

ROYAL COURT
(Samedi Division)

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8th November, 1996

Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Myles and Gruchy

The Attorney General

- v -

The British Broadcasting Corporation

1 count of contravening Article 100A(1) of the Children (Jersey) Law, 1969, by broadcasting a report on BBC Radio Jersey, revealing the names of four children under 18 years of age against whom criminal proceedings had been instituted in the Royal Court.

Plea: Facts admitted.

Details of Offence: In a news item, the Corporation broadcast the names of four 16 year old youths charged with criminal offences.

Details of Mitigation: Offence not deliberate, but arose through journalistic inadvertence despite a well funded training programme. Corporation had a good record generally and a particular record of positive service to the community. Full apology.

Previous Convictions: 1 x Contempt of court (different in kind from the present offence, and not held against the Corporation for present purposes.)

Conclusions: Fine of £1,000 with £250 costs.

Sentence and Observations of the Court: Conclusions granted. Offence not simply technical; the provision was intended to offer protection to juveniles and their families, and that protection had been lost.

C.E. Whelan, Esq., Crown Advocate.
Advocate P de C Mourant for the Defendant
Corporation.

JUDGMENT

THE DEPUTY BAILIFF: The British Broadcasting Corporation is charged and has admitted to acting in contravention of Article 100A of the Children (Jersey) Law, 1969, by naming four children on air who were then aged 16.

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The Law is clear; it is intended to protect those whose adult life has not yet begun and, as Mr. Whelan told us, some of the families were caused actual distress as a result of the broadcast that is the subject of the charge. The upper limit of fines imposed by law is £5,000. We appreciate that in the best regulated circles mistakes occur and a mistake has occurred. In our view it was a serious mistake, but we will say this, we regard the previous offence as a matter quite different from the present one.

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We could not have had a more gracious apology than has been given to us by Mr. Mourant this morning and because of the assurances given by the Managing Editor of the BBC in the Channel Islands we agree that a fine of £1,000 should be imposed together with £250 costs.

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Authorities

Children (Jersey) Law, 1969: Article 100A(1).