IN THE ROYAL COURT OF JERSEY

10th December, 1987

BETWEEN

G.H. Bass & Company

PLAINTIFF

AND

The Royal Bank of Scotland PLC,

(formerly Williams & Glyn's Bank PLC)

DEFENDANT

Advocate J.G. White for the plaintiff.

Advocate R.J. Michel for the defendant.

Application by the plaintiff (1) for a declaration that leave is not required for the plaintiff to use documents obtained by it from the defendant pursuant to an order of the Court for the purposes of a related action to be brought against third parties within the jurisdiction of the Courts of the Island of Guernsey, as the said order, had been made on the basis of the principle enunciated in the Norwich Pharmacal case (see below), as applied In the matter of the Representation of Donald Charles Lucas (1981) JJ 83, viz. that a party who innocently facilitates the wrongful acts of others comes under a duty to assist the person who has been wronged, and that in such circumstances the usual implied undertaking to use such information only for the purposes of the specific action before the Court is replaced by an implied undertaking to use such information only for the purposes of seeking relief, whether within or without the jurisdiction, against such wrongful acts, or, alternatively (2) if leave is required, that the Court grant such leave.

BAILIFF: "In every case in respect of an application to use documents obtained in this jurisdiction for use outside the jurisdiction, before that is done, the leave of this Court must be obtained.

Secondly, there is much in what you say, Mr. Michel, that in an application of this nature which goes beyond the original request, that the application should be supported in so far as possible, unless there are exceptional circumstances, by affidavit."

Authorities cited

Guiness PLC -v- Market & Acquisition Consultants Limited (27th March, 1987) JJ unreported)

Norwich Pharmacal Co and others -v- Commissioners of Customs and Excise (1973) 2 All.E.R. 943.