15 page

THE ROYAL COURT
(Samedi Division)

60

25th March, 1996

Before: The Deputy Bailiff - Single Judge

Between:	Isabelle Fabienne Jocelyn Vezier (née Lebreton) widow of Christopher Robin Vezier	Plaintiff
And:	Francis Peter Bellego	First Defendant
And:	John Lewis David Romeril Richard Syvret Robert John Vezier who are actioned both jointly and severally as members of a partnership trading under the name The Company of Town Pilots	Second Defendant
And:	Graham Carlton	Third Defendant
And:	Michael John Littlemore	Fourth Defendant
And:	Morris Silver	Fifth Defendant
And:	British Channel Island Ferries Limited	Sixth Defendant

Application by the Defendants, made pursuant to the provisions of Rule 7/8 of the Royal Court Rules 1992, for an order that the followihng point of law be disposed of forthwith and before the trial of the other issues in this action"

> **"That a widow pursuing an action on her own behalf and/or on behalf of her deceased husband's estate must give credit for her prospects of remarriage and/or actual subsequent remarriage in assessing any damages allegedly due to her and/or her dependants".**

Advocate P.E. de C. Mourant for First and Second Defendants
(and for the purposes of this hearing only for the
Third to Sixth Defendants).
Advocate R.G. Day for the Plaintiff

JUDGMENT

THE DEPUTY BAILIFF: I am sitting to decide a novel and preliminary point of law. The plaintiff is the widow of Christopher Robin Vezier who died on the 1st August, 1990, following an accident which is the subject of proceedings. The plaintiff, at the time of the fatal accident, was 27 years old. On the 12th June, 1993, the plaintiff gave birth to a son, Alexander Xavier. The birth was registered by the plaintiff on the 31st August 1993. The name of the father on the birth certificate was Anthony Charles Noel. On the 28th August, 1993, the plaintiff married Mr Noel in the offices of the Superintendent Registrar. The Order of Justice in this matter alleges negligence (in some form or another) by the defendants as the cause of death.

The question of law to be decided has been agreed between the parties. It is a question as to whether a widow, pursuing an action on her own behalf and/or on behalf of her deceased husband's estate, must give credit for her prospects of remarriage and/or actually subsequently remarrying in assessing any damages allegedly due to her and/or her dependants.

The core of the problem lies within Article 4(1) of the Fatal Accidents (Jersey) Law, 1962 which says in its headnote:

"A Law to consolidate the Law relating to the recovery of damages in respect of fatal accidents, and to amend that Law by enlarging the class of persons for whose benefit an action may be brought and providing for certain benefits to be left out of account in assessing damages in such an action, sanctioned by Order of Her Majesty in Council of the 30th day of July, 1962."

Article 4 of the Law reads as follows:

"(1) In every action under this Law, the court shall award such damages as it thinks appropriate having regard to the loss suffered as a result of the death by each of the persons for whose benefit or by whom the action is brought, and the amount recovered, after

deducting the costs not recovered from the defendant, shall be divided amongst the said persons in such shares as the court may direct.

5 *(2) In assessing damages in any action under this Law, there shall not be taken into account any insurance money, benefit, pension or gratuity which has been or will or may be paid as a result of the death.*

10 *(3) In any action under this Law, damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the persons for whose benefit or by whom the action is brought."*

15

I shall be examining both English and Jersey statutes. The 1962 Law was preceded by the Loi (1886) sur les Accidents Mortels. This Law reads in Articles 1 and 2 as follows:

20 *"Art. 1.*
Lorsque la mort d'une personne aura été causée par des faits résultant de la négligence ou l'incurie d'une autre, et que ces faits auraient justifié la personne décédée à intenter un procès en Dommages-Intérêts, dans ce cas la
25 *personne qui aurait été actionnée restera responsable de ses actes envers qui de droit, que les faits qui ont causé la mort constituent une félonie ou non.*

Art. 2.
30 *Toute action ainsi intentée sera pour le bénéfice, selon le cas, de la femme, du mari, des enfants ou des père et mère qui pourraient justifier d'une perte pécuniaire par la mort de la personne décédée, et le montant de Dommages-Intérêts ainsi obtenus, après déduction des frais non*
35 *recouvrables, pourra, s'il y a lieu, être partagé entre ceux qui justifieraient leur perte pécuniaire, en portions qui seront établies par la Cour."*

It is interesting to note the words *"perte pécuniaire"* in
40 Article 2. That means pecuniary loss and it may partly explain why the leglislature used the words "loss" in Article 4 of the 1962 Law, but when I come to examine English law (if Mr Day is right) I should be able to find a significant reason why Article 2 refers simply to *"an action for damages in respect of any*
45 *pecuniary loss"* and uses the word "loss" in Article 4 and does not use the word "injury". Mr Day submits that to be the important distinction in the wording of the Jersey statute and the similar English statute. To explain the problem, the Fatal Accidents Act, 1846 does not use the word "loss". It speaks of "injury":

50

"And be it enacted, that every such action shall be for the benefit of the wife, husband, parent and child of the

person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the jury by their verdict shall find and direct."

The English courts have established at least since 1863 that the compensation recoverable under the 1846 Act is based on pecuniary loss. I am guided to this conclusion when I read the 3rd Edition of Halsbury's Laws Vol. 28 (Negligence) and 3rd Edition of Halsbury's Statutes Vol. 23 pages 782-783. Both these works examine the 1846 Act.

Looking first at Halsbury's Statutes, the note explaining "damages resulting from death" at page 782 reads as follows:

"Compensation is based on pecuniary loss, and mere nominal loss is not sufficient (Pym v. Great Northern Rail. Co. (1862), 2 B.& S. 759)."

Halsbury's Laws says this at para 110 under the heading "Actions and Fatal Accidents Acts":

"Damages in actions under the Fatal Accidents Acts are such as the jury think proportionate to the injury resulting from the death to the parties for whose benefit the action is brought."

The commentary goes on in the next headed chapter (para 111):

"The pecuniary loss is not limited to the value of money lost, or to the money value of benefits lost...."

It might be an explanation that the draftsman in Jersey decided to substitute "loss" for "injury" in Article 4 of the 1962 Law with the intention of reflecting the meaning of the Fatal Accidents Act 1846 while retaining the concept of "perte pécuniaire". That is borne out by the fact that Article 2 of the 1962 law states that an action may be brought "for damages in respect of any pecuniary loss suffered as a result of the death by any of the persons for whose benefit an action may be brought under this law". It seems to me that where Article 4 of the 1962 Law refers to "loss suffered as a result of a death" it must be referring to loss recoverable by an action for damages under Article 2 of that Law. As I have said, Article 2 (1) of the Law refers to "an action for damages in respect of any pecuniary loss

suffered as a result of the death". I think it must follow that in Article 4 of the Law "loss" means "pecuniary loss".

If the wording of Section 2 of the 1846 English Act which states that the jury may give such *"damages as they may think proportioned to the injury resulting from such death"* means damages based on the pecuniary loss suffered, it seems to me that it must follow that, in spite of the different word used in the two statutes, their effect is (and was intended to be) precisely the same.

Although not cited to me, I draw some consolation from the fact that Blacks Law Dictionary (5th Edition) (St Paul, Minnesota) says this:

> *"Loss is a generic and relative term. It signifies the act of losing or the thing lost; it is not a word of limited, hard and fast meaning and has been held synonymous with, or equivalent to, "damage", "damages", "deprivation", "detriment", "injury", and "privation"."*

While you can have injury without loss, I find it impossible to follow the argument of Mr Day that the interpretation of the two words in their context is so different that we do not need to follow the English line of judicial authority.

On that basis, and if loss is in fact equivalent to injury then, the English legislature has moved to remedy an acknowledged injustice with relative speed. Our legislature does not appear to have seen that the injustice exists. How has Statute Law been effected by way of amendment in Jersey and in England?

La Loi (1886) sur les Accidents Mortels, is amended by Article 4 of the Loi (1948) (Amendement) sur les Accidents Mortels.

The amendment reads:

> *"..... la Cour, en fixant les dommages-intérêts, ne tiendra pas compte d'une somme quelconque payée ou payable, à cause de la mort de la personne décédée, en vertu d'un contrat d'assurance fait soit avant soit après la promulgation de la présente Loi".*

The 1962 law is wider and excludes, for example, such matters as "benefit" which is defined in the law as "benefit under the Insular Insurance (Jersey) Law, 1950, as amended, and any payment by a friendly society or trade union for the relief or maintenance of a member's dependant".

It seems conclusive that the draftsman in 1886 in Jersey was content to plagiarise certain provisions of the English 1846 Act. Indeed, our 1948 Amendment Law also appears to include precisely the exceptions provided by the English Act of 1908 amending the Fatal Accident Acts.

In 1959 in England there was passed a Consolidating Act to amend the Fatal Accidents Act, 1846 and the Carriage by Air Act, 1932. The purpose of the Act was to enlarge the class of persons for whose benefit an action may be brought under the Statute and to provide for certain benefits to be left out of account in assessing the damages. So there were now excluded, insurance money, benefit, pension or gratuity which "has been or will or may be paid" as a result of the death.

The 1962 Law (which is the subject of the interpretation) uses exactly the same words as the Fatal Accidents Act 1959. But after that, as far as our legislation is concerned, the matter comes to a full and puzzling halt. English law went on further to amend. The Jersey States chose not to progress the matter. It is that material development in England that has given rise to a novel, perplexing and interesting argument from Mr Day.

I must perforce spend a little time examining the situation which arose in England and which was so criticised by the judiciary and which was eventually cured by statute before I return to examine the interpretation for the purposes of the question posed by Article 4(2) of the Fatal Accidents (Jersey) Law, 1962.

In the 1953 Edition of Halsbury (Vol. 23 Negligence) the commentary at page 782 dealing with the measure of damages to be ascertained under the Fatal Accidents Act 1846 S.2. states:

> ***"The measure of damages under this Act is ascertainable by reference to subsequent statutory provisions and to judicial decisions upon the Act."***

The commentary goes on to refer to the matters expressed under amending acts to be of no account in assessing damages and then it goes on to say this:

> ***"A widow's prospect of remarriage should be taken into account."***

Why should this be? It is clearly explained in Davies and Another v. Powell Duffryn Associated Collieries Ltd. (1942) All ER Annotated Vol 1 657 where at page 658 Lord Russell of Killowen (this was a decision of the House of Lords) said:

> ***"The general rule which has always prevailed in regard to the assessment of damages under the Fatal Accidents Acts is well settled viz that any benefit accruing to a***

dependant by reason of the relevant death must be taken into account. Under those Acts, the balance of loss and gain to a dependant by the death must be ascertained, the position of each dependant being considered separately.
5 *It is conceded, and rightly conceded, that the general rule must apply, unless some statutory exception to the rule prevents its application."*

So here we have a similar statute with similar wording. The
10 fact that prospects of marriage or remarriage are not specifically excluded in the English Statutes led Lord Wright at page 665 to say this:

"In the case of the appellant Mrs. Williams, I think that
15 *the judge has awarded a wholly inadequate sum. There is no question here of what may be called sentimental damage, bereavement or pain and suffering. It is a hard matter of pounds, shillings and pence, subject to the element of reasonable future probabilities. The starting point is*
20 *the amount of wages which the deceased was earning, the ascertainment of which to some extent may depend on the regularity of his employment. Then there is an estimate of how much was required or expended for his own personal and living expenses. The balance will give a datum or*
25 *basic figure which will generally be turned into a lump sum by taking a certain number of years' purchase. That sum, however, has to be taxed down by having due regard to uncertainties, for instance, that the widow might have again married and thus ceased to be dependant, and other*
30 *like matters of speculation and doubt."*

The courts repeated their disquiet on this point over and over again. In Goodburn v. Thomas Cotton Ltd. (1968) 1 All ER 518 at 520 Willmer LJ said:
35

"In Buckley's case (2) no evidence whatsoever was tendered as to the possibility of the widow remarrying, and it was in that context that Phillimore, J., refused to make any deduction on that ground. On the facts which were proved
40 *in that case, I do not think that I would seek to quarrel with the actual decision at which the judge arrived; but Phillimore, J., in the course of his judgment, went a good way beyond what was necessary for the decision of that case, and expressed a strong view that a judge trying a*
45 *case of this character is ill-equipped to assess the chances of a widow remarrying. He went so far as to suggest that judges ought to be relieved of the need to enter into what he described as "this guessing game".*

50 *I am afraid that I find myself unable to agree with Phillimore, J.'s approach to this matter. It may, it is perfectly true, be distasteful for a judge to have to*

> *assess and to put a money value on a widow's prospect of remarriage; but it seems to me that, in assessing the damages to be paid under the Fatal Accidents Acts, 1846-1959, it is necessary to take into account all the circumstances of the case, and there can be no doubt that one of the most important circumstances is the likelihood or otherwise of the widow remarrying. Distasteful though it may be, the task must be faced of assessing that likelihood. I venture to think that, difficult as the problem is, it is really no different in principle from the problem facing any judge where, in a personal injuries action, he must necessarily gaze into the future and assess the probabilities as to the injured person's chances of recovery, and as to the injured person's future earning prospects."*

The way that the English courts have strictly interpreted the statute until the statutory exclusion of the remarriage of the widow or her prospects of remarriage under Section 4(1) of the Law Reform (Miscellaneous Provisions) Act 1971 is shown by a case such as Thompson v. Price (1973) 2 All ER 846. There the fact or prospect of remarriage of the widow was relevant when the claims of her children were in issue or she claimed for the loss or support of her child.

The law prevailing in England appears to be very clear. Before the 1971 amendment came into operation the widow's damages would have been reduced if she remarried or if in the opinion of the court, there were prospects of her doing so.

The advantage given to the widow was not extended to dependant children of the widow and as we have seen in Thompson v. Price the court held that her son's damages should be assessed *"having regard to the fact, and taking into account the fact that his mother has remarried".*

It is only the remarriage and the prospects of marriage which are excluded in England. Mr Day showed me how the courts have extended the principle by excluding the widow's earning potential (despite her expressed intention to return to work). The court was able to do this on the basis that the widow's capacity to earn was a result of her ability and was not a gain resulting from the death of her husband.

The task of the judges in England before 1971 was clearly found to be distasteful to them. As Davies LJ said in Goodburn v. Thomas Cotton Ltd. (1968 1 All ER 518 at 522:

> *"It is indeed a most difficult, and invidious task for a judge in any case to embark on the enquiry as to the possibility or probability of remarriage by a plaintiff widow but in compliance with the duty imposed by the*

> *statute it is a task which the judge must undertake in appropriate cases."*

When he acknowledged these words Mr Day argued that in England the courts took a line which Jersey is not, and was not, bound to follow. It was not only wrong to take the view that remarriage and the prospect of remarriage was a matter to be taken into account when assessing the measure of damages, it was a terrible practice, both evil and highly immoral. It led to great injustice and the fact that the law in England was now on a proper footing means that the time has come to rid ourselves of this immoral practice where a widow might be prevented by fear of the financial consequences from even considering remarriage and where death could be a less costly result in damages to a negligent person than very serious injury.

Let us turn to Jersey law. I have found, despite Mr Day's lucid argument, that there is absolute similarity in the interpretation of the relevant wording of the English statute and the wording of the Jersey statute. Indeed, I cannot avoid the proposition that the few cases in point in Jersey case law appear to have followed or to have at least considered favourably the English line of reasoning.

In Dorey v. Hannam (1961) JJ 147 a case brought under the Lois (1886 à 1948) sur les Accidents Mortels and the Customary Law (Amendment) (Jersey) Law 1948 there is an oblique reference:

> *"It was not claimed that there was any reasonable likelihood that his widow would remarry and there was nothing to suggest that her expectation of life was other than normal."*

I am led to assume that the reference to the prospect of remarriage meant, and could only have meant, that the court had that matter in its mind as a question to assess in deciding the measure of damages.

In a case brought under the Fatal Accidents (Jersey) Law 1962 and the Customary Law (Amendment) (Jersey) Law 1948, Huet v. Lewis (1976) JJ 435 at 440 the court said:

> *"We have taken into account the possibility of the plaintiff's remarriage as one, but one only, of the contingencies of life."*

In Farcy v. O'Flaherty (1973) JJ 2335 (again a case brought under the Fatal Accidents Law 1962) the Court while not mentioning the prospects of remarriage was content to follow what it called "the rule in Taylor v. O'Connor (1970) 1AER 365". This meant that it was considering English law.

That is all that I have to help me judicially which is directly in point but it does seem to me that both the cases of Dorey and Huet are founded on the English principles which the judges there clearly thought very harsh but felt legally bound to follow.

Mr Day drew a distinction between a benefit which comes to a dependant person because he is legally entitled to it on the deceased's death and a benefit voluntarily conferred on that dependant person. In the latter case the deceased's death may not be the effective cause of the benefit being conferred. He argues that remarriage is as much a *"novus actus interveniens"* as a valuable bequest under a relative's will.

Mr Day argues that the law in England is now in satisfactory state whereas it was in an unsatisfactory state. Why should this Court not adopt the English law that now exists and why in the absence of firm case law in Jersey which might be regarded as *"stare decisis"* should we follow pre-1971 English case law which has been rendered obsolete. He cited to me the case of Ruban v. A.G. (1987-88) JLR 204 which says at its headnote:

> *"(3) It was no defence that the appellant was attempting to do an act which was physically impossible, the car being too damaged to be driveable. The earlier English authorities at common law, which had held in principle to the contrary, had been heavily criticised and, although the Royal Court tended to model the Jersey criminal law on that in England, it was entitled to depart from English authority when it believed it had been shown to be unsound; alternatively, the court could hold that the criticised authorities should be limited to their facts and the statements of principle regarded as obiter; or, yet again, it could take the view that even though the contemporary English criminal law on this subject was based upon a statutory reversal of the previous position, it was nonetheless highly persuasive and should be followed."*

The court went on to say at 218:

> *"This Court is going to follow the lead of the Royal Court in Corby v. Le Main and is going to take a robust view. It is going to apply common-sense, which points clearly to the fact that what the appellant did was attempt to drive."*

Mr Day also cited to us that part of the judgment of Clarkin v. Attorney General 1991 JLR 232 at 239 which reads:

"A decision of the House of Lords in England must of course be regarded as highly persuasive; but English decisions do not bind this court and it is open to us, if we think it appropriate, to decide that the principles set out by Lord Diplock in R. v. Sang (10) do not represent the law in this Island. There are, we think, five reasons why this court ought to re-examine those principles with particular care. First, the decision of the House of Lords in R. v. Sang represented a change in the direction in which the law in England had been moving since the advice of the Privy Council in Kuruma s/o Kaniu v. R. some 15 years earlier. Secondly, the proposition that a trial judge has no discretion to refuse to admit relevant admissible evidence on the ground that it was obtained by improper or unfair means is one which it has not been found necessary to adopt in other jurisdictions, in particular in Scotland. Thirdly, there are passages in the speeches of other members of the House in R. v. Sang itself which suggest that they did not give an unqualified assent to that proposition. Fourthly, in the subsequent appeal of Fox v. Chief Const. of Gwent the House of Lords clearly recognised the existence of a discretion which went beyond that derived from Lord Diplock's speech in R. v. Sang. Fifthly and finally, the decision in R. v. Sang has, in England, been overtaken and largely abrogated by the provisions of s.78 of the Police and Criminal Evidence Act 1984."

If the English statute gives us the clear guidance that we need, then we should follow it. That is the clarion call sent out by Mr Day. That we can apparently do so is shown by a case such as Marriott v. Attorney General (1987-88) JLR 285 where the Court of Appeal said this at 288:

"It is now necessary to see how these matters bear upon the issue raised in this appeal. The appellant, as I have said, was indicted upon two charges of fraudulent conversion. Fraudulent conversion is not in Jersey a statutory offence. What has happened has been that the provisions of the statutes which created this offence in England have been assimilated and made part of the law of Jersey and those provisions which are statutory in England here have effect as part of the common law of the Island. It is therefore necessary to see what the provisions are governing the offence of fraudulent conversion in England. They are set out in s.20 of the Larceny Act 1916. I say they are set out; since the passing of the Theft Act 1968 this statute is no longer in force in England but it still operates here as a result of the process I have described as part of the common law."

Again in Arya Holdings Limited v. Minories Finance Limited (20th July, 1993) Jersey Unreported; Crill, the Bailiff, sitting as a Single Judge said:

"It is fair to add nevertheless that once English principles of law have been incorporated into the Law of Jersey, whether by statute or decisions of this Court, they become part of our Law just as fully as our Customary Law. But those English principles themselves undergo changes in England and such changes may have to be examined and discussed in subsequent actions in Jersey, and, therefore the assistance of English solicitors and counsel may in appropriate cases be proper."

Mr Day also reminded me that in Carpenter v. The Constable of St. Clement (1972) JJ 2107 the Court said this:

"4. In Shaw v. Director of Public Prosecutions (1961) Criminal Appeal Reports, Vol. 45, Viscount Simonds said, at page 149 -

"When Lord Manfield, speaking long after the Star Chamber had been abolished, said (in Delaval (1763) 3 Burr. 1434, at p. 1438) that the Court of King's Bench was the "custos morum" of the people and had the superintendency of offences "contra bonos mores", he was asserting, as I now assert, that there is in that court a residual power, where no statute has yet intervened to supersede the common law, to superintend those offences which are prejudicial to the public welfare."

The courts of the Island possessed a similar residual power."

I have to say that we are considering a law whose object is to assess damages and the purpose of which is clear. It is not possible in my view, and despite Mr Day's ingenious argument, to differentiate the intent of the English Statute of 1959 from the Jersey Statute of 1962. The wording is slightly different but in my view the intention is precisely the same. In my view, if I follow Mr Day's argument this Court will become an instrument of legislation.

As Bennion says in his work Statutory Interpretation (1984 Ed'n) at 78:

"If for any reason Parliament strongly disapproves of the law as currently laid down by an enactment it will hastily take steps to change it."

The States of Jersey had the opportunity to change our statutory law when the English legislature changed a very harsh provision in 1976. It chose not to do so. Now, twenty years on, the very real injustice that the English judges had spoken of so forcefully and of which Jersey was forewarned has occurred. I cannot change the statute law of this island because the English Parliament has changed its statute law. It is, in my view, a false argument to say that I am following English law that no longer exists. It is perhaps axiomatic that in a small jurisdiction such as this the number of cases brought by a widow by reason of a fatal accident will be few and far between. Perhaps the policy of those who draft the law of this island is in some matters "to wait and see". That is for this case and those involved in it a policy which can only cause distress. But a robust judicial approach is one thing; reversing what is to me the clear interpretation of a Jersey statute is another. I cannot import an English statute to amend a Jersey statute. That is the task of the legislature. This Court's task is solely to interpret the law as it stands.

In the circumstances this Court has no hesitation in answering the question by saying that a widow pursuing an action on her own behalf and/or on behalf of her deceased's husband's estate must give credit for her prospects of remarriage and/or actual subsequent remarriage in assessing any damages allegedly due to her and/or her dependants.

I would hope that this decision will be brought to the attention of the Legislation Committee without delay.

Authorities

Fatal Accidents (Jersey) Law, 1962 : Article 4 (1).

Lois (1886 à 1848) sur les accidents mortels.

Loi (1948) (Amendement) Sur les accidents mortels.

Fatal Accidents Act 1846.

3 Halsbury's Laws 28: paras 109-117.

3 Halsbury's Statutes 23: pp.782-3.

Black's Law Dictionary (5th Ed'n) (St. Paul, Minnesota).

Insular Insurance (Jersey) Law, 1950.

Fatal Accidents (Damages) Act, 1908.

Fatal Accidents Act 1959.

Fatal Accidents Act 1864.

Davies & Anor -v- Powell Duffryn Associated Collieries, Ltd (1942) All ER Annotated Vol 1 657.

Goodburn -v- Thomas Cotton, Ltd (1968) 1 All ER 518 @ 520.

Thompson -v- Price (1973) 2 All ER 846.

Dorey -v- Hannam (1961) JJ 147.

Customary Law (Amendment) (Jersey) Law 1948.

Huet -v- Lewis (1976) JJ 435 @ 440.

Farcey -v- O'Flaherty (1973) JJ 2335.

Taylor -v- O'Connor (1970) 1 All ER 365.

Ruban -v- A.G. (1987-88) JLR 204.

Clarkin -v- A.G. (1991) JLR 232 @ 239. C of A.

Marriott -v- A.G. (1987-88) JLR 285. C of A.

Arya Holdings, Ltd -v- Minories Finance Ltd (20th July, 1993) Jersey Unreported.

Carpenter -v- The Constable of St. Clement (1972) JJ 2107.

Bennion: "Statutory Interpretation" (1984 Ed'n): p.78.

Kemp & Kemp: Quantum of Damages (4th Ed'n) pp.218-22; 374-80.

Official Solicitor -v- Clore & Ors (1983) JJ.43.

Corby & Lewis -v- Le Main (1982) JJ 157.

Peacock -v- Amusement Equipment Co, Ltd., (1954) 1 QB 347 C.A.

Redpath -v- Belfast & County Down Railway (1947) N.I. 167.

Widows, Orphans and Old Age Contributory Pensions Act, 1936: S.40.

Law Reform (Miscellaneous Provisions) Act 1971.

Reincke & Anor -v- Gray (1964) 2 All ER 687.

Wilson -v- Dagnall (1972) 2 All ER 44.

Maynard -v- Public Services Committee (17th March, 1995) Jersey Unreported.

Le Monnier -v- A.G. (1989) JLR 170.

Curwen -v- James (1963) 1 WLR 748 C.A.