

ROYAL COURT
(Samedi Division) 102

2nd June, 1997

Before: Sir Philip Bailhache, Bailiff, Single Judge.

The Attorney General

-v-

Cantrade Private Bank Switzerland (C.I.) Limited

In the matter of a Representation by the Defendant Company.

Application by the Attorney General for the proceedings to be heard
in camera.

C.E. Whelan, Crown Advocate
Advocate A.R. Binnington for the Defendant Company

JUDGMENT

5 THE BAILIFF: Mr. Whelan, for the Attorney General, has applied for the hearing of this Representation by Bank Cantrade to be heard in camera. The application seems to me to give rise to a conflict between two fundamental principles. The first principle is that justice should be done in public. As Hoffmann J., as he then was, said in re a Solicitor (1987) Ch. D. 131:

10 *"In summary the public may be excluded only if that is the only way in which justice can be done. The test is a strict one. It cannot, as Lord Haldane said, be dealt with by the judge as resting on his mere discretion as to what is expedient. The judge, he said, must treat the question as one of principle and as turning not on convenience but on necessity."*

15 The second fundamental principle is that the process of criminal justice is so important that a Court should brook no interference with it.

20 The Crown Advocate has submitted that if the hearing of this representation by Cantrade were to take place in public then facts would be rehearsed which would be at the heart of the criminal trial and that there is a risk that prejudice might result to one or more of the defendants in the criminal trial. In the light of
25 that submission I am prepared to accede to the application of the

Crown Advocate. I order accordingly that the hearing of this Representation of Cantrade take place *in camera*.

5 I must accordingly ask those persons in Court who are not concerned with the hearing of the Representation to leave.

Authorities

In re a Solicitor (1987) Ch.D. 131.