

[\[Home\]](#) [\[Databases\]](#) [\[World Law\]](#) [\[Multidatabase Search\]](#) [\[Help\]](#)
[\[Feedback\]](#)

England and Wales Court of Appeal (Civil Division) Decisions

You are here: [BAILII](#) >> [Databases](#) >> [England and Wales Court of Appeal \(Civil Division\) Decis](#)

URL: <http://www.bailii.org/ew/cases/EWCA/Civ/1997/816.html>

Cite as: [1997] EWCA Civ 816

[\[New search\]](#) [\[Printable RTF version\]](#) [\[Help\]](#)

BERRIDGE and SONS (WASTE PRODUCTS) LTD and BERRIDGE INCINERATORS LTD v. UK WASTE MANAGEMENT LTD [1997] EWCA Civ 816 (22nd January, 1997)

IN THE SUPREME COURT OF JUDICATURE 96/7386/E

COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT OF JUSTICE
(MR ANTHONY TEMPLE QC)

Royal Courts of Justice

Strand

London WC2

Wednesday 22nd January 1997

B e f o r e :

LORD JUSTICE PHILLIPS

-and-

LORD JUSTICE MUMMERY

BERRIDGE & SONS (WASTE PRODUCTS) LTD Applicants
and (Plaintiffs)
BERRIDGE INCINERATORS LTD

- v -

Respondents
UK WASTE MANAGEMENT LTD (Defendants)

(Computer Aided Transcript of the Stenograph Notes of
Smith Bernal Reporting Limited
180 Fleet Street, London EC4A 2HD
Telephone No: 0171-831 3183/0171-404 1400
Fax No: 0171-404 1424
Official Shorthand Writers to the Court)

MR J CHERRYMAN QC (instructed by Messrs Eversheds, Nottingham)
appeared on behalf of the Applicants

J U D G M E N T
(As approved by the Court)

Crown Copyright

JUDGMENT

LORD JUSTICE PHILLIPS: This case raises the question of the principles to be applied when deciding whether to order that an action stand dismissed on the ground of failure to provide security for costs. That question has been considered at first instance in Speed Up Holdings Limited v Gough & Co Ltd (1986) Fleet Street Reports 330 but does not appear to have been considered by the Court of Appeal. It seems to us that the factors which may be relevant include (i) whether the limitation period has expired or when it is due to expire, (ii) the apparent merits of the claim, and (iii) whether it is demonstrated that there are, or conversely that there are not, potential sources from which that security may be provided. These are matters which merit consideration by the Court of Appeal and accordingly the application for leave to appeal is granted. The costs before the single judge and of this application will be in the appeal.

© 1997 Crown Copyright

BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)
URL: <http://www.bailii.org/ew/cases/EWCA/Civ/1997/816.html>