3 pages.

ROYAL COURT

31st July, 1992 134

Before: **The Bailiff, and Jurats Bonn & Le Ruez**

The Attorney General

-v-

JO

Application for review of the Assistant Magistrate's Decision to refuse Bail.

The Solicitor General
Advocate A. D. Robinson for the accused

JUDGMENT

THE BAILIFF: This is a case where we have been asked to review the exercise of the learned Assistante Magistrate's discretion to refuse Bail.

We have no doubt that the Magistrate took into account the matters which the then Counsel for this applicant raised before him; but the position was that the Magistrate had before him a young person under seventeen years of age. No evidence had yet been adduced as to what had happened; and the Solicitor General has suggested that the charges are about to be changed. There is also a principle that as far as possible a young person should not be sent to prison unless there are exceptional circumstances. We see no reason why that principle should not apply to the question of Bail. Of course there are other

matters to be considered, such as whether the accused is likely to turn up to stand trial.

However, we think that a new factor has appeared today, inasmuch as the applicant has said that he is prepared to hazard - and that is what it comes down to - the whole of his patrimony which he received from his late father of £2,000, a substantial sum. We are prepared to accept that sum as Bail, and accordingly we release you, JO , on Bail in that sum, but not before it has been produced. You will report daily to the police and if you break that undertaking you will be arrested.

AUTHORITIES

A.G. -v- Rowe (1985-86) JLR. N.26.

A.G. -v- Lelliott (1989) JLR. N.13.