

Law Report Q1 | 2025

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This report highlights key proposals introduced in the States Assembly, legislation that has been recently passed, and important decisions made by courts and tribunals in Q1 2025.

The law reports from 2024 can be found [here](#).



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Propositions lodged in the States Assembly

None of interest

Legislations enacted

None of interest

Royal Court Judgements of Interest

Minister for Sustainable Economic Development V Bretagne Angleterre Irland SA [2025] JCA 036

Keywords: Judicial Review; Public Procurement; Bias; Procedural Unfairness

This case involved a judicial review of the Minister's decisions regarding ferry service contracts, with key issues including allegations of procedural unfairness and apparent bias. The outcome of the case was that the appeals by DFDS and the Minister were allowed, while Brittany Ferries' application for judicial review was dismissed due to lack of promptness and insufficient grounds. This case highlights important considerations in public administration and the impact on third-party interests.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#). The earlier judgments in this case can be accessed [here](#) and [here](#).



Burmingham v Le Hegarat [2025] JRC 012

Keywords: Immovable Property; Proprietary Estoppel; Action en licitation; Joint Ownership; Unjust enrichment

This case involved a family dispute regarding the inheritance of a farmstead, La Presse, following the deaths of the parents. The case centred on a claim made by one of the siblings, Edward, who asserted that he had been promised sole inheritance of the property, a claim that directly contradicted the parents' original will, which divided the property equally among all four children. The Court ultimately rejected Edward's claim of a promise to inherit the entire property. Instead, it ordered that the property be sold at public auction. The sale is scheduled to occur within 9 to 10 months after the judgment, with the proceeds divided equally among the four siblings, each retaining their co-ownership shares.

In reaching its decision, the Court applied the customary law principle of *nul n'est tenu de rester dans l'indivision* (no one is obliged to remain in undivided ownership) and examined the extent to which proprietary estoppel forms part of the law of Jersey, while also considering the potential for unjust enrichment in the context of the siblings' claims.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).



Hellard and Richardson v Bois Bois and another [2025] JRC 003

Keywords: Redaction; Open Justice; Privacy

In this case, an individual (the Individual) applied to join proceedings to seek the redaction of a judgment published in 2020 (the 2020 Judgment) to protect the Individual's identity and reputation. The 2020 Judgment involved the liquidation of three companies linked to the Maluf family, who were implicated in fraud. The Individual requested either redaction or a disclaimer stating that they were not notified of the proceedings and that the 2020 Judgment did not contain conclusive findings against the Individual. The Individual argued that the 2020 Judgment had adversely affected their professional and personal life, including a failed business sale.

The Royal Court analysed whether it was just and convenient to join the Individual to the proceedings, considering the time elapsed since the 2020 Judgment. It ultimately, declined to join the Individual to the proceedings, citing the conclusion of the original case in 2020 and the delay in the Individual's application. The court emphasised that no adverse findings were made against the Individual in the 2020 Judgment; it merely recited allegations made by the liquidators.

The court discussed the principles of open justice and the necessity of holding proceedings in public, concluding that the application did not meet the threshold for being heard in private or for redacting the judgment. The court found that the evidence provided by the Individual did not justify the relief sought but offered to add a link to this judgment to the current published version of the 2020 Judgment, clarifying that no findings were made against the Individual in the 2020 judgment.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

Re Representation of C re P Trust [2024] JRC 299

Keywords: Hearings in Private; Confidentiality Orders; Trusts; Removal of a Trustee

In this case, the Royal Court addressed several key issues regarding the administration and confidentiality of the P Trust. The Representor sought the removal of Fenlight Trustees Limited as trustee, citing a breakdown in relationships and alleged breaches of trust. The court refused to hold the proceedings in public and maintained the confidentiality club established in 2021. The judgment also allowed for the filing of evidence in reply by F, the son of the Representor. Key issues included the appointment of beneficiaries, the administration of the trust, and the relationships between the parties involved.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).



In the matter of Restore Builders Limited En Désastre [2024] JRC 290

Keywords: Wrongful trading; director disqualification; insolvency; bankruptcy; désastre

The Royal Court of Jersey held that Thomas McLaughlin (Mr McLaughlin), the sole director of Restore Builders Limited (the Company), was personally liable for the Company's debts due to wrongful trading. This landmark decision marks the first instance where the Royal Court has made such a ruling. Mr McLaughlin was subsequently disqualified from acting as a director for ten years due to his failure to cooperate with the Viscount and his reckless management of the Company, which led to its insolvency.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).



Augres Construction Supplies Limited v Legendre Contractors Limited [2025] JRC054

Keywords: Construction Contract; Adjudication; Summary Judgment

In this case, the Royal Court granted summary judgment in favour of the plaintiff for the sum of £179,177.02. The case involved a dispute over unpaid invoices and the enforcement of an adjudicator's decision. The court found that the adjudicator's decision was valid and enforceable, despite the defendant's objections regarding jurisdiction and the application of English law.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

Employment Tribunal Judgements of Interest

Adwar v The Merton Hotel and others [2024] TRE 185

Keywords: Unfair Dismissal; Race Discrimination; Secondary employment; Misconduct

In this the Employment and Discrimination Tribunal ruled that the claimant's dismissal was neither automatically unfair nor unfair, and that he was not subjected to race discrimination. The claimant, a Kenyan national, alleged that he was unfairly dismissed and discriminated against due to his race during the disciplinary process. The respondents accepted that the claimant was an employee but denied any discrimination.

The tribunal found that the claimant had undertaken secondary employment without permission, which was against the company's policy and his contract terms. Despite the claimant's argument that he was unaware of the need for permission, the tribunal concluded that the policy was frequently communicated to staff. The claimant's dishonesty during the investigation further justified the dismissal.

The tribunal also considered the claimant's comparison to another employee who had undertaken secondary employment but was not disciplined. It found that the comparator was not appropriate as she had ceased secondary employment after an amnesty in 2022. The tribunal determined that the claimant's dismissal was based on misconduct and was within the range of reasonable responses by the employer.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

Gerald Williams v HSBC Bank Plc [2023] TRE 90A

Keywords: Constructive Unfair Dismissal; Performance

The Claimant brought claims against the Respondent for constructive unfair dismissal and unpaid wages. The Claimant alleged that the Respondent had misdescribed their job functions and failed to provide adequate support, leading to their resignation. The Tribunal dismissed both claims, finding that the Respondent had acted reasonably and provided sufficient support.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).



C v Chief Officer States of Jersey Police [2024] TRE 82

Keywords: Direct discrimination; Indirect discrimination

In this case, the Employment and Discrimination Tribunal ruled that the claims of direct and indirect disability discrimination brought on behalf of a 10-year-old child (C) against the States of Jersey Police were not upheld. The tribunal found that the police's handling of an incident involving C and another child (X) was appropriate and proportionate, given the circumstances and the Attorney General's direction on prosecuting children.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

Kolut v Parish of St Helier [2024] TRE 198

Keywords: Constructive Unfair Dismissal; Sickness absence; Elective surgery; Mutual trust and confidence

In this case, the Employment and Discrimination Tribunal dismissed the claimant's claim for constructive unfair dismissal. The claimant, a Day Care Assistant at a care home, alleged that she resigned due to the respondent's conduct, which she claimed amounted to constructive dismissal. The tribunal found that the respondent's actions did not constitute a fundamental breach of contract, and that the claimant's resignation was not justified.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

C v R [2024] TRE 145

Keywords: Disability Discrimination; Childcare

In this case, the Employment and Discrimination Tribunal found that the respondent, a nursery, discriminated against the claimant, a child with epilepsy, by not allowing the child to continue attending the nursery. The tribunal determined that the nursery's decision was not a proportionate means of achieving a legitimate aim and that the nursery failed to make reasonable adjustments to accommodate the child's disability.

A copy of the judgment can be accessed [here](#) and a copy of our analysis of the judgment can be accessed [here](#).

