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2 pages.

ROYAL COURT
(Samedi Division)

15th October, 1996.

Before: The Deputy Bailiff and Jurats
Bonn and Vibert

Between	Mayo Associates Troy Associates Limited TTS International SA Michael Gordon Marsh Myles Tweedale Stott	Representors
and	The Finance & Economics Committee	Respondent

Advocate P.C. Sinel for the Representors.
H.M. Solicitor General for the Respondent.

JUDGMENT

THE DEPUTY BAILIFF: At the end of our judgment on 6th March, 1996 we said:-

5 *"We are prepared to order a limited form of discovery. The limits to be imposed on that mutual discovery will be decided by us at an adjourned hearing. We cannot progress the matter until it be established whether or not the representors can bring the action. If Mr. Sinel is right on status then the hearing will be a short one. We order an adjournment of four weeks from today*

10 *until the matters under the striking out application now before the Court are decided. If no decision has been made on the summons within four weeks, either Counsel has leave to seek an extension of time. In four weeks time, or before that if matters have progressed, Counsel may apply for a date for the resumed hearing."*

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20 The resumed hearing having been fixed for today the Solicitor General now applies for an adjournment. She has taken us in great detail through all the salient correspondence that has passed between her and Advocate Sinel since 6th March. We would, in passing, say this. The tone of some of the letters sent by Mr. Sinel to an Officer of the Crown do nothing but demean the standing of the Bar and would be offensive to anyone, let alone

25 the recipient. Be that as it may, the problems that the Crown has faced have been varied. We appreciate that this matter is important and it is essential that somehow the interlocutory verbiage is cut away so that the main action can proceed to a

5 decision. The intervening delay is unacceptable. At the hearing in
March, the Court was led to believe that Advocate Sinel possessed
more detailed information and that would be made available to the
Committee without delay. What in fact happened was that almost
10 immediately the representors made what the Solicitor General
called a significant and substantial amendment to their pleadings.
The Solicitor General says that her detailed criticism of these
pleadings can leave one in no doubt of what she called in
unusually strong language "*a slapdash approach to pleadings beyond*
15 *an irritant until it becomes an impediment.*" This appears to us to
be a Gordian knot and swift action is required in order to
progress this matter. There are amended pleadings, particulars
outstanding and the question of confidentiality under the Banking
Law that need to be addressed. Even the limits of discovery cannot
20 be easily determined. It is impossible to limit the ambit of
discovery until the question of particulars pending and intimated
to be brought have been decided. We cannot see, at this stage of a
mish-mash of interlocutory applications, that anything we decide
today will have any finalising effect. If we throw a stone into a
25 pond the ripples will continue outwards. If we drain the water
from the pond we can at least see where the stone rests. It seems
to us, without going into further detail, that we adjourn this
hearing and order the parties to attend before the Judicial
Greffier, at a time convenient to him, but certainly within the
30 next four weeks, so that he can determine a sensible time-table
and if necessary, guide the parties in a general housekeeping
exercise. Discovery (and this we have said is only a limited
discovery on a judicial review) usually comes at the very end of
the pleadings. We are not at that stage. The Greffier must advise
35 as to when and how that stage can be reached without unwarranted
delay. We would point out that it now appears that even the
argument on status has not been resolved satisfactorily. We would
draw to the Greffier's attention page 33 of our judgment of 6th
March, where we said:-

*"We have not examined the provisions of Article 41 of the
Banking Business (Jersey) Law 1991, nor, in particular, of
the effect of Article 44 upon it. Any argument upon that
point is reserved by Counsel dependent upon the decision."*

No Authorities