

ROYAL COURT

24th June, 1991

85.

Before: The Deputy Bailiff, and
Jurats Bonn and Gruchy

Police Court Appeal: James Brady et ors.

Appeal by way of case stated from refusal
by Magistrate to grant costs.

Miss S.C. Nicolle, Crown Advocate.
D.E. Le Cornu for the appellants.

JUDGMENT

DEPUTY BAILIFF: We are going to take a broad view of this matter -
which applies equally both to the appellants' costs today and to
the appeal by case stated.

We want to indicate our displeasure at the manner in which
this case was conducted by the prosecution, by the Relief
Magistrate and indeed by the defence.

Costs are within our discretion and we are entitled to mark our displeasure by an award of costs.

Insofar as today's appeal is concerned the appellants will have their costs.

We also reverse the decision of the Magistrate because we positively disagree with his statement that the employees should have known that their presence was unlawful. Therefore Brady and others, the appellants, will have the costs of this appeal and the costs below also.

Authorities

A.G. -v- Bouchard (6th April, 1983) Jersey Unreported.
Costs in Criminal Cases (Jersey) Law, 1961, Article 2.
Archbold (36th Ed'n) paras. 761 and 762.
Practice Note (1959) 43 Cr. App. R. 219.
4 Halsbury 11 para. 780.