

en Submission from Mr R Hacquoil, 8th March 2010

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To Lord Carswell and Members of the Independent Review Panel

Greetings,

As a native *old* Jerseyman who has lived about half his life so far in the island and the other half abroad, and in latter years has served two terms as a Deputy in the States of Jersey, I am keen to offer my brief observations on your very important review of the role of the Crown Officers. I should declare myself from the start to be an enthusiastic supporter of Clothier's recommendations and to be disappointed that his full recommendations have so far not been adopted by the States of Jersey. I have welcomed the onset of Ministerial Government in Jersey and look forward to the streamlining of the process in time, with hopefully a reduction in repetitive debates and question time and a more business-like and accountable Scrutiny process.

I should explain that my observations relate more particularly to the role of the Bailiff as Civic Head and President of the States. I have relatively few observations on the role of Solicitor General other than to compliment the position-holder during my time in the States for exemplary service to departments and to the States, including during States debates, which I received and observed while I was a States Member. I consider the role to be important and necessary and cannot think of any good reason to change it.

I have had much less reason to use the services of the Attorney General over the years. I valued his advice during States debates and never considered his advice or his role to be in conflict with democratic tradition, although I appreciate that there are those who consider that the role of Attorney General should not include being Head of the Honorary Police as well as Chief prosecutor for the island. As I have no direct experience with Honorary Police matters, I shall refrain from offering my views. However I do favour the concept of a Minister of Justice and have long wondered whether we could create such a position by combining it with Home Affairs, giving it responsibility for Honorary Police matters (as it presently has for the States Police) and leaving the Attorney General as the Head of the Crown Officers' Department, Chief Prosecutor and Chief Legal Advisor to the States. Having said that I would respectfully defer to others with a lot more constitutional expertise than I.

My main observations relate to the role of the Bailiff and do not result in any way from my experience with past or present incumbents of the position for whom I have the greatest respect. The island is, and has been, fortunate

over the years to attract local lawyers of great calibre to the position. However, I do consider the role of Bailiff as Civic Head of the island to be an outdated anomaly now that we have Ministerial Government. I wish to see as soon as possible the Bailiff of Jersey relinquish his role as Civic Head and concentrate on his quite onerous duties as Head of the Royal Court. It seems to me that his compensation package reflects primarily his major responsibilities as Chief Justice and all his talents can be focussed in that role to speed up the justice process and reduce the need for United Kingdom judges to fill in. The chief spokesperson for the island on all political and constitutional matters should be the Chief Minister (or his/her deputy) i.e. our elected representatives. It is no longer appropriate in the twenty-first century to have a civic head and spokesman appointed by the Monarch. I believe that the reason the feudal system of government with the Bailiff as Civic Head persisted for centuries was because we islanders never insisted on a change of constitution and electing someone to the pre-eminent position of First or Chief Minister. In fact, it was the British Home Secretary after World War II who ushered in the twentieth century to Jersey politics and persuaded us (some would say forced us) to dislodge the lifetime Jurats and all the Rectors (bar one) from the States. We now have a Chief Minister and need to reinforce and make full use of the role.

My final point relates to the Bailiff's additional role as President or Chairman of the States Assembly. Again while I consider that both the present and past incumbent of that role were excellent in maintaining respectful and fair traditions of debate in the States, I always felt that their time and energy would have been put to greater effect in legal and Royal Court matters. I accept that there are times when a procedure or a debate in the States does benefit from the knowledge or experience which the Bailiff brings to the role. However, considerable knowledge and experience also resides in the positions of Greffier and Deputy Greffier of the States and this would be a useful backstop for an elected President of the States as it is now for the Bailiff. There are times (or there were times when I was in the States) when a senior member, usually a Senator with long service, presided over part of a States session when the Bailiff and Deputy Bailiff were otherwise occupied. I am firmly convinced that a President of the States elected by, and having the confidence of States Members, could fulfill what is required of the role, given that the role is always backed up by the advice readily available from the Greffier, the Attorney General and the Solicitor General. An elected President of the States would have to possess qualities which would gain the trust and respect of all members of the States (admittedly no mean feat).

The role of Bailiff need not retain only the hard-slogging Court functions and decisions required of a Chief Justice. There are a number of ceremonial functions with which the Bailiff would continue to be involved. One such is

the annual "Visites Royales" which the previous Bailiff considered important to maintain. The pity is that such ceremonies have lost their feudal quality by making the visits to the parishes in limousines and buses rather than with Bailiff and Jurats on horseback in full ceremonial dress as it used to be, and the parishioners following on foot behind. Suitably choreographed and presented, it could be a ceremony of great tourist interest similar to some of the many ceremonies which occur in Britain in full Royal regalia. There is, in addition, no shortage of suitable horses in Jersey to support the function.

Yours sincerely,

Robin Hacquoil
young in outlook".

Footnote: "old in years,