

ROYAL COURT

189.

7th December, 1990

Before: The Deputy Bailiff, and
Hamon and Le Ruez

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1. Application of Jubilee Scaffolding Limited to declare Shephard Hill, & Co., Ltd. (in Receivership) "en désastre".
 2. Representation of Receiver of Shephard Hill, & Co. Ltd. for Royal Court to recognise/register the appointment of the Receiver.

Advocate R.G. Morris for the applicant
Advocate T.J. Le Cocq for Shephard Hill.

JUDGMENT

DEPUTY BAILIFF: The application is by Jubilee Scaffolding Company Limited to declare Shephard Hill, & Co., Ltd. "en désastre".

In all the circumstances we consider that the Jersey creditors will be best safeguarded by the Viscount having a position of authority and authority immediately to protect all assets in Jersey. It will render a large number of injunctions and a variety of actions unnecessary. We wish to stress, however, that interesting jurisdictional questions do arise.

We would not expect the Viscount in the short term to seek to involve himself with a collection of assets outside this jurisdiction.

Furthermore, we give leave to the receivers if leave is necessary to intervene with an inter partes application for the "désastre" to be lifted and for their authority to be recognised. The rôle of the Viscount at this stage will be a protective one to collect and maintain assets and to investigate claims. We know that we can rely on the Viscount to come back to the Court for directions if the Receivers make their application to us.

Accordingly, consideration of the Receiver's representation is adjourned sine die as are the actions Geoff Dingle (Fasteners) Ltd v. Shephard Hill & Co. Ltd. (No. 66 on today's list) and of former employees of the Transport and General Workers' Union -v- the Receivers and Jersey New Waterworks Co. Ltd., (No. 80 on today's list). They are all adjourned sine die.