

3.7 Deputy T.M. Pitman of the Chairman of the Privileges and Procedures Committee regarding revisiting the recommendations made in the Carswell report regarding the dual role of the Bailiff:

Following the decision in Sark to end the dual role of the Seneschal, what actions, if any, will the committee be taking to revisit the recommendations made in the Carswell Report for Jersey to end the dual roles of the Bailiff?

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

As I promised the last time this was raised in the States, the Privileges and Procedures Committee considered the subject at our last meeting on 7th February. We agreed to establish a sub-committee to revisit the Carswell recommendations with particular reference to recommendation 2 and the consequent impact on recommendations 3 and 4. The sub-committee consists of myself as Chairman, Deputy Martin of St. Helier and Deputy Tadier. Draft terms of reference for the sub-committee are to be agreed by the full committee imminently and it is intended that the sub-committee will then set about producing draft recommendations and a Green Paper that will invite public comment on various options.

3.7.1 Deputy T.M. Pitman:

I thank the Chairman for his answer. I do not know whether the Chairman has read Advocate Sinel's excellent deconstruction of the myth that Jersey's justice system is human rights compliant but of particular interest here is that he highlights how the Jersey system is worse than the recently removed Sark system. Given that insider view, will the Chairman agree to bring those proposals forward to put an end to this archaic situation for debate before the summer recess?

The Connétable of St. Helier:

I am not aware of the authority the Deputy mentions but I am happy to read it if he would like to furnish me with a copy. I cannot see much hope of bringing anything forward to the States before the summer recess simply because the sub-committee needs to do its work, consult the public, and then get the approval of the full committee before it can bring anything to this Assembly and I cannot see that happening by the summer recess.

3.7.2 Deputy M.R. Higgins:

Could the Chairman tell us what lobbying or meetings he has had with, for example, the Bailiff, the Deputy Bailiff or any of the other officers mentioned in the Carswell Report about retaining their positions?

The Connétable of St. Helier:

None whatsoever.

3.7.3 Deputy M.R. Higgins:

Will the Chairman publish the previous meetings that took place where the lobbying took place?

The Connétable of St. Helier:

I think one of the things that the sub-committee will need to do is to look at what has happened to the Carswell Report, including the in-committee debate and the work done by the previous Privileges and Procedures Committee. We will obviously review what they have done and if and when we bring the matter back to the States, that kind of information would certainly be contained in it.

3.7.4 Deputy R.G. Le Hérissier:

Will the Chairman and his sub-committee be talking to those unlikely democratic reformers, the Barclay brothers?

The Connétable of St. Helier:

I am sure we will consult as widely as possible.

3.7.5 Deputy T.M. Pitman:

Will the Chairman advise whether he thinks it is necessary to go to the public, and I support going to the public on most things, but is it necessary to go to the public on something that is clearly not human rights compliant and could easily be forced upon us anyway and hopefully will?

The Connétable of St. Helier:

I do not think that I implied that we were proposing a referendum, merely that we would be consulting the public and other parties about the options that the sub-committee comes up with, so I do not really think I need to comment on whether the current system is human rights compatible or not. Clearly, I think the matter is worth bringing forward which is why I have formed the sub-committee and we will just have to see whether the committee as a whole and the States as a whole and the public as a whole agree with the concerns that have motivated me.