

COURT OF APPEAL

24th January, 1989

Before: Sir Charles Frossard, (President)
R.D. Harman, Esq., Q.C., and
L.J. Blom-Cooper, Esq., Q.C.

Between

**John Purdie, Elizabeth Marguerite
Purdie (née Stevenson) and
Lancashire Hotel (Holdings)
Limited**

Appellants

And

**Lewis Michael Gould, Philip Martin
Bailhache, William James Bailhache,
and Graeme Radford Boxall, exercising
the profession of advocate under the
name of "Bailhache and Bailhache"**

Respondents

Appeal against decision of the Royal Court
(Samedi Division) of the 11th May, 1987,
dismissing the appellant's appeal from the
decision of the Deputy Judicial Greffier
of the 21st April, 1987, ordering that
the issue of prescription be tried as
a preliminary issue.

Advocate G. Le V. Fiott for the Appellants
Advocate M.C. St. J. Birt for the Respondents.

JUDGMENT

(Reasons to be given later).

MR. BLOM-COOPER: In the matter of Purdie -v- Bailhache & Others, subject to one minor matter which I will eventually deal with, the Court dismisses this appeal and will give its reason later. We hope that it will be possible to give the reasons within the next fortnight. The one matter which the Court wishes to add to its decision is that the terms of the issue to be tried as a preliminary issue should be in the form, subject to counsel having anything to say on the matter, to determine the dates on which the plaintiffs' cause of action arose in (a) tort and (b) contract. The Court thinks that that is a better formulation of the issue to be tried preliminarily, rather than just simply referring to the question of prescription.

Authorities

Midland Bank Trust Company Ltd and Anor -v- Hett, Stubbs, and Kemp, a firm, (1979) Ch. D. 384.

Rahman -v- Chase Bank (C.I.) Trust Company Ltd (1984) J.J. 127.

Evans -v- Bartlam (1937) A.C. 473.

Tilling -v- Whiteman (1980) A.C.1.

Hadmor Production Limited -v- Hamilton (1982) 1 All E.R. 1042.

G -v- G (1985) 2 All E.R. 225.

R.S.C. (1988 Ed'n) O.18/11; O.33/4.

Halsbury, Vol. 28, paras 623, 685.