

@import url(../../../../css/generic.css); EUR-Lex - 61994J0004 - EL

Avis juridique important

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61994J0004

????????? ??? ??????????? (?????? ?????) ??? 6?? ??????? 1995. - BLP GROUP PLC ????
COMMISSIONERS OF CUSTOMS & EXCISE. - ?????? ??? ?? ?????? ??????????????
?????????: HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION - ?????? ??????. -
????? ?????????????? ????? - ??????? ??? ?????? 2 ??? ?????? 67/227/??? ??? ???
????? 17, ??????? 2, ??? ?????? 77/388/??? - ??????? ??? ?????? ?????? ??? ??????
? ??????? ??? ?????? ?????????????? ??? ??? ?????? ??????. - ?????? C-4/94.

????????? ??? ?????????? ??? ?????????? 1995 ?????? I-00983

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?????? ????? ?????????????? ????? * ??????? ??? ????? ?????? * ?????????????? ?????
????????????? ??? ?????????????? ?????? * ??? ????? ??????
(????????? ??? ?????????? 67/227, ??? 2, ??? 77/388, ??? 17)

?????????

?? ?????? 2 ??? ?????? ??????? (67/227) ??? ?? ????? 17 ??? ????? ??????? (77/388) ???
????????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ???, ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????
?????, ??? ?? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
????, ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
??????, ? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ??????
????? ??? ?? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????????? ??? ??????. ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????
????????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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???? ?????? C-4/94,

??? ??? ?? ?????????? ??? High Court of Justice, Queen's Bench Division (???????)
?????????), ??? ?? ??????????, ???' ??????? ??? ?????? 177 ??? ??????? ?, ?? ???
????? ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ????????
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BLP Group plc

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Commissioners of Customs & Excise,

? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? 2 ??? ??????
67/227/??? ?? ????????, ??? 11?? ?????? 1967, ?????? ?????? ??? ?????? ??????????
??? ?????????? ??? ?????? ???, ??? ?????? ?? ??? ?????? ?????? ?????? ?????? (?? ???.
???. 09/001, ?. 3), ??? ?? ????? 17, ?????? 2, ??? ?????? 77/388/?? ??
?????????, ??? 17?? ????? 1977, ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ???, ??? ?????? ?? ??? ?????? ?????? ?????? * ?????? ?????? ???
????????? ????: ?????????? ?????? ??? (?? ????. 09/001, ?. 49),

?? ?????????? (?????? ????),

????????? ??? ??? C. Gulmann, ?????? ???????, J. C. Moitinho de Almeida (???????)
?? D. A. O. Edward, ???????,

?????? ??????: C. O. Lenz

?????????: L. Hewlett, ??????? ????????,

????????? ??? ?????? ??? ?????? ??????????? ??? ??????????:

* ? *BLP Group plc*, ?????????? ??? David Milne, QC, ?????????? ???' ?????? ???
Tony Woodgate ??? Stephen Coleclough, solicitors,

* ? ??????? ??? ??????? ???????, ?????????? ??? John E. Collins, Assistant
Treasury Solicitor, ?????????? ??? K. P. E. Lasok, barrister,

* ? ?????????? ??????????, ?????????????? ??? ?? ?????? ?????????? ??????????????, ??????? ??
?????? ?????????? ??? ??????, ??? ?? ?????? ?????? ??????????, ??????? ?????????? ?????????? ??
?????? ?????????? ??? ??????,

* ? ?????????? ??? ?????????? ??????????, ?????????????? ??? ?? Thomas Cusack, ??????
???????, ??? ?? Enrico Traversa, ????? ?? ?????? ??????????,

?????? ?????? ??? ?????? ????????????,

????? ?????? ??? ?????????? ?????????????? ??? ??????????????, ??? ?????????????? ??
????????? ??????????, ??? ?????????? ?????????????? ??? ?? ??????????, ??? ?? ??????????
??? 8?? ?????????? 1994,

????? ?????? ??? ?????? ????????????, ??? ?????????? ??? ?????????? ??? ?? ??????? ?? ??????????
??? 26?? ?????????? 1995,

?????? ??? ????????

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1 ?? ??????? ??? 14?? ?????????? 1993, ? ?????? ??????? ??? ?????????? ??? ?????????? ???
????????? 1994, ?? High Court of Justice, Queen's Bench Division, ???????, ???' ??????????
?? ?????? 177 ?? ??????? ?, ??? ?????????????? ?????????? ?? ?????? ??? ??????? ??
?????? 2 ?? ?????? 67/227/??? ??? ??????????, ??? 11?? ?????????? 1967, ?????? ??????
????? ?????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? (?? ??. ???. 09/001, ?. 3, ??? ????: ?????? ?????), ??? ??? ?????? 17, ??????????
2, ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ?????? 1977, ?????? ?????? ???
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? * ??? ?????? ?????? ?????? ?????????????? ????: ?????????? ?????????? ??? (??
???. ???. 09/001, ?. 49, ??? ????: ??? ?????).

2 ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??????? ??? ?????????? BLP
Group plc (???. ???: BLP) ??? ?? Commissioners of Customs & Excise (???. ??????? ??????
?????, ??? ???: Commissioners).

3 ? BLP ?????? ??????? ??????????????, ? ?????? ?????? ??? ?????????? ??? ?? ??? ?????? ??????
????????? ??????? ??? ??????? ?????????? ?????????? ?????????????????? ?????? ??? ??????????
?????? ??? ??????? ??? ?????????? ?? 1989 ?????????? ?? ?????????? ?????? Berg
Mantelprofilwerk GmbH (???. ???: Berg). ??? ?????? 1991 ?? ?????????????? ??? BLP ??????,
???? ?? ?????????? ?????????? ?????????? ??? ?????????? ???, ?? 95 % ??
????????? ??????? ??? Berg. ?? ??? ??? ?????? ? ?????? ?????????????? ??? ??
????????? ??? ?????? ??? BLP.

4 ?? ?? ?????? ??? ?? ?????? ?????????? ??? ?????? ??? 30 ?????????? 1991 ? BLP
?????? ?? ?????? ??? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????????????? ?????????? ??? ?? ?????? ?????????, ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? Berg, ?????????? ?????????? ?????????? ??? ?????????? ?????????? ???
????????? ??? ???????.

5 ?? Commissioners ??? ??????? ??? ?? ??? ??????, ? ?????? ?????????? ?? 39 845 ????
????????? (UK), ?? ?? ??????? ??? ?? ??? ?????? ??? ?????? ??? ?????????? ??? Berg ??????????, ???

??? ?????? ??? ??????????? ??? ?????? ?????? ????????, ??????????????? ????.

6 ? BLP ?????????? ?????? ??? London Value Added Tax Tribunal ??? ?? ?????????? ????,
????????????? ??? 17 ??? 19 ??? ?????? ??????.

7 ??? ?? ??? 2, ?????????? 2, ??? ?????? ???????, "??" ??? ?????? ?????????? ? ????
????????????? ????, ?????????????? ??? ???? ?????? ??? ?????? ? ??? ?????????? ?? ???
????????? ??? ???? ??? ???? ?????? ?????? ?????? ???????, ????? ?????????? ???'
????????? ??? ?????? ??? ?????? ?????????????? ?????? ? ?????? ?????????? ?????? ?? ????
??? ?????????? ?????????? ?? ?????? ?????????? ??? ????"

8 ?? ??? ?? ?? ??????? ?????????? ?? ?????? 17 ??? ?????? ??????? ?????? ?? ????:

"(...)

2. ??? ?? ?????? ??? ?? ?????? ?? ?????? ?? ?????????? ?????????????????? ??? ?? ??? ?????????????? ??
??? ?????????????? ???, ? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ????:

?) ??? ?????????? ? ?????????????? ??? ?????????????? ?????? ??? ?????? ??? ?? ???
????????? ? ?????????? ?? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ? ?????????? ?? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?? ???

(...)

5. '????? ?????? ?? ?????? ??? ??? ?????????? ??? ?????????????????? ??? ?????????????? ???
????? ??? ?? ?????????? ?????????????? ??? ?????? ?????? ?????????????? ??? ?????????????? 2
??? 3, ?? ?????? ?????????? ?????????? ??? ???????, ??? ??? ?????? ??? ?????? ?? ??? ?????? ???
????????? ?????? ??? ???????, ? ?????? ?????? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????
????????????? ????, ?? ?????? ??????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?? ???
????? ??????????.

(...)".

9 ?? ?? ?????? 19 ?????? ??? ?????????? ??? ?????? ?? ?????? 17, ?????????? 5, ?????????? ???
?????????. ? ?????? ??? ?????? ?? ????:

"1. ? ?????????? ?????????? ??? ?????????? ??? ?????? 17, ?????????? 5, ?????? ??????,
????????? ??? ?? ?????? ??? ??????????:

* ????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ???????, ??? ??????
????????????? ????, ??? ?????????? ??? ?????? ?????? ?? ?????? ?????????? ?????? ????,
??????, ?????? ?? ?? ?????? 17, ?????????? 2 ??? 3,

* ????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ???????, ??? ??????
????????????? ????, ??? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ?????? ????,
????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? (...)

2. ????? ?????????? ??? ?????????? 1, ??? ?????????? ?????? ??? ?????? ?????????? ???
????????? ?????????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? (...) ?? ??????????
????? ??? ?????? ??? ?????????? (...)"

10 ?????????? ??? ???????????? ??? ?????????? ??? ?? ?????????????? ????????????, ? BLP ??????
????? ??????? ??? Queen' s Bench Division ??? High Court of Justice. ??? ?? ??????? ???
????????????? ??? ?? ?????????? ?????????????? ?????????? ??? ?????????? ? BLP ??????????
??? Court of Appeal, ?? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? High Court .

"1) ?????????????? ??? ???? ?????? 2 ??? ?????? ??????? ??? ??? ?????? 17 ??? ?????
???????, ??? ???? ?????? ??? ?????? ?????? ?????? ?????? (?) ?????? ?????????? ??
????? ?????????? ??? (?) , ??? ?????? ??? ?????? ?????????????? ??? ???
????????????? ?????????????? ??? ??? ??? ?????? (????? ?????????? ??????) ???
????????? '????????? ?????????????? ?????! ??? ??? ?? ?????? ??? ?? ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?, ?????????? ?? ?? ???
????????? ??? ?????? ??;

?) ?????????? ??? ?????????????????? ??? ??? ?????????????? ?????????????? ?????? ???
? ?????? ??? ??? ?????? ??? ??????

?) ?????????? ??? ?????????????????? ??? ??? ?????????????? ?????????????????? ?????????
(????????????? ??? ??? ?????? ?????????????? ??? ?, ??? ?????? ? ?????? ??????????????
?????????) ??? ? ?????? ??? ??? ?????? ?????????? ??????????

?) ?????????? ??? ?????????????????? ??? ?????????????? ??? ??? ?????????????? ?????, ??? ? ?????? ? ?????????? ??? ?????? ?? ??????? 17, ?????????? 5, ??? ?????? ??????;

2) ??? ???????? ??? ??????? 1 ?????? ??? ?????? ? ?????????? ?' ??? ?? ???? ?????? ???,
????????? ??? ???????? ??? ??? ?????? ?? ?????? 17, ?????????? 5, ??? ?????? ??????
???? ???????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????? 17, ?????????? 5, ?????? ?',
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??????, ??? ?????? ??
????? 19 ??? ?????? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????;

3) ??? ??????? ?? ???? 2 ??? ???? 19 ??? ?????? ??? ?? ?????? ??? ???? ?????????? ??? ?????? ??? ???? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? , ?????????? ? ?????????? 2 ??? ?????? 19 ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ???? ?? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 19, ?????????? 1, ? ?????? ?????? ?????? ??? ?????? ?? '????????? ?????????? ?????? ;"

???? ???? ??????? ?????????????

12 ?????? ??? ??????????? ???. ?????? ??????, ?? ?????? 17, ?????????? 2, ???????? ?', ???
????? ??????? ?????? ?? ??????????? ??????, ???? ?? ??????? ?? ?????? ?????????? ???
? ??? ?? ??????? ?? ??? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????????? ??
????????? ?? ?????? ?????? ?? ?????? ?? ?????? ?????????????? ?????? ?? ?????? ??
????, ???? ?? ?? ??? ?????? ?? ?? ?????????????? ?? ?????? ?? ?????? ?????????? ??
????????? ?? ?????????????? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????????? ?? ?????? ?? ?????? ?? ?????? ??
Berg ?????????????? ?? ??? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??? ??
????????? ?? ??? ?????? BLP, ?? ?????? ?????????? ?? ?????? ?? ?????????????? ??
????????????? ?? ?????? ??.

13 ?????? ??? BLP, ?? ? ??????? ?? ???? ?? ?????? 17, ??????????? 2, ?????? ??? ?? ????
?????????? ? ??????????? ?? ???? ?? ???? ? ?????? ? ?????????? ?? ???? ?????? ?????? ?????? ??????

? ?????????????? ???????, ????? ?? ?????????? ????? ?? ????? ?????? ??? ?????????? ??? ?????????? ???, ?? ?????????? ??????? ?? ?????????? ?????? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ??.

14 ??????? ? BLP ?????????? ??? ?? ?????? ?????? ?????? ?? ?????????? ?????? ??? ?????????? ?????? (?????????)
????????? ?? ? ?? ?????? ?????????? ?? ?????? ?? ?????????? ?????? ?????????????? ?????????????? ?????? ??
??? ?? ??? ?????????? ?? ??? ?????? ?????????? ?? ??? ?????????? ?????? ?????? ?????????? ?? ?????? ???
??? ?? ??? ?????????? ?????????? ?? ??? ?????????? ?????? ?????? ?????????? ?????? ?????????? ??? ??????
??????.

15 ? BLP ??????? ??????? ??, ?? ??? ??????, ??????????? ?? ?????????????? ?? ?????????????? ???
?????? ?????????? ??, ?? ??? ??????, ?????????? ??????, ? ??? ?? ???? ?????????? ???
????????? ???????, ?? ?????? ?? ??? ?????????? ?? ?????? ?? ?????? ??? ?????? ?????? ???, ??
????????? ?? ??????? ??????. ? ??? ?? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?? ???
????????? ?? ?????????? ?????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ??????.

16 ??????, ? BLP ?????????? ??? ?? ?????? ?????? ?????????? ?????????????? ??? ??
????????????? ??? ?? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????????? ?????????? ???, ??
????????? ?? ?????????? ??????, ?? ?????? ?????????? ?????????? ?????? ??? ?????????? ?????? ???
??? ?????? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????????? ?????? ???, ???
????????, ?????? ?? ?????????? ?? ?????? 19 ??? ?????? ??????, ?? ?????? ?????? ???
????????? ??? ?????????? ??? ?????????? ?????? ??????, ???, ?????? ?? ??? ?????????? ???
2 ??? ?????? ??????, ??? ?????? ?? ?????? ?????? ??? ?? ?????? ?????????? ??? ?????????? ???
??? ?????????? 1 ? ?????????? ??????, ? ??? ?????? ?????? ?????????? ??????.

17 ? ?????????????? ??? ?? ?????? ?? ?????? ???.

18 ??????? ?????????? ?? ?????????? ??? ? ?????????? 2 ??? ?????? 17 ??? ?????
?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? 5 ??? ?????? ??????.

19 ? ?????????????? ?????????? 5 ?????????? ?? ?????? ?????? ??? ?????? ?????? ???, ??? ???? ????
????? ?????? ? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? "??? ????
????????? ?????????????? ??? ?????? ?????? ?????????? ?????? ?????????? 2 ??? 3, ??
????? ?????????? ?????????? ??? ??????, ??? ??? ?????? ?? ?????? ??? ?????? ??? ??????????
????????? ??? ??????". ?? ?????? ??? ??? ?????? ??? ?????????? ?????? ?????????????? ? ?????? "???"
?? ?????????????? " ?????????? ???, ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? 2, ?? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ???
????? ??? ?????????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????.

20 ? ??????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????? ??? ?? ?????? 2 ??? ?????
?????? ??? ?????? ??? ?? ?????? 17, ?????????? 3, ?????? ?!, ??? ?????? ??????.

21 '????? ?????? ?? ?????? 2 ??? ?????? ??????, ?????????? ? ?????? ?????? ??? ?????? ??? ?????? ???
????? ? ?????? ?????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
??? ???.

22 ?? ?? ?????? 17, ?????????? 3, ?????? ?!, ?????????? ?? ???:

"?????? ?? ?????? ??? ??????????? ?? ??? ?????????????? ??? ?? ?????? ?? ?????????????? ???????, ??? ??????????? 2, ??????? ? ?????????? ??? ????? ?????????????? ?????, ??? ?? ????? ?? ?? ?? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????????? ??? ?? ??? ??????????????:

(...)

?) ??????? ??? ?? ?????????????? ??? ?? ?????? 13, ??? ?, ?????????????? ?' ??? ?,
????????????? 1 ??? 5, ??? ? ?????? ??? ????? ?????????????? ??? ?? ?????? ??? ?????????????? ?
???? ?? ??????? ??? ????? ?????????? ??? ?? ????? ?????????????? ?? ?????? ??? ?????????? ?? ???
????? ??? ??????????."

23 ??? ?? ??????? ??? ????? ?????????? ??? ?? ????' ?????????? ??? ? ?????? ?????????? ??????????
???? ??????? ??? ?? ?????? ?? ?????? ? ?????? ?????????? ??? ?????????????? ??? ?????????????? ???
????????????? ??? ?????.

24 ???????, ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ? BLP, ?? ???????????
????? ?? ??????, ??? ?? ??????, ??? ?? ???????, ??? ?? ?????????, ?????????????? ??? ??????
????????????? ??? ??????, ?? ?????????? ?????????? ?? ?????? ?? ?????????? ??? ??????????
??? ?????????? ??? ??????. ? ?????????? ??? ?? ????? ?????????? ??? ?? ?????? ??? ??????
????????? ??? ???, ?????? ??? ?????????? ?????????? ?????????? ??? ?? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ??? ?? ?????????? ???, ???
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???.

25 ????? ?????????????? ??? ?? ?????????? ??? ?????? ?????????? ?? ?????????????? ??????????
????? ?? ??? ?? ?????? ?? ?????????? ?? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????????? ??
????????? ??? ?????????? ?? ?????? ?? ?????????? ??? ?? ?????? ?? ?????? ?? ??????????????
????????? ??? ?????????? ?? ?????? ?? ?????????? ??? ?? ?????? ?? BLP ?? ?????????? ?? ??????
????????? ??? ?????? ?? ?????????????? ??? ?? ?????? ??? ?????? ?? ?????? ?? ?????????? ??
????????? ??? ??? ??? ??? ?????????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????????? ??? ??
????? ????. ??????????, ??? ?? ?????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???,
?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ?? ??????????
????? ??? ??? ??? ?????????????? ??? ?????? ??? ?????????? ???.

26 ?????? ?????? ?? ?????? ??? ?????????? ??? ? ?????? ??? ?????? ?????????? ? ??????????????
?????? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ?? ?????????? ??
??? ?????? ??????????, ?.?. ?? ?????????? ?????????? ??? ?????? ?????????? ?? ?????????? ??
??? ????. ? ??? ??? ?????????? ??? ?? ??? ???, ??? ?? ?????????? ??? ?????????? ??
??? ?????? ??? ?????? ??? ?????????? ? BLP. ?? ?????? ?????? ??? ?????????? ??? ??????????
????????????? ?? ??? ?? ?????????? ?????????? ??? ?? ?????????? ??? ?????????????? ??????????????
????????? ??? ?? ??? ?????? ??? ?????????? ???, ??? ?? ?????????? ??? ?? ??? ?? ??? ??
?? ?????????????? ??? ?????? ?????????? ??? ?? (??., ?????? ???, ??? ?????? ??? 14??
????????? 1985, 268/83, Rompelman, 1985, ?. 655, 19).

27 '????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 19 ???
????? ??????, ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??
????????? ?????????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?? ?????? ????. ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

28 ??? ???????, ??? ?????? ?????? ??? ?????? ?? ?????? ? ?????? ??? ?? ?????? 2 ???
????? ?????? ??? ?? ?????? 17 ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ???
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29 ??????? ??? ??????? ?????????? ??? ?????? ???????, ??? ?????????? ?? ?????? ???????
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30 ?? ????? ??? ????? ??????????? ? ??????? ??????????, ? ?????????? ??? ???????
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??? ??????????, ??? ??????????. ?????????? ??? ?????????? ?????????? ??? ?? ??? ???
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High Court of Justice, Queen's Bench Division, ??????????:

T? ??? 2 ??? ?????? 67/227/??? ??? ??????????, ??? 11?? ?????? 1967, ??????
?????? ??? ?????????? ??? ?????????? ??? ???????, ??? ?????? ??? ??????? ?? ???
????? ?????? ???????, ??? ?? ??? 17 ??? ?????? 77/388/??? ??? ??????????, ??? 17??
????? 1977, ????? ?????? ??? ?????????????? ??? ?????????? ??? ??????? ?????, ???
????????? ?? ??? ?????? ?????? ?????? * ????? ?????? ?????? ????? ?????????????? ????:
????????? ?????????? ???, ????? ??? ?????? ???, ??? ??? ?????????? ???
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