

Editorial

The Nadir Case*

The hurried departure to Cyprus of the former chairman of Polly Peck International, Asir Nadir, while on £3.5m bail pending trial on serious fraud charges, has led to several disquieting revelations and much interesting speculation about the sources of Conservative Party funding. It has been disclosed that the Party received nine payments totalling £440,000 between 1985 and 1990 via Mr Nadir's companies; there have been allegations that these payments may have been made in expectation of the award of an honour to Mr Nadir, and that, contrary to the requirements of section 235 of Companies Act 1985, the donations may not have been disclosed in the accounts of the companies concerned.

Understandably, given the Prime Minister's recent difficulties, parliamentary and media attention has tended to concentrate on the party political implications of the affair. But there are many legal ramifications, too, not least the revelation that some

ministers apparently expressed their concern about aspects of the Serious Fraud Office's handling of the Nadir investigation to the Attorney General.

The ministers concerned have explained that the representations were made, quite properly, to a fellow member of the Government, on behalf of constituents: and of course it is an essential feature of our parliamentary government that citizens are not denied the right to seek redress of their grievances through the medium of their constituency MP merely because that MP happens also to be a member of the government of the day.

But in this instance there is a complication. The subject of the grievance was the administration of justice, and the Attorney General, while in one sense certainly a member of the Government, is in another important sense also an independent custodian of due process in legal proceedings. It would be unrealistic to expect departmental ministers never to talk to the Law Officers about matters undergoing or pending trial, but it is vital, in terms of justice being both done and seen to be done –

particularly in areas where political controversy is lurking in the background – for ministers to respect the professional detachment of the Attorney and his colleagues. It will be remembered that it was the leakage for political purposes of a letter from the Solicitor General that brought about the downfall of a senior minister, and nearly brought down the prime minister herself, in the Westland affair.

This aspect of the Nadir case is perhaps overshadowed by the other issues that have emerged. But any suggestion that the Attorney General may have been lobbied by ministers (there has been no suggestion that he himself may have behaved improperly), on behalf of someone to whom the governing party apparently owed some favours, adds another disquieting dimension to a very disquieting case.

*The Editorial was written before 25 June 1993. Therefore we were unable to include more recent developments.