

3.11 Deputy S. Pitman of the Chairman of the Privileges and Procedures Committee regarding the dual role of the Bailiff:

Given that the dual role of the Bailiff can result in his disallowing, on the grounds that it breaches Standing Order 16, a personal statement from an elected Member criticising the judiciary, including the Bailiff as head of the Judiciary, will the committee be bringing forward proposals to address the role of the Bailiff and, if so, when?

Connétable A.S. Crowcroft of St. Helier (Chairman, Privileges and Procedures Committee):

The Privileges and Procedures Committee has established a Carswell subcommittee and terms of reference for the subcommittee were agreed last Thursday. I envisage that the subcommittee will take several months to complete its work. The outcome of the work will be reported to P.P.C. (Privileges and Procedures Committee) and subject to the approval of the committee to the Assembly in due course.

3.11.1 Deputy S. Pitman:

Does the Chairman not agree that this point is a clear and perfect example of how the dual role of the Bailiff is in complete conflict with a transparent and accountable democracy?

The Connétable of St. Helier:

I do not want to say anything that would prejudice the findings of the Carswell subcommittee, but my own opinion is that the Bailiff is required to apply the rules in Standing Orders when asked to approve draft questions, personal statements and so on, and must give reasons under Standing Orders when he rules that something is out of order. P.P.C. has no evidence that the Bailiff takes decisions on anything other than this basis, and he would not be able to justify a decision that was not taken without proper reference to standing orders. Any Member who feels that a decision of the Bailiff is wrong is free to lodge a proposition to challenge that decision.

3.11.2 Deputy M.R. Higgins:

Would the Chairman tell us who the Members are of the subcommittee looking into the Carswell item?

The Connétable of St. Helier:

Yes. I am chairing the subcommittee, and the other Members are Deputy Martin and Deputy Tadier.

The Connétable of St. Mary:

My question was just asked, Sir. Thank you.

3.11.3 Deputy T.M. Pitman:

Obviously, it is worrying enough in a small Island where you have the Island's only newspaper calling to suppress the fact that they were allowed a rather friendly Jurat to sit on the court case, however, it surely has got to be deeply worrying that responsibility for refusing to have a perfectly legitimate statement, and obviously that is going to be subjective on opinion, can be made calling on the person who is ultimately responsible for the Judiciary. Why is there not something in place, or is there a method in place, where an appeal can happen now so that the person is taken out of the firing line; the Deputy Bailiff, likewise?

The Connétable of St. Helier:

I think I have already addressed this question in my previous remarks: that the Members of the Assembly do have a route open to them if they are dissatisfied with any ruling by the Chair.

3.11.4 Senator I.J. Gorst:

Could the Chairman confirm that he and P.P.C. are satisfied that the current President of the Assembly makes decisions in line with Standing Orders, and therefore the premise of this question is unfounded?

The Connétable of St. Helier:

Yes. Again, I think I have already said exactly that to the Assembly. I am happy to repeat it.

3.11.5 Deputy S. Pitman:

Bearing that in mind, does the Chairman of P.P.C. not feel that it is important for public perception that the States of Jersey, including the Bailiff's role, is seen to be free of conflict and impartial?

The Connétable of St. Helier:

Yes, I do agree that that is the case and I believe that it is what happens at the moment.