

ROYAL COURT
(Samedi Division)

144.
28th October, 1993

Before: P.R. Le Cras, Esq., Lieutenant Bailiff,
Single Judge

Andrew Derek Crocker

- v -

The Attorney General

Application for an extension of the time allowed, under Article 18(2) of the Police Court (Miscellaneous Provisions) (Jersey) Law, 1949 for applying for a Statement of Case by the Magistrate, following the refusal of the Magistrate on 2nd July, 1993, to order the payment, out of public funds, of the costs of the defence, under Article 2(c) of the Costs In Criminal Cases (Jersey) Law, 1961, when the prosecution offered no evidence and the Applicant was discharged from the prosecution.

The Application for Statement of Case by Magistrate was dated 26th July, 1993.

Advocate S.J. Willing for the Applicant.
S.C.K. Pallot, Esq., Crown Advocate.

JUDGMENT

THE LIEUTENANT BAILIFF: The instant appeal against an Order by the learned Magistrate refusing costs is brought by way of case stated under Article 18 of the Police Court (Miscellaneous Provisions) (Jersey) Law, 1949. By Article 18(2): **"An application under paragraph (1) of this Article shall be made within eight days**

after the day on which the decision of the Police Court was given".

Although counsel assures us that he had mentioned the eight day period on the Friday afternoon of 2nd July, 1993, when the learned Magistrate made his Order, his letter written the next week went astray and the application only went in on 27th July.

Counsel very properly conceded that not only was the application out of time, but that the provisions as to time limits under Article 18 differed from appeals under Article 14 where specific provision is made for the Court to extend time under Article 15(3).

He drew the Court's attention to 4 Halsbury 45 para. 1134 and the statement made there: **"The Court has no power to extend the period of time limited by statute for doing an Act unless the statute so provides"**. He urged the Court nonetheless to extend the time limit, not least on the ground as shown by the transcript that he had had no proper opportunity to address the learned Magistrate on the issue. Although this is a case, which on the facts outlined by counsel we would have wished to have heard, we find that the strict terms of the Law bind the Court. The application to the Magistrates was out of time and must therefore be dismissed.

We may add that we did not call upon counsel for the Attorney General to address the Court.

Authorities

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949.

Fossey -v- A.G. (1982) J.J. 223.

La Solitude Farm Limited -v- A.G. (1985-86) J.L.R. 1.

A.G. -v- Bouchard (6th April, 1983) Jersey Unreported (No. 121 of 1991).

McMahon -v- A.G. (9th December, 1991) Jersey Unreported.

4 Halsbury 37: paras. 14, 29.

45: para. 1134.