

IN THE ROYAL COURT OF THE ISLAND OF JERSEY  
(Samedi Division)

31st July, 1987

Before V.A. Tomes, Deputy Bailiff, Jurats D.E. Le Boutillier and P.G. Baker.

**Representatation of William Saolto Bruce Douglas**

= Application for bail

**Deputy Bailiff:** The Court is in the unhappy situation of disagreeing with both counsel. The Court considers that the Royal Court was correct in the case of David Henry Chapman (40 P.C. 413).

Page 25 of the transcript in the instant case makes it clear that the Magistrate did not hear the application. There was a breach of natural justice because there was no hearing. The Court conceives the duty of the Magistrate to be to receive and hear an application in open Court within the shortest possible delay, giving the opportunity (but no more) to the prosecution as well as the defence to be present.

Once the Magistrate has decided, his decision is open to review by the Court only on ground that he has failed properly to exercise his discretion. Once the Magistrate has decided he is under a duty to re-hear an application only if it is brought on grounds of changed circumstances.

The Court directs the Magistrate to hear an application from the appellant, through Advocate Sinel at the earliest possible opportunity.

Authority referred to in the judgment:-

Representation of D.H. Chapman (40 P.C. 413)