

ROYAL COURT  
(Samedi Division)

19th August, 1997 164.

Before: Sir Philip Bailhache, Bailiff, and Jurats  
Le Ruez and Potter.

In the matter of the  
Judgments (Reciprocal Enforcement)  
(Jersey) Law, 1960

And

In the matter of the  
Judgment of the High Court of Justice  
Queen's Bench Division  
obtained in the matter of

Between:	Lowndes Lambert Group Limited	Plaintiff
And:	Richard John Benzon Edwards	Defendant

Application by the Plaintiff for an *Acte à peine de prison* requiring the Defendant to pay to the Plaintiff the sum of £137,333.69, together with the sum of £1,595.30 of interest, representing the balance due in accordance with the Act of Court of 27th February, 1997.

Advocate M.J. Thompson for the Plaintiff.  
Advocate A.P. Roscouet for the Defendant.

JUDGMENT

5 THE BAILIFF: This is an application by Lowndes Lambert Group Limited, to which we refer as "the Plaintiff", for an *Acte à peine de prison* against Richard John Benzon Edwards to whom we refer as "the Defendant". The application follows a judgment given against the Defendant in the United Kingdom for £137,333.69, together with interest of £1,595.30 and interest accruing of £30.10 per day. The judgment was a default judgment given on 11th December, 1996, and registered in this Court pursuant to the Judgments (Reciprocal Enforcement) (Jersey) Law, 1960, on 27th February, 1997. Notice of the registration of the judgment was served upon the Defendant during April.

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The Defendant has offered to pay £3,000 per annum in order to satisfy the judgment debt.

Mr. Thompson, who appeared for the Plaintiff, drew our attention to the judgment of this Court in Bianchi -v- Gentili (12th July, 1990) Jersey Unreported, where the Court expressed the view that, although it had a discretion whether or not to accord an *Acte à peine de prison*, it was material for the Court to consider whether or not strenuous efforts had been made by the debtor to discharge his debt.

The Defendant was cross-examined at some length on his affidavit. It is clear to the Court that the Defendant has suffered a financial disaster as a result of his membership of Lloyds, and of the considerable losses suffered by that organization in recent years. We accept that he has made some efforts to satisfy his different creditors. However, we cannot say that we are satisfied that he has made strenuous efforts to satisfy the judgment debt due to the Plaintiff.

Having weighed the matter in the balance, the Court is not prepared, at present, to make an *Acte à peine de prison*. However, it considers that the Defendant ought to be able to order his affairs, by one means or another, in such a way as to enable him to pay a minimum of £10,000 per annum in satisfaction of the judgment debt.

Accordingly, the Court proposes to adjourn this application *sine die* on condition that a minimum of £5,000 is paid during January and July of each year towards satisfaction of the judgment debt. The first payment should be made during January, 1998. We give leave to either party to bring the matter back to this Court, as presently constituted, if those sums are not paid, or, indeed, if there is any material change of circumstances. There will be no order for costs.

### Authorities

Loi (1886) sur l'emprisonnement pour dettes.

Bianchi -v- Gentili (12th July, 1990) Jersey Unreported.

Porteous (née Perrée) -v- Porteous (28th February, 1992) Jersey Unreported.

Porteous -v- Porteous (née Perrée) (8th April, 1992) Jersey Unreported CofA.

Gray -v- Nadin (27th January, 1994) Jersey Unreported.

Le Maistre -v- Benest (26th March, 1996) Jersey Unreported.

In the matter of the Representations of Allied Irish Banks (CI) Limited (1987-88) JLR 157.