



Corporate Services Scrutiny Panel

Draft Marriage and Civil Status (Jersey) Law Review

Witness: Comité des Connétables

WEDNESDAY, 6th DECEMBER 2017

Panel:

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman)

Deputy S.M. Brée of St. Clement (Vice-Chairman)

Deputy K.C. Lewis of St. Saviour

Senator S.C. Ferguson

Witnesses:

Connétable L. Norman, Chairman, Comité des Connétables

S. De Gruchy, Secretary, Comité des Connétables

[15:32]

Deputy J.A.N. Le Fondré of St. Lawrence (Chairman):

All right, let us kick off. Good afternoon. Thank you very much for coming.

Chairman, Comité des Connétables:

Good afternoon. Pleasure, as always.

Deputy J.A.N. Le Fondré:

We will start with the formalities. So welcome to the Corporate Services Scrutiny Panel, the second hearing on the draft marriage law. This is with the chairman ... yes, you are chairman, are you not, of Comité des Connétables?

Chairman, Comité des Connétables:

Indeed, I have that honour.

Deputy J.A.N. Le Fondré:

I was not too sure whether you were president or not. That is why I was pausing. Anyway, we have just a slightly longer notice than normal so before we start, you are aware of the notice and your rights, and please can I draw your attention to it. If you could look at those as well, Sue. It sets out that you are covered in this hearing by parliamentary privilege and we do expect members of the public and the media in the public seating to remain quiet at all times while the hearing carries on. As we proceed through the questions we may stop you if we feel you have answered the question sufficiently because we do need you to be as reasonably concise as possible. I will do that by raising my hand. I would like to make it very clear at the start of the hearing that our review is focused on the detailed Articles of the Draft Marriage Law and our questions hopefully will reflect this. This review is not about the policy decision to implement same sex marriage or any of the other changes. The States have already agreed to introduce same sex marriage and our review does not seek to reopen that debate. Any comments that may be made may be because we are exploring an argument that has been put to us as part of a submission rather than ... it should not be deemed that it is expressing any personal view or any view of the panel. The legislative scrutiny we are carrying out is to ensure that the law is fit for purpose and that it effectively implements the decisions made by the Assembly. That extends beyond the proposals for same sex marriage, they cover open air marriage, tenure, licence to marry, the role of the Parish Registrar, protection against sham and enforced marriages and the ability of the States to increase the age of marriage by regulations. So for the benefit of the tape I will start going round, Deputy John Le Fondré, chairman of the panel.

Deputy S.M. Brée of St. Clement (Vice-Chairman):

Deputy Simon Brée, vice chairman of the panel.

Senator S.C. Ferguson:

Senator Sarah Ferguson, member of the panel.

Deputy K.C. Lewis of St. Saviour:

Deputy Kevin Lewis, panel member.

Deputy J.A.N. Le Fondré:

Okay, so ...

Chairman, Comité des Connétables:

Len Norman, chairman, Comité des Connétables.

Secretary, Comité des Connétables:

Sue de Gruchy, secretary, Comité des Connétables

Deputy J.A.N. Le Fondré:

Right, thank you very much for attending this afternoon. Just to kick off, which we are offering to everybody who is appearing in front of us, could you briefly outline, maybe in 5 minutes, your written submission and the key points you wish to make?

Chairman, Comité des Connétables:

Really our written submission was not terribly long or detailed but what we were concerned about was the position of the Parish Registrar within the Parishes with the amendments lodged by the Minister. We are satisfied that we have the flexibility now that we need. In reality we are now content with the law as drafted and lodged so far as the Parishes are concerned. I am not talking about principles, that is a matter as far as the administration is concerned that ...

Deputy J.A.N. Le Fondré:

Okay, Simon.

Deputy S.M. Brée:

Yes, Connétable, just briefly could you explain the current roles and duties that the Parish Registrars perform, in particular in relation to the marriage?

Chairman, Comité des Connétables:

It is quite an ancient role but they are required to ... I think, as I understand it, people who wish to be married firstly have to register or indicate their interest or their decision to the Parish Registrar at their homes and once the marriage is completed the Registrar is responsible for completing the marriage certificates and distributing it to the couple. I think that is right. I have never done it before, I have never been to the Registrar's home.

Deputy S.M. Brée:

Do you think that the current system works well?

Chairman, Comité des Connétables:

Anecdotally my feeling always has been that it does or has. The reason I say that is that I have been Connétable for 8 years and there has never been an issue as far as I was aware. I have been made aware more recently, and the issue is not necessarily in my Parish, and I am sure you have been told the same by the current Registrar ... because there have been no issues it is not something I have looked in great detail. There are many other issues which needed attention, this did not seem to need attention. But having thought about it more I think there is risk, as far as the Parish is concerned, because the Parish and the Connétable in particular is responsible for all these documents which are stored and controlled in somebody's house within the Parish. I fear about that from a security point of view basically. I, at the end of the day, am responsible for what goes on in the Parish. If they are stored somewhere else and maintained somewhere else I do not have the control that perhaps I would like to have in case there is a problem.

Deputy S.M. Brée:

Do you believe that there is a case for reforming the current system?

Chairman, Comité des Connétables:

Yes. Yes, what I am pleased about with the reforms that have been proposed, it recognises the value of the Parishes, the involvement of the Parishes and the importance of the Parishes and that is why the Constables are supporting the legislation, or that part of the legislation as amended. I want to be clear that some Constables might not like some of the principles but I am talking here about the administration.

Senator S.C. Ferguson:

What impact will the draft law have on the role and duties of the Parish Registrars as you see it?

Chairman, Comité des Connétables:

I do not think it will change significantly, except that they will be ... how can I put this? They will still have the responsibility but not to the same extent because as far as weddings the responsibility will change to the Superintendent Registrar's job. They will be responsible for maintaining the records, printing of the certificates and so on, the basic administrative roles. Again, I am sure the Superintendent Registrar has explained to you the reasons behind that as she explained to us at a number of presentations. We have had to move into the modern world and some people do not like that, of course, but the reality is it has to happen.

Senator S.C. Ferguson:

You do not feel that the fact that we are going from a Registrar who was a volunteer through to a system more where it is centralised, where there are delegates and people are being paid, that it is going to undermine the Parish Registrar?

Chairman, Comité des Connétables:

No, I do not think so. If that was the case we would be objecting very strongly because, as far as I am concerned, Jersey is based on the Parish system. Our cultural life, our social life, our political life, is all based on the Parish. I think the Minister who has ever considered this new system has recognised that because it would be very easy to say: "We do not need the Parish Registrar, we can deal with it all centrally." That could have been done and in some ways it would have been more efficient but that would not have been the right way to do it, it would not have recognised the value of the Parishes or the importance of the Parishes to the Island. So we are content with what is being proposed. It will be a change to the Registrar, no question about that, but it is a change that we believe was necessary.

Senator S.C. Ferguson:

Yes, it has been proposed that the fee earned by Parish Registrars will actually reduce. Is that much of a concern?

Chairman, Comité des Connétables:

No, it is not. I do not think so. I have had no complaints from ... I have heard of no complaints from Registrars but we have to remember that most Parish officials, most appointed officials do not receive any income at all anyway. Some of them will receive an honorarium but most Parish ... I think of road inspections and so on, they carry on carrying out their duties under the law with no recompense whatsoever, so I do not see that as a major issue.

Senator S.C. Ferguson:

Will there be any impact from the reforms on the Parish recordkeeping?

Chairman, Comité des Connétables:

Well, we are only talking about the certificates, which are currently kept at the Registrar's home. I assume that is what you are talking about? I think there will be ... for those not already done, I think it is likely that these will move into the Parish Hall, into a secure area within the Parish Halls. So, I think, there will be more ... not that I am suggesting anything has gone wrong but I think there will be better control over these very important and vital records.

Senator S.C. Ferguson:

Yes, because if there was a fire then ... yes.

Chairman, Comité des Connétables:

Well, they do have fire safes but how secure they are, I do not know.

Senator S.C. Ferguson:

Yes, and presumably you already have the births and deaths certificates in the records in the Parish Hall?

Chairman, Comité des Connétables:

No, they are kept with the Registrar. Some, no doubt, are but not all.

Deputy J.A.N. Le Fondré:

Just to expand slightly, can you, just for the record, just cover what the overall roles of the Parish Registrar are? It is obvious not just marriages that they are in.

Chairman, Comité des Connétables:

No. Would you mind if Sue answered that because it is not something I have involved myself in?

Deputy J.A.N. Le Fondré:

She is feeling left out, I am sure.

Chairman, Comité des Connétables:

If she does not mind.

Secretary, Comité des Connétables:

Yes, certainly. It is the recordkeeping of the births, deaths and marriages and that extends also to stillbirths, I believe, and civil partnerships.

Deputy J.A.N. Le Fondré:

So that is going to be retained?

Chairman, Comité des Connétables:

Yes, that does not change at all.

Deputy K.C. Lewis:

Chairman, you have expressed your concern that the significant reduction in the role of the Parish Registrar in relation to marriages might, in the future, be extended to their other roles. Why do you think this is?

Chairman, Comité des Connétables:

I think this was reflected in a couple of meetings we had with Registrars and Connétables, a presentation made by the Superintendent Registrar. It is simply this expression; this fear was registered at one of those meetings. I think it was probably a warning shot to the Superintendent Registrar and the Minister that perhaps this is not a route they would wish to go down otherwise they might find some opposition.

Deputy K.C. Lewis:

What other duties do you think might be reduced?

Chairman, Comité des Connétables:

More centralisation. The only changes are to the marriage side but they might in the future want to look at death certificates and birth certificates. We have no objection to that being examined and looked at but, as I said before, we think the role of the Parishes in this area is historic and it is important.

Deputy K.C. Lewis:

Do you think the law could be amended to prevent it?

Chairman, Comité des Connétables:

Well, I really do not know, I am not a law draftsman. It is not something that I would ... if you start saying this sort of thing at that level you are starting to seem even more cynical than we are by raising a ...

[15:45]

Deputy K.C. Lewis:

You are just hoping that common sense will prevail?

Chairman, Comité des Connétables:

There is no reason why any administrative process should not be reviewed to see if it can be done better in the interests of those that it is serving. But, at the same time, what we are saying is: "Be careful when you do that and remember the important roles of the Parish."

Deputy J.A.N. Le Fondré:

One question, I suppose, which slightly came out of the previous hearing we had as well, one of the issues that was raised was the issue around - you have touched on security - for example, the actual fact that couples wishing to get married generally went to somebody's home to have that first meeting and that potentially was seen as an administrative hassle but there is also a security aspect

from those angles. Was it ever raised, for example, of looking how that process could be improved and say: "Right, let us do it operating out of the Parish Hall" for the sake of argument or anything along those lines? In other words, this is quite a change in the process, would there have been alternative ways of changing that process to keep the role of the Parish Registrar perhaps more relevant - if that is the right way of putting it?

Chairman, Comité des Connétables:

I think the proposals are pretty pragmatic and reasonable, and do make it simpler for the celebrant and, indeed, the couple who are getting married. I do not think we have any objections to that. There are always different ways you can do things. The way they have been done, I think, is quite reasonable and acceptable. But having examined it more than I had done in the past, I do see more of the operations under new law moving into the Parish Halls. As I say, I have spoken about the certificates and everything, all the records being kept there. It is quite possible, because the law does allow, for a member of the Parish staff to become a Registrar and I think you could see more of that happening. So the administration could be - I am not saying will be and not necessarily in all cases - moved into the Parish Hall and administered by Parish Hall staff.

Deputy S.M. Brée:

Connétable, the draft law introduces a new system for appointing Parish Registrars, which involves now the Superintendent Registrar. Are you comfortable with this change?

Chairman, Comité des Connétables:

Well, the Parish Registrar will now be appointed by the Constable. Currently, he or she is appointed by the Parish Assembly so, despite the importance of the role, the Constable could have no control over who it is, so that is a good thing. Currently, the Parish Registrar appoints the Deputy Registrars with no input from anybody else, which I think is a little bit old-fashioned and perhaps it could be dangerous. There has been nothing that has gone wrong, as far as I am aware over that but it is a strange situation. The other thing of course is they are appointed for life effectively. There is almost no way of really ... unless something went desperately wrong. So this will be for a fixed term, which is quite important, of 5 years and obviously will be eligible for re-appointment but, no, I do not think we have any ... I am not quite sure what the role ... what is the role of the ...

Deputy S.M. Brée:

Well, I was more looking at Article 42, clause 8 and I will read it, if I may.

Chairman, Comité des Connétables:

Yes, please. Yes.

Deputy S.M. Brée:

“In a case where there is no Registrar or Deputy Registrar in a Parish, the Superintendent Registrar, a Registrar or a Deputy Registrar of a different Parish or an employee of the Parish may, with the consent of the Constable and whether or not he or she resides in the Parish, act in the capacity of the Registrar or Deputy Registrar.” So that is quite a change.

Chairman, Comité des Connétables:

Yes, well, that is not an appointment change. What that is is if your Registrar disappears for any reason, if you have not got one, what it means is that we could appoint someone from outside of our Parish, another Registrar or the Superintendent Registrar herself, to act as Registrar for the Parish during that period or a member of staff during that period.

Deputy S.M. Brée:

But there is no time limit.

Chairman, Comité des Connétables:

Yes.

Deputy S.M. Brée:

It does not say in that clause, as far as I can read: “Until a Registrar is appointed” because, you see, you could have an instance where the Registrar disappears, the Superintendent Registrar is then appointed by the Constable to act as the Parish Registrar but there is no time limit there, as far as we can see.

Chairman, Comité des Connétables:

Yes, in Article 42.

Deputy S.M. Brée:

I am looking at 42(2).

Chairman, Comité des Connétables:

Yes, so the Constable has a duty there under Article 42(2)(a) to appoint somebody.

Deputy S.M. Brée:

Yes.

Chairman, Comité des Connétables:

They will have a duty to appoint somebody from the Parish and you are looking at Article 42 ...?

Deputy S.M. Brée:

(8).

Chairman, Comité des Connétables:

(8): "In a case where there is no Registrar or Deputy Registrar in the post, the Superintendent Registrar, a Registrar or a Deputy Registrar or of a different Parish or an employee of the Parish may, with the consent of the Constable and whether or not he or she resides in the Parish ..." Yes, so if there is a problem, you lose a Registrar, if it is a civil emergency or death or something like that and we had not got anybody and we need to have somebody, we can appoint somebody outside of the Parish or the Superintendent Registrar herself or somebody else or a Registrar from another Parish. I do not think there is involvement of the Superintendent Registrar doing the appointments. The Constable does the appointment.

Deputy S.M. Brée:

Well, it is more a question of the meaning that the Superintendent Registrar could become the Registrar of a Parish.

Chairman, Comité des Connétables:

Yes, in a temporary situation.

Deputy S.M. Brée:

Well, there is no time limit set, is there?

Chairman, Comité des Connétables:

Well, there is, because that would happen while we have not got one. Then under Article 42(2), it would be the Constable's responsibility to appoint somebody permanently.

Deputy J.A.N. Le Fondré:

Then that becomes the 5 years?

Chairman, Comité des Connétables:

Yes, that becomes the 5 years.

Deputy S.M. Brée:

Okay.

Chairman, Comité des Connétables:

Yes, I can understand where you are coming from now but I ...

Deputy S.M. Brée:

Because the Constable might go: "Well, I have appointed somebody as Superintendent Registrar."

Chairman, Comité des Connétables:

I do not think so.

Deputy S.M. Brée:

Okay, no, I was just seeking clarity on that.

Chairman, Comité des Connétables:

Yes, that is not the intention certainly and I would say we would have to get legal advice on that but my understanding is that would be a temporary situation, if you lose a Registrar suddenly, that you can appoint somebody to deal with the work.

Deputy S.M. Brée:

Okay, and you are satisfied that really the law works in this area in a way that will not create a situation where the Superintendent Registrar becomes the Registrar for a Parish over a longer period?

Chairman, Comité des Connétables:

No. I suppose a Constable could do it if he wished but I do not imagine that many of them would wish to do that which is one of the reasons why we are quite strong with the Minister that the Registrar has to live in the Parish. A Parish Registrar has to live in the Parish and if he or she leaves the Parish, then he has to leave that role.

Deputy S.M. Brée:

Okay, yes, I have got that.

Secretary, Comité des Connétables:

42(2)(a) does say appoint, so you have no option.

Chairman, Comité des Connétables:

Yes, you have to appoint somebody.

Secretary, Comité des Connétables:

You have to appoint somebody having regard to that.

Deputy J.A.N. Le Fondré:

There are 2 questions that have come out of what has been said. One was the issue of if the Parish Registrar leaves the Parish essentially so basically, as soon as they leave the Parish, they cease to be the Registrar. Could that cause any problems particularly? Is there any scope for it or is it the fact that you have got a Deputy Registrar so there is ...?

Chairman, Comité des Connétables:

Yes, we should have a Deputy so it should not be an issue and there also are the items we talked about with Deputy Brée there. We can appoint a member of staff immediately and the staff would be able to do the job or we could also, in my case, ask Grouville's Registrar to act for us until I have appointed somebody else.

Deputy J.A.N. Le Fondré:

Yes. There was an issue, someone says, that the present Registrar must then pass the records across to the next person taking over that post. I was just curious as to why it was that way around rather than back to the Connétable who will then pass the records on if you have got a gap.

Chairman, Comité des Connétables:

If the records are kept at the Registrar's home address, then I suspect that the only way of doing it is for the current Registrar to pass them on to the new one. If they are at the Parish Hall of course, that would be a different kettle of fish.

Deputy J.A.N. Le Fondré:

Okay, but who would be responsible for those records? You have got a Registrar, you have got a Deputy Registrar and the Registrar goes - and I presume it is the Registrar that looks after the records and not the Deputy Registrar - does the Deputy Registrar automatically get appointed or the Connétable on that day appoints the Deputy Registrar from the Registrar, does it?

Chairman, Comité des Connétables:

No, the Deputy Registrar simply acts in the absence of the Registrar. There is no automatic promotion.

Deputy J.A.N. Le Fondré:

Do they become responsible for the records at that point?

Chairman, Comité des Connétables:

Well, at the end of the day, the buck stops with the Constable which is one of the things which has worried me about while they are in somebody's house.

Deputy J.A.N. Le Fondré:

Yes. I cannot remember which bit of the law it is but it does make reference to the documentation held or the certificates held by the Registrar, that they are responsible for making sure it goes across to their successor. Do you think it should be more that it goes to the Connétable or not?

Chairman, Comité des Connétables:

Whatever the law says. At the end of the day, if they are not passed across, whoever it is going to chase it, it is going to come after the current ... so it need not be there and I think it does put the onus on the Registrar which is ...

Secretary, Comité des Connétables:

It is Article 48 and it is delivery of the records to his or her successor so it could equally go to the Parish or pending the appointment of the successor, I would imagine.

Chairman, Comité des Connétables:

So what it says there: "Any person who, by virtue of his or her office, is required by this law to keep any book, register or official document shall, on ceasing to hold office, deliver up such books, register, et cetera, and any storage provided to his or her successor." So I think it needs to be there.

Deputy J.A.N. Le Fondré:

Yes.

Chairman, Comité des Connétables:

I think that the Registrar has got to have a legal duty to do it.

Deputy J.A.N. Le Fondré:

Yes, I am agreeing with you and I think there is no question there. It is whether it should go to the Connétable to pass it on the successor, if that makes sense, or to the successor.

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

I think you know what I mean.

Deputy S.M. Brée:

May I seek a point of clarity from you, Connétable?

Chairman, Comité des Connétables:

Okay.

Deputy S.M. Brée:

We were talking about the requirement for the Registrar to be a resident of the Parish.

Chairman, Comité des Connétables:

Yes.

Deputy S.M. Brée:

Why is it in all Parishes other than St. Helier?

Chairman, Comité des Connétables:

St. Helier has a totally different system in that they have professional Registrars in the Registry in town.

Deputy S.M. Brée:

Right.

Chairman, Comité des Connétables:

Okay. They do not have a Parish Registrar in the same way that the country Parishes do.

Deputy S.M. Brée:

Okay.

Deputy J.A.N. Le Fondré:

The role is still separate to the Superintendent Registrar?

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

Okay, so for all intents and purposes, there is a St. Helier Parish Registrar?

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

The role is the same notionally but the duties will be different presumably?

Chairman, Comité des Connétables:

The duties are more intense.

Deputy J.A.N. Le Fondré:

Because most people get born in St. Helier.

Chairman, Comité des Connétables:

Yes, most people get born in St. Helier. But they are a professional outfit rather than our people, the Parish Registrars.

Deputy S.M. Brée:

They are honorary.

Chairman, Comité des Connétables:

They are effectively honorary, yes.

Deputy S.M. Brée:

Yes, okay, I just wanted to understand why that was different.

Secretary, Comité des Connétables:

Yes, they are full-time employed at the Parish.

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

Okay, so of the Parish. I think they share premises there. It was in the Parish Hall.

Deputy S.M. Brée:

Do they work out of the Superintendent Registrar's office or do they work out of the Parish Hall?

Secretary, Comité des Connétables:

No, they are separate. They have a separate office. At one stage, it used to be down Vine Street I think.

Deputy S.M. Brée:

Okay.

Secretary, Comité des Connétables:

I am not sure where it is at the moment but I could find out.

Deputy S.M. Brée:

No, do not worry. Thank you.

Deputy J.A.N. Le Fondré:

It could be in Highbury Place, I think. I am not sure.

Deputy S.M. Brée:

Okay.

Deputy K.C. Lewis:

It was in the basement here at one time, was it not, many years ago?

Chairman, Comité des Connétables:

I do not know. I would be guessing.

Deputy K.C. Lewis:

When I got married.

Chairman, Comité des Connétables:

You would know then.

Deputy J.A.N. Le Fondré:

Okay, there is a further question coming through which I will ask towards the end. The draft law enables couples greater choice in the location of their marriage.

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

Now how do the proposals affect Parishes and Connétables?

Chairman, Comité des Connétables:

Under current law, the Connétables have to approve places for where weddings can take place and under the new law, we will have to do exactly the same thing except we will have a greater number of places we could register or approve for weddings including outdoors. So really no change but perhaps a little more to do with ... I cannot remember the words that they use but they have got to be proper and I cannot remember the word but ...

[16:00]

Deputy J.A.N. Le Fondré:

I was going to say: "Dignified" but ...

Chairman, Comité des Connétables:

"Dignified" I think is probably in there somewhere, yes.

Deputy J.A.N. Le Fondré:

Okay.

Chairman, Comité des Connétables:

So it could be beaches now if this goes through so ...

Deputy J.A.N. Le Fondré:

Okay, now the draft law states: "An approving authority shall not approve a location belonging to the Connétable or the Parish unless the Minister consents to that location being an approved location." Are you happy with that wording?

Chairman, Comité des Connétables:

Absolutely, and it is like I cannot grant myself a firearms licence. It would be wrong for me to approve my own premises for such a function and I think that is reasonable.

Deputy J.A.N. Le Fondré:

So it is 2-stage. Effectively, you as Connétable, would make a recommendation but the Minister would endorse it, I am assuming?

Chairman, Comité des Connétables:

I do not know. It is not something which is likely to happen but if I wanted to do it, I guess I would have to ask the Minister to consider it.

Deputy J.A.N. Le Fondré:

All right, but are not Parish Halls an approved location?

Chairman, Comité des Connétables:

No, I do not think that it is what it said.

Deputy J.A.N. Le Fondré:

It is not specific. It says: "... shall not approve a location belonging to the Connétable or the Parish."

Chairman, Comité des Connétables:

"... or the Parish"?

Deputy J.A.N. Le Fondré:

"... or the Parish."

Chairman, Comité des Connétables:

Sorry, yes, I beg your pardon. Yes, I was thinking of ...

Deputy J.A.N. Le Fondré:

No, it is not you individually.

Chairman, Comité des Connétables:

Well, it is in addition. Yes, it is not unreasonable. The Constable has control over his Parish Hall so I think it would quite reasonable for ... I think currently we could probably approve it but I do not think it is unreasonable and it is not going to be withheld unreasonably. It is not a deal breaker, I do not think.

Deputy J.A.N. Le Fondré:

Do you think the right balance has been struck between flexibility of location on the one hand and maintaining the solemnity and dignity of the occasion on the other?

Chairman, Comité des Connétables:

Solemnity and dignity, yes.

Deputy J.A.N. Le Fondré:

I had not looked at that, by the way.

Chairman, Comité des Connétables:

No, and that is the question I raised at one of the presentations. The proof of the pudding will be in the eating. I think it can be done and it obviously is done in many other places and I think if a Connétable is doubtful, he can seek advice from his colleagues or from the Registrar or the Minister but I think if it is going to happen, this is the way it has got to happen. There has got to be this flexibility and at the end of the day, someone has got to make a judgment and currently the responsibility for the judgment rests with the Connétable and this will continue so that will extend to the premises or places where weddings can take place. Yes, I am comfortable with it. I am comfortable with it, yes.

Deputy J.A.N. Le Fondré:

That is the main thing. Does the draft law adequately protect places of religious significance and that is including places and/or buildings other than churches that are regularly used to worship, in your view?

Chairman, Comité des Connétables:

I do not know. I have not considered that. Where do you think the risk might lie?

Deputy J.A.N. Le Fondré:

We are obviously seeking your views on that.

Chairman, Comité des Connétables:

Yes. Well, it has not been suggested to me that there is a risk so I have not considered it.

Deputy J.A.N. Le Fondré:

I think the queries we used - and we raised it with the Superintendent Registrar just understanding how things might be used - church halls would be an example and the 2 we thought about were Glass Church which has got a church hall right next to it within the curtilage of the church and possible St. Brelade's church which, as we understand it, there is a church hall across the road so it is technically not with the curtilage of the church. That obviously ties into issues around potentially the quadruple lock and what various buildings are usable. Has that been a discussion at the Comité des Connétables?

Chairman, Comité des Connétables:

No. That has not been discussed at all.

Deputy J.A.N. Le Fondré:

Okay, because I would imagine that would come under the authorisation side for the locations.

Chairman, Comité des Connétables:

Do you mean weddings taking place in a church hall rather than in a church?

Deputy S.M. Brée:

Well, to use another example, for example, the Hermitage on Elizabeth Castle. Now that regularly has annually a pilgrimage out to it but I do not believe it is registered as a place of worship under the registered buildings of, say, the Anglican Church and, yet, it is regularly used as a place of worship. People go to there to worship. How would you consider an application from somebody that they wish for a civil ceremony to take place there?

Chairman, Comité des Connétables:

Well, I will not answer that question, if you do not mind, Deputy. That is a question you should ask the Constable of St. Helier.

Deputy S.M. Brée:

Okay.

Chairman, Comité des Connétables:

But I will give you another example perhaps, which might be similar, the crypt at Samarès Manor.

Deputy S.M. Brée:

Yes, it is an ideal example.

Chairman, Comité des Connétables:

Yes. Certainly I would be delighted to approve that and provided it remained open during a ceremony so the public can gain access, yes, that would, in my view, be a dignified and solemn place for a wedding which would be okay. Further, I would go for the grounds at Samarès Manor as well which would be good as an example.

Deputy S.M. Brée:

Okay.

Deputy J.A.N. Le Fondré:

There is a query and this is just an aspect and you may not have an opinion on it, so it is just if it has come across your thought process or not and the detail is 24(d)(ii), which is particularly helpful,

which is - and I do not know if Sue wants to show it or not - a marriage purporting to be solemnised in accordance with ... and, basically, it is the main Article about approval of locations: "In a location which, at the time of solemnisation is not an approved location, shall be valid as if the location had been an approved location." You might want to read that one through but we were slightly puzzled because Article 23, which is the one it refers to, is very long and quite a few pages and has all sorts of things about the location being approved - and, obviously, that is one of the roles for the Connétable - and basically says if the location is not approved and a wedding takes place there, it could be, I think it says here, null and void. Yet we then get something much further down the line that basically says that, despite all that, if it is not an approved location, the wedding shall still be valid. We are just curious as to the interaction between that and Article 23. It reads slightly oddly, I would say, is the ...

Chairman, Comité des Connétables:

Quite honestly, it is not something ... you would need to speak to ...

Deputy J.A.N. Le Fondré:

In general terms, how much consultation has the comité had on the whole law?

Chairman, Comité des Connétables:

We have had 2 meetings, 2 presentations provided by the Superintendent Registrar. I am not sure if she came to the committee itself, do you recall?

Secretary, Comité des Connétables:

No, but you had presentations last year on the proposal.

Chairman, Comité des Connétables:

Where did we have those? **[Aside]** Yes, so they have come to the committee last year. We have had 2 presentations this year from the Superintendent Registrar, which did include the Parish Registrars as well. We are more interested in the process as it involves the Parish Hall rather than the principles of equal marriage and this sort of thing.

Deputy J.A.N. Le Fondré:

We are trying not to go into the principles but those issues arise out of it. We are not going into the principles on that. I think the query was that the law itself is obviously not just about the Parish Registrar; there are other issues around that. It has taken a 2-year process. Obviously there is the point that you raised some queries literally at lodging, which generated the amendments now, which is obviously what you are happy with. We are just curious in terms of the process. Why, to an extent, were your concerns there raised ... when I say "relatively late in the day", what was the

process leading up to that point? In other words, why had your views not been taken on board before that point?

Chairman, Comité des Connétables:

It is one of those situations the Parish Registrar system, as far as I was concerned and probably my colleagues are concerned, worked without us getting involved. It was only after we had had these presentations that I understood more about the implications, our responsibilities, and some of the things which perhaps had not gone as well as they should have done that we recognise that there was a reason for us to get more involved and to consider that particular matter more. We were in our comfort zone before, then we recognised that there are some important principles here which we need to get involved in. I think that is more the reason than anything else.

Deputy J.A.N. Le Fondré:

Roughly, at what sort of point did that realisation start taking place?

Chairman, Comité des Connétables:

I think it was probably mid-year, about the middle of this year? Earlier?

Secretary, Comité des Connétables:

Probably late summer. It was when the actual draft law was available for consultation really.

Deputy J.A.N. Le Fondré:

So you did see the draft law prior to it being lodged?

Chairman, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

Over the 2 years then that you have had. So you had a presentation middle of last year.

Chairman, Comité des Connétables:

I think so.

Secretary, Comité des Connétables:

December 2016 and discussions and another one in March 2016.

Deputy J.A.N. Le Fondré:

So March 2016 and December 2016 and then you have had 2 presentations this year?

Secretary, Comité des Connétables:

Yes.

Deputy J.A.N. Le Fondré:

Do you happen to have the dates of those as well?

Secretary, Comité des Connétables:

Around September, October time.

Deputy J.A.N. Le Fondré:

This year? Okay. March 2016, December 2016 and then September, October 2017, presumably 2 occasions on those dates. Nothing particularly in 2015, as far as you are aware?

Secretary, Comité des Connétables:

Not specifically on changes to the legislation.

Deputy J.A.N. Le Fondré:

We were just curious on the timeframe as to the level of consultation that has gone on with the different bodies essentially. But you are satisfied from the point of view of how you have been briefed, what you have understood and the interactions and now that the changes have gone through?

Chairman, Comité des Connétables:

I think as the legislation developed and changed, in fairness, we have been briefed very well. No complaints about that.

Deputy J.A.N. Le Fondré:

But then obviously middle of October that you made the suggestions on the change that should or the minor change relatively but it is quite important.

Chairman, Comité des Connétables:

Yes. I mean it probably will not ... our minds were more focused on it than at any other time. In all honesty that is where we got to.

Deputy S.M. Brée:

Just going back to something, Connétable, you said earlier on with regards to the appointment of the Parish Registrars and Deputy Registrars and their dismissal. It has moved from being a decision

of the Parish Assembly to being solely a decision by the Connétable. Obviously as the chairman of the Comité des Connétables you no doubt support that move. Will this, however, go in front of the existing Parish Assembly or how will the Connétables of each Parish notify the parishioners in their Parish that once this law is enacted that the Parish Assembly will lose all powers in respect of Parish Registrar and Deputy Registrar? Because it is quite a fundamental move.

Chairman, Comité des Connétables:

It is. We are not losing a lot of power because ... I have been Connétable for 8 years and I have been going to Parish Assemblies for many years before that. I can never remember a contested election for Parish Registrar. Once a Parish Registrar has been appointed currently it is effectively for life until he or she decides to give up, which is one of the reasons we ...

Deputy S.M. Brée:

However, the dismissal of a Parish Registrar is a different matter.

Chairman, Comité des Connétables:

Dismissal is a different matter. Under the new law, if the Constable wishes to dismiss a Registrar he has to have a very good reason for it. He cannot just do it on a whim. There has to be something seriously wrong. If that situation did happen it is much more satisfactory for the Constable to take that responsibility rather than have the dirty linen, if you like, aired in public at a Parish Assembly, asking the Parish Assembly to remove the Registrar. It would not be a very pleasant or a satisfactory way of doing things.

Deputy S.M. Brée:

The problem with, if you like, the draft law as it stands, with regards to the removal of a Registrar, all it says is: "A Registrar of a Parish, other than St. Helier, shall give the Connétable not less than 3 months' notice and, vice versa, the Connétable may give the Registrar not less than 3 months' notice, particularly when the Connétable of the Parish may give the Registrar less than 3 months' notice requiring him or her to vacate his or her office."

[16:15]

It does not say why. So if you were to take the law as written, the Connétable has complete autonomy in being able to remove a Registrar for whatsoever reason the Connétable felt fit. Unless you can point me in a direction where it covers that.

Secretary, Comité des Connétables:

This is in the proposed law?

Deputy S.M. Brée:

Yes, I am talking about the draft law as proposed as amended, which is section 42 - and I am just running down it because we have got different numbering here - section 1A, clause (5). I am looking at the amended version we have got.

Deputy J.A.N. Le Fondré:

No, I think you are meant to be here.

Deputy S.M. Brée:

Am I? Why am I looking at that then? My apologies if I have given you the wrong notice.

Deputy J.A.N. Le Fondré:

I think that is the one. In my version it is crossed out. Sorry, the marked up version we have had is ...

Deputy S.M. Brée:

My apologies if I have read the wrong, because it has come out the wrong way.

Deputy J.A.N. Le Fondré:

I think that is the original version that was lodged and I think that has now been amended, because you are right ...

Deputy S.M. Brée:

42(2) is: "The Connétable shall appoint a person as the Registrar of the Parish." Can appoint a Deputy Registrar. I have just realised they have removed the ability of the Connétable to remove the Registrar. Again, you will have to accept my apologies about this, Connétable. We have so many different versions but according to this marked-up version, which will need clarifying, but effectively, under the marked-up version including the amendments, in the new version 42(6): "A person who is appointed to the position of Registrar must give the Connétable of the Parish not less than 3 months' notice." They seem to have forgotten to reinstate the likewise ability of the Connétable to give ... am I reading this correctly, officers?

Deputy J.A.N. Le Fondré:

Yes, I think you are.

Deputy S.M. Brée:

They have removed the ability of the Connétable to remove the Registrar.

Deputy K.C. Lewis:

Unless that is in somewhere else.

Deputy S.M. Brée:

Unless I am misreading it.

Chairman, Comité des Connétables:

No, I do not think you are misreading it but we are talking about laws and you have to jump around all over the place to find what you are looking for. Yes, the Registrar must give the Connétable 3 months' notice unless he or she moves out of the Parish and then it happens immediately. 42(1)(c): "The Superintendent Registrar shall publish a role description in respect of the roles of Registrar and Deputy Registrar in a Parish and a scheme setting up the process for the circumstances in which a person may or must be suspended or removed from the role of Registrar or Deputy Registrar."

Deputy S.M. Brée:

But it does not say who can make that decision.

Chairman, Comité des Connétables:

No, it does not.

Deputy K.C. Lewis:

It is the Superintendent Registrar.

Chairman, Comité des Connétables:

The Superintendent Registrar will set out the scheme setting out the process for doing it.

Deputy J.A.N. Le Fondré:

Yes, but that was originally in writing. What was originally lodged had that wording and also had the wording that: "The Connétable of the Parish may give the Registrar not less than 3 months' notice requiring him or her to vacate his office."

Chairman, Comité des Connétables:

I think that is the current law.

Deputy J.A.N. Le Fondré:

I will check on that.

Chairman, Comité des Connétables:

What I think this means, because I am not the law draftsman or ...

Deputy S.M. Brée:

Rather than us talking it through may I suggest that we seek clarity from the department on this and once we have clarified it if we communicate that clarification to you, Connétable, so that you can then make comment, if you wish, on it? Would that be best? Otherwise we are going to be running around looking at different versions of the same law and not agreeing.

Chairman, Comité des Connétables:

I think what it means is the Superintendent Registrar will publish how the Constable removes the Registrar.

Deputy J.A.N. Le Fondré:

But that would then still have the force of law behind it, would it not?

Deputy S.M. Brée:

A person would still have to issue a notice to the Registrar with 3 months' notice. The question is ...

Chairman, Comité des Connétables:

Yes, that is the Bailiff. If the Constable wants to remove the person that will be done under the scheme which the Registrar will set up. It is an enabling paragraph, is it not?

Deputy S.M. Brée:

We need to just clarify that because obviously with the whole raft of amendments that were lodged against the original law it has changed things.

Chairman, Comité des Connétables:

It is difficult, I can see that.

Deputy S.M. Brée:

I think that is the only question I had.

Deputy J.A.N. Le Fondré:

We are 5 minutes over schedule, which is pretty good. Thank you very much for your time.

Chairman, Comité des Connétables:

Thank you.

Deputy J.A.N. Le Fondré:

That concludes the hearing.

[16:20]