

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2ND MAY 2017**

Question

Will H.M. Attorney General explain whether the roles of the Centenier in the Magistrate's Court and at Parish Hall Inquiries are compatible with the Human Rights (Jersey) Law 2000?

Answer

In relation to offences that fall to be considered at a Parish Hall Enquiry, the role of the Centenier is to consider whether to charge a person, whether no action should be taken, or whether the matter can be disposed of at the Parish Hall by way of (for example) a caution or a small fine. If a Parish Hall disposal is appropriate it can only occur with the consent of the person involved. It was made clear by the Royal Court thirty-years ago in *Attorney-General v Devonshire Hotel Ltd* that Parish Hall enquiries are not criminal trials. For that reason, the fair trial provisions in Article 6 of the European Convention on Human Rights do not arise. As was recognised by the Rutherford Report in 2002, "*the Parish and the process of Parish Hall Enquiries remains a cornerstone of the island's approach to tackling crime and anti-social behaviour.*"

As regards the role of the Centenier at the Magistrate's Court under Article 3 of the Honorary (Police) Jersey Law, this is to present defendants to the Court. Centeniers also decide whether to bail defendants prior to that appearance in Court, at which point bail becomes a matter for the Court.

The important point for human rights purposes is that the Magistrate no longer fulfils the dual role of prosecutor and judge during a trial as in such cases a lawyer employed by the Law Officers' Department conducts the case for the prosecution.

In short, the role of the Centenier in the Magistrate's Court and in the Parish Hall is compatible with the Human Rights (Jersey) Law 2000.