

JERSEY / JUDGMENT

The Attorney General v Benjamin Mitton

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Confiscation order in conjunction with compensation order Exceptional circumstances for postponement after determination of appeal [2026]JRC109 Royal Court (Samedi) 16 April 2026 Before : A. R. Oldland, Esq., Commissioner, and Jurats Ronge and Le Heuzé The Attorney General -v- Benjamin Mitton M. L. Preston, Crown Advocate. Advocate G. F. Herold-Howes for the Defendant. EX TEMPORE JUDGMENT THE COMMISSIONER: 1. This case is listed today to determine an application for confiscation made by the Crown. The Defendant is not here, but he is represented by Advocate Herold-Howes. He has chosen not to be here and not to appear by video link. Given that this is an unopposed application, we have acceded to Defendant's request not to attend. 2. This is an unopposed application for a confiscation order under Article 3 of the Proceeds of Crime (Jersey) Law 1999 ("the 1999 Law"). It is, however, necessary to set out some of the procedural history given the delay. 3. On 29 April 2025 the Defendant was convicted by a jury of three counts. Count 1 was a general deficiency larceny count which did not specify an amount within the particulars. Counts 2 and 3 were associated money laundering offences. Following his conviction, the case was adjourned for sentence before the Superior Number and a confiscation timetable was set with an order for the Attorney General's Statement under Article 7 of the 1999 Law. 4. On 24 June 2025 the case was listed for sentence and, as an issue as to the proper amount to form the basis of sentence on Count 1 was raised, I heard submissions and gave a ruling under Article 50 of the Criminal Procedure (Jersey) Law 2018. I found, applying the criminal burden and standard of proof, that the appropriate figure for sentence in respect of Count 1 was £397,000. Sentence before the Superior Number then proceeded on that basis. 5. The confiscation hearing was initially listed for the end of August 2025, but it was further adjourned as the Crown were not ready and the defence had indicated an appeal date in November. Consequently, the case was postponed administratively by agreement under Article 6(4) of the 1999 Law. 6. On 25 November 2025 the Defendant's appeal was heard and dismissed by the Jersey Court of Appeal. Following the dismissal of an appeal, the confiscation hearing should take place within 3 months of the determination of the appeal – that is Article 6(6) of the 1999 Law. However, this period may be extended if the Court is satisfied that there are exceptional circumstances for doing so. 7. It was not possible for the Court to list the hearing within 3 months of 25 November primarily due to my availability – I am not a full-time judge in Jersey. The hearing was therefore postponed, without objection, on the basis that exceptional circumstances were present under Article 6(6) of the 1999 Law until today's date. 8. An amended Attorney General's Statement was served on 31 March of this year, as a result of which no objection is now taken by the defence to the making of the Confiscation Order. It is therefore unnecessary to set out the detail of the Attorney General's Statement and any earlier responses by the defence, save to observe that the figure determined

by me on 25 June 2025 as the proper factual basis for sentence became the benefit figure agreed by both sides. 9. As a result, we determine the benefit figure in this case to be in the sum of £397,000 pursuant to Article 3(3) of the 1999 Law. This reflects the amount that I had previously found, applying the criminal burden and standard of proof, that the Defendant had stolen from Hunt Brothers Limited.

10. We are also satisfied, having heard representations, that the amount to be recovered under Article 3(4)(a) of the 1999 Law is £210,438.63. This is again an agreed figure. This represents the amount of net assets held by the Viscount plus a £15,000 estimate for the sale of the Jaguar car also held by the Viscount under the Saisie Judiciaire. The prosecution and the defence will both have leave to apply if the sale figure of the Jaguar differs significantly from that £15,000 amount. We anticipate that, if there is such a difference, this is likely to be able to be dealt with by agreement administratively.
11. We therefore make a confiscation order in the sum of £210,438.63 under Article 3(4)(b) applying Article 4(2) of the 1999 Law.
12. We also order compensation in the same amount under Article 2 of the Criminal Justice (Compensation Orders) (Jersey) Law
1994. The beneficiary of that compensation order will be Hunt Brothers Limited, the sole financial victim in this case, and, as we have indicated during submissions, it will be in that same amount – £210,438.63. The defence do not contest the making of this order.
13. Article 3(7) of the 1999 Law reads as follows: “Where –
 - (a) the Court makes both a confiscation order and an order for the payment of compensation under Article 2 of the Criminal Justice Compensation Orders (Jersey) Law 1994 against the same person in the same proceedings; and
 - (b) it appears to the Court that the person will not have sufficient means to satisfy both orders in full, it shall direct that so much of the compensation as will not in its opinion be recoverable because of the insufficiency of the person’s means shall be paid out of any sums recovered under the confiscation order”.
14. We have decided that the order for compensation that we have just made should be paid in full out of the amount to be recovered under the confiscation order. This is because we are satisfied that the Defendant does not have sufficient means to satisfy both orders in full, or indeed in part, other than from the funds held by the Viscount under the Saisie Judiciaire. So we make an order under Article 3(7) accordingly.
15. Although it is open to us to set terms in default in respect of both compensation and confiscation, given the facts of this case, where the funds to be recovered are held by the Viscount, we have concluded that it is unnecessary and undesirable so to do.

16. We direct that the net assets held by the Viscount under the Saisie Judiciaire are to be applied to satisfy both orders.
 17. We also discharge the Saisie Judiciaire in respect of the assets held by the Viscount in this case. Authorities Proceeds of Crime (Jersey) Law 1999. Criminal Procedure (Jersey) Law 2018. Criminal Justice (Compensation Orders) (Jersey) Law 1994.
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