

2025.02.04

**Connétable A.S. Crowcroft of St. Helier of H.M. Attorney General regarding time between being charged with an offence and subsequently discharged from prosecution or acquitted (OQ. 21/2025):**

No, not at all, Sir. I just have to change the beginning of my question. Will His Majesty's Attorney General, for 2024, advise the average length of time experienced by Islanders between being charged with an offence and subsequently discharged from prosecution or acquitted, to whom defence costs have been awarded?

**Mr. M. Jowitt., H.M. Solicitor General (rapporteur):**

The Law Officers' Department does not keep statistics on cases in which defence costs have been awarded. The Magistrate's Court and the Royal Court do maintain some statistics and we have made inquiries of them. The Magistrate's Court only keeps statistics where an award of defence costs has gone to taxation, which is to say where a dispute over the amount of costs claimed has been resolved by a taxing officer. There were 2 cases in 2024 in which an award of defence costs by the Magistrate was taxed. The Magistrate's Court does not keep separate statistics on the length of time between charge and conclusion in cases in which an award of defence costs has been made. The Royal Court statistics record that in 2024 there were 3 cases in which an award of defence costs was made. Across those 3 cases, the average length of time between charge and conclusion was 131 working days. I think a little over 26 weeks.

**4.2.1 The Connétable of St. Helier:**

In the case of a local couple whose nightmare began in January 2023 when they were charged with a driving offence and acquitted in August last year, a year and a half later, does the Solicitor General believe it is fair and reasonable that they are still waiting for reimbursement of tens of thousands of pounds of legal costs without any communication from the department concerned?

**The Solicitor General:**

First of all, I do not think it would be appropriate for me to discuss a specific case in a forum such as this. Second, I cannot comment upon the delay, if there is one, in the execution of an award of defence costs by the court administration. That would be a matter for the Minister for Justice and Home Affairs or ultimately can I suggest something that the Connétable might take up with the Royal Court Greffe or the Magistrate's Greffe, depending on which court made the order.

**4.2.2 Deputy I. Gardiner of St. Helier North:**

Would the Solicitor General advise who is monitoring the refunds that needs to be given to the people? Who is monitoring and if the Law Department has any communication regarding them?

**The Solicitor General:**

No, it is not a matter which the Law Officers' Department has any involvement in. When the court makes an award of defence costs, as I understand it, those costs are paid out of the court and case budget. That is a matter for the court administration to take care of. It is not a matter for the Law Officers' Department, which is quite separate from the court service.

#### **4.2.3 Deputy M. Tadier of St. Brelade:**

Could the Solicitor General answer to whom the courts and the administration of the courts are answerable in a case such as this, where there is a complaint being made by constituents to a politician about a matter like this?

#### **The Solicitor General:**

I assume that the court administration ultimately lies in the responsibility of the Bailiff as the Island's chief judge.

#### **4.2.4 Deputy M. Tadier:**

How does the Constable or any Member of this Assembly seek restitution or resolution to such a matter in this Assembly on this? I presume if the question is being put to the Attorney General it is because he has some remit in this area. Can he advise maybe what the course of action for the Constable should be?

#### **The Solicitor General:**

The Attorney General has no remit in this area. He is quite independent of the court service and the court service is quite independent of the Attorney General.

[10:00]

I do not know the answer, shortly, to the question that is asked. If there is an issue with a court costs order not yet being paid, that is a matter that has to be taken up in the first instance with, I would think, the Judicial Greffier either of the Royal Court or the Magistrate's Greffe, if the order was made by the Magistrate's Court.

#### **4.2.5 The Connétable of St. Helier:**

I am in a slightly difficult position because I was going to ask my final supplementary question of the Minister for Justice Home Affairs. I do not know that it would be appropriate to ask it of His Majesty's Solicitor General, but could I just ask, perhaps in principle, that does the Solicitor General think it would be appropriate for a Member of this Assembly to bring a matter like this to the States Assembly for a decision, as in fact I did - the first proposition I ever tabled as a Deputy - which was in respect of a local hotelier whose building had been undermined by the actions of the then Housing Department?

#### **The Solicitor General:**

I am not sure I understand the Constable's question. I am sure that is my fault. If I am asked do I think it is constitutionally appropriate for this Assembly to involve itself in matters to do with the courts and the award of court costs, the answer is no, I do not think it is appropriate.