

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 6th NOVEMBER 2018**

Question

Will H.M. Attorney General explain what studies, if any, have been carried out into unsuccessful prosecutions in the Magistrate's Court and the reasons for the lack of success; and will he agree to publish the reports and findings arising from any such studies?

Answer

The standard of proof in criminal proceedings is a necessarily high one. The Magistrate will only convict a defendant before the court if the Magistrate is satisfied so that they are sure of the defendant's guilt i.e. beyond reasonable doubt. The test that is applied by Centeniers in deciding whether a person should be charged with an offence is not the same. The Centenier must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against the defendant on each charge.

It is inevitable, therefore, that there will be cases where a defendant is quite properly charged with an offence but for which ultimately, having heard the evidence, the Magistrate is not sure of guilt.

Whenever a defendant is acquitted after a trial in the Magistrate's Court the Legal Adviser from the Law Officer's Department who conducted the trial will provide a debrief to their line manager. All acquittals after trial are also the subject of discussion in Criminal Team Meetings to establish whether there are any lessons to be learnt from the case.

There are no "studies" as such into unsuccessful prosecutions in the Magistrate's Court. The Law Officers' Department works on the basis of continual improvement of systems, processes and practice to ensure that all cases tried in the Magistrate's Court are done so professionally.