

@import url(../../css/generic.css); EUR-Lex - 62000C0235 - EL

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

/

## 62000C0235

????????? ??? ?????? ?????????? Ruiz-Jarabo Colomer ??? 12?? ?????? 2001. -  
Commissioners of Customs & Excise ??? CSC Financial Services Ltd. - ?????? ??? ?? ??????  
????????????? ??????????: High Court of Justice (England & Wales), Queen's Bench Division  
(Crown Office) - ?????? ??????. - ??? ?????? ??? - ?????? 13, B, ??????? ??,  
????o 5 - ?????????????? ?????? - ?????? ??? ?????? ?????? - ?????????????? -  
????? ?????? ?????? ? call center. - ?????? C-235/00.

?????? ??? ?????????? ??? ?????????? 2001 ?????? I-10237

### ????????? ??? ?????? ??????????

1. ?? ?????? ?? High Court of Justice (England & Wales), Queen's Bench Division (Crown  
Office) (?????? ??????) - ??? ?: High Court -, ???????? ??? ?????????? ?????? ??  
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ? ???  
????? ??? ??? ?????? ?????????? ??? (?? ?: ??? ??????).

2. ? ?????? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????? ?? ?? ?? ?????????? ???  
????? ? CSC Financial Services Limited (?? ?: CSC) ?? ??? ??????????????????  
????????? ?????? ??? ?????? ?????? ?????? (?? ?: ??). ?? High Court ????,  
????? ????, ?? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??  
????? 13, B, ?????? ?, ??? 5, ??? ?????? ??????.

? - ?? ?????????? ??????????, ? ?????? ??? ?? ?????????? ??????

3. ? CSC ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?????? ?????????? ??  
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? «?????? ??????».

4. ? ?????? ?????? ??? ?????? ?????????? ? ??????: ??? ?????? ?????????? ?????????? ??? ??  
????????????? ???, ?????? ??? ?????? ?????? ?????? ??? CSC ? ???, ???  
????????????? ???, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ???, ?????? ??? ?? ?????? ?????? ?????? ???  
????? ??? ??????. ?????? ??? ?????? ???, ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?? «????? ??????».

5. ? CSC ?????? ??? Sun Alliance Group (?? ?: Sun Alliance) ?????????? ??? ?????? ???  
????? ?????????? ??? ?? ??? ?????????? ?????? ??? ?????? «Daisy  
personal equity plan» ? «PEP» (?? ?: Daisy), ??? ?????? ??? ?????? ?????? ???  
????? ??????.

6. ? Sun Alliance ?????????? ?????????? ??????? ?? ??? ?????? Daisy ??? ???  
?????? ?????????? ?????????? ??? ?????? ?????????? ??? «?????? ??????» ??? CSC.  
?? ?????? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?? ?????? ?????? ???'  
?????? ??? Sun Alliance . ??? ?? ?????????? ?????? ?????????? ?? ?????????? ?? ???  
??????, ? CSC ?????????? ??? ?????? ??? ?? ?????????? ??? ?????? ?? ?? ???  
????? ?????? ??????????, ?? ?? ?????? ?????? ?????????? ??? ?????????? ??? ?? ???  
????????????? ??? ?????? ??? ?? ??? ?????? ?????? ?????????? ?? ?????? ?????? ??????  
????. ? ??? ?????? ?????? ?????????? ??? ?? ??????????.

7. ?? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?? ?????? ???  
????????????? ??? ?? CSC, ??? ?? ??? ??????.

8. ? ?????? ??? ?? ?????? ??? CSC ?????? ??? Sun Alliance ??????????  
?? ????: ??? ???? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ???  
????? ??? ?? ?????? ??? ?????????? ??? ??????????.

9. ? CSC ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? 21 ?????? 1997 ??  
Commissioners of Customs and Excise (????????? ?????????? ???????, ??? ???:  
Commissioners), ?????? ??? ?????? ?? ?????????? ??? Sun Alliance ?????????? ???  
????????????? ??? ?? ?? VAT and Duties Tribunal, London, ?????? ?????? ??? ?????????? ???  
?? ?????? ??? 11?? ?????????? 1998, ?????????? ??? ? ?????? ??? ?????????? ?? ?????  
13, B, ?????? ?, \_, ?????? 5, ??? ?????? ?????? ?????????? ??? ?????? ??? ??????????  
???' ?????? ??? ?????? ??? ?????????? ? ??? ?????????? ??? ??????.

10. ?? Commissioners ?????? ??? ?????? ??? High Court, ?????????????? ??? ?? ???  
?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
?????. ? CSC ?????????? ??? ?? ?????? ??? ?????? ??? Sun Alliance ???  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? Daisy. ??? ??????, ???????,  
????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????? ??? ?????????????? ??? ??????.

11. ?? High Court, ?????? ?????????? ?? ??? ??? ?????? ??? ?????????? ??? ?? ??????????  
????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?? ??????  
?????????:

«?? ?????? ?? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? 13, ?, ???????  
?, ?????? 5, ??? ?????? ?????? 77/388/?? ?? ?????? ??? 17?? ??\_?? 1977, ???  
????????? ??? ?????????? ??? ?????? ???, ??? ?????? ?? ??? ?????? ??? ?????? ???  
????? - ??? ?????? ?????? ??? ?????? ?????????? ????: ?????????? ?????????? ???, ??  
????? ?? "?? ?????? ?? ?????? ?????? ??????"; ??????????,

1) ?????????? ? ??? "????? ?? ?????? ?????? ?????? ??????" ??? ?? ??? ?????? ?? ???  
????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?? ??? ?????????? ???  
????????? ?? ??? ?? ??? ?????;

2) ?????????? ? ??? "???????, ?????????????? ??? ?? ??????????????, ?? ???  
?????? ??????" ?? ??????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ??????  
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? (??? ??? ??????????), ??? ?  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????  
????? ??? ??????;»

?? - ? ?????????? ??????? ??? ?????? ?????????? ??????????

12. ? ?????? X ??? ??? ?????? ??? ?????? ?? ?????? ??? ??????????. ?? ??? 13 ??????????  
?? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ??????  
????????? ?????????????? ?????? ?????? (????? ?) ??? ?????? ??? ? ??????  
????????? ??? ?????? ?? ?????? ?????????? ??? ?????????? ??? ?????????????? ?????????? (?  
????????? ??? ?????? ?????????? ?????????? ??? ?????? ) ????? ??? ??? ?????? ??? ??????  
?? ?????? ??? ?????? ?????? ?????? ?????? (?? ?????? ?????????? ?? ?????? ?,  
????????? \_ ??? ??\_, ??? ?? ??????).

13. ? ?????? ??? ?????? ??? ?????? ?? High Court ??? ?? ?????????? ??????????  
?? ???:

«????????? ??? ?????????? ??? ????

[...]

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?? ??? ?????????? ??? ?????? ?????????? ??????????, ?? ??? ?????? ??? ??????????, ??? ??  
????????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????,  
????????????? ??? ?????????:

[...]

) ??? ?????????? ??????:

[...]

5. ??? ???????, ?????????????? ??? ??? ???????????????, ??? ?????? ??? ?????????? ???  
????????? ??? ??? ???????????, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????, ?????????? ??? ?????? ???????, ????????:

- ?????? ?????????????? ????????,

- ?????????? ? ?????? ?????????? ??? ?????? 5, ?????????? 3».

?? - ? ?????????? ??? ?????? ??? ??????????

14. ? ?????????? ??? ?????? ??????????, ? CSC ??? ? ?????? ?????????? ?????????? ??????????  
?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? 20 ??  
????????? ?? ??? ??????????.

15. ?? ??????? ?????????? ??? ??' ?????????? ?????? ??? 12?? ?????? 2001  
????????? ?? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ???.

IV - ??????? ??? ?????????????? ??????????

16. ?? ?????????? ?? High Court ??????? ?? «????????? ?? ?????? ??????? ???????» ?? ?????? ?? ???? ?????????? ??, ??????, ??????? ?????? ?? ?????????? ?? ?????????? ?? ??????? ?? ??????? ??, ??????, ?????????? ?? ?????? ?? CSC.

## 1. ?? ?????????? ??????????

17. ? ?????????? ??? ?? ?????? ?? ??????????? ?????? ???' ?????? ?? ?????????? ?????? ??  
??????? ??? ? ??????? ??????? ?????? ?? ?????? ?? ?? ??? ?????? ?? ??????????? ?????? ??  
?????? ?????????? ??? ?????????????????? ?? ?????????? ?????? ??? ?????????? ??? ??????  
?? ?????????? ??? . ? ??????? ?????? ??? ?????????? ???, ?? ??? ?????????? ???,  
?? ??????????, ??? ?? ?????????? ??????. ??????. ??????????, ??? ??????????????  
?? ?????????? ??????? ?? ?????? ?? ?????? ?????? ???????, ??? ?????????????? ???  
?????? ??? ?????? ???????.

18. ??? ?????? ?????? ?? ??????????? ??? ? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
High Court ??????? ?? ??? ????? ??????????? ??????????? ??????????? ??????????? ??????????? , ?? ???  
????????? ??? ????? ?????????????? ?????????????? ??????????. ?????????????? ?? ??????????,  
??? ??? ?????? ??? ??? ?????????????? , ?????????? ?????? ?????? ??? ?????????? .

19. ??????, ??? ?????? ?????? ? ?????? ??????????? ?????? ?????????? ?????????????? ??? ? ??????  
????? ?????????????????? ??????? ?? ???? ??? ?????? ?????????????? ?????????????? ?????? ??????? ??  
????????????????? ? ?????????????? ??? ??????? ?????????????? ??? ?? , ??? ?????? ?? ?????????? ???  
????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? ??? ??????  
????????? ??? ?????????????? ?????. ??? ??????????, ?????????????? ?? ?????????????? ??  
????????????? ?????????????? ??? ?????? ?????????????? ?? ?????????????? ?? ?????????? ??? ???? ?  
????????? ??? ?????????????? ?????????? ?? ???? ?? ?????? ???, ??????? ?? ?????? ??? ?????? ??? ??  
????????? ??? ?????????? ?? ?????? 13 ??? ?????? ?????? ?????????? ?????????? ?????????? ??????????  
?? ?????????? ??????.

2. ??????? ?? «????????? ?? ?????? ??????? ??????? ??????»

20. ??????? ?? ??????? ?????? ?????? ??????? ??????, ??? ??????????? ?? ?? ???????.

21. ?? ???? ?? ?????????? ???????, ???? ??? ???? ?????????? ?? ??? ???? ??????????  
????????????? ???? ?????????? ??? ???? ?????? ??? ???? ?????? ?????????? ?  
????????????? ???? SDC . ???? ?????????? ??? ???? ?????? ?????? ??? ?? «????????» ???  
????? ???? ?? ??? 13, B, ??????? ?\_, ??? ?????? ?????? ?????????? ?????????? ????  
?????????????.

22. ?? ?????????? ????. ?????????????? ?????? ?????????????? ????. ????. ????. ????. ????. ????.  
????? ? ?????? ?????????? ????. ?? ?????? ????. operari ????. ?????? «??????», «?????????»?  
? «??????».

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

24. ??????????????? ?? ?????????? ?????? ?????? ?????? ??? ?????????? ?? ??? ???? ??  
????????? , ???? ???? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ? ?????????? ??????????  
????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ? ?????????? ?????? ??????????????  
????? ?????? ??? ??? ?????? ??? ?????????? ?? ?????? 13, B, ?????? ?\_, ??? ????  
??????, ?????????? ??? ? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ??  
?????? ??? ?? ?????????? ??? ?????????? ?? ??????, ???? ??? ?????????? ??? ?? ??  
????????? ??????? ???, ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ??????????????  
????????? ???, ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ??????.  
????????? ??? ?? ?????? ?????????? ?????????? ?????? ?????? ? ?????? ?? ?????? ?? ?????? ??  
????????? ?????? ?????? .

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

26. ??????? ??????? ?? ?????????? ??? ?? ?????????? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????? ?? ???????  
????????? ?? ?????????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????????? ??  
????????? ?? ?????????????? ?? ?????? ?? ?????? ?? ?????????? ?????????????? ?? ?????? ?? ??????. ?? ??????????  
????, ?? ?????? ??????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????????? ?? ?????? ??, ?????? ??  
????????????? ?? ?????????? ?????? ??????, ?? ???? ?? ?????? ?????????? ?????? ?? ?????? ?? ??????????????  
?? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ??????????????  
????????? ?? ?????????????? ??????????????.

28. ?????????????? ????. ????? ?????????? ? CSC ????. ?????? ?????? ??? ??????????????  
????????????? ?? ?????? ??? ?????? SDC ?? ??? ?????? ??? ?????? ?????? ?????? ?????? . ???  
????????? ?? ?????? ???, ?????????????? ??? ?????????? ?????????????? ?????? ??  
????????? ??? ??? ????????, ?????? ?? ?????????? ??? ??? ??????????, ?????? ??? ???  
????????????? ???, ?????????? ??? ??????????????, ??? ??? ?????? ???, ?? ??????????  
??? ?????????? ??? Sun Alliance. ??? ?? ?????????? ??? ??? ?????????? ??? ?????? ??????  
?????????. ??? ?? ??????????, ?????????????? ?? ?????????????? ?? ??????, ??????????  
??? ?????????? ??? ?????? ??? ?????? ??????????, ?????????? ??? ?????? ?????????????? ??  
????????? ??? ?????? ??? ?????? ?????????? ??? ?? ??????????, ??? ?????? ?????? ???  
????????? ??? ?????? . ?????? ?????? ??? ?? ?????????? ??? ?????? CSC ??? Sun  
Alliance ??? ?????? ????.

29. ?????? ?? ??????? ?? ?????? ?????????????? ?????? ??? ?????? ?????? ??? ?????? ?????  
??? ?????? ??? ?? ?????? ?????????? ?? ?????????? ?? ?????????????? ???, ???, ??????  
?????, ? ??????, ? ??????????, ? ??????????????, ? ??????????????, ? ?????????? ??? ? ?????????? ?????????? ???  
????? ?????????? ??? ?????????? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????.  
?? ?????? ???????, ??????? ?????????? ??? ?????? ??????. ?????? ?????? ??? ??????

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

30. ? ?????????? ??? «?????????????» ??? ?????? ?????? ? ??? ?????? ???????????, ????,  
???? ?? ??????? ???????, ?????????? ??? ?????, ??? ?????? ??????????? ???  
??????????, ?? ??? ?????? ??? ??????????, ?????????? ? ?????????? ?? ?????????? ???  
??? ??????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????????? ?? ??????? ???  
????????????? ??? ?????? ??? ?????????? ?????????????? .

3. ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??????? ?? ??? ?????? ???  
???? ?????????? ??? ?????? ?????? .

31. ???, ??? ? ?????? ?????????? ??? ??????????, ?????????? ? ?????????? ??  
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ??? ??  
????? ??? ?????????? ??? ?????? ??? High Court. ??? ???? ?????? ?? ?????????? ???  
??? ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????????? ?????? ??? ??? ???  
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? .

32. ??? ???, ?? ?????? ??? ?? ??? ?????? ?????? ??? ?????????? ?????????? ??? ?????? ???  
????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? . ??? ??  
????????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???  
????? ??? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? .  
????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???, ?? ?????? ???  
????????? ??? ?????? ?????? .

33. ??? ??????, ? ?????????? ??? ?? High Court ??????? ?? ?? ?????????? ?????? ???  
????????? ?????????? ??? ?????? ??????. ?? ??????????, ?????????? ?? ??????????,  
????? ??? ?? ?????? ?????? ??? ?? ??? ?????? ?????? ?????????? ?????????? ?????????? ???  
????????? ??? ?? ?????? .

34. ? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?????? ??  
????????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ??????, ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? . ??? ?????? ???, ??  
????????? ?? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?? High  
Court, ?? ?????? ?????? ??? ?????? ?? ??? ?????? ?????? .

35. ???????, ? ?????????? ?? ?????????? ?????? ??? ?????????????? ?????? ??? ?????? 13,  
B, ??????? ?\_, ?????? 5, ??? ??? ?????? ?????? ?????? ? ?????? ?????? ??? Sun Alliance ???  
??? ?????????????? ?????? ?????? Daisy, ??? ?????????? ??? ??? ??????, ?? ??????  
????????? ?????????????? ??? ?????????????? ?????? ?????????? ??? ?????? ??? ?????? ???  
?? ?????????? ????. ???, ?????? ??? ?????????? ?????????? ??? CSC, ??????????????  
????????? ??? ?????? ?????????? ??? ?? ??????, ??' ?????? ??? Sun Alliance, ?????? ????  
???????????, ??? ?? ??? ?????? ?????? ??? ??????? ??? ?? ?????? ?????????? ??? ?? . ???,  
???????????, ??? ?????? ??? ?? ???????, ??? ? ?????????? ??? CSC ???? ????  
???????????, ??? ?????? ??? ?? ???????, ??? ? ?????????? ??? ?????, ??? ?? ??? ?? ?  
???????????, ??? ?? ??? ?????????? ??? ?? ???????, ??? ? ?????????? ??? ?????, ??? ?? ??? ??

36. ? ??????? ??? «????????????? ??????» ???????????? ??? ?? ??????????? ?? ?????? ??? ?????  
?? ??? ?????? ? ????? «??? ?????? ??' ?????? ?????? ??? ??? ??????, ??? ?? ??? ??? ?? ??  
?????????? ??? ??? ?????????? ???????? ??? ????? ?????????? ??? ?????????? ??????????». .  
??? ?????????? ??? ??? ???????? ?????? ?????? ?????????? ?? ?????? ??? ??? ??????????  
????? ??????????? ??? ???, ??? ?? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ?? ??????  
??? ????. ?? ???????, ??? ?????????? ???????? ??? ?????? ?????????? ??? ?? ?????? ???  
????? ????, ??? ?? ?? ?? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
?????????? ??? ?????????? ?? ??????. ??? ? ???????? ??? ?????? ?????? ?????? ???  
??????????, ??? ?????? ???' ?????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
???? ?????????????? ????. ? ??? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??????  
????????? ?? ??? ??? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ???  
??? ?????????????? ??? ?????? ?????? .

37. ??? ?????? ?????? ??? ??????????? ?? ??????????? ?????????? ?????????? ??? ?????? ??  
?????????? ??????????? ????????. ??? ??? ??????? ?????? ????? ?????????????? ???????????  
??? ?? ??? ????? ?????????? ??? ?????????????? ??????, ?? ?????? ??????? ?? ?????????? ???  
????? ?????? ??????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ????.  
?????? ?? ?? ?????????? ??? ???????????, ?????????????? ?????? ?? ?????????? ??? ??????  
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????????? ??? ?????????? ?? ?????? ?????????? ?????? ??????.

39. ????? ???? ?????? ??????? ?? ??????????? ??? ?????? ??? «????????????????» ??? ?? ?????? ??  
?? ??? ?????? ??? ?? ?????? ?????????? ?????????????? ??????????????. ? ?????? ???  
«????????????????» ?????????? ??? ?????? ??? «????????????????», ??? «????????» ???  
??? «?????», ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????????????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
???? ?????? ??? ????? (????? ??????, ??????) ??? ?????? ??? ?????? ?????? (?????,  
?????????????).

40. ?? ??????, ?????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ??? ??????  
?? High Court ??? ? ?????? «???????, ?????????????? ??? ??? ??????????????, ??  
????? ?????? ??????» ??? ?????? 13, B, ???\_?, ??? 5, ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??  
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.

V - ??????

41. ?????? ??? ????????????, ?????? ??? ?????????? ?? ?????? ??? ?????? ???  
????? ?? High Court of Justice (England & Wales), Queen's Bench Division (Crown Office), ???  
????????? ????????:

«1) ?? "????????? ?? ?????? ?????? ??????" ??? ?????????? ??? ?????? 13, B, ???\_?  
?, ??? 5, ??? ?????? 77/388/?? ?? ??????????, ??? 17?? ??\_? 1977, ???  
????????? ??? ?????????? ??? ?????? ???, ??? ?????? ?? ??? ?????? ??? ?????? ???  
????????? - ??? ?????? ?????? ?????? ?????????????? ????: ?????????? ?????????? ???,  
????????? ?????????? ?????? ?? ??????????????, ?? ?????????? ?? ??? ?????????? ??  
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2) ? ?????? "???????, ?????????????? ??? ??? ??????????????, ?? ?????? ??????  
?????" ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ???  
??? ??? ??? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ???  
??????, ??? ??? ??? ?????? ??? ?????? ????.»