

Royal Court.
(Superior Number)

139,

6th August, 1992.

Before: The Bailiff and Jurats Coutanche, Vint, Myles, Bonn,
Orchard, Hamon, Gruchy, Le Ruez and Rumfit

The Attorney General

-v-

Michael Chester Hesketh

Representation of Her Majesty's Attorney General
alleging that the accused is in breach of the
recognizance entered into by him on 26th February,
1992.

The Solicitor General
Advocate S.J. Crane for the accused.

Judgment.

THE BAILIFF: We are grateful to Dr. Perkins, Mr. Wheeler, Dr.
Cutting and to Miss Ahier, the Probation Officer, for their help.

It is quite clear to us that under the present circumstances
there are grave difficulties about committing Hesketh to prison,
for the reasons explained by the Prison Governor. But that does
not mean to say that if, when we sit again after the adjournment
which we are going to grant in a moment, prison is the only
alternative then available to this Court, that we wouldn't have to
send Hesketh there. For the moment we are going to put the
matter off until 9.30 a.m. on Wednesday 19th August, 1992, and ask
the Solicitor General, on behalf of the Court, to set in motion
with the Public Health Committee, if they will agree to it of
course, an application for the Committee to be appointed Hesketh's
Guardian, under Article 21 of the Mental Health (Jersey) Law,
1969.

Now, I want to say that if that application proceeds and a guardianship order is made, that carries with it, by necessary inference, a duty that the Committee provide a safe place for people such as Hesketh - not necessarily for Hesketh but it would be for Hesketh in this instance - who might have to be detained at St. Saviours. We think that the environment where he would best be treated, and kept under control and cared for in such a way that he is no longer, we hope, a danger to the public, is at St. Saviours, if that can be achieved. And, therefore, we adjourn the hearing until the 19th August, 1992, and discharge the probation order - it is pointless keeping that in being - and in the meantime Hesketh is to remain in custody.

Authorites

Mental Health (Jersey) Law, 1969: Article 21.