

**STATEMENT TO BE MADE BY THE CHIEF MINISTER
ON TUESDAY 18th JANUARY 2011**

Legal proceedings commenced by Mr Stuart Syvret

As members may be aware proceedings have been commenced in the Royal Court by Mr Stuart Syvret against a number of parties arising out of the dismissal of Mr Syvret whilst a member of the States of Jersey from the office of Minister for Health and Social Services.

I, amongst others, am named as a defendant in Mr Syvret's proceedings in my capacity as Chief Minister as is the States Employment Board of which I am Chairman. Those proceedings also seek to name the States of Jersey as a party alleging that the States of Jersey were at fault. In respect of the pleaded case against the States of Jersey, it is alleged that (a) the Council of Ministers obstructed Mr Syvret in the course of his Ministerial duties and joined a criminal conspiracy to have him removed as Minister and (b) the States of Jersey as a whole did not protect Mr Syvret by failing to introduce relevant safeguards to protect him from the alleged criminal conspiracy. The claim is made against the Assembly as a whole and no claim is made against individual members at this stage. It is possible that the claim might be amended so as to name individual Ministers rather than the States of Jersey given the nature of the allegations made. In that event, each Minister would be sued as a corporation sole.

Advice has been taken from the Solicitor General who has advised that the case against all of the named defendants should be struck-out and proceed no further. He also advises, in particular, that the case against the States of Jersey is misconceived and that the States of Jersey should not be a party to the proceedings and that it would not be appropriate for the proceedings against the States of Jersey to continue.

A hearing before the Royal Court will take place tomorrow in which the Court will be asked to give directions for the further conduct of the proceedings and the timing of a hearing of an application to strike the proceedings out.

In the light of the unambiguous legal advice received from the Solicitor General I have, through the Greffier of the States, instructed the Solicitor General to make an application to strike the proceedings as against the States of Jersey as well as against me as Chief Minister and against the States Employment Board. I understand that the other named defendants have similarly instructed the Solicitor General who will accordingly make such an application on behalf of all named defendants.

The ability of a court to strike out proceedings is a mechanism to enable the early stopping of proceedings which have no real legal prospect of success. It is a decision generally taken on the documentation before the court and is only ordered in plain and obvious cases. I am advised by the Solicitor General that this is such a case. If the court orders the case to be struck out as against the States of Jersey then, subject to any rights of appeal, as far as the States of Jersey is concerned the litigation would be at an end.

I am advising members at this time of the steps that I have taken. I have notified the Chairman of Privileges and Procedures Committee of the position. I will consult with and keep the Chairman of Privileges and Procedures Committee apprised of any developments.

9. Statement by the Chief Minister statement regarding the Order of Justice put forward by Mr. S. Syvret

The Deputy Bailiff:

The Chief Minister will make a statement regarding the Order of Justice put forward by Mr. Syvret.

9.1 Senator T.A. Le Sueur (The Chief Minister):

As Members may be aware proceedings have been commenced in the Royal Court by Mr. Stuart Syvret against a number of parties arising out of the dismissal of Mr. Syvret while a Member of the States of Jersey from the office of Minister for Health and Social Services. I, among others, am named as a defendant in Mr. Syvret's proceedings in my capacity as Chief Minister, as is the States Employment Board of which I am Chairman. Those proceedings also seek to name the States of Jersey as a party, alleging that the States of Jersey was at fault. In respect of a pleaded case against the States of Jersey it is alleged that (a) the Council of Ministers obstructed Mr. Syvret in the course of his Ministerial duties and joined a criminal conspiracy to have him removed as Minister; and (b) the States of Jersey as a whole did not protect Mr. Syvret by failing to introduce relevant safeguards to protect him from the alleged criminal conspiracy. The claim is made against the Assembly as a whole and no claim is made against individual Members at this stage. It is possible that the claim might be amended so as to name individual Ministers rather than the States of Jersey, given the nature of the allegations made. In that event each Minister would be sued as a corporation sole.

[15:00]

Advice has been taken from the Solicitor General who has advised that the case against all of the named defendants should be struck out and proceed no further. He also advises, in particular, that the case against the States of Jersey is misconceived and that the States of Jersey should not be a party to the proceedings and it would not be appropriate for the proceedings against the States of Jersey to continue. A hearing before the Royal Court will take place tomorrow in which the court will be asked to give directions for the further conduct of the proceedings and the timing of a hearing of an application to strike the proceedings out. In the light of the unambiguous legal advice received from the Solicitor General I have, through the Greffier of the States, instructed the Solicitor General to make an application to strike out the proceedings as against the States of Jersey as well as against me as Chief Minister and against the States Employment Board. I understand that the other named defendants have similarly instructed the Solicitor General who will accordingly make such an application on behalf of all named defendants. The ability to strike out proceedings is a mechanism to enable the early stopping of proceedings which have no real legal prospect of success. It is a decision generally taken on the documentation before the court and is only ordered in plain and obvious cases. I am advised by the Solicitor General that this is such a case. If the court orders the case to be struck out as against the States of Jersey then, subject to any rights of appeal, as far as the States of Jersey is concerned the litigation will be at an end. I am advising Members at this time of the steps that I have taken. I have notified the Chairman of the Privileges and Procedures Committee of the position and I will consult with and keep the Chairman of the Privileges and Procedures Committee apprised of any developments.

The Deputy Bailiff:

In accordance with Standing Orders, do any Members have questions to put to the Chief Minister? Very well, no questions. We now come on to Public Business.