

STATES OF JERSEY



DRAFT AMENDMENT (No. 22) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 19th December 2013
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 22) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

These 2 very minor amendments to Standing Orders are being brought to facilitate the work of the Committee of Inquiry into Historical Abuse which will be starting its work in early 2014, following the appointment by the States of the Chairman and members on 2nd December 2013.

At present, Standing Order 149 permits a committee of inquiry to allow a person appearing before it to be represented by a Jersey qualified advocate or solicitor. The extent to which any witness appearing before the forthcoming committee of inquiry will be permitted to be legally represented will be entirely a matter for the committee to decide when it agrees its own protocols and procedures. It is nevertheless possible that the committee will allow witnesses to be represented by lawyers from outside the Island, as has happened in relation to the historic abuse redress scheme. Although this amendment does not, in itself, give witnesses any automatic right to be legally represented, it removes the bar on non-Jersey qualified lawyers being allowed to represent witnesses and will therefore give greater flexibility to the committee of inquiry to regulate its own proceedings as it wishes.

The second amendment makes a similar change to the manner in which the Greffier of the States can appoint persons to assist a committee of inquiry. At present, Standing Order 151(6) refers to the appointment of a Jersey advocate or solicitor, but it is clear that the forthcoming committee of inquiry will wish to appoint a Counsel to the Inquiry from outside Jersey to avoid any possible perception of conflict of interest. As the inquiry may also require other specialist support, the amendment simplifies Standing Order 151(6) by permitting the Greffier to appoint any persons required to assist a committee of inquiry.

Financial and manpower implications

These amendments do not, in themselves, have any direct financial or manpower implications. The Committee of Inquiry into Historical Abuse has been set a maximum budget of £6 million by the Minister for Treasury and Resources in directions given under Standing Order 150 (see [R.145/2013](#)), and any appointments made by using the Standing Orders as amended by these proposed changes will need to be made within that maximum budget.

Explanatory Note

These amendments to Standing Orders of the States of Jersey make 2 changes.

Firstly, they allow a committee of inquiry to give leave to a person appearing before it to be represented by a lawyer qualified in any jurisdiction. Currently, leave may only be given for a person to be represented by a lawyer qualified in Jersey.

Secondly, they allow the Greffier of the States to appoint any person to assist a committee of inquiry. Currently, only lawyers qualified in Jersey may be so appointed.



Jersey

DRAFT AMENDMENT (No. 22) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Arrangement

Amendment

1	Interpretation	7
2	Standing order 149 amended.....	7
3	Standing order 151 amended.....	7
4	Citation and commencement.....	7



Jersey

DRAFT AMENDMENT (No. 22) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following amendments to the Standing Orders of the States of Jersey² –

1 Interpretation

In these amendments, a reference to a standing order by number only is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Standing order 149 amended

In standing order 149, for the words “by an advocate or solicitor.” there shall be substituted the words “by an advocate or solicitor or by a person who holds a qualification or authorization that entitles the person to practise law in another jurisdiction.”.

3 Standing order 151 amended

In standing order 151(6), for the words “a person, who may be an advocate or solicitor,” there shall be substituted the words “persons”.

4 Citation and commencement

These amendments may be cited as Amendment (No. 22) of the Standing Orders of the States of Jersey and shall come into force on the day after the day they are made.

-
- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.800.15*