

ROYAL COURT

29th June, 1988

Before: the Deputy Bailiff,
assisted by
Jurats Le Boutillier and Gruchy

Her Majesty's Attorney General

- v -

James Benjamin Whitby

Application to the Royal Court to review the decision of the Assistant Police Court Magistrate to increase the level of the accused's bail. The Assistant Magistrate had announced his intended decision in advance and had remanded the accused until the next day on the previous bail terms in the lower sum while clearly indicating that it was his intention that the level of bail would be increased when the Court re-convened.

Advocate S.C. Nicolle for the Crown
Advocate A.P. Begg for J.B. Whitby

JUDGMENT

DEPUTY BAILIFF: The Court is of the opinion that it has no jurisdiction in this matter. We find the second Haddican case, the one of the 30th December, 1980, to be in point. The bail to which the applicant is subject in accordance with Article 20 of the "Loi (1864) réglant la procédure

criminelle", at this moment, is £500.00.

The Assistant Magistrate has in reality done no more than state an intention to increase bail to £2,000.00 this afternoon. But the Magistrate cannot, and we are confident would not, shut his ears to further representations from Mr Begg. If the bail as a matter of law was £2,000.00 now, the applicant would not be at liberty unless he had produced £2,000.00 to the Viscount. Accordingly, we dismiss the representation. I want to say that we make our decision without prejudice to the question of whether this Court has inherent jurisdiction to interfere at all in the amount of bail. I appreciate that Miss Nicolle has gone a very long way to agreeing with Mr Begg on this, but we think that the position should be reserved so that should the Attorney wish at any time to take that point, it would be decided by the Court after very full argument. It is unnecessary to our decision today because we made our decision on the (indistinct) points. There will be no order for costs.

✓

Authority referred to in the Judgment:

A. G. -v- B. Haddican (the representation of B. Haddican) P.C. 30th December, 1980 - unreported.

Other authorities referred to:

A.G. -v- Frederick William John Augustus Hervey (Marquis of Bristol) - Bail application before the Police Court, 24th June, 1988 - unreported.

A.G. -v- D.W. Langlands-Pearse J.J. 13th June 1988 - as yet unreported.

A.G. -v- M Calter J.J. 17th January, 1985, unreported.

A.G. -v- B. Haddican 41 P.C., 35

Archbold (36th edition) - paragraph 206 - "Bail by justices of the peace".

Ex Parte Speculand 13th September, 1945-1946 1 K.B. 48.

Police Court Appeals A.R. Rubens J.J. 4th, 6th and 10th August, 1987,
2 appeals as yet unreported.

Ex Parte Blyth 1944 1 K.B. 532.

Crown -v- Spilsbury 1898 2 Q.B. 615.

Crown -v- Thomas 1956 Cr. L.R. 119.

Ex Parte Goswani 1967 Cr. L.R. 234.