

JERSEY / JUDGMENT

Y -v- N [2005] JRC 116 (17 August 2005)

[2005] JRC 116

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

judgment

the REGISTRAR: 1. The parties in this case enjoyed a long marriage from 1984 until they separated in 2002. The divorce was on the grounds of 2 years' separation and it was made absolute on 30 th December 2002. The wife is 55. The husband is 78. 2. During 18 years of marriage there were many important events, not least the birth of the parties' son C in 1986. The wife also has 2 children, now adult, by her first marriage. 3. Other events, which have affected their financial fortunes, were not so happy. Nevertheless, both husband and wife still retain some hope that something might be recovered from what remains, to their individual benefit. 4. Despite the divorce, the parties both still live in separate parts of the same building, which is rented by the wife's retail company. Above the shop is what is described by the wife as "an integral flat with 4 bedrooms". This is where she lives. The husband occupies a separate part of the upstairs accommodation. Apparently, there were originally 13 rooms at the premises, apart from a manager's 2 bed-roomed flat. The rooms were built to accommodate seasonal entertainers. The accommodation is run down. The wife described it as having a "wonderful position" but that the condition of it was "embarrassing". 5. The husband was an engineer and a member of Lloyds underwriters. Over the years, he suffered difficulties in both of these professional activities with the result that in about 1987 his contribution of £1,000 per month, which funded the running of the family home, dwindled and, eventually, dried up. The family were living at his property although the wife, too, owned smaller properties which were let out. 6. When there was not enough money for running the family home, the wife took out a loan, originally unregistered, then registered, on her properties. 7. By 1992, the situation was dire. Combined indebtedness of both parties, as individuals and in their capacity as guarantor of the debts of the husband's property owning company (which owned the former matrimonial home) amounted to £567,523. At its peak, their joint indebtedness was £611,000. This was the point at which both the family home and the wife's properties were the subject of *degrèvement* proceedings. The Order of Justice for their eviction from the family home was listed for 28 th May 1993. 8. After payment of the debts and foreclosure was complete, the sum of £50,000 was credited to the parties. Part of this sum was spent on paying rent for and moving to another home. They moved on again when the family moved into the flat at C. 9. All this time, the wife, apart from being a housewife and helping to manage the debts, was running the family retail business with her father. 10. What was the husband doing? He continued to have a small home based engineering business which he ran from the garage attached to the rented property. He wrote and re-wrote patents for his

inventions, but the likelihood of success, in any commercial application for his inventions was, he admitted, "like backing a horse". As time goes on, the likelihood of any success continues to decrease. 11. In the late 1990's, as a payment from the Official Receiver in the United Kingdom, the husband did, however, receive a payment of £400,000 in relation to a distribution after the bankruptcy of his engineering business. Much of this sum was used in paying off debts. The sum of £100,000 was applied to the wife's retail business. According to the husband the loan was intended to be short term. It was intended to be re-paid with interest, although there is a dispute about the rate of interest. Some repayments were made, but all repayment soon ceased. 12. At the present time, the husband's only income is derived from his Old Age pensions in Jersey and the United Kingdom, totalling £670 per month. As explained, he presently has free accommodation. He still hopes that someone will want to buy the rights to one of his patents. Above all, he wants the £100,000 back. 13. The wife has her retail business, from which she derives an income, being a director's fee, of £10,000 per annum, but, if the company overdraft limit exceeds its limit, she is unable to draw the full amount. 14. The parties' needs are to keep a roof over their heads and to pay their modest expenses. More than that is wishful thinking. 15. The present arrangement whereby the parties both occupy C is unsatisfactory. The wife suffers from poor health. The strain of the present arrangement is obvious. The husband has also suffered from poor health, although his treatment so far has been successful. Nevertheless, for him to carry on living at C cannot be ideal at his age, especially during the winter. It will be difficult for him to accept help from the Housing Committee to house him, but it is not right for him to continue to be dependant on his wife. 16. It is not realistic for him to expect re-payment of £100,000. It would cause the disintegration of the company upon which the wife depends for her living. Over the years, she has contributed in excess of that figure for the well-being of the company and her family. 17. Nor, is it realistic for him to expect, certainly not to count on, any return for his patents. 18. The time has come for each party to go his and her separate ways, both in terms of housing and in terms of any other financial dependence. All claims must be dismissed. No Authorities Page Last Updated: 27 Mar 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2005/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/y-v-n-2005-jrc-116-17-august-2005>

Prepared on 26 October 2026 · Esheria