

JERSEY / JUDGMENT

In re O'Brien v [2003] JRC 001 (07 January 2003)

[2003] JRC 001

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judgment

THE bailiff: 1. This is a representation of Michael O'Brien, ("the defendant") in relation to a saisie judiciaire imposed by the Court on the 10th October, 2000. The effect of the saisie judiciaire was to vest in the Viscount all the defendant's realisable property in the Island. The representation seeks a variation of the saisie judiciaire so as to direct the Viscount: (1) to permit Michael O'Brien to receive a monthly allowance of £800 the first payment being made on 13th December, 2002, and monthly thereafter; (2) to permit Mr O'Brien to receive a payment in the sum of £613.40 to cover the costs associated with his travel from England to attend hearings in Jersey on 1st October, 2002, and 15th October, 2002, less the sum of £400 paid on account; (3) to permit Mr O'Brien's legal advisers, Ogier and Le Masurier, to receive £5,700 in respect of their fee note dated 30th September, 2002; (4) to permit Mr O'Brien's legal advisers, Ogier and Le Masurier, to receive £7,500 in respect of their fee note dated 12th November, 2002; and (5) to permit Mr O'Brien to receive £178 to cover the cost of an eye examination and spectacles. 2. The history of the matter can for these purposes be briefly stated. The defendant was convicted before the Crown Court at Portsmouth of various drug related offences including conspiracy to supply ecstasy, conspiracy to supply cannabis resin and the possession of heroin with intent to supply and was sentenced on the 14th July, 1999, to 6 years' imprisonment. He was released on parole in October, 2001. He is now living in Saltash, Cornwall. 3. Subsequent to his release from prison in England the defendant has been charged in this jurisdiction with two further drug trafficking offences, namely with having transferred the proceeds of criminal conduct into accounts at various banks contrary to Article 16A (1) (b) of the Drug Trafficking Offences Jersey Law, as amended, to which I shall refer as "the Drug Trafficking Offences Law". 4. It is in the context of those charges that the saisie judiciaire has been ordered. According to the statement of seized assets as at 30th September, 2002, the result of the saisie judiciaire is that the Viscount now holds realisable property to the value of £1,288,126. The defendant has pleaded guilty to the two charges under the Drug Trafficking Offences Law and has admitted that he has benefited to the extent of approximately £180,000 from drug trafficking. He claims, however, that more than one million pounds of the seized assets, have been obtained by legitimate means. 5. The Crown Advocate, on the other hand, asserts that the defendant's proceeds of drug trafficking amount to some £1.5 million. I should also record that, as a result of orders made by the Deputy Bailiff and myself,

respectively, in Chambers on 7 th November, 2000, 9 th August, 2001, and 18 th July, 2002, the saisie judiciaire has been varied so as to permit various payments for the benefit of the defendant's wife, Mrs Yvonne Katrina Edmund O'Brien (to whom I refer to as "Mrs O'Brien") and their daughter, including the settlement of legal fees incurred by Mrs O'Brien. All those variations were made ex parte on the application of the Attorney General. 6. This application by the defendant was first made on the 6 th September, 2002. It was served on the Attorney General and resulted in negotiations between the parties and an eventual agreement between them. On the 10 th December, 2002, the legal representatives of the Attorney General and the defendant attended upon me in Chambers, when I indicated that I wished to be addressed in open court as to the propriety of authorising the payment of the defendant's legal fees and living expenses from assets subject to a saisie judiciaire . 7. Advocate Tremoceiro for the defendant submits that a saisie judiciaire is analogous to a restraint order under the English Drug Trafficking Act 1994 and that, in England, a restraint order has been held to attract similar considerations to a Mareva Injunction on an application for the release of certain sums for specific purposes. Counsel cited the case of Customs and Excise Commissioners-v-Norris

(1991) 2 QB 293, the head note of which provides: "A restraint order, being analogous to a Mareva injunction, attracts similar considerations on an application for the release of certain sums for specific purposes. Although such an order operates in two distinct stages, to preserve funds prior to judgment, and, if appropriate, to enable execution subsequently, where leave to appeal against conviction is granted to an applicant subject to a confiscation order, the validity of which is accordingly in issue, he should be allowed access to funds to prosecute his appeal. Where, therefore, the applicant, who had been convicted of a drug trafficking offence and required to comply with a confiscation order, appealed against his unsuccessful application to the judge for the release of funds subject to a restraint order for the prosecution of an appeal against conviction:- Held, allowing the appeal, that although the fund preserved by the restraint order was required in its totality to meet the confiscation order, neither order would survive if the appeal succeeded; and that, accordingly, it was appropriate to release moneys in a specified amount to enable the applicant to meet the legal expenses of the forthcoming appeal." 8. During the course of his judgment Lord Donaldson of Lymington M. R. explained the decision in these terms: "The principal argument advanced by Mr Field, who has appeared for the Customs and Excise, is founded upon section 13(2) of the Act, - which reads:

- (that was in fact the Drug Trafficking Offences Act 1986) "Subject to the following provisions of this section, the powers shall be exercised with a view to making available for satisfying the confiscation order or, as the case may be, any confiscation order that may be made in the defendant's case the value for the time being of realisable property held by any person by the realisation of such property. He says that on the facts of the present case all Mr Norris's property is needed in order to meet the confiscation order and that, therefore, the policy of Parliament is that nothing, post-conviction at least, should be released since that would militate against the achievement of that object. For my part, I think that is a fallacious argument, with great respect to Mr Field, because it assumes that which is in issue in the

criminal appeal, namely, that there is a valid confiscation order which will be maintained and remain in force after that appeal has been heard. It has also been suggested in a very helpful skeleton argument produced by Mr Field that, as the defence was funded by Mr Norris's family in the court below, there is no reason why the appeal itself should not be funded from that source. The short answer is that there is absolutely no obligation on Mr Norris' family to fund the appeal and it would not therefore be right for the court indirectly to force them into the position of doing so. Alternatively, he says, legal aid will be available in a situation in which manifestly, subject to this application, Mr Norris has no funds. That is, no doubt, true, but it would be an odd position if the court was forcing somebody to qualify for legal aid who would not otherwise qualify for legal aid. There is also this policy consideration (which perhaps might appeal to H. M. Customs and Excise rather than Mr Norris) that, if he is forced on to legal aid, then the costs of the defence will come out of public funds whether the conviction is sustained or whether it is not. If, on the other hand, this money is released and is spent on the costs of his appeal, there will be that much saving for the legal aid fund and, if the appeal succeeds, it will be Mr Norris's money that paid for the appeal, subject, of course, to any order for costs which might be made by the criminal division of this court. So, if there is any advantage in terms of public money (which is not perhaps a consideration which we should take into account) it lies in favour of releasing these funds to enable Mr Norris to prosecute the appeal at his own expense". 9. Counsel for the defendant also drew my attention to the case of *Re: Barham* [1995] CLY 1198 reported in *Current Law Year Book 1995* at page 314 as follows: "B was convicted under the Drug Trafficking Offences Act 1986 and was made the subject of a confiscation order in the sum of £189,895 and a restraint order. B applied to vary the restraint order to pay for legal fees and in fact give unlimited access to his property. Held, adjourning the application, that (1) some monies should be released as it was a matter of principle that an applicant should spend his own monies in litigation proceedings rather than be legally-aided, but the principle found therein applied; (2) the legal expenses B contemplated must be controlled in respect of reasonableness of the litigation and costs incurred. B must produce a plan to show that the projected costs were reasonable, indicating intended steps and chances of success. However, he should not be artificially limited by the restrictions placed on expenditure under the Legal Aid Scheme (*Commissioners of Customs and Excise - v- Norris* [1991] 2 Q. B. 293 distinguished)." 10. Mr Belhomme, who appeared for the Attorney General, drew my attention to other English authorities, which are helpful in elucidating the approach of the courts in that jurisdiction. In the RSC (Autumn 2002) Civil Procedure : (Volume 1) at page 1715, there is a commentary on restraint orders in the following terms: "Under section 8 of the 1994 Act, the Court may make a restraint order prohibiting any person from dealing with any realisable property (as defined in s.6) subject to such conditions and exceptions as may be specified in the order. The Court's jurisdiction to make or vary restraint orders is closely analogous to its jurisdiction to make or vary "freezing injunctions" (formerly Mareva injunctions). The object in each case is to strike a balance at the interlocutory stage between keeping the defendant's assets available to satisfy any confiscation order which may be made in the event of conviction, and meeting the defendant's reasonable requirements in

the meantime. Accordingly, a restraint order ought not to be varied by providing for capitalisation of maintenance and school fees to enable the defendant to make a lump sum payment to his son, pursuant to a consent order in divorce proceedings, since such a provision involves the anticipatory discharge of future liabilities, thereby reducing the assets which may become available to satisfy any confiscation order (*Re Peters*

[1988] Q. B.871; [1988] 3 All E. R. 46, CA). Similar considerations apply to a restraint order as to a freezing injunction when the Court is determining whether sums should be released for specific purposes. Thus, where a defendant appeals against conviction for drugs offences and against a confiscation order for a large sum made at the conclusion of the trial, the Court has power to vary a restraint order made against him prior to his conviction so as to enable assets to be released to fund his appeal (*Customs Excise Commissioners -v- Norris*". 11. Counsel also referred to a publication entitled " *The Law on the Misuse of Drugs and Drug Trafficking Offences* (2 nd Ed'n, 1992) by Rudi Fortson. The author describes the effect of a restraint order in these terms: "Restraint orders made under the D. T. O. A.(see s.8) are intended to achieve a similar result. They have been described as closely analogous to the Mareva injunction. Indeed Lord Donaldson M. R. has graphically described the statutory jurisdiction as the "Drugs Act Mareva": *Re Peters*

[1988] 3 All E. R. 46, 51e. The broad scheme involved in making protective orders is to prevent a defendant from rendering any confiscation order nugatory by disposing of his assets prior to conviction. This point is reinforced by Section 13(2) which provides that powers exercisable by the High Court or receiver (including powers under section 8) shall be exercised with a view to satisfying the confiscation order by realising the value of realisable property held by any person. To make the disposal of property more difficult, the Act empowers the High Court to make a charging order on realisable property for securing payment to the Crown: section 9. The effect of a charging order is the same as a general equitable charge and enforceable in the same courts: section 10(4). The law in relation to equitable charges, overriding and minor interests, over-reaching and the effect on third parties is highly technical and bound up in the rules affecting the registration of charges for the purposes of the Land Charges Act 1972 and the Land Registration Act 1925 ". 12. The author comments upon the English Court of Appeal's decision in *Re Peters* to which I have already referred, as follows - " In *Re Peters* , [1988] 3 All ER 46 a strongly constituted Court of Appeal, (Civil Division) held that the jurisdiction to make or to vary a restraint order under the DTOA was analogous to that under the Mareva jurisdiction. Its purpose being to strike a balance before trial between preserving the defendant's assets to satisfy a possible confiscation order if he were convicted and meeting his reasonable requirements meanwhile. In other words the primary objective of the order is to prevent an accused rendering any confiscation order nugatory by disposing of his assets before conviction, but the defendant is entitled to maintain himself, and his family, within reasonable limits from the resources available to him. In striking a balance between the interests of the Court, and the defendant, the Court will have regard to all the circumstances of the case. In *re Peters* (supra) the Court of Appeal said that the

anticipatory discharge of liabilities which could be expected to arise only after he had been acquitted or convicted was wholly contrary to section 13(2) and the underlying purpose of the protective provisions of the act. By "anticipatory discharge of liabilities", the Court seems to have had in mind expenditure which a defendant would wish to make at some time in the future, but which would go beyond his reasonable requirements. This would, therefore, include items of expenditure on luxury goods, the provision of a holiday and so on. Mann LJ said at 52: "In my experience a restraint order does not, and properly does not, prevent the meeting of ordinary and reasonable expenditure." In *Re Peters*, McNeill J varied a restraint order to enable P to comply with a consent order, made in matrimonial proceedings, that the defendant pay to his son, a minor, £25,000 in respect of school fees and maintenance until he reached the age of 18. The lump sum to the son was in settlement of the claim for periodical payments, lump sum and property adjustment orders. These assets were assessed at £95,000 and his proceeds of drug trafficking were said to be about £540,000. On appeal, the Court of Appeal ruled in favour of the Commissioners of Customs and Excise. The sum of £25,000 amounted to a discharge of future liabilities and not consonant with the purpose in section 13(2). In so far as there was a conflict between the court order in the divorce proceedings and the restraint order it should have been resolved in favour of the restraint order. It is not clear whether the Commissioners had agreed that the payment of £25,000 would be a "gift caught by the Act" as defined by section 5 (9). Counsel for the son contended that it was not a gift at all, and in that respect the Court of Appeal agreed because the payment was in satisfaction of future liabilities. Again it is not clear in *Re Peters*

- above - whether the Commissioners contended that the Court, in exercising its powers (inter alia under section 8) should ignore any obligations of the defendant in terms of section 13(6) which provides: "in exercising those powers no account shall be taken of any obligations of the defendant or of the recipient of any such gift which conflict with the obligation to satisfy the confiscation order". The Court of Appeal in considering section 13(6) was inclined to accept the contention of the son that Section 13(6) presupposed the existence of a confiscation order. Although convicted of a drug trafficking offence, the father had yet to be sentenced or a confiscation order made at the date judgement in *Re Peters* was delivered. In *Re P re W*, *The Times*, April 11, 1990, C. A., the Court of Appeal considered variations of restraint orders to allow the payment of legal expenses. It will be seen that the combined effect of RSC Order 115 rule 4 (1) and section 8 (1) is to exempt both legal and living expenses of the defendant from property subject to a restraint order. Indeed, in *Re Peters* Nolan J had previously varied a restraint order on those grounds." 13. If these authorities are to be accepted as representing the law of Jersey it seems reasonably clear to me that the defendant is, on the face of it, entitled to the variations that are sought on his behalf. The issue has not, however, been argued before in this jurisdiction. While the English cases are certainly of persuasive authority it seems to me that the Court's policy as to how it is to approach the exercise of its discretion under the Drug Trafficking Offences Law is at present an open question. 14. Article 9 of the Drug Trafficking Offences Law makes provision for the

making of saisies judiciaires. They are made following applications by or on behalf of the Attorney General and are generally made ex parte in chambers i.e. in private. Paragraphs (6) and (7) of Article 9 provide for a discharge or variation of a Saisie Judiciaire in these terms: "(6) A "saisie judiciaire" -

- (a) may be discharged or varied in relation to any property; and
 - (b) shall be discharged on satisfaction of the confiscation order.
- (7) An application for the discharge or variation of a "saisie judiciaire" may be made to the Bailiff in Chambers by any person affected by it and the Bailiff may rule upon the application or may, at his discretion, refer it to the Court for adjudication". 15. The Court therefore has a discretion as to whether to vary the saisie judiciaire. The legislature has made no express provision, as is the case in England, for the payment of legal fees or for living expenses from property subject to a saisie judiciaire. The primary purpose of the legislation as expressed in the long title is to make provision for the recovery of the proceeds of drug trafficking. Until the Drug Trafficking Offences Law was passed no statutory provision had been made for the confiscation of the proceeds of crime. A defendant would be punished for his crime whether by imprisonment or otherwise but would then be free, having served his sentence, to enjoy his ill-gotten gains. It was that injustice that the Drug Trafficking Offences Law was designed to remedy, at least in relation to the proceeds of drug trafficking. 16. For my part, I am not persuaded that, in this jurisdiction, the analogy with a Mareva injunction is necessarily apt. A Mareva is granted in civil proceedings essentially to preserve the status quo pending adjudication of a dispute between two or more parties. A saisie judiciaire is granted because the Court has been persuaded by the Attorney General that there is reasonable cause to believe that a defendant has benefited from drug trafficking. The order is made against the background of alleged serious criminality, which does not necessarily exist in relation to a Mareva. The saisie judiciaire is a provisional order but unlike the restraint order made under equivalent English legislation vests the realisable property of the defendant in the Viscount. Some might think that this is a draconian process. It is certainly a strong thing to divest a defendant of all his property in the jurisdiction on an ex parte application in private. 17. It seems to me that the legislature has justified this extreme measure on two bases. First, the saisie judiciaire may only be obtained by the Attorney General. The Attorney General is the principal law officer of the Crown, and one is entitled to expect that an application will only be made after the matter has been examined with great care. One is also entitled to expect that the matter will be kept under continuous review, so as to ensure that no injustice is being perpetrated. One is entitled to expect all this because the Attorney General is no ordinary applicant for injunctive relief but is, for these purposes, a Minister of Justice. 18. Secondly, the Drug Trafficking Offences Law provides that the saisie judiciaire may, at any time, be discharged or varied in relation to any property on the application of the defendant or any other interested party. If there is an analogy to be drawn with any other judicial process it seems to me that the proper analogy is with a declaration en désastre where, on the making of the declaration, all the bankrupt's

property also vests in the Viscount; in this instance for the benefit of the creditors. Here, too, the application is made *ex parte* but the debtor has the right to apply to the Court to set the declaration aside. 19. In my judgment there should be no automatic expectation that either legal expenses or a living allowance will be made available to a defendant whose property is subject to a *saisie judiciaire*. When a *saisie judiciaire* has been ordered, a judge has been satisfied that there is reasonable cause to believe that a defendant has benefited from drug trafficking. Drug trafficking is a serious offence causing great damage to the fabric of society. It seems to me that the intention of the legislature was that the suspected proceeds of drug trafficking should not be available to the defendant. Instead they should be held by the Officer of the Court pending a determination as to their origin. Property that is subject to a *saisie judiciaire* is no longer the property of the defendant; it has vested in the Viscount. In so stating I do not intend to imply that they can never be made available because the Court has a discretion under Article 9(6) which should not be fettered. That discretion is to be exercised on a case by case basis, having regard to the particular facts. 20. To allow legal expenses to be paid out of seized assets should, however, be rare. In this jurisdiction there is a legal obligation on advocates subject to the *tour de rôle* to defend a person without the means to pay for his own representation. Counsel for the defendant in this case told me that one of his associates had been directed by the *Bâtonnier* to represent the defendant. He conceded, candidly and very properly, that if the *saisie judiciaire* were not varied to allow for the costs of legal representation the defendant would not be prejudiced in any way. 21. It is true that the property subject to the *saisie judiciaire* has not yet been established to be the proceeds of drug trafficking. If, in due course, it is shown that the property, or part of it, was obtained by legitimate means the *saisie judiciaire* will be varied or revoked to that extent and the defendant will be in a position to meet the costs of his legal representation. If, however, the property subject to the *saisie judiciaire* is shown ultimately to be wholly the proceeds of drug trafficking and liable to be confiscated, the defendant's legal advisers will be in no worse position than if the defendant had been, at all times, completely impecunious. 22. The proposition that property which might in due course be found to be tainted as being the proceeds of drug trafficking should be used to pay for a defendant's legal costs is one that I find unappealing. I appreciate that, in the English jurisdiction, it has been accepted that a defendant may draw on tainted money to pay legal costs. That however, seems to me to run counter to the decision of the Superior Number in *Attorney General -v- Kenward* (12 th April 2000) Jersey Unreported: [2000/64]; (2000) JLR N59 where the Court stated: "The money in question is, by common agreement, tainted in the sense that it represents a fee for an unlawful agreement to bring heroin into the Bailiwick. It is the proceeds of drug trafficking. The proposition that the Court should lend itself to an arrangement whereby tainted money should be used to pay lawyers for defending drug traffickers is not one which the Court finds attractive". 23. Furthermore, although it is not relevant to my decision, it seems that the position in England is about to change as the result of statutory intervention. The Proceeds of Crime Act 2002 will, I am told by Counsel for the Attorney General, prevent the use of restrained funds for the payment of legal costs in relation to the offences with which a defendant is charged. Mr. Tremoceiro placed some

reliance upon the fact that the defendant's wife, Mrs O'Brien, had successfully applied for a variation of the saisie judiciaire so that her legal costs could be paid. In fact, those applications were made by the Attorney General, ex parte and without the benefit of legal argument. Whether they were rightly made, may be a matter for another day. 24. Counsel submitted that it would be unfair if the defendant's legal costs could not also be paid from the seized assets. As I have already stated there will be no unfairness to the defendant because he will receive the same legal representation whether or not the variation is allowed. So far as the defendant's legal advisers are concerned, it is difficult to see what unfairness attaches to the performance of a duty which they have a legal obligation to perform. In the exercise of my discretion I decline to allow the requested variation in relation to legal fees. 25. I turn to the requested variations in relation to a monthly allowance, travel expenses and optical treatment. I observe in passing that, if the true analogy is with a declaration en désastre, it is not the practice of the Viscount to make available a living allowance to a bankrupt debtor. He is expected to maintain himself, although the Viscount exercises his discretion to release particular assets, for example a car, to enable the debtor to continue in gainful employment. 26. The facts here are that the defendant is not working and states that his only income derives from unemployment benefit and housing benefit. He asserts that his expenditure exceeds his income and that the deficit is met by loans from members of his family; all this appears from his affidavit of means. It is, however, not in question that he is a butcher by trade, and therefore possesses skills. Counsel for the defendant told me that he had not sought employment because he regarded his future as too uncertain. That does not seem to me to be an adequate reason for not seeking gainful employment. 27. By an un-sworn statement the defendant admits that he has benefited from drug trafficking to the extent of £180,000. He asserts, however, that more than one million pounds subject to the saisie judiciaire was earned by legitimate means. If this is so, I am bound to say that I find it surprising that an application has not been made long ago to vary the saisie judiciaire by releasing from it the properties which are claimed to have been acquired with untainted money, or to bring to a head the dispute over the extent to which the defendant has benefited from drug trafficking. The saisie judiciaire was imposed on the 6th October, 2000. Yet for very nearly two years the defendant has done nothing to seek to have the order at least partially discharged. 28. Counsel for the defendant told me that the dispute over the extent of the confiscation order would be resolved at the same time as the defendant was sentenced for the money laundering charges to which he has pleaded guilty. That may be so but there seems to me no reason at all why an application should not be made at an earlier stage to discharge the saisie judiciaire in relation to the assets which are said to have been honestly and legitimately acquired. I am told that the Attorney General has not yet filed a statement pursuant to Article 5 of the Drug Trafficking Offences Law, but it is open to the defendant to apply to the Court for an order requiring the Attorney General to file a statement within an appropriate period. There seems to me no reason why the process of assessing the extent of the defendant's proceeds of drug trafficking need necessarily await the outcome of proceedings against co-defendants. 29. Article 3 of the Drug Trafficking Offences Law requires that the determination as to whether

the defendant has benefited by drug trafficking and the imposition of any confiscation order be dealt with before sentence is passed. Although it may have been the practice to deal with confiscation orders at the time of sentencing, I see no reason in this case why these processes need be delayed any longer. 30. To engage these statutory processes seems to me to be the proper approach to the defendant's difficulty. If the defendant can show that his proceeds of drug trafficking are indeed no more than £180,000, then clearly the saisie judiciaire should be discharged to that extent forthwith. If, on the other hand, and contrary to his assertions, it later transpires that all the seized assets are to be regarded as the defendant's proceeds of drug trafficking, I see no reason why the assets liable to be confiscated should be diminished so as to enable the defendant to exist more comfortably by using tainted money for his own purposes. I am not satisfied that any undue hardship has been shown to exist and in the exercise of my discretion I refuse to vary the saisie judiciaire to permit a monthly allowance, or the cost of optical treatment to be paid to the defendant. 31. So far as the travel expenses are concerned, I have been told that the defendant has already received a certain amount of the costs associated with his travel from England to attend hearings in Jersey on the 1 st and 15 th October, 2002. I assume for these purposes that the defendant is required to remain in England by virtue of the licence whereby he has been released from prison; it does therefore seem to me reasonable that he should receive re-imburement for travel expenses necessarily involved in attending Court in this jurisdiction. I therefore grant the application in relation to the travel expenses and authorise the Viscount to release the balance claimed under paragraph 2 of the prayer of the defendant's representation. 32. If the defendant can satisfy the Viscount that he needs further funds for travel and other expenses in relation to his attendance for trial, the Viscount is authorised to take the appropriate action and to release the appropriate amounts to the defendant, without further reference to the Court.. Authorities Drug Trafficking Act, 1994 s.26. RSC (Autumn 2002): Civil Procedure: (Volume 1) 115.4. In Re L (Restraint Order: Legal Costs) (July 10, 1996)

- The Times. Customs and Excise Commissioners -v- Norris (1991) 2 QB 293. Fortson: the Law on the Misuse of Drugs and Drug Trafficking Offences (2 nd Ed'n, 1992): paragraphs 12-143 to 12-161. Re Peters (1988) 3 All ER 46. Mitchell, Taylor and Talbot: Confiscation and the Proceeds of Crime (2002) - chapter 3: paragraphs 3.001 to 3.004 and 3.091 to 3.099. Proceeds of Crime Act, 2002. Drug Trafficking Offences (Jersey) Law, 1988. Attorney General -v- Kenward (12 th April 2000) Jersey Unreported [2000/64];[2000] JLR N59. Armco Inc. and four others -v- Donahue and six others (1998) JLR N12; [1998/194]. Re Barham [1995] CLY 1198
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