

ROYAL COURT  
(Samedi Division)

62.

7th April, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff, and  
Jurats Gruchy and Le Brocq

Between: Surinderpal Singh Bhandher Representor

And: Barclays Private Bank and Trust Company  
Limited  
(formerly Barclaytrust International  
Limited) Defendant

Representation in the matter of monies deposited by the Representor with Barclays Private Bank and Trust Company Limited, and of the Demash Family Trust, and of Articles 2, 5, 9, 47 and 49 of the Trusts (Jersey) Law, 1984, as amended.

Advocate P.C. Sinel for the Representor.  
Advocate G.R. Boxall for the Defendant.

JUDGMENT

THE DEPUTY BAILIFF: We have heard some interesting matters this morning which whilst intriguing do not at this stage concern the Court.

5 The Representor has a right to see documents relating to or forming part of the "accounts". This is in accordance with Re Londonderry's Settlement: Peat & Ors -v- Walsh [1964] 3 All ER 855 which was specifically approved in Re Lombardo Settlement (5th December, 1990) Jersey Unreported.

10 Article 25 of the Trusts (Jersey) Law, 1984 is expressed in a negative form but it will include (in the words of this Court in West -v- Lazard Brothers [1987-88] JLR 414 at 420):

15 *"....every bit of information concerning the administration of this trust for which they (the beneficiaries) may properly ask.... that includes all accounts, vouchers, coupons, documents, and correspondence relating to the administration of the trust property or otherwise to the execution of the trust, including a full inventory of the trust assets and all dealings*  
20 *relating to any real property (as defined in In re Londonderry's Settlement)".*

25 We feel that relevant information not in documentary form (if there is any) should also be included. We note in passing that three forms of letters of wishes have already been voluntarily disclosed by the Trustees.

The Representor asks for an order that the Trustees provide trust accounts in relation to the Demash Family Trust and copies of all

underlying documentation (to which we would add the word "information") to which the Representor is entitled at law and we are going to make that order.

5           Although Mr. Boxall told us that the representation was otiose, there are certain matters that concern us. Only this morning the Trustees notified the Representor that they had discovered bank statements and vouchers. These have not yet been disclosed.

10           The accounts were produced after what we consider to be an inordinate delay and after numerous requests had been made. Nothing, in our view, could have been simpler than to produce these accounts which deal only with the banking of funds in a designated account. Much  
15           confusion has been caused and some incorrect conclusions reached all of which would have been unnecessary had the Trustees delivered a copy of the original Settlement when it was requested. In our view the Trustees' attitude has not been helpful in reaching a necessary stage before the beneficiary is able to consider his next cause of action.

20           In consideration of this delay and the lack of precision on behalf of the Trustees we will award the Representor his costs of and incidental to this part of the representation and of today's hearing on an indemnity basis. The costs to be met by the Trustees and not to be paid from the Trust Fund.

Authorities

Re Londonderry's Settlement: Peat & Ors -v- Walsh [1964] 3 All ER 855.

Re Lombardo Settlement (5th December, 1990) Jersey Unreported.

West -v- Lazard Brothers [1987-88] JLR 414.