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Judicial officers must be 'high-principled'

There is a misconception at the root of the recent controversy over the proposed film of Frederick West's life (letters, 4 January 1997). It is assumed that, in relation to his rights over the West archive, the Official Solicitor is obliged under the present law covering his duties (report, 2 January 1997) to maximise profits for the beneficiaries in the same way as would apply to an ordinary trustee. In fact this is not so.

The full title of this officer, as successor to the former Official Solicitor of the Court of Chancery, is 'Official Solicitor to the Supreme Court of Judicature'. He is an officer of that court and is by law obliged to exhibit the loftiest standards of behaviour in the performance of his office.

This was laid down by Lord Bridge of Harwich in *R v Tower Hamlets London Borough Council, ex p Chetnik Developments Ltd* [1988] AC 858 at 876-877. Lord Bridge said that the court would only allow its officers to act in a 'high-principled' way, adding that even where an ordinary person might lawfully act in a 'shabby' way this would not be permitted in an officer of the court.

It seems clear to me that the Official Solicitor is entitled, indeed bound, to exercise his duties in the way a high-minded private person would act where he had a choice as to the way he was to deploy his rights of property.¹

¹ *The Times*, 8 January 1997.