

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 10th SEPTEMBER 2013**

Question

“Given that H.M. Attorney General has previously stated that it is the Superior Number which has responsibility to act in the instance of a Jurat being found to be unfit to fulfil that role, will he clarify who a member of the public may contact as having higher responsibility for maintaining appropriate standards of honesty, integrity or behaviour, should the Superior Number have failed to act in such an instance?”

Answer

Article 9(1) of the Royal Court (Jersey) Law 1948 provides:

A Jurat shall cease to hold office on the day upon which he or she attains the age of 72 years:

Provided that a Jurat who, for a continuous period of 12 months fails, without good reason, to discharge the duties of the Jurat’s office, or who, in the opinion of the Court, is permanently unable, through physical or mental incapacity, or for any other reason, efficiently to carry out the duties of the office, may be called upon by the Court to resign and, unless the Jurat, within a reasonable time, presents to the Bailiff, for transmission to Her Majesty in Council, a petition praying that Her Majesty in Council may be pleased to permit the Jurat to resign his or her office, the Jurat shall be removable by Order of Her Majesty in Council on the petition of the Superior Number of the Royal Court.

Accordingly, a Jurat may only be removed from office by an Order of Her Majesty in Council.

Her Majesty in Council, acting through Her Ministers in the United Kingdom retains constitutionally the ability to intervene in insular affairs in wholly exceptional circumstances affecting good government. The Secretary of State responsible for the Crown Dependencies Unit in the Ministry of Justice in the United Kingdom is responsible for insular affairs.

The circumstances in which there may be a constitutional basis to intervene in insular affairs would be:

“.....in the event of a fundamental breakdown in public order or of the rule of law, endemic corruption in the government or the judiciary or other extreme circumstance.....”

A single instance of the Superior Number not exercising a jurisdiction under Article 9 (1) which a member of the public thinks should have been exercised would not be such a circumstance.