

JERSEY / JUDGMENT

AG v Picot [2000] JRC 33 (23 February 2000)

[2000] JRC 33

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

JUDGMENT

THE COMMISSIONER: This cases raises an interesting and, to some extent, a novel point. This Court has always been wary in the past of changing its well established practice, set out in O'Brien -v- Jersey Evening Post (1985-86) JLR N3, which is that, unless it is satisfied that it would be in the interests of justice to do so, the Court will not order disclosure of information by a non-party. The Crown has not sought to suggest, in this case, that I should not exercise my discretion against the accused. Instead, the Crown has put the facts and the arguments, and the cases before me, very fairly, and allowed me to make up my own mind. The Jersey Courts have never been afraid of making an order which, it seems to them, is appropriate to the case, if that would further the interests of Justice, And Justice, of course, as we know, includes not only the interests of the accused, but those of the Public as well; and that, I am afraid, is very often overlooked. Decision on Preliminary Point (1) . I was minded having regard to the judgment in the criminal case of A. G -v- Patterson & Nolan (10 th June,

1988) Jersey Unreported, to say - and to agree with Mr Matthews for the Crown - that this application should more properly have been made to the Jurats. In other words to the trial court. But I find there is much to commend the submissions of Miss Fogarty, that the trial has already commenced, inasmuch as a "Newton" hearing has been ordered, and I am sitting on a preliminary matter connected with - or indeed forming part of - the trial process and accordingly I rule, first, that I have the power to make the orders sought, provided I am satisfied that they are material and relevant. Decision on Preliminary Point (2). I am satisfied the material information arising out of the psychological records - the medical records have already been disclosed - should be made available to the court of trial, and I therefore order that they be disclosed by Dr Blackwell, on behalf of the Hospital, but they will be disclosed to an independent competent member of the Bar, chosen by agreement between the Crown and the Defence. If they cannot agree, then they will have to come back to me to nominate one and that competent member will, of course, examine the third party documents in order to determine their relevance, and if there are arguments as to their relevance they will have to come back to the Court. Authorities In re: Lucas

- (1981) JJ 83 O'Brien -v- Jersey Evening Post Limited (1985-6) JLR N 3 In re: Sauvage (1989) JLR N 7 Representation of Sauvage (30 th March, 1989) Jersey Unreported A. G -v- Patterson & Nolan (10 th June, 1988) Jersey Unreported Toohey -v- Metropolitan Police Commissioner
- (1965) 1 All ER 506 HL Brockington: "Motherhood & Mental Health" (1996: O. U. P.): pp. 209-210 Nicolle: Origin & Development of Jersey Law: an Outline Guide: 15.6 - 15.14 Archbold (1997 Ed'n): 12 - 46. Page Last Updated: 24 Apr 2017 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-picot-2000-jrc-33-23-february-2000>

Prepared on 28 October 2026 · Esheria