

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 23rd OCTOBER 2012**

Question

What sanctions, if any, are in place in the instance of a Jurat not revealing a conflict of interest and recusing him or herself from a court case where this should have ruled him or her out from sitting in judgment?

Answer

On the 15th May 2012 the Attorney General answered a question on judicial conflicts of interest in response to an oral question from Deputy Pitman. That answer is on Hansard and accordingly is in the public domain. Any party has the right to apply to a judge to disqualify himself and the judge will consider that application by applying the correct legal tests and having regard to their judicial oath of office and code of conduct. If the judge declines to disqualify himself, or if the conflict is not identified until after the case is heard, then the remedy is to take the matter to the Court of Appeal.

The reference to the term 'sanction' is not understood. As a general principle, Judges are not disciplined for a single mistake. As already mentioned, if a Jurat does not declare a conflict of interest then the aggrieved party's remedy is to appeal the decision of the Court of Appeal. There are numerous examples in the United Kingdom of cases being successfully appealed on the grounds of apparent bias and as far as the Attorney General is aware it has not been suggested that in such cases the judge below should be disciplined.