

## **2.6 The Deputy of St. Martin of the Attorney General regarding the legal definition of a Parish Hall Enquiry:**

Will the Attorney General inform Members of the legal definition of a Parish Hall Enquiry, outlined in the Honorary Police powers of arrest should a member of the public decline to attend such an enquiry and, in view of the fact that while conducting Parish Hall Enquiries, Centeniers are performing a prosecution and not a policing function, is that function - particularly when administering sanctions - Human Rights Convention compliant? If so, how?

### **Mr. W.J. Bailhache Q.C., H.M. Attorney General:**

Although the expression occasionally appears in legislation such as in Article 30 of the Police Procedures and Criminal Evidence (Jersey) Law 2003, there is no statutory definition of a Parish Hall Enquiry as far as I am aware. By way of usage, it reflects the enquiry that is made by a Centenier at a Parish Hall to ascertain whether there is sufficient evidence to charge an offender with having committed an offence and whether it is in the public interest to do so. There are currently no powers of arrest should a member of the public decline to attend a Parish Hall Enquiry. The present position is that a person who fails to attend is liable to be charged with the offence for which he or she was warned to attend the Parish Hall and summonsed to appear in the Magistrates Court at a later date. In my opinion, the Centenier's functions at a Parish Hall Enquiry are compatible with Article 6 of the European Convention on Human Rights. The enquiry is not a court determining criminal charges but a prosecution process. Although the Centenier can sometimes impose a sanction, that is always subject to the consent of the person charged with the offence and that person has the right to require that he or she attends, in the Magistrates Court, a convention compliant tribunal if he or she so wishes. Centeniers are required to advise members of the public attending an enquiry that this is their entitlement if they so wish.

### **2.6.1 The Deputy of St. Martin:**

Would the Attorney General agree that it might be helpful if the form that was now issued to people who are required to attend a Parish Hall Enquiry is clear and makes it absolutely clear that they do not have to attend if they do not wish to and what would happen to them if they refuse to or decline to attend a Parish Hall Enquiry?

### **The Attorney General:**

I am very happy to look at that form in conjunction with the Minister for Home Affairs because, in a sense, that will be very often part of the States policing operations and, as he so kindly passed to me an initiative in relation to penalties, I am very pleased to pass this one back to him as well.

### **2.6.2 Senator S.C. Ferguson:**

Would the Attorney General like to confirm, however, that with a Parish Hall Enquiry, you do not incur a criminal record whereas if you go to a Magistrates Court and are found guilty you could well incur a criminal record.

### **The Attorney General:**

I can confirm that a determination to a Parish Hall Inquiry does not amount to a conviction.

### **2.6.3 Deputy R.G. Le Hérissier:**

Would the Attorney General confirm that the role of Centeniers at such enquiries is in part similar to the role of U.K. police officers who are involved in diversion programmes?

**The Attorney General:**

I think the role of Centeniers at such enquiries is often to be involved in diverting people out of the formal criminal justice system. I am not sure I know enough about the U.K. policing officers to be able to agree completely.

**2.6.4 The Deputy of St. Martin:**

I would like to pick up on the answer that was given to Senator Ferguson because I think it is very useful because while I agree with her it may not be a Parish Hall sanction, would the Attorney General agree that when people make applications for jobs they are required to show whether, in fact, they have had a Parish Hall sanction? So even though they have, in fact, not had a court conviction, it nevertheless is still a sanction, which is applicable when people are applying for jobs, because I have an application form here for the Education, Sports and Culture job and it makes it quite clear here that one, indeed, has to ensure that even if you have got a Parish Hall sanction that one is required to show that. So a Parish Hall is ...

**The Deputy Bailiff:**

Brief question, please, Deputy.

**The Deputy of St. Martin:**

So will the Attorney General agree that a Parish Hall sanction does have similar connotations as it would be a conviction to court? Does it have the same meaning?

**The Attorney General:**

It is not a conviction and therefore it does not have the same consequences as a conviction. For example, there are occasions where on a second conviction the maximum amount of the penalty which can be imposed by a court goes up and therefore in those circumstances the earlier sanction of the Parish Hall would not count. But I can certainly see that in the light of the form that the Deputy of St. Martin has just described, then there may be occasions when the fact that somebody has been charged with an offence and the charge has been resolved at the Parish Hall, will be taken into account by a prospective employer. That is quite possible.

**2.6.5 Connétable D.J. Murphy of Grouville:**

I wonder if the A.G. (Attorney General) has figures about the number of Parish Hall Enquiries there are per annum and how many complaints he receives about the misconduct of those hearings. Thank you.

**The Attorney General:**

I certainly do not have those figures with me. I am not sure if I have the figures but I can say that the number of complaints that I get in relation to the conduct of Parish Hall Enquiries is very low indeed. It is certainly counted on the fingers of one hand, each year.

**2.6.6 The Deputy of St. John:**

Given the glowing report in the Howard League Penal Reform on Parish Hall Enquiries, would the Attorney General agree with myself that they are an asset to this Island more than anything else?

**The Attorney General:**

Yes.