

3 pages.

**ROYAL COURT**

Samedi Division

87.

22nd May, 1992

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**Before:** The Bailiff and Jurats Coutanche,  
Myles and Rumfitt.

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Representation of Attorney General, under Article 61 of the "Loi (1864)  
réglant la Procédure Criminelle, re Margaret Shaw (née Pettinger).

Before delivering Judgment, the Court inquired of Mrs. Shaw, through  
her Counsel, whether her means would allow her to pay a small fine.

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**The Solicitor General**

**Advocate M.C. St. J. O'Connell for Mrs. Shaw**

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**JUDGMENT**

**BAILIFF:** This is a Contempt of Court matter, and of course  
Contempt of Court is always a very serious affair and we  
wouldn't like it to go out from here that witnesses, even with a  
good excuse, can refuse to attend, or indeed refuse to testify  
in this Court if they do attend.

We have had an authority referred to us by the Solicitor General, R -v- K (1983) Crim. L.R.736, which indicates that duress, which we are satisfied you suffered, can be a defence to an action of this sort. Nevertheless, we think that a small fine, in the region we have mentioned, would be appropriate, to take into account two things:

1) That people who do not testify and commit Contempts of Court must be answerable to the Court, depending on the circumstances; and

2) It should go out from this Court that a fine has been imposed on you, because that will indicate to people who threatened you, that you refused to testify and have been fined for it.

In all the circumstances we will fine you £25.

AUTHORITIES

R -v- K. (1983) Crim. L.R. 736.