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6th July, 1982

REBOURS -v- J.E.C. and anor.

BAILIFF:

The Court is going to defer the date allotted until October.

Now, I will just say one or two things. Firstly, we would accept that the date of the 26th July was properly allotted; we are not so sure that the dates of the 27th and 28th July were strictly properly allotted. But obviously, although this is the first case of its kind to come before the Court, obviously the Court must have a discretion, otherwise there would be no point in the Court sitting at all, and we think it must be right that we do have a discretion to vary the dates fixed in Chambers.

We are prepared to do so in this case, and indeed we do so without any hesitation, because Mr. Rebours has delayed - and we are not making any criticism of him, because these are very difficult matters - but the fact remains, when we look at the convenience of the parties, and what is best for justice, the fact remains that three and a half years have gone by since the judgment of the Royal Court on liability in December, 1978, when the case was again put on the hearing list for quantum. Three and a half years have gone by, and therefore we cannot look with very much sympathy - we cannot look with any sympathy - on the argument that it is terribly urgent now to get a hearing. If it was so urgent, whether because Mr. Rebours' house is falling down, or for any other reason, then Mr. Rebours himself has delayed for three and a half years. Now I know he would say that that is the fault of his lawyers. Well, we cannot go into that, as to whether it was the fault of his lawyers, he may have misunderstood their advice; but what is quite clear to us is that there was no good reason, if his house is in such a bad state, - and we express no view on that - there was no good reason for Mr. Rebours himself to delay for three and a half years. He should have come to the Court for the hearing on quantum much earlier. Three and a half years has now elapsed and we accept that the responsibility for that delay must be on Mr. Rebours' shoulders. Whether he blames the lawyers correctly or not, we do not know, but it is on his shoulders that the responsibility lies.

That being so, we now think that the other side are entitled to some understanding of their position when it comes to fixing a date after that long delay. Well, now, looking at that situation, and bearing in mind too the report of Mr. Jones which is expected,

we think, as I say, that the other side deserve some consideration, and also, we are prepared to accept that there may be something in the desirability of the Court having before it, when it does eventually sit, this report of Mr. Jones, which we can accept may take a few weeks. So in all the circumstances, we think that October is the right time for this case to take place, and we want to settle the matter here and now, and we suggest three days starting Monday, 4th October.