

STATES OF JERSEY



BAILIFF OF JERSEY: CESSATION OF DUAL ROLE (P.112/2008) – COMMENTS

**Presented to the States on 7th August 2008
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Deputy Pitman's proposition asks the States to agree in principle that the current dual role of the Bailiff should cease and that the Privileges and Procedures Committee (PPC) should bring forward appropriate proposals and costings on the establishment of a new post of Elected Speaker of the Assembly.

PPC does not believe it is appropriate for such a fundamental and far-reaching decision for Jersey to be made on the basis of a brief report and proposition.

The position of Bailiff is one of the most historic aspects of Jersey's current constitutional position, and the names of Bailiffs dating back to the 13th Century are inscribed on the board at the foot of the staircase to the Chamber. Any change to the current role of the Bailiff is likely to have very significant consequences for the Island and should not, in PPC's view, be undertaken without very detailed investigation and consultation.

The Bailiff's role in Jersey encompasses not only his judicial functions and his functions as President of the States, but also extends to his role as Civic Head, which is clearly closely related to his role as President of the States. PPC considers that before proposing change in the manner suggested by Deputy Pitman it would be necessary to investigate and set out the practical consequences of a change that would effectively abolish the position of Bailiff. Although the Deputy refers to an enhanced role for the Chief Minister, it would be necessary to set out clearly how the functions of Civic Head of Jersey would be undertaken. The Bailiff also plays an important role in the chain of official communications between Jersey and the United Kingdom and it would be necessary to assess how the abolition of the position would affect this important protection of the Island's constitutional position. The impact on the judiciary would also need to be considered very carefully.

Although Deputy Pitman states in her report that "the public of Jersey is watching", there appears to be little evidence that the public wish to see any change in the traditional and well-respected role of the Bailiff. PPC considers that there has traditionally been significant public respect and affection for successive Bailiffs of Jersey and many residents are proud to live in a "Bailiwick". The Committee considers that extensive consultation would be appropriate before any change of this nature was agreed.

PPC recognises that no position in the system of government in Jersey should be excluded from appropriate review and investigation, but opposes this proposition because, as set out above, it does not believe it is appropriate to make a change of this nature without full and detailed consideration of all the consequences. It is possible that such a review may be considered appropriate after the constitution of the new Assembly in December 2008, but PPC believes it would be quite premature to make the decision at this stage on the basis of this proposition alone.