

COURT OF APPEAL

de JERSEY CJ
McPHERSON JA
ATKINSON J

Appeal No 9725 of 2002

RICHARD ADAMS

Plaintiff/Respondent

and

STANDARDS AUSTRALIA INTERNATIONAL LIMITED
(ACN 087 326 690)

Second Defendant/First Appellant

and

MASTER BUILDERS AUSTRALIA INCORPORATION
(ARBN 008 383 453)

Third Defendant/Second Appellant

BRISBANE

..DATE 11/03/2003

JUDGMENT

THE CHIEF JUSTICE: The reasons why the applicant did not appeal in time were in the first place a belief that a stay on the judgment precluded his doing so and the currency of some negotiations. I consider those circumstances sufficiently explain his failure to appeal in time, sufficiently for the purposes of the extension of time application.

The apparently well reasoned judgment of the learned primary Judge would have raised the question of whether a contemplated appeal would enjoy sufficient prospects to warrant a grant of leave in light of its apparently primarily factual character. But because the respondents have appealed against her Honour's refusal to grant leave to appeal in relation to costs the merits of that judgment will at least to some extent have to be reviewed.

In these circumstances it seems just to me to allow the primary appeal to go forward concurrently. I would accordingly extend time as necessary and grant the applicant leave to appeal as sought with costs reserved.

As to the respondent's application for security for costs, in the circumstances that the respondent, Mr Adams, is the beneficiary of a substantial judgment and costs orders expected to generate a substantial financial return, militate against orders being made, so I would refuse that application, with again, costs reserved.

McPHERSON JA: I agree.

ATKINSON J: I agree.

THE CHIEF JUSTICE: Those are the orders.
