

ROYAL COURT
(Samedi Division)

38.

27th February, 1995

Before: The Bailiff, and
Jurats Coutanche and Gruchy

The Attorney General

- v -

Stimal Investments, Ltd; Vacu-Mac (C.I.)
Ltd; Voi Holdings, Ltd; Lyric Systems,
Ltd; Rothley Investments, Ltd; Brittany
Properties, Ltd; Burmin Dromline
Holdings, Ltd; Burmin Grass Roots
Holdings, Ltd; S.F.I.Ltd; Mincon, Ltd;
Investments General, Ltd; Alpha Agencies,
Ltd; Lowtide Shipping Company, Ltd;
Apollo Real Estate, Ltd; Fairhaven
Holdings, Ltd; Olympic Real Estate, Ltd;
and Swift Holdings, Ltd.

Prosecutions under Article 71 of the Companies (Jersey) Law, 1991.

PLEA: Facts admitted, other than by Mincon, Ltd., in which the hearing was adjourned, by consent, to 5th May, 1995.

CONCLUSIONS: A fine of £200, with £40 costs.

SENTENCE: Conclusions granted.

C.E. Whelan, Esq., Crown Advocate.
Mr. E. Axford on behalf of Stimal Investments, Ltd.
Advocate M.E. Whittaker for Vacu-Mac (C.I.) Ltd.
Advocate J.E. Melia for Voi Holdings, Ltd, Investments General,
Ltd, Alpha Agencies, Ltd.
Advocate S.J. Habin for Lyric Systems, Ltd, Apollo Real Estate,
Ltd, Fairhaven Holdings, Ltd, Olympic Real
Estate, Ltd, and Swift Holdings, Ltd.
Advocate C.M.B. Thacker for Rothley Investments, Ltd, and Brittany
Properties, Ltd.
Mr. M.D. de Figueredo on behalf of Burmin Dromline Holdings, Ltd,
And Burmin Grass Roots Holdings, Ltd.
Advocate A.O. Dart for S.F.I. Ltd.

Mr. J.P. Crill for Lowtide Shipping Company, Ltd.

JUDGMENT

THE BAILIFF: Mr. Whelan, the Court is going to grant the conclusions and accordingly fines each of the companies, which have appeared through counsel or through a representative before the Court this morning, the sum of £200 and there is a further Order that £40 by way of costs be paid.

The Court, however, desires me to say one or two words in imposing those fines. The Court entirely accepts that as the law stands, these prosecutions are properly brought by the Attorney General and we understand the underlying reasoning which has led to the issue of these summonses. It does, however, appear to us that to require entirely innocent administrators of defaulting companies to appear before this Court in relation to criminal prosecutions under Article 71 of the Companies (Jersey) Law, 1991, often at their own expense, does not conform with any rational system of administration. The Court therefore expresses the hope that the Finance and Economics Committee will give some consideration to amending the Law so that it may become possible for administrative action to be taken against defaulting companies without requiring administrators and counsel to appear before this Court in order to answer to a charge brought against a defaulting company.

No authorities.