

Sanne Trust Company Ltd

Jurisdiction:	Jersey
Judge:	Deputy Bailiff
Judgment Date:	26 February 2010
Neutral Citation:	[2010] JRC 46
Reported In:	[2010] JRC 46
Court:	Royal Court
Date:	26 February 2010

vLex Document Id: VLEX-792652825

Link: <https://justis.vlex.com/vid/sanne-trust-company-ltd-792652825>

Text

[2010] JRC 46

ROYAL COURT

(Samedi Division)

Before:

W. J. Bailhache, **Q. C.**, Deputy Bailiff, **and** Jurats Liddiard **and** Kerley.

In the Matter of the Representation of Sanne Trust Company Limited

Advocate E. M. Layzell **for the Representor.**

Mrs L. Allo **on behalf of the Viscount.**

Authorities

[European Convention on Human Rights.](#)

Trusts (Jersey) Law 1984.

Human Rights (Jersey) Law 2000.

Continental Trust Co Ltd v Deery [\[2010\] JRC 001](#).

Deputy Bailiff

THE

- 1 This is an application by Mr Matthew Chadwick, the trustee in bankruptcy of the late Abdul Fattah Sulaiman Khaled Al Bader, for Orders against the Jersey trust company Sanne Trust Limited and Sanne Nominees Limited seeking disclosure of information in relation to the ownership of the Westport Limited shares and other disclosure relevant to the acquisition of a property, 140 Berkeley Court in London by Westport Limited.
- 2 The basis of the application by the trustee in bankruptcy is that although the shares in Westport Limited are apparently held by Miss Nouriya Al Mutawa, there are reasonable grounds for suspecting that in fact, Miss Nouriya Al Mutawa holds the underlying asset for the bankrupt's estate, and that is indeed the basis upon which the trustee in bankruptcy seeks disclosure from Sanne Trust Company Limited and Sanne Nominees Limited in relation to the private affairs, ostensibly, of Miss Nouriya Al Mutawa. I mention that because the Court, as a public authority under the Human Rights (Jersey) Law 2000, is required to have regard to the Convention rights of all those who might be affected by the orders which it makes and therefore we have had regard to the rights which Miss Nouriya Al Mutawa might claim under Article 8 of the [European Convention on Human Rights](#) and, to the extent they apply, under Article 1 of the First Protocol. In the Courts view it is proportionate to interfere with those rights and the reasons for that interference are essentially these:-
 - (i) First of all there does appear to be a similarity between the arrangements in relation to the ownership of 104 Berkeley Court and the arrangements with regard to the property 80 Viceroy Court which was previously occupied by the deceased bankrupt;
 - (ii) Secondly, the fact that the deceased bankrupt was living in 104 Berkeley Court, owned by Westport for, it appears, six years;
 - (iii) Thirdly, there is a coincidence in timing between the bankrupt's departure from the previous residence in September 2003 into the new residence and the acquisition of the residence by Westport in or about July 2003; and
 - (iv) Fourthly, it appears to the Court that there has been a relatively long delay in providing essentially the straight-forward disclosures which have been provided voluntarily so far.

- 3 However, we also have taken into account that Miss Nouriya is not a party to this application and in the Court's view, we think it is right to extend the period during which this disclosure now sought should be made by Sanne to 21 days from the 14 days which has been considered in correspondence between Sanne's lawyers and the trustee's lawyers and we also wish to direct Advocate Layzell that the trustee and bankruptcy should notify Miss Nouriya at her last known address of the Orders which have been made. I take it from that that the last known address will be the address in Kuwait which is referred to in the declarations of trust 2003, but in addition the trustee should notify Miss Nouriya care of Sanne Trust Company Limited, who will be able to forward that to a more recent address if they have one for her, and to her advocate in Jersey.
- 4 I have said briefly that I have noted that the application which has been made does not extend to a request to see any of the private documents which Sanne Trust Company Limited may have put before the Court under an application under Article 49 of the Trusts (Jersey) Law 1984 and I was referred briefly to *Continental Trust Co Ltd v Deery* [2010] JRC 001 in that respect. It is because the application does not extend to those private documents of the trustee put before the Court that the Court feels able to make this Order today. It may well be that some of the documents which are the subject of the disclosure order today, were also provided to the Court in the private trust application but that does not make them documents which themselves have a privacy conferred upon them and it is right that the documents which are now sought to be disclosed should indeed be provided to the trustee and bankruptcy, in order that he can ascertain whether the shares in Westport and all the underlying asset are part of the assets of the Deceased bankrupt.
- 5 So subject to those qualifications, we make the Orders requested under the Representation.
- 6 If the application should be made by Miss Nouriya pursuant to the liberty to apply which is going to be contained in the Order, then the Court may well wish to hear from the trustee about his options to obtain assistance from the courts in Kuwait or wherever Miss Nouriya happens to be resident at the present time. We might also want to know a little bit more about the trustees' investigations in London in relation to the management agreement and so on in relation to that flat.