

JERSEY / JUDGMENT

AG v Page [2000] JRC 156 (01 August 2000)

[2000] JRC 156

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. Andrew Scott Page has applied for a review of the decision of the Assistant Magistrate on 25 th July, 2000, to refuse bail pending trial on numerous charges of dishonesty. On that day the Assistant Magistrate heard lengthy submissions from counsel for Page and from the police legal adviser on behalf of the Constable of St. Helier. The transcript then records: Judge Trott: "Thank you. Point one is that this case has been remanded to 18 th August and that's for a date for an old style committal. The second point is that the Court as constituted, not knowing any evidence, has to listen to both parties and having listened to both parties and having, I hope, Mr. Christmas, sent strong terms that you must get on with it, and the police as well, I am going to refuse the application. Thank you." 2. Unfortunately, the Assistant Magistrate gives no reason for arriving at his conclusion other than, perhaps, the fact that the committal hearing had been fixed for 18 th August; that is only some three weeks away. 3. We wish to make it clear that the deprivation of an accused person's liberty is a serious matter which must, in every case, be justified. Reasons for the refusal of a bail application must always be given. 4. We are clearly in no position to review the reasonableness of the learned Assistant Magistrate's decision because we do not know what led him to his

conclusion.

We could have remitted the matter to the Magistrate's Court, but in view of the history which we are about to recite, we agreed to hear and determine the matter de novo pursuant to the powers conferred upon us by Article 17 of the Magistrate's Court Miscellaneous Provisions (Jersey) Law, 1949 . 5. The history of the matter in brief is that the applicant was presented before the Magistrate's Court on 19 th April, 2000, on a charge of obtaining credit by fraud; an application for bail was refused, the Magistrate having been advised that police investigations were continuing in relation to other alleged offences. 6. On 5 th May, 2000, this Court reviewed the Magistrate's decision and decided to grant bail on certain conditions, including the furnishing of bail money in the sum of £2,000 a figure which was, however, reduced on 12 th May to £300. On that day the applicant was released on bail. 7. On 21 st May the applicant was arrested again and charged with further offences and presented before the Magistrate's Court on 22 nd May. He pleaded guilty to all those charges and a bail application was made and was refused. 8. On 1 st June, a further bail application was made. The Magistrate declined to hear the application and the applicant accordingly appealed to this Court on 2 nd June. This Court directed the Magistrate

to hear and determine the application and remitted the matter to the Magistrate's Court for decision. On the afternoon of that day (2 nd June) the application for bail was renewed and was refused by the Magistrate. 9. On 14 th June, there was a further appeal to this Court, the appeal was dismissed and the Magistrate's decision affirmed. 10. On 23 rd June the applicant appeared again before the Magistrate's Court in relation to 16 further charges which had been laid against him to which he pleaded not guilty. An application for bail was again made and refused. 11. On 21 st July the applicant appeared again before the Magistrate's Court and was charged with two further offences to which he pleaded not guilty. 12. On 25 th July the applicant made the application for bail which has led to this appeal. 13. Although the applicant is a young man of 21, he has a long record of previous convictions for offences of dishonesty. The record reveals - and counsel concedes - that there are several instances of offences having been committed whilst the applicant was on bail. 14. The offences now alleged against the applicant can be divided into two groups: the first group were allegedly committed between 17 th March, 2000, when he was placed on probation by this Court for other offences, and 19 th April when he was presented before the Magistrate's Court and remanded in custody. The second group of offences were allegedly committed between 12 th May, when he was released on bail by this Court, and 21 st May, when he was re-arrested and again remanded in custody. 15. We have considered very carefully the submissions made by both counsel in relation to the strength of the case against the accused. It would clearly not be appropriate for us to comment on those submissions prior to the committal hearing which will take place on 18 th August. It is sufficient for us to state our conclusion that, in our judgment, there is a real risk, looking at this man's record and at the case in the round, that further offences might be committed if he were released on bail. 16. We also conclude from the evidence of a recorded telephone conversation between the accused and another person, recorded whilst he was in the prison, that there is a real risk of interference with witnesses. 17. Finally, we accept that the applicant did not leave the Island when released on 12 th May, but in view of the long list of charges which he now faces and the lack of any real ties with the Island we have concluded that there is a risk that he might abscond and fail to appear for trial. 18. We wish only to add that we have been told unequivocally that the committal hearing will take place before the Magistrate's Court on 18 th August and we expect that target to be met. 19. For all these reasons we dismiss the application for bail. The Court is grateful to both counsel for their submissions. Authorities AG -v- Tucker (24 th March, 2000) Jersey Unreported. Page Last Updated: 02 Nov 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2000/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-page-2000-jrc-156-01-august-2000>

Prepared on 27 October 2026 · Esheria