

**IN THE COURT OF APPEAL OF THE ISLAND OF GUERNSEY
ON APPEAL FROM THE ROYAL COURT**

CIVIL DIVISION APPEAL No. 556

14 April 2022

BEFORE:

George Bompas QC

Between:

SHERBORNE CORPORATE SERVICES LIMITED

(Seychelles company no.012277)

KENILWORTH CONSULTANTS INC

(Seychelles company no.012316)

Appellants

and

The Public Trustee

Respondent

The Appellant companies in person

Advocate S. Davies for the Respondent

Bompas JA (sitting as a single judge of the Court of Appeal)

1. At present there is an appeal, Appeal 556, listed for hearing in the next sitting of this Court starting on Monday 25 April 2022. This appeal has as appellants the two companies named above, namely a company incorporated in the Seychelles with the name “Sherborne Corporate Services Ltd” and another incorporated there with the name “Kenilworth Consultants Inc”. The sitting of this Court will be in Guernsey, the hearing of the appeals being conducted before the Court in person in the ordinary way.
2. Since early April 2022 there has been email communication with the Greffe, the Greffe receiving emails in the name of the two Appellant Companies from an email address “enquiries@imperialpensions.com”. The question discussed in the emails is whether the

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Appellant Companies, which are without any advocate on the record for them, may have representation at the hearing of the appeals by an individual or individuals addressing the Court remotely, either by video link or telephone.

3. On one of the days of the hearing before the Royal Court which led to the judgment now under appeal by the Appellant Companies Mr Roger Mewis, assisted by Mr Robert Hawkins addressed the Royal Court, speaking not only for himself (as a respondent to the application then before the Royal Court) but for others of the respondents, including the Appellant Companies.
4. On 9 April 2022 Mr Roger Mewis made a witness statement in which he explained that he was authorised to act for the Appellant Companies in relation to their appeals, his statement being in support of a request for himself assisted by Mr Robert Hawkins to be allowed to attend by remote connection the hearing of the Appellant Companies' appeal and to address the Court on the appeal. This attached two documents dated 9 April 2022 said to give Mr Mewis and Mr Hawkins authority for the Appellant Companies in relation to the appeal. The explanation given for the request for the attendance to be by remote connection rather than in person is that both Mr Mewis and Mr Hawkins are of an age and with health concerns which, in view of risks from Covid 19, make it inappropriate for them to travel from England, where they reside, to Guernsey to attend the hearing in person.
5. I have considered this request on the papers. This is my direction in response.
6. On behalf of the Public Trustee, the respondent to the Appellant Companies' appeal, Advocate Davies has objected to the Court allowing the request, and has drawn attention to the fact that it is difficult to discern the identity of the individual or individuals who acted for the Appellant Companies in authorising Mr Mewis and Mr Hawkins in the conduct of the Appellant Companies' appeal. Indeed, one of the documents attached to Mr Mewis' witness statement was from a company with the same name as the first of the Appellant Companies but incorporated in a different jurisdiction.
7. In response to Advocate Davies' objection an email was sent in the name of IXG Services Ltd, another respondent to the application before the Royal Court, attaching another version of the document with the name of the first of the Appellant Companies, again dated 9 April 2022 but this time on the correct letterhead of that company. The explanation given in the email for IXG Services Ltd sending the email rather than the Appellant Companies was that *"the Former Trustees ... were in a meeting"* so that IXG Services Ltd *"was asked to respond on their behalf"*.
8. Having regard to the fact that Mr Mewis and Mr Hawkins have attended by remote link and spoken at the hearing below, I accept that they should be allowed to attend the Appellant

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Companies' appeal by remote link and to address the Court on the appeal. While I see force in the point made by Advocate Davies, no objection has been taken to the way the present appeal has been started and conducted thus far. If Mr Mewis and Mr Hawkins were to attend the hearing in person, they would be allowed to address the Court. In my judgment they should in the present circumstances be allowed to attend remotely.

9. It is the responsibility of the Appellant Companies to arrange for their representation at the hearing of the appeal. They may of course do so with an appropriate individual attending the hearing in person for them. The absence of any individual or the failure of Mr Mewis and Mr Hawkins to establish remote connection with the link and phone details provided by the Court by email to the "enquiries@imperialpensions.com" address in advance of the hearing will not be a reason for the hearing to be adjourned.