

ROYAL COURT

16th September, 1988

Before: The Deputy Bailiff and
Jurats Baker and Le Boutillier

Her Majesty's Attorney General

- v -

Magnet Publications Limited

Contempt of Court.

Her Majesty's Solicitor General for the Crown
Advocate D.E. Le Cornu for the defendant company

JUDGMENT

DEPUTY BAILIFF: One does wonder about the effectiveness of the media, when apparently no member of the Jury had heard the BBC broadcast and no member of the Jury had read 'The Jersey Journal'. But of course it is the potential or likely prejudice that matters, and we do share entirely the views expressed by Brown, L.J., in A.G. -v- News Group Newspapers Limited (1984) 6 Cr. App. Rep. (S) 418, which was read to us by the Solicitor General. We have given anxious consideration to the penalty to be imposed. We do think that the article was sensational journalism and to that extent we condemn it. One only has to read a previous paragraph which reads: "The streets of St Helier are littered with liquor louts at night", to show that it's sensational.

The offending final paragraph may have been, so to speak, tagged on, but it was in heavy black print and therefore very prominent. We do accept that the contempt was unintentional on the part of Mr Wallser, but certainly it was a very serious error of judgment. The apology is of course accepted. We do not think that there is sufficient difference between the BBC case and the instant case to justify different penalties. It is true that the broadcast is more transient and the written word more lasting. As to inadvertence, the BBC journalist as we recall it, allowed the statements to continue being made and elaborated upon, which was itself a serious error of judgment. Therefore, we prefer to regard the matters as being equally culpable and two serious errors of judgment. The defendant is fined the sum of £3,000 and will pay costs of £750.

Authorities cited

A.G. -v- British Broadcasting Corporation (17th June, 1988, 88/21A).
A.G. -v- News Group Newspapers Limited (1984) 6 Cr. App. Rep. (S) 418.