COURT OF APPEAL

5th April, 1989

Before: J.M. Chadwick, Esq., Q.C., (President)
L.J. Blom-Cooper, Esq., Q.C., and
S. Kentridge, Esq., Q.C.

Between	**Douglas John Woolley**	Appellant
And	**Offshore Management Limited and Salvors International Limited**	Respondents

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Ex parte application by the Appellant for an order setting aside the Judgments of the Royal Court (Samedi Division) of the 17th November and the 15th December, 1988.

The Appellant on his own behalf.

JUDGMENT

THE PRESIDENT: We have before us the Representation of Mr. Douglas John Woolley, who has appeared in person to support his application.

The history of the matter as it appears from the papers before us is that in 1974 Mr. Woolley commenced proceedings against two Jersey companies, Offshore Management Limited and Salvors International Limited, claiming damages in respect of alleged contracts in connection with the

salvaging of the vessel "Queen Elizabeth I" in Hong Kong and the raising of the "Titanic".

The matter came before the Royal Court on the 5th July, 1974. By an Act of Court made that day after hearing the plaintiff and the defendant companies through their advocate the Court ordered that the action be placed on the pending list, but directed that it be stayed until the plaintiff had furnished security for costs in the sum of £500. No such security was then or ever has been furnished and so far as it appears from the papers that we have, no further steps were taken in the action for some fourteen years.

In the meantime, on the 29th December, 1983, the defendant, Salvors International Limited, was dissolved by the Judicial Greffier under Article 38(a) of the law of 1861 relating to limited liability companies. Further, on the 25th January, 1988, the other defendant company, Offshore Management Limited, was also dissolved under the same law.

Notwithstanding the long period of inactivity and the intervening dissolution of the defendant companies, Mr. Woolley applied in the latter part of 1988 to the Royal Court for the discharge of the order made in 1974 requiring him to give security for costs and for the continued stay of the action.

That application came before the Deputy Bailiff sitting with Jurats in the Royal Court on the 17th November, 1988, at a hearing at which Mr. Woolley was present. The Court, after hearing what Mr. Woolley had to say, took the view that on the case which he was purporting to make he might have chosen to sue the wrong defendant. The application to lift the stay was refused. The Court was clearly of the mind that there was no purpose in the existing action continuing. It directed the Judicial Greffier to write to Mr. Woolley to give him notice that the Court would sit on the 15th December, 1988, to consider whether by virtue of paragraph (1) of Rule 6/20 of the Royal Court Rules 1982, it should make an order that the action be dismissed.

That letter was written. The matter came back before the Royal Court on the 15th December, 1988. Again Mr. Woolley was present. He was asked by the Deputy Bailiff on that occasion whether he wished to say anything to the Court which would show cause why the action should not be dismissed under the provisions of Rule 6/20. Mr. Woolley's answer to that question was ..."No, Sir, not at this stage. It would be my wish that the judgment which was given on the 17th November to have the case go to appeal"... The Deputy Bailiff explained to him that he was entitled to appeal and he was given a copy of the judgment. He was asked again whether there was anything he wished to say to the Court that day. In response he said this ..."Only what I said at the last hearing that I believe there is also a matter to be settled regarding the contract on the parties concerned personally. In fact I notice that it has been mentioned slightly in the actual judgment you gave, there was a possibility but it's on those grounds that I would like to appeal"... There was nothing else that he wished to put before the Court that day.

Rule 6/20 of the Royal Court Rules enables the Court to dismiss an action of its own notion where, at the expiration of five years from the date on which the action was placed on the pending list, no application has been made to have the action set down for trial or hearing, after giving not less than 21 days' notice in writing to all parties to the action. Those steps appear to me to have been taken perfectly regularly, it being clearly impossible to give notice of the application to the defendant companies which had been dissolved.

Mr. Woolley has appeared before us today. Nothing that he has said to us has persuaded me that there is any ground for the view that the Royal Court was in error in making the order which it made on the 15th December 1988, and accordingly I would dismiss the appeal against that order. While that order stands, there is no longer any substance in the earlier orders made in that action and it is unnecessary to consider the applications in relation to those earlier orders.

BLOM-COOPER, J.A: I agree.

KENTRIDGE, J.A: I agree.

n.b. no authorities.