

2.9 Deputy G.P. Southern of the Minister for Home Affairs regarding the search of Senator Syvret's premises:

Will the Minister give Members further details of the sequence of events and the officials involved in the decision not to pursue a search warrant under the Data Protection (Jersey) Law 2005 but to use the provisions contained within the Police Procedures and Criminal Evidence (Jersey) Law 2003 in relation to the search of Senator Syvret's premises and advise when he or his department were informed or consulted?

Senator B.I. Le Marquand (The Minister for Home Affairs):

There are 2 questions here. The first gives me an opportunity to give further details if I so wish, but I am not going to do that. The second is in relation to the involvement of myself and my own department. I was notified by the Acting Chief Officer at about 11.30 a.m. on 6th April that Senator Syvret had been arrested. The Acting Police Chief and I are both sure that I was not told that a search was taking place without a warrant. But we are not sure whether there was anything mentioned at all in relation to a search. There is a reference to my department, which I assume means the Home Affairs Department, not the States of Jersey Police. The Chief Officer of Home Affairs has very limited functions in relation to the States of Jersey Police and was not separately involved.

2.9.1 Deputy G.P. Southern:

Could the Minister please inform Members what his understanding is of the decision to rely on the general provisions, either under Article 20 or 29 of the P.P.C.E. (Police Procedures and Criminal Evidence) (Jersey) Law 2003) and, if under Article 20, when such a search was authorised in writing by a policeman at or above the rank of inspector?

Senator B.I. Le Marquand:

As I indicated during the debate 2 weeks ago, the search was authorised under Article 29(2)(b) of the P.P.C.E. Law.

2.9.2 Deputy G.P. Southern:

Does the Minister accept that Article 29 refers to serious breaches of the law and should not be brought into force over the relatively lower level Data Protection Law 2005?

Senator B.I. Le Marquand:

No, I do not accept that. There is no qualification under article 29(2)(b) in relation to the seriousness of offences involved.

2.9.3 Senator S. Syvret:

I declare an indirect interest in this matter, obviously. But I am curious about a point of the law and the way in which the particular law, the Article 29 was chosen. Would the Minister for Home Affairs confirm that the reason that the signed search warrant was not, in fact, relied upon, and that Article 29 was chosen instead, was because the search under the search warrant would have been confined to the purposes of the warrant, whereas the use of Article 29 enable the police to search everything on the property from top to bottom on a fishing expedition?

Senator B.I. Le Marquand:

No, that is not correct in either way. Firstly, the reason the search warrant under Article 15 was not acted upon was because it only operated in relation to serious offences. Therefore the search warrant should not have been granted under that article, and, once this was realised it was not acted upon. But there were very clear limitations under Article 29(2)(b) in relation to the search, which is solely in relation to obtaining evidence in relation to the matters for which a person has been arrested.

2.9.4 Deputy G.P. Southern:

Will the Minister come to the House and give his reasoning why he refuses to give any further details about the first part of this question?

Senator B.I. Le Marquand:

Yes, because as I said during the previous debate, this matter is still an operational factor. Any further details would identify individuals involved, which is not appropriate. It is also not appropriate at this stage to identify the reasons for actions which were taken. That is partly in order to protect Senator Syvret, if this matter comes to trial.