

21st January 1986

IN THE ROYAL COURT OF THE ISLAND OF JERSEY

BETWEEN	H	PETITIONER
AND	T	RESPONDENT

Commissioner Dorey:

The appeal against the Greffier's order of the 4th June, 1985 is allowed in so far as it relates to the maintenance for the wife and children. We agree that the Greffier was correct in looking at the matter de novo, but we do not think that the small maintenance payments maximum figure was the appropriate basis for the award. From the accounts of the Prince of Wales Tavern Limited that have been produced we conclude that the Respondent can rely on an average income of at least £30,000 per annum. We have taken into consideration the payments he makes in connection with the jointly-owned matrimonial home, in which, of course, he himself has joint interest. We have also taken into consideration the fact that he will no longer pay school fees, but only medical and dental expenses for the two younger children. We have also considered the fact that the wife's earning capacity is low. We therefore order that the Respondent pay the petitioner the sum £625 per month for her own maintenance and £140 per month for each of the two younger children until they each reach the age of 16 or cease full time education, whichever is the later or until further order. These increased payments are to be made as from the 25th February, 1985, the date fixed by the Greffier in his Order, and are to be increased on February 1st every year beginning in 1987 in proportion to any increase in the Jersey Cost of Living Index figure published in the preceding December.

We feel that this level of maintenance will provide for the proper needs of the wife and children without placing an unfair burden on the husband.

Paragraphs 3 & 6 of the Order dated the 22nd February, 1982, which was confirmed in the Greffier's Order, are to remain unchanged. I would like Counsel to address me on the matter of costs.

The Respondent shall pay the taxed costs of and incidental to the present appeal.