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I. ENGLAND AND WALES COURT OF APPEAL (CIVIL DIVISION) DECISIONS

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Inco Europe Ltd & Anor v First Choice Distribution (A Firm) & Ors [1998] EWCA Civ 1460 (30 September 1998)
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LTA 98/5685/1
IN THE SUPREME COURT OF JUDICATURE
COURT OF APPEAL (CIVIL DIVISION)

Royal Courts of Justice
Wednesday, 30th September 1998

Before:

LORD JUSTICE HOBHOUSE
LORD JUSTICE THORPE
LORD JUSTICE MUMMERY

- - - - -

INCO EUROPE LIMITED
INCO ALLOYS LIMITED
INCO LIMITED
(A company incorporated under the laws of Canada)

Plaintiffs

-v-

FIRST CHOICE DISTRIBUTION (A FIRM)
LOGISTICS PLANNING SERVICES LIMITED
STEINWEG (HANDELSVEEM BV)
(A company incorporated in the laws of the Netherlands)
SMEETS FERRY BV

(A company incorporated in the laws of the Netherlands)

Defendants

(Computer Aided Transcript of Smith Bernal
Reporting Limited, 180 Fleet Street,
London EC4A 2HD. Telephone No: 0171-421 4040
Shorthand Writers to the Court)

MR. A. GHAFFAR (instructed by Messrs Holman, Fenwick & Willan) appeared
for the Appellants/Applicants.

MR. M. HALLIWELL (instructed by Messrs Hill Dickinson) appeared on behalf
of the Respondent.

PROCEEDINGS

LORD JUSTICE HOBHOUSE: Obviously it is a matter of importance. It affects cases other than this. Since we have given leave and determined the appeal, that gives you a standing to apply to the Appeal Committee of the House of Lords for leave to appeal to their House. Under those circumstances we will refuse leave. We appreciate that the applicant may wish to take this matter further and may wish to apply to their Lordships' House for leave to appeal. They will be able to consider whether or not they should grant leave to appeal. We would not on any view consider that the point in the second half of the case, in other words, the substantive matter, justified the giving of leave. The question that is of more general importance is the question of the jurisdiction of the Court of Appeal.

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