

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER**

**ANSWER TO BE TABLED ON TUESDAY 19th JUNE 2007**

**Question**

- (a) Will the Minister outline to members what issues have been raised by the legal opinion obtained by the Education and Home Affairs Scrutiny Panel from Mr Jonathan Cooper, and released to her, concerning Articles 5, 6, and 7 of the Human Rights (Jersey) Law 2000?
- (b) Would the Minister further state on what occasions since 1990 the position of Centeniers in the Magistrate's Court has been raised with her or her predecessors, and what difficulties with the present system, if any, were highlighted?
- (c) Would the Minister state whether legal advice was sought on these issues from the Law Officers' Department or elsewhere and, if so, would she reveal what advice was given?

**Answer**

- (a) The legal opinion from Mr Jonathan Cooper belongs to the Education and Home Affairs Scrutiny Panel. It was commissioned and paid for as advice to them so it is up to the Panel to decide if it is to be published and if so when and how the information contained within it enters the public domain.

The Opinion was sent to me in confidence and I respect the Panel's view that, by a majority, they would not publish the Opinion until they had finished their work on the wider issues. Because the Panel is continuing to work on the matter it would be inappropriate for me to comment further on the Opinion.

- (b) As President, then Minister for Home Affairs the position of Centeniers in Court has been raised with me as follows -
  - (i) In the context of the Rutherford Report. This report was not a judicial services review but an overview of criminal justice matters which were the responsibility of the Home Affairs Committee of the time. Court services are not part of the Home Affairs remit but are matters for the Judiciary or Prosecution.
  - (ii) During focus group discussions on the development of the Home Affairs Criminal Justice Policy where no difficulties were raised about the rôle.
  - (iii) During hearings of the Education and Home Affairs Scrutiny Panel.
- (c) There is a draft code for Ministers with respect to legal advice. The current code requires that Ministers do not say whether legal advice has been sought or what any such advice may consist of. These matters are to be brought to the States for debate by the Chairmen's Committee. Until that time I am bound by the existing rules. Depending on the outcome of that debate the position might change.