

JUDGES WHAT DO THEY SAY?

"It seems to me that there is no justification for a butcher using bakers' tray, and the sooner they acknowledge that the better."

His Honour Judge Cockcroft
Halifax County Court

"It is all a bit disingenuous it seems to me. Clearly, bakers' trays are for transporting bread and confectionary. Butchers must make other provision for themselves." "You seem to be getting deeper and deeper into litigation rather than making a clear division between what is appropriate for a baker and what is appropriate for a butcher."



"Anyone who without authority takes possession of another's goods with the intention of asserting some right of dominion over them is prima facie guilty of a conversion. In other words, anyone who deals with goods in a manner inconsistent with the right of the true owner is guilty of conversion... the fact that the defendant does not use what he keeps should be irrelevant."

His Honour Judge Slim
Halifax County Court

District Judge Russell
Ipswich County Court

"I find that there is a need, there is a need for an injunction to ensure compliance, and I make this decision because of the cumulative effect of other occasions in which the claimant has had to take action against the defendant."

"I fully understand why there should be proper cleaning of these trays when they are recovered, because the claimant consortium does not in fact know to what precise use the trays have put or exactly what they have contained. This is a food industry. Good hygiene regulations apply and all the rest of it, so they must clean them, clearly and properly as well."

District Judge Darbyshire

"I am going to award punitive damages... and I am going to mark the displeasure of the court at having its own order breached, (this is a matter between the Court and the Defendant), by a fine. Had there been a more persistent breach and failure to immediately admit the matter, I would be looking at a much more severe penalty."

His Honour Judge Million
Willesden County Court

"I am not only satisfied on the balance of probabilities on each of these issues but beyond reasonable doubt that the defendant company is in breach of the injunction order. The Claimant seems to me to have a sensible scale of escalation where there is misuse of the trays; a Notice to Desist is given and warnings given before Court proceedings are commenced. In this case all of those have been ignored. Even after an injunction has been granted the defendant company persists in using trays, it well knows it should not use".

District Judge Smith
Dartford County Court

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“I am satisfied that Bakers Basco was acting as agents for its constituent members and had full authority to bring these proceedings on its behalf”. “Trays that may have contained fish or meat or some other foodstuff is capable of contaminating the basket. That is a very real danger and it is one which Bakers Basco Limited was formed in order to avoid.” “It is essential from the bakery point of view for hygiene purposes that the crates are not to be used for any other product.” “It does seem to me that there is a degree of persistence here which is sufficient to justify an injunction being made.”

Mr. Recorder Philips
Bradford County Court

“In short the Claimants have come here to establish, as a matter, of law, that those who retain and convert their trays for the purpose of their own businesses will have not only to bear the costs of their recovery but the costs of their being cleaned by the Claimants, and the Claimant’s appeal has been successful.”

His Honour Judge Wilson Mellor Q.C.
Coventry County Court

“I take the view that if there were any number which had been gathering at the defendant’s premises, they were obliged..... to inform the claimant’s or their representatives..... so that they might be removed.” “What is perfectly plain is that for the defendants to use the trays in the course of their own business was indeed an improper use of property of the claimants’ and is conversion”.



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