

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

**AMENDMENT TO THE ROYAL COURT (REFORM) (GUERNSEY) LAW, 2008**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Amendment to the Royal Court (Reform) (Guernsey) Law, 2008' dated 13<sup>th</sup> March 2023, they are of the opinion:-

1. To agree to amend the Royal Court (Reform) Law, 2008, to allow Jurats of not less than 3 years' standing to be appointed as Juré-Justicier Suppléant; and,
2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

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The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

13<sup>th</sup> March 2023

Dear Sir

**1 Executive Summary**

1.1 This policy letter recommends that the qualifying period of sitting as a Jurat to qualify to seek appointment as a Juré-Justicier Suppléant is reduced from 5-years to 3-years. This will offer greater flexibility in those eligible to sit in the Royal Court in the office of Juré-Justicier Suppléant and is intended to improve the overall administration of justice.

**2 Office of Jurat**

2.1 Jurats of the Royal Court of Guernsey (Jurés Justiciers de la Cour Royale) are elected by the States of Election. Candidates must be nominated by a member of the States of Election or a parish Douzenier and must receive greater than one half of the votes of those present at the meeting. Elected Jurats hold office until the age of 70 years, although the term of office of an individual Jurat can be extended by the other Jurats if they consider it desirable that his or her tenure should continue for a period or periods not extending beyond the age of 72.

2.2 Jurats are judges of fact, and act as a jury in both civil and criminal cases. Other duties of a Jurat comprise the Bench of the Royal Court, sitting both as a Full Court and as an Ordinary Court, including hearing appeals from the Magistrate's Court. They conduct the Contracts Court (which deals with conveyances, bonds, occasional liquor licences, and other matters), and act as Commissioners in saisie, en désastre and compulsory liquidation hearings.

2.3 The Royal Court (Reform) Law, 2008 ("the 2008 Law"), made provision for the number of Jurats to be increased from 12 to 16. This, however, did not alter the

minimum number of Jurats required to constitute the divisions of the Royal Court (7 for a Full Court, 2 for an Ordinary Court). These changes were driven by the increasing demands on the office of Jurat, due to the growth in the activities of the Royal Court. This trend continues.

### **3 Office of Juré-Justicier Suppléant**

- 3.1 The office of Juré-Justicier Suppléant was created by the 2008 Law as another way of increasing the number of persons available to sit as Jurats. Jurats over the age of 65 with not less than 5 years' experience may offer to retire from the Bench and offer himself or herself for election as a Juré-Justicier Suppléant, until a maximum age of 75. A Juré-Justicier Suppléant undertakes the functions of a Jurat without being committed to sitting to the same extent as ordinary Jurats and can adjust their workload according to circumstances.
- 3.2 The current 5-year requirement for qualification was recommended at the time to prevent persons taking this option before they have gained the requisite experience by serving for a substantial period as a Jurat.

### **4 Proposed changes to the Royal Court (Reform) Law, 2008**

- 4.1 The Bailiff has written to the Committee recommending that consideration be given to amending the 2008 Law so to allow Jurats of not less than 3 years' standing to be appointed as Juré-Justicier Suppléant. He has explained that since 2008, there has been one occasion where a Jurat has reached the age of 72 without having satisfied the 5-year requirement for qualification as a Suppléant, which will likely re-occur if this requirement is kept. It is proposed that a 3-year length of service is a more appropriate requirement and, given the volume of work before the Court, provides sufficient opportunity for a Jurat to acquire a broad-based level of experience.
- 4.2 HM Procureur has confirmed that, as the business before the courts has increased since the Royal Court (Reform) (Guernsey) Law, 2008 was enacted, particularly in criminal matters where Jurats and those holding office as Juré Justicier Suppléant tend to participate the most, reducing the requirement for qualification as a Suppléant currently set out in the 2008 Law from 5-years to 3-years would assist in improving the overall administration of justice, as it offers greater flexibility to the Royal Court in terms of those eligible to sit in the office of Juré-Justicier Suppléant.

### **5 Compliance with Rule 4**

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

5.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans by further enhancing the administration of justice.
- b) In preparing the propositions, consultation has been undertaken with Her Majesty's Procureur, the Bailiff, and the Committee *for* Home Affairs.
- c) The propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the proposal into effect.

5.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

P T R Ferbrache  
President

M A J Helyar  
Vice President

J P Le Tocq  
D J Mahoney  
R C Murray