

# **STATES OF JERSEY**

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## **RÔLE OF THE UNELECTED MEMBERS OF THE STATES: REVIEW (P.5/2009) – SECOND AMENDMENT**

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**Lodged au Greffe on 27th January 2009  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

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In paragraph (a), after the words “current roles of the” insert the word “following” and –

- (1) delete the words “the Lieutenant-Governor”;
- (2) delete the words “and the Dean”.

PRIVILEGES AND PROCEDURES COMMITTEE

## **REPORT**

PPC is content to give in principle support to the proposal for a review of the role of the Bailiff and the 2 Law Officers and notes that the present Bailiff himself indicated his own support for a properly conducted independent review into the role of Bailiff when he spoke at the swearing-in of new States members on 8th December 2008. In addition, a review of the Law Officers was listed as an action in the last Strategic Plan (6.2.11).

The precise terms of reference of the review will, if this proposition is adopted, be brought back to the Assembly by the Council of Ministers in due course, and at that stage it will be possible for members to agree the precise details and overall estimated cost. PPC is nevertheless concerned about the potential scope of the review proposed by the Deputy of St. Martin, which includes all 5 unelected members.

PPC can appreciate that the Deputy of St. Martin may have felt it was inappropriate to suggest a review of the role of some of the unelected members and not others. It is nevertheless clear that the roles of the unelected members are quite distinct and attempting to review all the roles at the same time could make the review extremely complex and even more costly.

The Committee is not aware of any significant concern about the role of His Excellency the Lieutenant-Governor that would justify extending the review to cover his role. Members are always pleased to welcome His Excellency when he attends the Assembly but he takes no direct part in the work of the States.

The role of the Dean is already well understood by members, and the choice on whether or not it is appropriate for the Head of the Anglican Church in Jersey to remain as a member of the States appears to PPC to be a purely political decision. It is difficult to see what an external review could add to any future debate on the Dean's role as an unelected non-voting member of the States.

The amendment has been laid out to allow members to vote separately on removing the Lieutenant-Governor and the Dean from the scope of the review, but if both parts are adopted the review will then be restricted to consider only the role of the Bailiff and the 2 Law Officers. This will, in itself, be a significant task not only because of the breadth of their current roles and the potentially far-reaching consequences for the Island of recommending changes, but also because the role of the Bailiff as President of the States, civic head of Jersey and President of the Royal Court is very different from the role of the 2 Law Officers. In practice it is possible that different people may be needed to conduct the two separate parts of the review even if this amendment is accepted.

### **Financial and manpower implications**

The Deputy of St. Martin has already given an indication of the possible cost of a review of this nature, which will be significant if the Council of Ministers recommends that constitutional and legal experts from outside the Island should participate in it. This amendment will reduce the likely cost and manpower requirement by restricting the overall scope of the review.