

2. Oral Questions

2.1 Deputy T.M. Pitman of St. Helier of the Solicitor General regarding the appointment of the Dean of Jersey:

Will the Solicitor General inform the Assembly what procedures are followed in the event of a vacancy in the office of Dean of Jersey and who is responsible for making any appointments to the post?

Mr. H. Sharp Q.C., H.M. Solicitor General:

The office of Dean is a Crown appointment and the Dean is appointed by Letters Patent by Her Majesty or her successors. In the event of a vacancy in the office of Dean, historically the Ecclesiastical Court appoints an Acting Dean pending appointment of a new Dean by the Crown.

2.1.1 Deputy T.M. Pitman:

I thank the Attorney General for his answer because I have been trying to get my head round this. As I understand it, the Dean gets his power, if you like, from 5 sources: the Queen with her Letters Patent, the Bishop of Winchester, through the Canons of the Church of England in Jersey and through Jersey law and through Jersey custom. So is the Attorney General saying that ultimately it is the Crown who is the Dean's boss, I suppose, ultimate responsibility, and if that is the case, will any appointment be guaranteed to be within our Article 14 of the E.C.H.R. (European Convention on Human Rights)?

The Solicitor General:

I cannot improve on my previous answer. It is the Crown and the Crown alone who appoints the Dean.

2.1.2 Deputy R.G. Le Hérissier of St. Saviour:

I wonder if the Solicitor General could confirm that the Acting Dean takes on all the powers and all the responsibilities of the Dean when the Dean is unavailable to so exercise them?

The Solicitor General:

Yes, that is my understanding.

2.1.3 Deputy M. Tadier of St. Brelade:

Is the Crown aware of the suspension of the Dean?

The Solicitor General:

I am afraid I simply do not know the answer to that question.

2.1.4 Connétable A.S. Crowcroft of St. Helier:

I do not know if the Solicitor General can answer this question but my view is that there is no vacancy in the office of the Dean of Jersey. Would the Solicitor General confirm that the suspension is a neutral act and should be treated as such?

The Solicitor General:

As a matter of law, the Dean today is still the Dean.

2.1.5 Senator P.M. Bailhache:

The Solicitor General may have answered the question which I was going to put but just to be clear about this, would the Solicitor General agree that it is not correct to say that the Dean has been suspended and that the position is merely that some functions have been withdrawn by the Bishop in the context of the withdrawal of his commission?

The Solicitor General:

Yes, I agree.

2.1.6 Connétable P.J. Rondel of St. John:

Could the Solicitor General, if he can, inform the House whether or not the Bailiff and the Chief Minister were consulted with the suspension of the Dean?

The Solicitor General:

As I hope I have just indicated, I do not regard the Dean as having been suspended. As to what consultation took place, I am afraid I am not privy to the detail of any such consultation.

[9:45]

2.1.7 Deputy M.R. Higgins of St. Helier:

Could the Solicitor General tell us whether his department will be advising all the parties in this mess?

The Deputy Bailiff:

Did you say “all the parties”?

Deputy M.R. Higgins:

Parties assisting. There was a radio report, for example, today which I know we are not supposed to refer to the radio and what they may say but they are saying that lawyers are involved. I am just wondering if the Law Officers are assisting in the process of trying to resolve the conflict between the Bishop and the Crown and everybody else who is involved in it?

The Solicitor General:

It is not normal policy to comment on whether or not the Law Officers’ Department are advising a particular party and I do not intend to break with that tradition.

2.1.8 Deputy R.G. Le Hérissier:

Could the Solicitor General confirm whether the Archbishop of Canterbury is appointed by the Crown and if that is the case, what is the role of the Archbishop of Canterbury who is in turn the boss, so to speak, of the Archbishop of Winchester? What is his role in this affair?

The Solicitor General:

I am afraid I can only give a limited answer which is this, that it is the Crown by Letters Patent that appoints the Dean and that remains the position, whatever views may be expressed by other people.

2.1.9 The Connétable of St. John:

Will this issue have an impact on the constitution for Jersey, given that the Dean, like yourself, Sir, is a Member of this Chamber?

The Solicitor General:

Sorry, I am not quite sure I understand what the constitutional impact is said to be.

The Connétable of St. John:

As a Member of this Chamber, the Dean is not, I presume, suspended from attending this Chamber unless he is off-Island, but it is a concern that somebody from outside can, for want of a better word, suspend the Dean and therefore it must impact on the constitution of this Island.

The Solicitor General:

Yes, I am sorry if I have not been clear before. My view is that the Dean is not suspended.

2.1.10 Senator S.C. Ferguson:

Could we say that the Bishop has perhaps acted *ultra vires*, given that he appears not to understand the relationship between Jersey and the Crown?

The Solicitor General:

I am now being asked to offer my view in respect of the process, which is ongoing, and I decline to do so.

Senator I.J. Gorst:

Sir, I wonder if I could raise a point of order with yourself in regard to a question that has been raised by the Connétable of St. John. I wonder, in light of the answers provided by the Solicitor General, whether you could confirm your understanding as President of the Assembly with regard to the Dean's role within this Assembly and his current ability to sit or not?

The Deputy Bailiff:

The Dean holds appointment by Letters Patent from Her Majesty the Queen. It is open to the Lord Bishop of Winchester to withdraw his commission from the Very Reverend Bob Key but it is not open to him to suspend him as Dean. Accordingly, as far as the President of this Assembly is concerned, it is open to the Dean to attend the Assembly and this would remain so unless the Letters Patent are withdrawn, which would only happen after due process in accordance with the law. Whether the Dean chooses to come to the States in the present circumstances is, of course, entirely a matter for him.

2.1.11 Senator F. du H. Le Gresley:

I would like to ask the Solicitor General on whose recommendation does the Crown appoint the Dean?

The Solicitor General:

I am sorry; I am simply not familiar with the process by which the Crown appoints the Dean.

2.1.12 Deputy T.M. Pitman:

Can I ask, have you ever considered becoming Attorney General again? Your answer was the most helpful of all so thank you for that. **[Laughter]** Could I ask finally, do I understand this correctly, that although the Crown appoints the Dean, they are not involved in his selection so it is more of a rubberstamp and I do not mean that in a disrespectful way. Is that correct?

The Solicitor General:

I am not privy to the detail of the process by which a Dean is appointed but what I can say is that the Crown is responsible for that appointment and therefore the Crown's decision is not a rubberstamp.