

STATES OF JERSEY



JÈRRIAIS: OPTIONAL USE IN THE STATES CHAMBER

Lodged au Greffe on 15th January 2018
by the Privileges and Procedures Committee

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to allow members the option of using Jèrriais during proceedings in the States Chamber, provided that the presiding officer may request any member using Jèrrais to provide a translation in English.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

1. This proposition, if adopted, would allow members the option of using Jèrriais during the Assembly's proceedings in the States Chamber.
2. In recent years, there have been increasing efforts to promote the visibility and use of Jèrriais. In that regard, funding has been provided towards teaching of the language and a strategy produced: the 'Jèrriais Plan 2017 – 2019' ([R.72/2017](#)). It is the view of the Privileges and Procedures Committee that it would be of large symbolic significance if, alongside those efforts, Jèrriais were to be explicitly recognised as one of the Assembly's languages.
3. The Committee's consideration of this matter follows an oral question on 26th September 2017 from Deputy M. Tadier of St. Brelade, in which the Deputy asked whether the Committee would consider bringing forward proposals to establish Jèrriais as an official language of the Assembly, alongside English and French.
4. Although Deputy Tadier referred to English and French as 'official languages' (and he is not the first to do so), that 'official' status is not derived from any legislation. Neither the [States of Jersey Law 2005](#), nor the [Standing Orders of the States of Jersey](#), make any specific provision in relation to the languages which may be used in the Assembly. The status of English and French therefore derives from convention and precedent, a fact which has guided the Committee in determining how best to provide for the use of Jèrriais.
5. Historically, French was the language of the Assembly, a convention reflective of the fact that the language of the Royal Court and the administration of the Island was French. Debates in the Assembly therefore took place in French and documents relating to the Assembly (minutes, propositions, reports) were written in French.
6. It was in February 1900 that the Assembly decided to change this convention and agreed to allow the optional use of English. The minutes recorded that decision as follows –

“Les Etats ont décidé qu'à l'avenir tout Membre aura la faculté de s'adresser à la Chambre en Anglais.”

[The States decided that, in future, every member will have the option to address the Chamber in English.]
7. This decision merely related to debates in the Chamber and did not explicitly cover written material or other proceedings. Nevertheless, over time, virtually all documentation relating to the Assembly (including the minutes) has come to be produced in English. It is not clear whether this change took place gradually simply by convention, or whether successive Assemblies explicitly agreed to measures that saw English become pre-eminent. However, the former looks to be the case from the Committee's research into this subject.
8. That decision from 1900 provides a procedural precedent in respect of the use of Jèrriais. The Assembly of the day did not take a legislative approach to the question of language but simply adopted an Act allowing the use of English.

The Committee does not believe that a change to the States of Jersey Law 2005 (or to the Standing Orders of the States of Jersey) is required to introduce Jèrriais as a language of the Assembly; and, aside from Deputy Tadier's question about the use of Jèrriais, the Committee is not aware of any dissatisfaction about which languages may be used that might prompt such a statutory approach to be taken. The Committee has therefore agreed to follow existing precedent and to lodge this proposition which, if adopted, would allow members the option of using Jèrriais during proceedings in the Chamber.

9. As an aside, whilst the decision from February 1900 provides a procedural precedent, members may be interested to know that the context in which English was proposed as an optional language is wildly different from the one in which the Committee is proposing that Jèrriais have a similar status. The decision to introduce English was not without controversy. Indeed, 1900 was not the first time that such a debate took place and attempts had unsuccessfully been made several years earlier to introduce English alongside French.
10. Strong opinions were held on both sides of the debate and, in 1900, the Assembly had to meet on 4 separate occasions in order to complete the debate. Those in favour of introducing English argued that it was a language with which many members of the time were more familiar; and that the sole use of French prevented otherwise good and capable candidates from standing for election to the Assembly simply because they could not speak French.
11. On the other side were those who argued that the proposed introduction of English was an attack on the Island's privileges and thereby its autonomy. They also argued that the use of French put Islanders at an advantage – because they knew both English and French. There was also some procedural confusion as to whether English was truly forbidden from being used in the Chamber.
12. What ultimately seemed to swing the debate in 1900 (in particular via a speech from H.M. Attorney General of the day) was not a question of language, but one of loyalty. In 1900, the Second Boer War was underway. Several members of the Assembly were concerned at the impression given by the fact that 'the Queen's English' could not be used in the legislative assembly of an Island which professed itself to be loyal to Queen and Empire. To exclude English was in essence a sign of disloyalty that might lead to concerns in 'the Mother Country' that the Island owed more allegiance to France. Whatever members' reasons for supporting it, the Assembly adopted the proposition of Deputy Theodore Le Gallais of St. Saviour by 26 votes to 15.
13. Given that current practice in the Assembly is based on convention, rather than legislation, consideration has been given to whether there already exists a convention that Jèrriais may be used in the Chamber; perhaps a convention which has been forgotten. For example, in its research the Committee found a States Greffe manual from 1980 which stated that "*members still have the right to address the House in French or Jersey French if they wish to.*" However, it is not clear on what basis this statement (from the Greffier of the day) was made, and it does not appear to be the case that a convention of using Jèrriais has been forgotten. Indeed, reports of the debate in 1900 highlight that it was only French (and not Jèrriais) which was used in the Chamber at the time. An explicit decision to allow the use of Jèrriais is therefore required procedurally.

14. The use of multiple languages in a parliamentary context is a question that other jurisdictions have also considered. At Westminster, for instance, where English has historically been the sole language of Parliament, measures have been taken over the last 20 years to allow the use of Welsh in certain instances (and a report was published in 2016 by the House of Commons Procedure Committee on this subject).
15. This proposition does not go as far as the provision made for Welsh at Westminster, but proposes a model similar to that found in the Scottish Parliament and the Isle of Man's Tynwald Court. In those parliaments, it is stated that English is the language in which business is normally conducted; however, members may speak in Scots Gaelic or Manx Gaelic (as the case may be), provided that either the Presiding Officer agrees (in Scotland) or that a translation may be requested (in the Isle of Man). Following those examples, the Committee has suggested in its proposition that the presiding officer be given the power to request an English translation of any speech made by a member in Jèrriais. Given the number of current members who can converse in, or understand, Jèrriais, it may well be that few speeches will be made in that language; but, in the Committee's view, it nevertheless remains important that the Presiding Officer is able to maintain order and request a translation where one may be necessary.
16. Alongside this proposition, the Committee would draw members' attention to other measures which it intends to support in relation to the use and visibility of Jèrriais. One of the 'key elements' of the 'Jèrriais Pathway' described in the Jèrriais Plan is "*a systematic effort to increase the visibility of Jèrriais in the Island.*" The Committee has therefore requested the States Greffe to explore opportunities to increase the visibility of Jèrriais in materials relating to the Assembly, for example on the Assembly's website.

Financial and manpower implications

17. There are no financial or manpower implications for the States arising from the adoption of this proposition.