

## **Review of the Roles of the Crown Officers**

I should perhaps first of all state that I am in a fairly unique position, in having experienced the Roles from both the States and Judicial aspects as well as that of the Honorary Police. I served as a member of the States of Jersey for two terms (six years), as Connétable of St Lawrence (in that role I was both head of the Honorary Police in that Parish and Chairman of the Island-wide Honorary Police Constitutional Working Group) and have now been a Jurat of the Royal Court for the best part of a year.

To my mind and as stated in the Terms of Reference, any review of this subject constantly needs to take into account the fact that Jersey is a small island and therefore has limited resources. We are forever in danger of falling into the trap of adopting the 'nice to haves' without considering whether we really need them and also in not taking into account the additional resources needed to support them on an ongoing basis. It is also important to remember our Island traditions and heritage. It is often the case that, when talking to people around the world and explaining how our small jurisdiction operates, many are envious of our ability to follow more satisfactory procedures than they themselves are used to. It is not unusual that those who live outside the Island, but have lived in Jersey and experienced the Island at first hand, regret that the systems employed, in say the UK, are not nearly as effectively democratic as we are used to in the Island.

That said:-

### 1. The role of the Bailiff as Chief Justice, President of the States and civic head of the Island.

- a) Chief Justice - I am not aware of any significant problems with regard to the Bailiff being the Chief Justice in the Island. In my experience the present situation works well and I would therefore not be in favour of change.
- b) President of the States - It has been suggested by some that the Bailiff should not act as both Chief Justice and President of the States. It has also been suggested that an elected member of the States should be appointed, by the States, to act as Speaker. In the United Kingdom, for example, an MP is elected to act as Speaker. However, there they have a party political system, whereas in Jersey, each member of the States is elected directly to represent his or her electorate and to vote accordingly. If a member were to be elected to the role of Speaker, that member's electorate would effectively be disenfranchised, as the Speaker should not be allowed to speak or vote in the House. It is important that the Speaker or President be totally impartial. The Bailiff as Chief Justice is qualified in Law and as a Judge has to act impartially. He is therefore eminently suitable to fill the role of President of the States. There is to my knowledge, no real evidence to suggest that this does not work well and in fact, in my experience, it works very well indeed.

- c) Civic head of the Island – The obvious choice for this post is the Bailiff. Otherwise the choice would probably be between the Chief Minister or some other individual who would be appointed or elected to the role. The civic head should not be politically motivated and therefore it would not be appropriate for the Chief Minister to fill the role. Again I am not aware of any evidence to suggest that the present arrangement does not work well and therefore would wish to see the present arrangement continue.

## 2. The roles of the Attorney General and the Solicitor General

- a) Legal adviser to the States of Jersey - One of these Crown Officers normally attends throughout every sitting of the States. If a member needs clarification on a legal point during debate, then a question is directed to the Crown Officer present. The Crown Officer present endeavours to address the question but is not allowed to enter into the political debate as such. It has sometimes been suggested that a legal advisor could be called upon when necessary, but the requirement for legal advice is often not obvious in advance. Also, if it were to be so, a legal advisor would need to be traced and then fully briefed (by whom ?) on the debate so far. This could often be a very lengthy and costly procedure and would be totally impractical and inefficient.
- b) Legal adviser to the Council of Ministers and to Scrutiny Panels - I believe that, on occasion, certain members of Scrutiny Panels have been unhappy that the Crown Officers have not been willing to share with them, advice on certain subjects, given to Ministers. I can understand the difficulty from both the Crown Officers and the Scrutiny point of view. An accommodation probably needs to be available to Scrutiny to take separate legal advice in such cases. I haven't personally experienced this difficulty but further research and thought appears to be necessary on this subject.
- c) Chief prosecutor, head of the Jersey Honorary Police and acting in the interests of the Crown in Jersey - I am not aware of any significant problems that have arisen in this area. So far as the role of titular head of the Honorary Police is concerned, the Attorney General does carry out some disciplinary and other functions. However, in practice the role is generally not one of day to day operations. The Connétables of the Parishes have the overall responsibility in their individual Parish. The day to day operations in each Parish are overseen by the Chef de Police appointed by the Connétable of each Parish. The twelve Chefs are each a member of the Comité des Chefs de Police, which Comité has responsibility for the overall effectiveness and operations of the Honorary Police in the Island. The Attorney General has no real involvement with this. In practice I have found it of great benefit to the Honorary Police to have the ongoing support of the Attorney General and the Law Officers in updating the role of the Honorary Police and to keep it relevant in the twenty-first century. The Island greatly benefits from this body of some three hundred plus volunteers and community police, without which the existing paid professional force would not be able to police the Island, without significantly more resources.

In summary, I don't believe any significant change is required, except as stated at 2(b) above. Some have raised the question of change on a number of occasions and seem to be committed to change, apparently for changes sake. On the whole I believe the present arrangements work well in this small community and if any change is to be made, then it should only be so if real evidence of shortcomings is available and that any changes proposed are in fact going to improve the well tried and tested situation we find ourselves in at present.