

ROYAL COURT
(Samedi Division)

248.

24th December, 1996

Before: Sir Philip Bailhache, Bailiff, and
Jurats Rumfitt and Quérée

The Attorney General

- v -

Kenneth Hammond

Application for a review of the Magistrate's decision of 24th December, 1996, to grant bail 24 hours before the applicant left the Island for medical treatment in England.

On 8th October, 1996, the applicant pleaded not guilty to 1 count of supplying a controlled drug (cannabis resin), contrary to Article 5(b) of the Misuse of Drugs (Jersey) Law, 1978, and was remanded in custody without a bail option.

On 5th November, 1996, the applicant was charged, with others, to 1 count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug (cannabis resin), contrary to Article 77(b) of the Customs and Excise (General Provisions) (Jersey) Law, 1972, to which a not guilty plea was entered and the applicant was remanded in custody without a bail option.

Application granted : bail granted with effect from today, on conditions.

Advocate S. Gould for the applicant.
The Attorney General.

JUDGMENT

THE BAILIFF: It is important to restate that this is an application to review the discretion of the Magistrate. As the Attorney General has correctly said, this would in ordinary circumstances be a hopeless application.

5 The learned Magistrate granted conditional bail on the basis
that the bail would be restricted to allowing the applicant to
travel to England for treatment at Southampton Hospital. This
Court, having heard counsel for the applicant, and as an act of
mercy, is prepared to modify that decision of the Magistrate so as
to enable the applicant to travel to England this afternoon. Bail
is therefore granted but it is conditional on a number of matters.
10 First, the applicant should surrender his passport, if he has one.
Secondly, he should live at his home address in Hastings; that
address to be furnished to the police before he leaves the
jurisdiction. Thirdly, he should report to the local police
station at Hastings twice weekly, except of course whilst he is
undergoing treatment at Southampton Hospital and obviously the
15 residence condition is subject to that exception as well. The
applicant is to surrender to bail within four days of completing
his treatment at Southampton Hospital and must then return to the
Island.

No Authorities.