

P.C. Criminal Law - Costs in criminal cases - only awarded in exceptional circumstances - practice - slip rule - order incorporated into judgment of Board by misunderstanding - amended under slip rule.

Privy Council Appeal No. 23 of 1992
SAC as 2392A

No case referred

- (1) Michael Beckford
- (2) Junior Birch and
- (3) Joel Shaw

Appellants/Respondents

✓comp

v.

The Queen

Respondent/Petitioner

FROM

THE COURT OF APPEAL OF JAMAICA

ORAL JUDGMENT OF THE LORDS OF THE
JUDICIAL COMMITTEE OF THE PRIVY COUNCIL
UPON A PETITION TO SET ASIDE THEIR
ORDER AS TO COSTS, DELIVERED THE
22ND JUNE 1993

Present at the hearing:-

LORD GRIFFITHS
LORD BRIDGE OF HARWICH
LORD LOWRY
LORD SLYNN OF HADLEY
LORD WOOLF

[Delivered by Lord Griffiths]

In this matter the Judicial Committee had no intention of altering the practice as to the award of costs in criminal cases which has been followed in the past. The rule is that costs are not awarded to a successful appellant against the Crown unless there are wholly exceptional circumstances. There were no wholly exceptional circumstances in this case and the ordinary practice should have been followed. Unfortunately, through a misunderstanding, an order for costs was incorporated into the judgment of the Board and the Board propose under the slip rule to delete the reference to costs from the order made by the Board.

Now for a clear understanding of the position as to the future: if a petition for leave is successful counsel for the appellant should ask the Board to make a recommendation that the appellant should receive assistance in relation to the costs of the appeal. That request is, as a matter of practice, never opposed by the Crown and always acceded to by the Board. That practice their Lordships will continue and it is to be hoped that if for any reason the

appellant, through oversight, does not ask for a recommendation he will be prompted to do so by counsel for the Crown. That system is working very satisfactorily, it is accepted by Mr. Fitzgerald as the appropriate way of dealing with costs and that is the practice the Board will continue to follow. And as the Board made such a recommendation in this case, it is that recommendation that will take effect after the order of the Board has been amended under the slip rule.