

Submission by R Romeril

SUBJECT: Submissions deemed justifiable
----- for a justice review.

(R.E.ROMERIL)



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11/06/2014.

Senator I.J.Gorst.,
Chief Minister's Department,
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Jersey.

Sir,

In view of the recent announcement within the pages of the local 'J.E.P.' with regard to your encouragement to members of the public to submit examples of present flawed legislation (or the lack of it),may I be permitted to quote some details of at least one such example which,in my personal opinion,demands and deserves the immediate restoration of one past statute law with all expedition |

I am referring in parti-
cular to no less than the former "La Loi sur la Propriété Foncière" (Jersey)1880",a copy of which I do possess in French which happens to be my 'mother tongue'and not English. This particular law came about due to the sense of justice and creative efforts of a former Bailiff (1880-1884),one 'Sir Robert Pipon Maret'who died at the relatively young age of sixty four,presumably while still being in office.

Briefly,the extensive requirements and demands deemed necessary from advocates and members of their staff,including 'conveyancers',in order to conform strictly to every article within the former act during the process of accumulating all the correct information pertaining to the Jersey property intended to be sold,became such that that ~~at~~ the procedures were deficient or not being strictly adhered to in every possible detail,then the would-be transaction became 'null and void'resulting in the property in question reverting to its former owner. The inevitable consequence would no doubt have created a situation whereby the latter became entitled to recover substantial compensation from the advocate(s)responsible for such a 'débacle'.

Thus,it can be inferred without any fear of being contradicted,that because of this law,every advocate involved in preparing such property deeds needed above all,to be ever vigilant in his research in the history and background of every property prior to an intended sale and ~~at~~ ensure at all times that his associates on whom he depended in order to research such background information,were also considered to be extremely capable and competent in their understanding and use of the French language,besides being especially aware of the inherent subtleties within it,where in certain cases,two similar written words were intended to infer disparate meanings. An example of two such words are 'terre'and 'terrain'which succeeded in confusing a former Deputy Bailiff |

Having already been personally directly involved in more than one judicial interventions held before the Island's "Royal Court",I am indeed in a position to state that the greater majority of present day 'conveyancers'employed by Jersey based legal companies possess inadequate knowledge of the French language and are badly in need of extensive retraining in their particular discipline. As a former advocate once expressed it rather succinctly to me many years ago in referring to conveyancers in general...'They are a rum lot'...Need I say anything else in order to convey the appropriate message ?

In spite of the fact that a former and illustrious Bailiff of the Island, the late Sir Alexander Moncrieff Coutanche, whose term of office included dutifully carrying on as usual during the tremendous upheavals endured by the local population throughout the dark days of enemy occupation (of which I happen to be a survivor) did once state categorically that the law in question, had been in his words, to quote.. 'One of the greatest legal reforms of that particular century'..end of quote. An extremely strong statement from such an outstanding individual if ever there was one and hardly to be ignored

§ In other words, something so special and worthy to be retained at all cost for posterity as a 'bastion' in order to ensure that all property contracts are researched and written implicitly well without the least hint or suspicion of containing any errors or ambiguities ; the pursuit of excellence, no less. The consequences for failure to perform accordingly were indeed intended to be dire for the unfortunate individuals concerned and rightfully so |

However and against all possible logic and prudence, it came to pass some considerable time ago within the late 90's, that members of the "Jersey Law Society" and possibly subsequent to having been excessively coerced by a prominent civil servant, possessing a vested interest at the time, as I suspect, did take upon themselves the complete removal from the statute books of such a significant and inspired piece of legislation. Fundamentally at the present time, excerpts from such are no longer permitted to be quoted in debate within judicial interventions held within the "Royal Court" as it no longer exists.

Because of this diabolical suppression, advocates are presently free without any fear of being reprimanded or being barred from continuing to practice, to carry on without a care in the world, should their individual creations/undertakings be found to be deficient at a later date. Simply a case of 'back to the drawing board' and start all over again | Does the Island's public truly deserve such a decadent attitude ?

Item 2

In order to be eligible in having one's name included on the 'Electoral Register' (Form 1A,Article 7(2)of the "Public Elections (Jersey) Law 2002,one is requested to submit some personal information regarding one's residence on the Island In the second article,one is being asked...'Are you ordinarily resident in Jersey ? If 'NO',you are not currently eligible.

(Article 3) If the reply is 'YES',...'Have you been ordinarily resident in Jersey for the period of at least two year up to and including to-day ? If the answer is 'NO',article 3B asks..'Have you been ordinarily resident in Jersey for a period o at least six months up to and including to-day,as well as having been ordinarily resident in Jersey for a period of at least six months up and including to-day,as well as having been ordinarily resident in Jersey at any time for additional periods that total at least five years ?

In my personal opinion,the present condition being imposed on Jersey born Islanders who not only own property in the Island to which they return on a number of occasions in the course of the year apart from contributing Jersey income tax to the government based on investments,trade,rentals,pensions etc etc,should automatically entitle these same individuals to have their names placed on the electoral roll.They should be allowed to exercise thgir democratic right in being able to vote for thos candidates whom they consider are likely to be more prudent in how their tax money is likely to be spent,surely ?

By contrast,it is an established fact that both non and citizens of Canada not resident in the country but still receiving taxable 'old age pensions'from the government on a monthly basis,the authorities concerned notify the recipients that,based on their income tax returns received,they have been assessed at a certain percentage to be deducted for income tax at source and that their names have been placed on the country's electoral register in order to be eligible to vote in any future Federal Government elections,the process by which former or new members of parliament (M.P.'s) are returned to Ottawa as elected representatives of their particular 'riding'scattered across the length and breadth of the land

A simple ,straight forward and very democratic system . This is the way that the local Jersey law should have been implemented. Anything less becomes an injustice and deserves to be condemned as being unconstitutional.

Some years ago at the time that the 'porcine influenza' was rapidly spreading across the world and threatening to become a pandemic, Jersey's Health Department took upon itself to issue appropriate warnings and procedures to follow in the event of any individual becoming or feeling unwell and possibly suffering from an above normal body temperature which, if suspected, required the individual concerned to seek immediate medical advice from their 'G.P'.

Accordingly, a narrow strip of black paper was included within the envelope sent to every household across the Island. Each recipient, if feeling unwell, was being instructed to place such 'strip' across one's forehead and determine if such had undergone a colour change after so many seconds and which was intended to intensify according to the critical rise in temperature.

So far so good and undoubtedly an effort demonstrating great concern for the continued wellbeing of the local population. However and to my great distress and chagrin, the accompanying instructions written in English were then accompanied by translations into two further languages, one of which was 'Portuguese' and the other 'Polish' ; absolutely nothing in French.

At the time, I kept several lodgers in my Jersey residence, most of which were Portuguese together with a Frenchman from Bordeaux, "Didier de Gois" whose ability in English at the time was almost non-existent and he did not speak Portuguese. Fortunately, I had returned from France just a short time after the letter's arrival and "Didier" asked me in French what exactly was he expected to do as he obviously nothing to speak of in English. However, his ability in the language has improved a great deal in the interval and is in regular employment.

To put it mildly, I was absolutely flabbergasted and could not quite comprehend how or why the ancient cultural language of the Island had been so unceremoniously ignored when I can imagine there would be some three thousand residents who have French as a mother tongue and not English.

As a consequence, I did write to the newly appointed principal medical officer to the department in question who had recently replaced her predecessor responsible for the unfortunate problem. She did not reply to my letter. I believe I did send a copy of the same but still no reply. So much for that |

I would hope very much that no longer are we to encounter such replication/repetition and in my opinion, any senior civil servant who insists in ignoring my cultural identity should be politely asked to vacate their office and leave forthwith. This is the extent to which I do react in such circumstances.