



18 April 2018

Internal Review Request

I would request a Parish Internal Review of the refusal of supplying Legal Advice given to The Constable of St Lawrence , (and also to the Rector) , in respect to the Requetes served on them (as per the 1804 Jersey Law) to summons new Parish Meetings

This legal advice was to the Constable (and Rector), was used to block 3 Requetes served under the 1804 Law whereby parishioners can demand a new Parish meeting.

The eventual Parish Meeting held on 26th February 2018 subsequently called by the Constable, after considerable pressure, and also a meeting with the Attorney General, was attended by a record number of parishioners, so the Constable's / Rector's legal advice, used to refuse previous meetings , is quite clearly in the Public Interest , particularly as The Constable (& Rector) must act impartially and in Public interest, and be transparent too.

It now transpires that the Church alteration contract was signed on 18th December 2017.... , after refusal of 3 Requetes, and the "excuse" given for The Constable/Rector Refusing the Requetes (and therefore refusing a new Parish Meeting , when validly demanded under the 1804 Jersey Law) was on the basis of Legal Advice received.

This legal advice is quite clearly in the Public Interest, and further does not concern any individual, but is the reason given by the Constable for non compliance with the 1804 Jersey Law, and further a fundamental duties of the Constable is to be impartial, represent the parishioners best interests, and of course be transparent.

Response (view the original response [here](#))

1. Legal advice to the Constable of St Lawrence

The Internal Review concludes that the information is exempt under Article 31 of the Freedom of Information (Jersey) Law 2011.

Information is qualified exempt information if it is or relates to the provision of advice by the Bailiff, Deputy Bailiff or the Attorney General or the Solicitor General.

QE31 is a qualified exemption and therefore whether the disclosure of the advice would be in the interest of the public must be considered. Given the advice is from a Law Officer, there is an inherently high threshold to keep it confidential.

The Internal Review has concluded that in this instance, the public interest does not overcome the Law Officer privilege and the exemption is maintained.

2. Legal advice to the Rector of St Lawrence

On Internal Review the advice received was found not to have been in writing but rather oral advice received by the Rector of St Lawrence.

Article 1 of the Freedom of Information (Jersey) Law 2011 states "information" means information recorded in any form.

As the information is not recorded the Internal Review concludes that the information is not held.

The response to the request should therefore have been that the information is not held. As the information is not held the exemption does not apply.