

**Assise d'Heritage- Bailiff's Speech**  
**Friday 15<sup>th</sup> September 2023**

1. Your Excellency, members of the Court, ladies and gentlemen
2. As far as I am aware, the Assise d'Heritage is the oldest land court in Europe and as we have all just seen, it is a deeply traditional and symbolic court in which the Seigneurs attend to answer for their fiefs and acknowledge their fealty to His Majesty The King and when members of the Bar renew their oaths of office. It is the start of our legal year – although (having worked through August) I cannot say that I have noticed any particular end to the last legal year.
3. However, this sitting is a very important one indeed in the legal calendar and I begin by welcoming most warmly His Excellency the Lieutenant-Governor and Dr Kyd to their first sitting of this Court. Your Excellency, you have been in post for almost a year and will by now have noticed that you “*aren't in Kansas any more*”. You have indeed had a reasonable opportunity to get used to Jersey before hazarding your first Assise d'Heritage as you arrived to take up office shortly after the last Assise. The personal representative of His Majesty The King is always a most welcome presence in this Court but your functions today mean that perhaps you are not entirely a guest because you are required to appear to acknowledge His Majesty – on the other hand, it gives you a rare speaking role in this Court albeit entirely brief and to the point. In

both capacities, Your Excellency, as a guest and as a participant, you are most welcome.

4. I am delighted, of course, that we are joined today by the Chief Minister who is as ever very welcome in this Court and we are very pleased that she has been able to take time out of her busy schedule to be here today to be with us for the most important annual ceremonial event in the Court.
5. I am also very pleased to welcome Lord Garnier KC who joins the Court as a guest. Lord Garnier is not only a distinguished barrister but also a distinguished parliamentarian and he served as Solicitor General for England and Wales. For those of us who are going to the Law Society Dinner this evening, we will have the pleasure of hearing Lord Garnier speak and possibly even receiving some of his reflections over dinner on his experiences today. He is, I understand, a fan of 19<sup>th</sup> century French literature so perhaps today will not seem as foreign as it might otherwise have seemed. In any event, you are warmly welcome to this Court and we look forward very much to hearing you this evening.
6. I mentioned earlier that this is the oldest surviving land court in Europe. The Chefs Plaids d'Heritage goes back at least as far as the middle-ages, presided over by the Warden during the Thirteenth Century. The sessions were then held three times a year at Hilarytide, Easter and the Feast of St Giles when all the officers

of the Court which includes of course all lawyers, were present accompanied by the free tenants. It has of course evolved since then into this single sitting.

7. It was perhaps interesting to note that there was a sitting of the Court in 1915 when it was decided to abandon its right to the Assise d'Heritage dinner during the continuation of the then hostilities. Whilst this was revoked in a further sitting in 1921, seems to have taken rather a long time in fact for news of the Treaty of Versailles to reach Jersey. However, that matter has now been addressed to a very great extent at the behest of the Law Society by proposing that the Assise d'Heritage take place on the same day as the Law Society Dinner.
8. The connection between the legal profession and the Court is a very important one indeed and over the years, it seems to me, perhaps by reason of the change in the business of law, the opportunities of reinforcing and maintaining that connection have dwindled somewhat. The Assise d'Heritage has always, to my mind, been an important point of connection and we get to see members who do not appear in the Court regularly and I think the coupling, if we may put it that way, of the Assise d'Heritage and the formal renewal of oaths to a pleasant social gathering this evening is, I think, a very good way of fostering that relationship. It seems to me to be a very positive development – it certainly worked very well last year – that many of the members of the

profession gathered with the Court today will gather in a more relaxed and social environment this evening.

9. It is customary on these occasions for the Bailiff to say something about the changes in the Court over the year. There have been a large number— perhaps an almost unprecedented number. The last twelve months have seen the retirement of a deeply respected judge of this Court – namely Commissioner Julian Clyde-Smith – who gave the most exemplary service to Jersey law over the years that he served. This has been followed by the appointment of two new Jersey based Commissioners in the form of Commissioners Binnington and Thompson, the former in Court today, who are already making an impact on the business of the Court. We have new Commissioners from outside of the Island, Commissioner Caroline Wright who has agreed to deal with children and family matters and will sit regularly and we have Commissioner Sir John Saunders who has given such stalwart service and continues to do so in criminal cases. We have just been joined by Commissioner Terence Mowschensen who is sitting on a complex matter shortly. I believe Jersey law is enriched by that expertise from outside the Island, respecting as it does the difference between jurisdictions.
10. We have also seen the appointment of a new Master in the person of Advocate David Cadin who is already proposing improvements to our civil procedure. We can look forward I think to a number of useful developments in civil procedure and practice going forward.

11. So much for the Royal Court judiciary. The Magistrate's Court has seen the retirement of Advocate Peter Harris as Assistant Magistrate and the very recent appointment of former Judicial Greffier, Advocate Adam Clarke, in his stead. He in turn has been replaced by Advocate Rebecca Morley-Kirk as Judicial Greffier and she took her oath of office before the Royal Court yesterday morning. We warmly congratulate both these new appointments and wish them well.
12. We have, of course, additional members of the Court of Appeal in the persons of Messrs Paul Matthews, Michael Furness, James Wolffe and Sir Adrian Fulford. Lastly, we welcomed Jurats Opfermann, Entwistle and Berry to the College of Jurats. They replaced Jurats Pitman, Crill and Ramsden to whom I have already paid a full and well deserved tribute. Jurats Ronge and Christensen have taken over as Lieutenant Bailiffs and I already have reason to thank them for their support and efforts.
13. I have mentioned all these changes and additions because there seem to me to have been over a twelve month period a significant number of them. I would add that we are lucky indeed that people of ability, skill and commitment are prepared to serve in the various capacities that I have just mentioned. Although there have been a number of changes I am confident that the judiciary is as steady as it has ever been. I am grateful for all who have offered and continue to offer their service in this way.

14. The Court is as busy as it has ever been. We certainly have a large number of criminal trials coming up – perhaps more than we have seen in recent years. The Court is very grateful indeed for the support that it gets from counsel and from the legal profession more generally – we always appreciate the assistance that we are given, even though it may not always look like we do. I note that there are changes in the profession coming as well – this is, I understand, the Batônnier, Advocate Simon Young’s last Assise d’Heritage in that office and we look forward to hearing his final thoughts in a moment. I would just like to take the opportunity of thanking him very much for his service to the legal profession and wishing him well in his retirement from office. Of course, if his final speech as Batonnier is a sustained attack on the office of Bailiff or the judiciary then I take it back! I also wish his successor, Advocate Michael Preston, the best of luck and an interesting time at the helm.
15. I do not doubt that in the months to come there will be challenges and changes ahead. The world changes and our small part of it changes as well. With this opening of the legal year, let’s face those changes with optimism and with resolve.
16. Monsieur Le Procureur, la parole est á vous.