

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY R. LABEY OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 13TH SEPTEMBER 2016**

Question

What progress has been made to implement each of the following recommendations made by the Carswell Review of 2010 into "The Roles of the Crown Officers" and, if a decision has been taken not to implement any of the recommendations, how and when was that position adopted and by whom?

- (a) The Bailiff should cease to act as President of the States and the States should elect their own President, either from within or from without the ranks of their members.
- (b) The Bailiff should cease to be responsible for giving permission for public entertainments.
- (c) The requirement in Article 1(1) of the Crown Advocates (Jersey) Law 1987 of the Bailiff's approval to the appointment of Crown Advocates should be repealed.

Answer

On 30th March 2011, the States Assembly held an 'In Committee' debate on the Carswell Review¹ following the presentation of R.28/2011 'Review of the Role of Crown Officers ("Carswell Review")² by the Privileges and Procedures Committee on 14th March 2011.

Since that time, many of the recommendations have been considered and action taken (including by way of States questions, Propositions and debate) by individual States Members, Privileges and Procedures Committee, Ministers and the States Assembly.

The current status of the recommendations is as follows:

- (a) On the 29th and 30th of April 2014, this recommendation was considered when the States Assembly debated P.160/2013, 'Elected Speaker of the States Assembly', as amended. The States Assembly minutes of that date record:

*"THE STATES resumed consideration of the proposition of the Connétable of St. Helier entitled 'Elected Speaker of the States' (P.160/2013), as amended, and rejected the proposition that from the date of retirement of Sir Michael Birt as Bailiff of Jersey, Recommendation 2 of the Review of the Roles of the Crown Officers (the 'Carswell Review'), namely that "2. The Bailiff should cease to act as President of the States and the States should elect their own President, either from within or from without the ranks of their members" should be implemented, subject to the approval of the public voting in a referendum to be held on 15th October 2014 on the question 'Should the Bailiff cease to be the President of the States?', provided that the referendum should not be held unless the States had already adopted legislation to give effect to the change which contained a commencement provision which specified that the legislation should automatically come into force if the change was supported by a majority of those voting in the referendum (subject to a minimum turnout threshold to be specified in the legislation) and should not come into force if it was not."*³

¹ <http://www.statesassembly.gov.je/AssemblyHansard/2011/17448-47349-742011.pdf>

² <http://www.statesassembly.gov.je/AssemblyReports/2011/14688-17346-1432011.pdf>

³ <http://www.statesassembly.gov.je/AssemblyMinutes/2014/2014.04.30%20States%20Minutes.pdf>

On 24th May 2016, Deputy Tadier lodged P.54/2016 ‘Bailiff of Jersey: Cessation of Dual Role and the Appointment of an Elected Speaker of the States’. Comments have been presented by the Privileges and Procedures Committee (P.54 Com./2016) and HM Attorney General (P.54 Com.(2)/2016) which it is anticipated will be debated by the States Assembly in due course.

(b) On 27th May 2016 the Minister for Home Affairs lodged the draft Unlawful Public Entertainments (Jersey) Regulations 201-⁴. The Report noted:

“In December 2010, Lord Carswell’s Review of the Roles of the Crown Officers (R.143/2010), recommended that “the Bailiff should cease to be responsible for giving permission for public entertainments” (Recommendation 6).

In April 2015, the States adopted the 7th amendment (P.27/2015 Amd.(7)) to the Draft Strategic Plan 2015 – 2018 (P.27/2015), agreeing to –

“Delegate authority to the Parish of St. Helier for the licensing of small-scale events within the parish, including in its public squares and precincts, after appropriate consultation with the relevant authorities and subject to all necessary safeguards, risk assessments being in place”.

In June 2015, the States also agreed in principle that marriage should be allowed to take place in the open air and in public spaces (see P.65/2015).

In light of these decisions, work has now commenced on scoping an alternative route for the management and approval of entertainments and events in the public domain.

This is, however, a very significant piece of work, which interfaces with a number of other pieces of legislation; for example, the Road Works and Events (Jersey) Law 2016 (L.11/2016). Hence, it is appropriate that these draft Regulations are enacted and brought into force to maintain the current position whilst this work is undertaken.”

This work is ongoing.

(c) P. 25/2015 ‘Draft Crown Advocates (Amendment) Law 201-’⁵ (“the Amendment Law”) was lodged by the Chief Minister on 24th February 2015 and was approved by the States Assembly on 14th April 2015. The Amendment Law, which came into force on 20th June 2015, amended the Crown Advocates (Jersey) Law 1987⁶. The Report to the Amendment Law provided that:

“The Legislation Advisory Panel, having consulted with the Attorney General and the Bailiff, has advised the Chief Minister to implement the recommendation of the Review of the Roles of the Crown Officers (the “Carswell Review”) to remove the Bailiff’s veto under the principal Law in respect of the appointment of Crown Advocates. Consequentially, the draft Law also removes the Bailiff’s veto in respect of terminating the appointment of any Crown Advocate.”

⁴ <http://www.statesassembly.gov.je/AssemblyPropositions/2016/P.56-2016.pdf>

⁵ <http://www.statesassembly.gov.je/AssemblyPropositions/2015/P.25-2015.pdf>

⁶ <https://www.jerseylaw.je/laws/revise/PDFs/07.280.pdf>