

JERSEY / JUDGMENT

AG v X [2010] JRC 215 (25 November 2010)

[2010] JRC 215

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE commissioner: 1. In this case the Attorney General renews his application for costs. What happened at the sentencing hearing was this: in his submissions the Attorney General had made application for prosecution costs. The hearing was inevitably an emotional and highly charged occasion, because this man had been convicted of and was to be sentenced for grave offences of the kind that raise tensions and the victims were here in Court, and it was therefore agreed between the advocates, on the day, that it would be inappropriate for evidence to be called on that day in relation to the question of costs. Accordingly the order of the Court was that the matter of the prosecution's costs was adjourned to another day. 2. The argument advanced firstly by Advocate Steenson amounts to the fact that that was an unlawful thing for the Court to do, because, he says, the costs are part of the sentence and that should all be passed on one day. It must therefore be his argument that it was unlawful for the Court to adjourn the matter of costs. In my judgment that is wrong. It is certainly true, as was said in *Michel v AG*

[2009] JCA 099, that costs fall within the definition of sentence in Article 44 of the Court of Appeal (Jersey) Law 1961 in that it includes any order of a Court made on conviction with reference to the person convicted and that is wide enough, as the Court held, to include a costs order. In my judgment that does not mean that it has to be dealt with on the same occasion and that it is unlawful not to deal with it on the same occasion. In terms of considering the application, it is possible now to consider, as I do, the situation that the defendant is serving a significant custodial sentence, and take account of that fact in deciding whether the order for costs should be made. In my judgment it is appropriate to make the application today and I have heard it and will rule on it. 3. The asset against which it is sought to levy the costs is a very substantial property owned by the defendant, occupied by his family now, not, of course, by him. I have not been given an exact figure but it clearly is worth very significantly in excess of the £180,000 costs that are asked for. In my judgment this is an appropriate application to make. The reason why substantial costs orders are not normally made against people serving long prison sentences is the practical one that it is unusual for them to have significant assets against which such an order might be enforced. This is not the case here. It is just that the defendant should pay the costs of the prosecution, which of course are occasioned by his conduct and the need to investigate it and the need for a trial of the issues that he denied, those denials being rejected by the jury by their verdicts. 4. I shall therefore make an order for costs in the

sum of £180,000 to be taxed if not agreed. Authorities Michel v AG

[2009] JCA 099 . Court of Appeal (Jersey) Law 1961. Page Last Updated: 09 Feb 2017 BAILII:
Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2010/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-x-2010-jrc-215-25-november-2010>

Prepared on 26 October 2026 · Esheria