

In the Royal Court of Jersey

4.

Samedi Division

10th January, 1990.

Before Sir Charles Frossard, Bailiff of Guernsey,

assisted by Jurats B. Myles and M. W. Bonn

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In the matter of the representation of Peter John Pearce requesting the court to quash the decision of the Panel of Jurats of the 13th April, 1989, upholding the decision of Her Majesty's Attorney General requiring the representor to resign the office of Centenier, on the grounds, inter alia, that his dismissal from that office by the Attorney General and the hearing before the decision of the Panel of Jurats was contrary to the rules of natural justice and should be declared null and void.

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H. M. Attorney General convened

Advocate F. C. Hamon for the representor

Advocate M.C. St. J. Birt for the Attorney General.

(At the request of the parties the Court dealt with the hearing before the Panel of Jurats as a preliminary issue)

Sir Charles Frossard: The Court, having listened to all the submissions of counsel and in view of the concessions made by counsel for the Attorney General, has come to the following decision: it is prepared to exercise its discretion and in applying

the principles of natural justice quashes the decision of the Jurats Panel and refers the appeal of Centenier Pearce to a fresh panel to adjudicate on that appeal. The Court would add that while it need not decide on the point of the appearance in person of the Attorney General before the Panel it may be preferable in such cases for the Attorney General, who is not only a party but could be a witness, to be represented by counsel. It is for the new Panel which decides its own procedures in accordance with the Regulations to decide whether it should be assisted by counsel of its own choice. The court is prepared to hear argument on the form of the order if counsel wish to address us on it."

Counsel did not wish to be heard on the form of the order and argument was limited to the matter of costs. Costs awarded to the representor on a full indemnity basis. A reasoned judgment is to follow.