for the same. I am satisfied that the very minimal information which has been provided to date by the Respondent is wholly insufficient for the purposes of the Court in determining this case. Accordingly, I propose to order that the Respondent provide a sufficient statement of the reasons for the various decisions in relation to which the Representation has made a complaint in order to enable the Court to properly exercise its jurisdiction in relation to judicial review in these proceedings.

Once the Respondent has produced this statement, it may be that there will then need to be further argument as to whether this is sufficient and, if the Representors remain dissatisfied, they will have to provide a detailed form of request for a better statement of the Respondent's case as to the reasons for their decision or a request for further and better particulars or deal with the request for further information in some other suitable detailed manner.

(B) THE EFFECT OF THE JUDGMENT DATED 6TH MARCH, 1996

The Royal Court clearly strongly disagreed with certain aspects of my decision dated 7th December, 1995 and I am now going to quote various passages which make this clear and which are relevant to my decision in this matter. Firstly, there is the following section from page 8 of the Unreported Judgment -

> *"It is clear under the particular provisions of the Rules of the Supreme Court and in relation to judicial review that we are facing a matter which is under English law very technical. It is set out in the introduction to Chapter 9 of Judicial Remedies in Public Law by Clive Lewis, and headed "Machinery of Judicial Review". We regret having to set it out at such length but it is important to grasp immediately that, in the field of Judicial Review, this jurisdiction has a long way to go before it can emulate the English system. We say this because we do not feel that we can adapt the Rules of the Supreme Court to fill every void simply because we have no procedure here to deal with the matters in question."*

The next section commences on page 17 of the Unreported Judgment and reads as follows:-

> *"It seems to us both difficult and unnecessary to attempt to assimilate the two systems into a satisfactory modus operandi. The Greffier (and we hope that we are not doing him an injustice) apparently has implied that the reluctance of the Committee in not attacking status for a considerable time is somehow equivalent to a judge in England considering status (amongst other matters) and thereafter giving leave to proceed to stage two of the English procedure. The argument appears to be that a representor who has met an opponent who has taken no steps to strike out, with no enquiry as to whether the delay is justified and although it has queried the position of status, should be thereby assimilated to a party in England whose case has been scrutinised in England and given consent. That is, in our view, an untenable conclusion. If it is correct, the results could be bizarre, because the principles of Huddleston would become generally applicable and a decision of the Greffier would, at a stroke, have over-ruled the Superior Number."*

The next section commences on page 18 of the Unreported Judgment and reads as follows:-

> *"If this decision stands then an English case based on different procedures may be followed in future to compel the Committee to give reasons. The Solicitor General felt that on this point, the learned Greffier misdirected himself. We agree. She went on to say that there should be no discovery ordered at all until the standing of the*

proceedings and status of the representors had been resolved. If there were no status then clearly, there could be no discovery. The learned Greffier only persuaded himself to order discovery by applying Huddleston, even though the crucial point stressed by the Master of the Rolls in that case was that the applicant had obtained leave and had satisfied him as to status before he made his decision. She asks that the matter be adjourned until the matter of status can be determined. We are able to reject the learned Greffier's decision on the basis upon which he founded it. We need to examine in more detail the consequences of that decision and whether the gates are shut to any discovery procedure at all."

The learned Solicitor submitted to me on 2nd October, 1996, that what the Royal Court was saying was that if any Order were to be made to the effect that the Respondent ought to provide a statement of reasons for the purposes of the judicial review hearing then that would be in direct contradiction with the finding in the cases of the appeal of Mr. John Dixon Habin and, in particular, the quotation from the learned Bailiff at page 1649 which is referred to at the bottom of page 17 of Daisy Hill Real Estates Limited v. The Rent Control Tribunal (8th June, 1995) Jersey Unreported.

Advocate Sinel, on the other hand, submitted that the passages which I have quoted above from the Judgment of 6th March, 1996, should only be understood as applying at the stage which then existed, that is to say at a stage at which the issue of the status of the Representor had not yet been determined and at which the Royal Court decided, in over-turning my decision on this point, that the Representor could not yet be treated as being in the same situation as a party who had obtained the leave of the Court to proceed with judicial review proceedings in England.

I cannot see anything in the Judgment dated 6th March, 1996, which supports the view of Advocate Sinel on this point. It seems to me that the Royal Court is clearly saying that an Order for reasons ought not to be made at an interlocutory stage as any such Order contradicts the Habin case and that that view was reinforced and re-stated recently in the Daisy Hill Real Estates case.

(C) MY DECISION IN RELATION TO THIS APPLICATION

I am clearly bound by the decision of the Royal Court dated 6th March, 1996, and, therefore, I must dismiss the application of the Representors for an Order that the Respondent provide a statement of reasons for the purposes of this Representation seeking judicial review. If I am wrong on the point raised by Advocate Sinel and Advocate Sinel is correct that the quotations set out above from the Judgment dated 6th March, 1996, must only be understood as applying as long as the issue of status

remained, then, obviously, I would revert to my original Judgment on the basis that the issue of status has now been determined subject to the terms of the next paragraph.

At the hearing on 2nd October, 1996, the Solicitor General brought to my attention the fact that in my decision dated 7th December, 1995, I had made a finding that any discovery which the Respondents ought to make should be limited in order to prevent any breach of the terms of Article 41 of the Banking Business (Jersey) Law 1991 and this on the basis that the exemption to the rule in relation to confidentiality did not apply to these proceedings. The Representors had appealed that decision but that particular issue was not determined by the Royal Court in its Judgment dated 6th March, 1996, as that matter was left over until a later date. If I had made any Order for the provision of reasons then this also would have had to be subject to the same proviso, namely, that any Order would be limited in order to prevent any breach of the terms of Article 41 of the Banking Business (Jersey) Law, 1991.

Finally, I will need to hear submissions in relation to the issue of the costs of and incidental to the Representors' application for an Order that reasons be provided.

Authorities

R. -v- Lancashire County Council, ex p. Huddleston (1986) 2 All ER 942 C.A.

Daisy Hill Estates -v- Rent Control Tribunal (8th June, 1995) Jersey Unreported.

R -v- Civil Service Appeal Board, ex parte Cunningham (1991) 4 All ER 410.

Appeal of J.D. Habin under Regulation 10 of the Gambling (Licensing Provisions) (Jersey) Regulations, 1965 (1971) JJ 1637.

Banking Business (Jersey) Law 1991: Article 41.

4 Halsbury 1(1): para 99.

McInnes -v- Onslow Fane & Anor. (1978) 3 All ER 211.

R. -v- Parole Board, ex p. Bradley (1991) 1 WLR 134.

Burstell -v- Beyfus (1884) 26 Ch. D.35.

Representation of R.J. and M.A. Young and of Mayo Associates & Ors. (15th September, 1995) Jersey Unreported.