

ROYAL COURT
(Samedi Division)

Before The Deputy Bailiff
 Jurat M.L. Lucas
 Jurat G.H. Hamon

Re: The Remise de Biens of Mr. James Barker:
 The Representation of the Autorisés de
 Justice, adjourned from the 23rd January, 1987

Advocate F.J. Benest for the Autorisés de Justice
Advocate A.P. Begg for Mr. Barker

Judgment on Mr. Barker's Counsel's Submission that the abridgment of time for service of the Representation on Mr. Barker ordered by the Court at the hearing on the 23rd January, 1987 resulted in injustice to Mr. Barker.

The Deputy Bailiff: The Court has a general power to abridge time. Whilst it may be rare to do so, we are quite satisfied that here there is urgency and there are special circumstances. All the cases quoted to us can be distinguished. In the present case, the liberty of the subject is not at stake, because the question of actual contempt will be held over; Gordon -v- Gordon was dealing with committal proceedings, where service was effected after the time limited for compliance. McIlraith -v- Grady was a summons to commit to prison for contempt, where the Court failed to particularize the matters constituting the breach, for which the defendant was to be committed. In Williams-v-Fawcett the notice

was also one to commit to prison and failed to specify the breaches alleged. Westminster City Council-v-Monahan and others was for a possession order, which is not sought here and was declared in open Court not to be sought. Here there was personal service, a detailed representation, and time to instruct Counsel. We know of many cases where the Court has ordered the immediate arrest of people alleged to have been in contempt of a Court order and for them to be brought by the Viscount to this Court, particularly in matrimonial proceedings; that did not happen here; there was no injustice to Mr. Barker and we shall proceed to consider the making of orders. We reject the submission made about the abridgment of time.

Cases referred to in the Judgment

Gordon-v-Gordon (1946) P.99,C.A.

Mc Ilraith-v- Grady (1968) 1Q.B.468,C.A.

Williams-v-Fawcett (1985) 1 All.E.R., C.A.

Westminster City Council-v-Monahan & Others (1981) 1 All.E.R.1050

Cases also Cited

Dean-v-Dean: " The Times" Law Report: 13th November, 1986