

**ROYAL COURT**  
**(Samedi Division)**

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11th March, 1994

**Before:** The Deputy Bailiff, and  
Jurats Myles and Gruchy.

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**In re the Bankruptcy (Désastre) (Jersey) Law, 1990.**

**In re Blue Horizon Holidays, Ltd., en désastre on the  
application of St. Brelade's Bay Hotel, Ltd.**

Application by Blue Horizon Holidays, Ltd., under Article 7 of the above  
Law to recall the *déclaration en désastre* effected on 11th February,  
1994.

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**Mr. David Eves of behalf of Blue Horizon Holidays, Ltd.**  
**Advocate R.J. Michel for St. Brelade's Bay Hotel, Ltd.**

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**JUDGMENT**

**THE DEPUTY BAILIFF:** Had the Court been aware that an application has been made to the Court of Appeal for leave to appeal against previous decisions of this Court in relation to the *déclaration en désastre* of Blue Horizon Holidays Ltd, we might very well have not heard the application this afternoon. We should have been informed that that application was being made. However, we are not clear about the precise stage the appeal proceedings have reached; perhaps the appeal has not yet been formally served by the Viscount.

So far as this application is concerned, the Court has to apply the Law and as has been made clear on previous applications, we have a duty under the Bankruptcy (Désastre) (Jersey) Law, 1990, to apply an arithmetical test in considering whether to grant an application to recall a *désastre*. The reason for that is that the Court has to have regard to the interests of all the creditors and not simply to the interests of one particular creditor.

The Court has heard from the Viscount's Officer that claims totalling nearly £200,000 have been lodged with the Viscount and that the assets of the Company appear to be negligible.

In those circumstances there can be no question but that the application to recall the *désastre* must be dismissed.

No Authorities.