

4.3 Deputy F.J. Hill of St. Martin of the Chief Minister regarding the Magistrate Designate's absence from Court duties:

Will the Chief Minister inform Members why the Magistrate Designate ceased performing his court duties as of 2nd June 2008; whose decision this was; why has he not been formally suspended; what, if any, additional costs there have been as a result of his absence since 30th September 2009; and when is he likely to return to full duty?

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

The Magistrate Designate ceased performing his duties on or about 2nd June 2008, at the request of the former Bailiff. It was then public knowledge, upon the execution of a search warrant, that the police were conducting an investigation into certain business affairs of the Magistrate Designate. The former Bailiff considered that it would be inappropriate, in those circumstances, for him to sit in court and the Magistrate Designate agreed. On the matter of suspension, I understand it is standard practice in the British Isles that a judge or magistrate who is under investigation withdraws from sitting in court. The former Bailiff consulted with the Lord Chief Justice in England and Wales on this matter before he saw the Magistrate Designate. The additional costs arising from the exclusion of the Magistrate Designate from court duties, between 1st October and 30th November, were £11,766. I cannot say when the Magistrate Designate is likely to return to full duty because that will be dependant on the outcome of the police investigation. Finally, I point out to Members that the Magistrate is not an employee but, rather, an office holder, so he does not come under the States Employment Board.

4.3.1 The Deputy of St. Martin:

I am well aware that the Magistrate is an office holder and this is one of the problems I think should be addressed by the States Employment Board. I do believe that everyone should be answerable to someone during the course of their employment. I welcome the answers given by the Chief Minister, but could I ask the Chief Minister about the police inquiries. Are there any police inquiries involving the Magistrate himself or is it the people around him? Because it appears to me that the people around him are not being charged, therefore if they are not being charged why is the Magistrate not being able to return to work?

Senator T.A. Le Sueur:

I do not have any knowledge of the police inquiry, so I am not really able to answer that question. As far as I am aware the inquiries remain ongoing and a search warrant exists.

4.3.2 Connétable D.W. Mezbourian of St. Lawrence:

The question refers to when the Magistrate Designate is likely to return to full duty: is he undertaking any duties at the moment, other than sitting in court?

Senator T.A. Le Sueur:

That is a matter I am unable to answer categorically. I believe he is still entitled to do his ordinary magistrates duties but not to sit in court. I cannot give a definite answer on that one, I am afraid.

4.3.3 The Deputy of St. John:

Could the Chief Minister confirm that the inquiry is an extensive inquiry from overseas, including America, *et cetera*?

Senator T.A. Le Sueur:

I have no knowledge of the details of the police inquiry. It is a matter for the police themselves to undertake. All I know is what any other Member can read and that is what is in the paper.

4.3.4 The Connétable of St. Lawrence:

It is a supplementary to my original question. Will the Chief Minister undertake to advise the House whether the Magistrate Designate is undertaking any other duties, as he was not able to answer?

Senator T.A. Le Sueur:

I am happy to do so, yes.

4.3.5 The Deputy of St. Martin:

I am grateful to the Connétable of St. Lawrence because I was going to ask that. I would like to go further. Could I ask that the Chief Minister reports to the States the actual situation as to where we are at the moment, because it appears that the Chief Minister does not know and I can understand that because he has not responsibility for him, but I would ask that the Members get a report from the Chief Minister for the next hearing as to the state of play as to the current situation and where we are at present and when police inquiries are likely to finish, if indeed they are involving the Magistrate himself.

Senator T.A. Le Sueur:

I appreciate the Deputy's question, but I do not think I am necessarily in a position to confirm when police inquiries might cease. That is a matter for the police themselves to judge and I am unable to really give an undertaking which, perhaps, would not be sufficient for Members' needs. I am happy to find out what information I can, but I think I have already disclosed that the Magistrate Designate is still suspended, police inquiries are ongoing and when they cease then, whatever action arises, an outcome will take place. But while the inquiries are ongoing, I do not think I can add much to my current answer.

The Deputy of St. Martin:

All I am asking of the Chief Minister is will he make inquiries with the police to see what the situation is. Quite clearly I cannot - I do not think any other Member can - but I am asking if the Chief Minister can make inquiries with the police.

The Deputy Bailiff:

I am not sure the Chief Minister is in any different position to you, Deputy, in that respect. Police investigations, as Members are aware, are a matter for the police and not for politicians. We come next to a question next by the Deputy of St. John of the Chief Minister.