

**Speech given by Bailiff
Swearing in of Assistant Magistrate
June 2008**

Mrs Shaw,

I speak on behalf of the Jurats and in my own name in saying that we congratulate you upon your appointment as Assistant Magistrate and welcome you as a member of the Judiciary of Jersey. That welcome extends also, of course, to your husband and children and to the other members of your family all of whom share in the honour of your appointment, and whom we are very pleased to see in Court this morning.

Mr Ian Le Marquand, who has retired from the magistracy after 9 years in post, is away from the Island but I should like nonetheless to take this opportunity of thanking him publicly for his service to the cause of justice. He has been an outstanding magistrate, and the Court wishes him well for the future.

Mrs Shaw, you take up your post at a time when the judiciary and those in public office in the Island are, for better or for worse, under greater scrutiny than has been the case for some time. No-one can object, of course, to holding individual members of the judiciary to account for their judicial conduct or indeed for their conduct outside the court room. Indeed you have become, by virtue of your office, a member of the Jersey Judicial Association which last year adopted a Code of Ethics and Conduct setting out quite clearly what is expected of judges and magistrates in this Island. But wholesale attacks upon the judiciary and suggestions that they are collectively incapable of dealing with any outcomes of the current child abuse inquiry are ignorant and unwelcome, and I deplore them. Senior politicians, should know better than to attempt to subvert public confidence in our judicial institutions in pursuit of a personal agenda.

In fact, your experiences as a lawyer working for the Crown Prosecution Service in England, and latterly for the Law Officers' Department in Jersey have equipped you particularly well for any challenges which might lie ahead. In England you have prosecuted, inter alia, cases of rape, serious assault, and domestic violence. In Gloucestershire you were responsible for advising the police in the majority of child abuse cases in that county. In Jersey, as a legal adviser working for the Attorney General, you have promoted the need for comprehensive employment vetting for those working with children, and have drafted instructions for the law to deal with the registration of sex offenders. You have worked with Victim Support in developing ways of helping victims of abuse to overcome the challenges of giving evidence in Court.

All this experience will be useful to you in your new role as Assistant Magistrate. But that experience is of course not all that is needed by a judicial officer. You have just taken an oath which requires you to administer justice without favour or partiality and you will have a duty to protect the legitimate interests of defendants as much as of alleged victims. You will need to show the strength of character, in the face of all kinds of pressures, to do what is fair and right in all the circumstances of the case.

You will have the support of a number of experienced relief magistrates. You will also be able to rely upon the guidance of the Acting Magistrate, Richard Falle, to whom I am most grateful for his willingness to bridge the judicial gap at a difficult time.

The Magistrate's Court is the coal face of the criminal justice system. 95% of criminal cases are dealt with in the lower court, and not every case is too serious. One of your predecessors told me the story of the advocate defending a client before him on a charge of careless driving. "This case,

Sir, is clearly not made out; my client was merely making his way home from the office, and he is of excellent character”. “Well, Mr ?”, said the Magistrate, patiently, “according to the papers, your client’s car was exceeding the speed limit, it was on the wrong side of the road, and it was upside down”.

Mrs Shaw, I express, on behalf of the members of the Court, the confidence that you will fulfil all the duties of the Assistant Magistrate with competence and distinction. I hope, too, that you will find your new office not only stimulating but also enjoyable.

Madame le Sous Magistrat, la parole est à vous.