

Submission from Air Marshall Sir John Sutton, 13th September 2010

Dear Lord Carswell,

I was in Jersey recently and learned that you are conducting a study into the Roles of Crown Officers. I was Lieutenant Governor from 1990 to 1995 and perhaps because I became involved in the removal of the Deputy Bailiff of the day and also was later asked to give evidence at the Clothier Enquiry, I became quite interested in the role and history of Crown Officers and their performance. I appreciate, of course, that you may not wish to have the unsolicited views of a yesterday's man. If so, there is always the waste basket.

While I had the greatest respect for Spike Clothier – who became a good friend – I did not agree with his conclusion about the Bailiff but failed to persuade him to change his mind. I offer the same view to you. As you will know, Spike argued that to have the Bailiff as Senior Judge as well as President of the States was wholly undemocratic – which of course it is. But I believe that Jersey will be much worse off if the roles were split and suggest this is a case of “if it ain't broke, don't fix it.” I give two reasons why.

The first is that because they will have served as Crown Officers for a number of years, the legally trained Bailiff and Deputy Bailiff become well versed in the procedures of the States and are seen to have the knowledge and authority to ensure they are properly followed. Indeed their role is rather like that of Speaker in the House of Commons. There has never been an occasion where the Bailiff or Deputy Bailiff while presiding over the States has sought to influence any decision reached by States members. The Bailiff and Deputy Bailiff are therefore the best men for the job. If the roles of President of the States and Judge were split, then presumably one of the States members would be appointed or elected as President. Even as it is, it is difficult enough to find the talent to fill Ministerial positions. There would be no shortage of applicants from States members to take on the role of States President, but the chances are that States debates would not be run as well as they are now.

The second reason is one of image. In Jersey High Court Judges are not knighted on appointment. As I understand it, it has been usual for the Bailiff to receive a knighthood after some time in office as Bailiff, in other words after having served both as President of the States and Senior Jersey Judge. Knighthoods seem now to be awarded more sparingly than they were. Against that background it seems to me unlikely that a knighthood would be awarded to someone elected or appointed to preside over the States assembly on a fortnightly basis. It may be that the single role of senior judge will still attract a knighthood but having no link with the States he could

not represent Jersey as the current Bailiff is able to do. This matters and Jersey would therefore lose out.

Clearly I have no axe to grind but having seen the system at first hand – and in difficult times – I am in doubt at all that the roles of Bailiff and Deputy Bailiff should be left as they are and hence offer these thoughts to you.

Yours sincerely

John Sutton