

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 25th SEPTEMBER 2012**

Question

Will H.M. Attorney General advise whether the present election process for Jurats, whereby Jurats are elected by an electoral college of States Members and individuals from within the judiciary, is compatible with ensuring avoidance of a 'blurring' of lines between legislature and judiciary?

Answer

There is no difficulty as such in the legislature being involved in the process of appointment. In many legal systems, Judges are selected by the executive.

In any event, the question is not factually accurate in that the electoral college comprises not only, as the question states, States Members and some members of the judiciary but also all of the advocates and solicitors of the Royal Court. States Members are a minority in the electoral college.

The independence of the Jurats is secured by restrictions on their removal, at any rate without cause pursuant to Article 9 of the Royal Court (Jersey) Law 1948. It is only the Order of Her Majesty in Council on petition of the Superior Number of the Royal Court who may remove a Jurat from office. States Members have no role in that process. This security of tenure and freedom from external pressure from the legislature or executive is at the cornerstone of judicial independence and the good administration of justice.