

4.8 Deputy R.G. Le Hérissier of the Chief Minister regarding the ongoing absence from duties of the Magistrate:

What has been the cost to date of the absence from duties of the Magistrate and what steps, if any, are in place to review the absence regularly?

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

The Magistrate Designate agreed not to sit as a judge following a discussion with the former Bailiff as a result of a criminal investigation into an alleged fraud. I am advised that the investigation still continues. The position of the Magistrate Designate is unlikely to alter until that investigation is concluded and a decision is taken on whether or not any charges should be brought and, if so, against whom. A sum of £158,614 has been paid to other parties, the necessary cover resulting from this period of absence from the court. This sum is therefore the extra cost which has been incurred as a result of his absence. In passing, I must point out that the appointment of a magistrate is not an appointment of the States Employment Board and hence the position of the Magistrate Designate is not subject to review by the suspension panel.

4.8.1 Deputy R.G. Le Hérissier:

I thank the Chief Minister and, of course, I had raised this issue when initially he told me the facts, and he has just repeated, that it is not his direct responsibility. Would he nevertheless think that it is yet another case of a suspension that appears to be running out of control and would he not, in his role as the guardian of the public purse, wish that there be a much more rigorous way of monitoring and, if possible, bringing an end to the suspension.

Senator T.A. Le Sueur:

It is technically not a suspension but I do accept that it takes longer than one would like to deal with these matters. But then it is the nature of police investigations, particularly complex forensic investigations, they do take time and I am advised that, in this particular case, the period of time is not unusual.

4.8.2 Deputy A.E. Jeune:

I think I heard the figure given was about £158,000 by the Chief Minister to cover the absence of the Magistrate but I am assuming, therefore, is it right that the actual salary of the Magistrate is still being paid on top of that?

Senator T.A. Le Sueur:

That is correct.