

Review of the Roles of the Crown Officers

Submissions of Howard Page QC

I am one of a number of Commissioners, appointed from the Bar of England and Wales and from the ranks of retired High Court Judges, who sit in the Island from time to time to preside in cases in the Royal Court: in my case exclusively in civil matters, largely commercial and trust cases. I am not resident in the Island, do not own property there, and have no personal relationship to any resident or other vested interest of any kind in relation to the matters the subject of this Review.

It is, therefore, almost solely from this perspective that I feel qualified to respond to the Panel's invitation to contribute to its deliberations. I have no significant experience of the relationship between the Bailiff and the States and only limited experience of the role of the Bailiff as civic head of the Island, though in the latter case I have always been struck by the quiet dignity, eloquence and courtesy with which Sir Philip Bailhache and now Mr. Michael Birt QC have performed their public functions on those occasions at which I have been present. Nor, as it happens, have I had more than a fleeting occasion or two to concern myself with the offices of Attorney General and Solicitor General.

I have, however, had very considerable contact with the Bailiff and Deputy Bailiff of the day, the Jurats (with whom I frequently sit), the Bailiff's Judicial Secretary (who manages the court lists and Commissioners' diaries), the officers and staff of the Judicial Greffe, the Royal Court Ushers (contributors to the efficient functioning of the Courts to an extent very different from court ushers in England), and members of the Jersey Bar.

What I can say, with confidence, based on my experience over nine-and-a-half years as a Commissioner trying a large number of cases, sometimes for weeks or even months at a stretch, is

- (i) that, with very rare exceptions (as in any system), I have almost always found the legal system to function fairly and effectively and to be one with which it has been a privilege to be associated;
- (ii) that I have never felt troubled by any conceptual or structural aspect of it; and
- (iii) that the administration of justice appears to have been and continues to be well served by the holders of the offices of Bailiff and Deputy Bailiff.

This state of affairs is, I suggest, a powerful indication of a system the health and effectiveness of which owes much to the current standing of, and respect for, the offices of Bailiff and Deputy Bailiff within the constitutional structure as well as to the acumen and personality of the individual office holders; and I would very much hope that the Panel would be slow to recommend anything that could jeopardise this.

Howard Page QC