

3.11 The Deputy of St. Martin of H.M. Attorney General regarding the employment of legal staff from outside the Island to prosecute minor cases in the Magistrate's Court:

I gather there was some difficulty finding out who was going to answer this question but I am going to ask the Attorney General. Will Her Majesty's Attorney General inform Members whether legal staff have been employed from outside the Island to prosecute minor cases in the Magistrate's Court and, if so, would he outline the reasons why, how often such a system was sought and how much has it cost?

Mr. T.J. Le Cocq QC., H.M. Attorney General:

On one occasion in May this year a Jersey-qualified advocate, who is also practising as a barrister in the United Kingdom, was instructed to prosecute several minor motoring cases which had been listed for trial in the Magistrate's Court. The need for this arose from a temporary but exceptional staff shortage due to illness, arranged leave and promotion within the Criminal Division of the Law Officers' Department. The cost for 2 visits to Jersey, one for preparation and one for presentation in court, was a total of £750. Because the advocate in question already had connections with Jersey there was no requirement to pay for any travelling or accommodation expenses. This is the only occasion, as far as I know, on which legal staff have been employed from outside the Island who appear in the Magistrate's Court.

3.11.1 The Deputy of St. Martin:

I am grateful for the answer but could I ask the Attorney General whether consideration has been given maybe to employing associate prosecutors? These associate prosecutors would take a lot of the work off qualified lawyers, it may well be a saving too and maybe it is time now to give consideration to employing such people who are known in the C.P.S. (Crown Prosecution Service) as associate prosecutors?

The Attorney General:

I am grateful to the Deputy for his suggestion. I have not given consideration to associate prosecutors and I confess to the Assembly I have not heard the expression before now. If the Deputy would like to give me information of course I will consider it.

3.11.2 The Deputy of St. John:

Will the Attorney General advise whether or not Centeniers still prosecute in the Police Court, as they have done since time immemorial, and if they do would it not be possible, as we are told they are minor motoring matters, for them to continue in the way they have done for generations?

The Attorney General:

My understanding is that Centeniers do not conduct prosecutions in the Magistrate's Court where there are pleas of not guilty. The cases that were under consideration in this were all not guilty pleas and therefore they would not have been prosecuted by Centeniers.

3.11.3 The Deputy of St. John:

Supplementary, Sir. Could the Attorney General inform us when this changed, what year, please?

The Attorney General:

I cannot, I am afraid, give precisely the dates upon which that changed but it has been practised for a number of years, that all not guilty pleas are dealt with in the Magistrate's Court by qualified legal advisers.

The Deputy Bailiff:

Final supplementary, Deputy?

The Deputy of St. Martin:

No. Maybe I will just help the Deputy of St. John as I believe it was 2007 following the Cooper opinion.