

STATES OF JERSEY



DRAFT FAMILY DIVISION REGISTRAR (CHANGE OF STATUS AND TITLE) (JERSEY) LAW 202- (P.56/2024) – COMMENTS

**Presented to the States on 8th October 2024
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Background

On 10th June 2024, the Children, Education and Home Affairs Panel received a briefing from the Judicial Greffier and the Senior Policy Officer regarding the proposed [Draft Family Division Registrar \(Change of Status and Title\) \(Jersey\) Law 202-](#) (the proposition). This legislation proposes amendments to the Royal Court (Jersey) Law 1948 and consequential changes to several other pieces of legislation, including:

- The Child Custody (Jurisdiction) (Jersey) Law 2005
- Children (Jersey) Law 2002
- Civil Partnership (Jersey) Law 2012
- Corruption (Jersey) Law 2006
- Court of Appeal (Jersey) Law 1961
- Employment of States of Jersey Employees (Jersey) Law 2005
- Matrimonial Causes (Jersey) Law 1949
- Public Employees (Pensions) (Jersey) Law 2014

The Panel understands that the proposed changes primarily aim to update the status and title of the Family Division Registrar, a role that is currently responsible for handling certain judicial functions in family law matters. Under the draft law, the title will change from "Family Division Registrar" to "Family Judge," aligning it more closely with other members of the judiciary. This reflects the judicial nature of the role and elevates its public and professional standing.

Purpose and Rationale for the Change

During the briefing, the Panel was informed that this proposed change has been considered for a significant amount of time, but the necessary legislative updates had not been brought forward until now. The central aim of the legislation is to formalise the status of the individuals performing the role of Family Division Registrar, recognising the judicial nature of their work. As the current Registrar's powers are delegated from the Judicial Greffier, this shift to "Family Judge" status will create parity with other judicial appointments.

The Panel was assured that the proposed changes are neither controversial nor complex and are primarily administrative. The Judicial Greffier emphasised that the title change would help bring the role in line with the modern structure of Jersey's judiciary and enhance the perception of the position, both within the judiciary and in the eyes of the public. Furthermore, the Panel was advised that the Bailiff and Deputy Bailiff were supportive of the change.

Key Changes and Implications

The Panel was advised that under the current system, Registrars operate under delegated authority from the Judicial Greffier, who does not necessarily have expertise in family law. The Registrar's role involves managing judicial functions as provided under Article 9(6) of the Departments of the Judiciary and Legislature (Jersey) Law 1965 and Article 3(4) of the Matrimonial Causes (Jersey) Law 1949, among other rules. The shift to "Family Judge" is intended to reflect the complexity and significance of family law cases and ensure the judicial functions are managed by an expert in family law.

The Panel has been advised by the Judicial Greffier that while the title change will elevate the status of the position, it will not create additional financial burdens or manpower changes for the States of Jersey. There are currently two individuals serving as Family Division Registrars, and they will automatically transition into the new "Family Judge" role when the law is enacted. No immediate vacancies are anticipated, but the title "Family Judge" is expected to help attract more qualified candidates in the future, should recruitment be necessary.

Additionally, it was explained to the Panel that the proposed "Family Judge" would no longer be an employee of the States of Jersey Employment Board. Instead, the post would fall under the judiciary, with future appointments being overseen by the Bailiff, in line with other judicial appointments. The qualifications and requirements for the role of Family Judge will be set out in Article 12A of the draft law, further professionalising the position.

Clarifications on Children's Rights and Other Concerns

The Panel raised several questions regarding the potential impact of the proposed changes, particularly in relation to children's rights and the recommendations from the Violence Against Women and Girls (VAWG) Taskforce. The Judicial Greffier confirmed that the change in status and title was not related to the VAWG recommendations. The change is simply intended to improve the structure and clarity of family law management in Jersey, ensuring that judicial powers are exercised by qualified experts.

Additionally, the Panel was advised that the proposed changes would have no adverse effect on children's rights. The Panel further notes that a [Child Rights Impact Assessment](#) screening has been carried out, which states that there will be no impact on children or young people's rights if the legislation is adopted.

Conclusion

In conclusion, the Panel is broadly supportive of the proposition. The Panel recognises the need for this long-planned update to ensure that the judiciary structure in Jersey reflects the importance and complexity of family law. By elevating the title from Family Division Registrar to Family Judge, the legislation will enhance the role's professional standing, improve any future recruitment process, and ensure that family law matters are managed by a judiciary specialist in this field.

The Panel has been further assured that the changes would not introduce any significant financial or manpower implications and that children's rights would remain fully protected under the new structure.