

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON FRIDAY 11th FEBRUARY 2022
ANSWER TO BE TABLED ON MONDAY 21st FEBRUARY 2022**

Question

“Following the answers given by H.M. Solicitor General on 10th February 2022 to questions in the Assembly during the debate on the Draft Connétable (Amendment No. 3) (Jersey) Law 201- (P.122/2021), will H.M. Attorney General provide a summary of –

- a. the Customary Law supervisory powers of the Royal Court in relation to Connétables to which reference was made;
- b. the legal position regarding third-party appeals to the Court (as referenced in a question from Deputy M. Tadier of St. Brelade); and
- c. any other powers in either Customary Law or statute which the Royal Court has over the States Assembly and States members?”

Answer

- a. the Customary Law supervisory powers of the Royal Court in relation to Connétables to which reference was made;

The Royal Court has, since time immemorial, exercised a customary law supervisory jurisdiction over Connétables, who are not elected members of the States as Deputies and Senators are, but are States members by virtue of their office of head of the parish. The supervisory power commences at the point at which a Connétable-elect appears before the Royal Court to be sworn in – which includes a judicial discretion as to whether the Connétable-elect should be sworn in or not – and continues until the Connétable leaves office. The Court’s supervisory jurisdiction may encompass a range of actions including offering words of advice, issuing public reprimands, giving directions on conduct and, where appropriate, requiring a Connétable to resign. It is an aspect of the same supervisory jurisdiction which the Royal Court exercises in the Visite Royale which the Court makes to each parish every six years. The jurisdiction was expressly recognised and preserved by the States in 2018 when, by the Connétables (Amendment No. 2) (Jersey) Law 2018, it enacted Article 4D of the Connétables (Jersey) Law 2008. A fuller summary of the jurisdiction can be found in the Royal Court’s judgment: In the matter of the Connétable and Procureurs du Bien Public of the Parish of St John [2021]JRC091, at paragraphs 32-46, ([In the matter of the Connétable and the Procureurs du Bien Public of the Parish of St John 15-Mar-2021 \(jerseylaw.je\)](#))

- b. the legal position regarding third-party appeals to the Court (as referenced in a question from Deputy M. Tadier of St. Brelade);

The principle in law is that only the parties to legal proceedings may appeal against a decision of the Court in those proceedings. There is no right for third parties to appeal a court’s ruling unless, by exception, such a right is expressly created by law. In relation to the removal of Connétables from office, the law creates no third-party right of appeal.

- c. any other powers in either Customary Law or statute which the Royal Court has over the States Assembly and States members?”

The Royal Court does not have supervisory powers over other States Members in the same way as it does for Connétables. The abovementioned judgment draws a clear distinction between Connétables and other types of States Member, noting that the supervisory jurisdiction of the Royal

Court arises due to the Connétables being head of their Parish, not by virtue of them being States Members.

The States of Jersey Law 2005 at Article 48 specifically states that *“The jurisdiction of the Royal Court or Magistrate’s Court does not extend to any proceedings, business or other matter arising under standing orders except as otherwise provided under this Law.”*