

2.5 Senator T.J. Le Main of the Attorney General regarding the costs incurred in relation to the recent prosecution of a former States Senator for criminal charges:

Would Her Majesty's Attorney General provide a detailed breakdown of the costs incurred in relation to the recent prosecution of a former States Senator for criminal charges and advise what costs were ordered against the accused? Furthermore, what costs were incurred in relation to that individual's litigation against the Chief Minister, the States Employment Board and the States of Jersey and what costs, if any, were ordered against him?

The Attorney General:

The defendant to whom this question refers has been the subject of a prosecution for both motoring and data protection offences. I do not have the time in an oral answer to give a detailed breakdown of costs. The external costs incurred by the Law Officers' Department in conducting the prosecution between 2009 and 2011 amount so far to a figure not less than £384,347. They are as high as this because the defendant raised numerous defences and appeals against a number of rulings. There were over 20 separate hearings in the Magistrates Court taking 35 days in total, including an abuse of process application made by the defendant and his subsequent trial which lasted 13 days, 9 hearings in the Royal Court lasting some 15 days and 3 days in the Court of Appeal. Some costs orders have been made against the defendant; some have not yet been quantified. Those quantified to date total £7,397.30. There were also a number of civil claims brought by the former Senator against the States, the Chief Minister, the States Employment Board and the Attorney General which included a claim for damages for injury allegedly suffered while he was a Minister and judicial reviews of certain decisions. They were struck out. They were dealt with by the Solicitor General and his time, if claimed at the standard cost rate, would amount to approximately £67,000. Costs for the civil claims were awarded on a standard basis against the claimant by both the Royal Court and the Court of Appeal and they are currently being quantified. I have made no attempt to quantify the substantial administrative costs incurred in those proceedings. In addition to the expenditure that I have just mentioned, the Bailiff's Chambers paid £27,000 on fees for external commissions of the Royal Court.

2.5.1 Senator T.J. Le Main:

Can I ask the Attorney General whether there are any further legal costs envisaged that have not been identified which the successful prosecution intend to pursue?

The Attorney General:

It is impossible for me at this point to give any further statement as to what matters may or may not be ongoing.

2.5.2 Deputy T.M. Pitman:

Like all Members, I am obviously not happy with these very large sums. However, is the Attorney General able to indicate whether some of this great cost could have been saved if we had not had an illegal police raid which has been acknowledged in the court?

The Attorney General:

I do not propose to answer that question. The police raid, I think, was a subject within the proceedings but I cannot say anything more about it than that.

2.5.3 Deputy A.E. Jeune:

I do not know if it is appropriate but can Her Majesty's Attorney General advise when the judges make a judgment, whose role is it to ensure that those judgments are carried out?

The Attorney General:

The question that I am originally asked relates to costs but, in general terms, if the judgment is a civil case, they are generally enforceable through the Viscount's Department if it involves a money claim or if it is an order of the court and it is breached, then by reference back to the court for suitable corrective measures to be taken. In terms of a criminal matter, it will depend upon the nature of the criminal penalty as to how that is enforced and carried out.

2.5.4 Deputy M. Tadier:

I think the Attorney General has given us a good case for effective price control of Jersey lawyers. Will the Attorney General undertake to give a breakdown which would include which costs related to the illegal raid on former Senator Syvret's house and the litigation that ensued from that and circulate that information to the House?

The Attorney General:

It would not be appropriate for me to give that undertaking but, in any event, I am far from sure if the various elements that form part of any particular case would be susceptible for individual quantification. There was a case; the case involved lawyers and the lawyers charged fees. There were a number of issues in the case and I would be very surprised if one could break it down much better than that.

2.5.5 Deputy M. Tadier:

Can I have a supplementary? Clearly, what we have seen here today is a classic piece of propaganda from Senator Le Main who is also up for election at the moment. The inference is that this has been a waste of taxpayers' money but it would be interesting if any further information could be provided because some of those charges were dropped against the former Senator. Some of the litigation which was involved was also to do with him defending himself and ended up being vindicated. For example, the court said that the raid on his home was excessive. So some of those costs will relate to things which were justified in many people's eyes and if the Attorney General could give a breakdown as has been asked for and point those things out to differentiate, that would be very helpful to States Members.

The Attorney General:

I am not sure that I can add to my previous answer. I will, of course, look at what further information might be possible and in the event that I were to be asked a further question, would have to consider the extent to which I could properly answer it and in what terms but I cannot say whether such an answer is capable of being given.

The Bailiff:

Do you wish the final question, Senator Le Main?

Senator T.J. Le Main:

I would just like to thank the Attorney General for the detail and all the work he put toward this question.