



# THE PARISH ASSEMBLY

Comité des Connétables

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## 1. Constitution of the Parish Assembly

- 1.1. Jersey has twelve Parishes. Each Parish is divided into Vingtaines (or Cueillettes in St Ouen). A Parish is a corporate body separate from its Parishioners. The Parish owns all public by-roads within its boundaries. The by-roads are administered by the Roads Committee as agent of the Parish. Individual electors of the Parish have no rights of ownership as such in Parish property.
- 1.2. The governmental body for the Parish is the Parish Assembly, traditionally known as the “Assembly of Principals<sup>1</sup> and Officers of the Parish”.
- 1.3. When dealing with all Parish affairs (other than ecclesiastical) the Connétable presides; when dealing with the ecclesiastical affairs of the Parish the Rector presides.
- 1.4. The Assembly under the presidency of the Rector is commonly called the Ecclesiastical Assembly and the Assembly under the presidency of the Connétable is called the Civil Assembly when contrasted with the Ecclesiastical Assembly, but is commonly called the Parish Assembly.

## 2. Membership and Voting rights at a Parish Assembly

- 2.1. A member of the Parish Assembly has ONE vote on any decision by the Assembly despite the fact that the member may be qualified more than once to be a member of the Parish Assembly.
- 2.2. A person qualifies as a member of the Parish Assembly if he/she resides in the Parish and is registered in that Parish as an elector for public elections. To be an elector a person must be at least 16 and ordinarily resident at an address in the Parish. Residence in the island must have been continuous –
  - over the previous 2 years, or
  - over the previous 6 months – as long as the person has been ordinarily resident previously for any period(s) totalling 5 years.

(Note that a person may register as an elector during the 3 months before qualifying, but is not entitled to vote until he/she actually qualifies.)

- 2.3. A person also qualifies as a member of the Parish Assembly if the person is a ratepayer for the relevant year – either as owner or occupier of property. This includes:
  - 2.3.1. a person who is solely liable to pay a rate;

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<sup>1</sup> The word “*principals*” for this purpose now effectively means persons who are entitled to vote at a Parish Assembly – see Rates (Jersey) Law 2005, Article 23. See also *Loi (1804) au sujet des Assemblées Paroissiales*: Article 1.

- 2.3.2. where two or more people are liable to pay a rate, the person whose name appears first on the Rates List<sup>2</sup>;
- 2.3.3. a person who is a representative (known as a "*mandataire*") of a body corporate<sup>3</sup>.
- 2.4. Foncier rate is the rate payable by owners of land, whilst persons who have a lease are generally liable for occupier's rate. However, the definitions of "owner" and "occupier" in the Rates (Jersey) Law 2005 have a specific interpretation in the following situations:
- 2.4.1. A contract lease – *i.e.* a lease for a term of 9 years or more – passed before the Royal Court renders the lessee effective owner and thus liable to foncier as well as occupier's rate. Thus, in the case of a sub-lease, the head lessee remains liable to foncier rate.
- 2.4.2. The definition of "occupier" excludes persons having use of land/premises as an employee or for the purpose of performing duties to the employer. Thus the employer remains liable for both foncier and occupier's rate.
- 2.4.3. An owner of property let on terms that provide for the use of furniture or fittings is deemed to be the occupier for the payment of rates.
- 2.4.4. A person having life enjoyment (*usufruct*) of property is deemed to be an owner and thus liable for both foncier and occupier's rate. In the case of a sub-lease or assignment of the interest, the usufructuary therefore remains liable to foncier rate.
- 2.4.5. A licence to occupy does not confer exclusive right of use and possession upon the licensee who therefore cannot be said to have the use of the property in the full sense. The owner thus remains liable for foncier and occupier's rate.
- 2.4.6. A person who is entitled to use or occupy property by virtue of owning shares in a company is not the occupier of that land; the company owning that land is defined as being both the foncier (owner) and occupier.
- 2.5. The criteria for membership set out above applies to the Parish Assembly including the Ecclesiastical Assembly. A person is not a member of the

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<sup>2</sup> Joint ratepayers may at any time give the Connétable written notice of which person is to be the first named person who is entitled to represent all the ratepayers (a form is available for this purpose). The person so named is a member of the Parish Assembly. Any other joint ratepayer may also be a member of the Parish Assembly if their name is on the Electoral Register of the Parish. However, if the notice is given after approval of the Rates List for the year it will be of no effect until the start of the next rateable year (1 January).

<sup>3</sup> A body corporate liable to pay rates may notify the Connétable of the name of the person, being of full age, to be recorded as the representative of the body and, after 48 hours, that person is entitled to represent the body in all matters in which it is entitled to representation by virtue of the Law. This would include membership of the Parish Assembly. A form is available for this purpose and the Connétable keeps a list available for inspection by the public of all such representatives.

Ecclesiastical Assembly if he/she only has his/her name on the "church electoral roll" of the Parish Church of an Ancient Parish.

2.6. States Deputies have the right (if they are not otherwise eligible as members) to attend, but not to vote, in the Parish Assembly<sup>4</sup>.

3. The Officers and other officials of the Parish are:

3.1. The **Connétable**, who is head of the Civil Parish and is elected for a 4<sup>5</sup> year term of office in accordance with the Public Elections (Jersey) Law 2002 and the Connétables (Jersey) Law 2008. The Connétables are Members of the States by virtue of their office in accordance with the States of Jersey Law 2005. They are not delegates of the Parish; they are its representative.<sup>6</sup> The Royal Court exercises a supervisory jurisdiction when the Connétable is in office<sup>7</sup> and a similar jurisdiction is exercisable by the Royal Court (on a representation by the Attorney General) to decline to administer the oath to a person elected as Connétable if that person is considered to be unfit for office. The Connétable is regarded as "The Father of the Parish" or, more aptly in the 21<sup>st</sup> Century, the Head of the Parish, and in this capacity is called upon to make him/herself available to all parishioners on any matter of collective or individual concern to them.

3.2. The **Rector** is a Priest of the Church of England and the head of the established Church within the Parish. The title of Rector is limited to the twelve Rectors of the Ancient Parish Churches. The Rectors are appointed by the Crown and preside over the Ecclesiastical Assembly.

3.3. The two **Procureurs du Bien Public** in each Parish act as public trustees *i.e.* they maintain an oversight of Parish finances and represent the Parish along with the Connétable (and, when appropriate, with the Rector and Churchwardens) in respect of property transactions of the Parish. They are elected for a 3 year term in accordance with the Public Elections (Jersey) Law 2002 and the Procureurs du Bien Public (Terms of Office) (Jersey) Law 2013. They have a duty to represent the Parish in the care of Parish property; to report to the Parish Assembly of the Parish any matter concerning the public property of the Parish, or the application of the income of the Parish, about which the Parish Assembly should be made aware and must carry out duly considered instructions of the Parish Assembly even if they disagree<sup>8</sup>. They may seek guidance from the Royal Court on the meaning or legality of any such instructions.

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<sup>4</sup> *Loi (1804) au sujet des Assemblées Paroissiales*: Article 3

<sup>5</sup> From 2018

<sup>6</sup> See Report of the Committee of the Privy Council (1947) page 12. See also report of the Comité des Connétables in P.173/2014 paragraphs 13 and 14.

<sup>7</sup> See e.g. *In re Constable of St. John* 1994 JLR N-11

<sup>8</sup> *In re Grouville (Procureurs du Bien Public)* (1970) JJ 1451

3.4. **Honorary Police** officers are elected as Centenier, Vingtenier or Constable's Officer.

Any person seeking office must be resident in the Parish. But there is special provision enabling a serving Honorary Police officer to continue in, and seek election to, office after ceasing to reside in the Parish<sup>9</sup>

A person is not eligible for election if, on the day of nomination as a candidate, he/she is less than 20 years of age or has attained 70 years of age.<sup>10</sup> However, serving members of the Honorary Police who have attained the age of 70 may stand for re-election to the same office for one further and final term. Whilst still in office they may also stand for election to a different office within the Honorary Police. A person over the age of 70 elected to a different office cannot on the expiry of that term be re-elected to serve a further term or whilst still in office be elected to a different office.

It is important that the office holder is not only capable of discharging his/her duties, but also seen to be capable; and therefore certain persons e.g. the holder of a bookmaker's or betting office licence would be disqualified from holding office in view of the possible conflict of interest in policing of licensing offences.

3.4.1. The **Centeniers** are elected for a 3 year term under the Public Elections (Jersey) Law 2002 and the Centeniers (Terms of Office) (Jersey) Law 2007 to undertake honorary policing of the Parish. One of the Centeniers is appointed by the Connétable as the *Chef de Police* in accordance with the Honorary Police (Jersey) Regulations 2005.

The following police powers are specifically reserved<sup>11</sup> to Centeniers: (i) granting bail; (ii) charging persons with offences (subject to overriding powers of the Attorney General) and presenting accused persons before court; (iii) conducting parish hall inquiries into alleged offences.

3.4.2. The **Vingteniers** are Honorary Police officials elected by the whole Parish Assembly<sup>12</sup> for a 3 year term. Like all Honorary Police officials they are responsible to the Connétable and can act in the absence of the Connétable or a Centenier. Besides their policing functions, the Vingteniers are also involved in the maintenance of roads in the Vingtaines (or Cueillettes in St Ouen) and traditionally have undertaken the function of enforcing the administrative penalties incurred pursuant to *visites du branchage* under the *Loi (1914) sur la Voirie* as well as the Parish rates<sup>13</sup>.

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Honorary Police (Jersey) Regulations 2005: Article 2

<sup>9</sup> Honorary Police (Jersey) Regulations 2005 : Article 4A

<sup>10</sup> Honorary Police (Jersey) Regulations 2005 : Article 2

<sup>11</sup> by Article 3 of the Honorary Police (Jersey) Law 1974

<sup>12</sup> *Loi (1871) sur le Mode d'Élection des Vingteniers*: Article 2.

<sup>13</sup> Their oath, in common with that of the now defunct office of *prévôt*, binds a vingtenier to “[faire] tous bons et loyaux Ajournemens et Records”.

- 3.4.3. The **Constables' Officers** are Honorary Police officials who are elected for a 3 year term by the Parish Assembly.
- 3.5. The **Roads Committee** (*Comité des Chemins*),<sup>14</sup> whose members are appointed by the Parish Assembly for a 3 year term of office in accordance with the *Loi (1914) sur la voirie*, administer the by-roads (*chemins vicinaux*). The Connétable convenes and chairs the Roads Committee whenever necessary or when required by any member thereof and must give notice of each topic for the meeting. Every September (and more often if necessary) the Roads Committee visits the *chemins vicinaux* accompanied by the roads inspectors in their respective Vingtaines to point out what is in need of repair and what work should be carried out. Where a road (be it a main road or a minor road) forms the border between two Parishes, that is to say, where there are *chemins mitoyens*, the Roads Committees of each Parish have authority to (and must) determine which Parish should be responsible for the Road and, to this end, may put up appropriate boundary stones. Within the Parish, a similar function may be undertaken in respect of roads where there are adjoining Vingtaines.<sup>15</sup> The Roads Committee may grant licences authorising any person to place anything below, on or above a *chemin vicinal*.<sup>16</sup> The Connétable may grant any person a permit authorising him/her to have exclusive occupation of any land over which the public customarily has the right to pass without let or hindrance. This enables permits to be granted for so called "*al fresco*" drinking under Article 2 of the Customary Law (Choses Publiques) (Jersey) Law 1993.
- 3.6. The **Roads Inspectors** (*Inspecteurs des Chemins*) are appointed in accordance with the *Loi (1914) sur la Voirie*. Two Inspectors are appointed for each Vingtaine by the Parish Assembly and they hold office for a term of three years.<sup>17</sup> An Assembly to effect the elections must be convened in December and those elected enter into office as from 1st January following.
- 3.7. The **Rates Assessment Committee**,<sup>18</sup> whose members are appointed by the Parish Assembly for a 3 year term of office in accordance with the Rates (Jersey) Law 2005, are responsible for rate assessments in the Parish.
- 3.8. The **Registrar and deputy registrar(s)** are appointed by the Connétable having notified the Parish Assembly of the intended appointment(s). Other than for St Helier, those appointed must live in the Parish and cease to hold office on ceasing to reside in the Parish. Each is appointed for a term not exceeding 5 years, is eligible for reappointment and must give not less than 3 months' notice of their intention to vacate the position. The officers are responsible for maintaining the registers of births, marriages, civil partnerships and deaths in the Parish.<sup>19</sup>

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<sup>14</sup> *Loi (1914) sur la Voirie*: Article 2.

<sup>15</sup> *Loi (1914) sur la voirie*: Article 15.

<sup>16</sup> Highways (Jersey) Law 1956: Article 4.

<sup>17</sup> *Loi (1914) sur la Voirie*: Articles 4 and 5.

<sup>18</sup> Rates (Jersey) Law 2005

<sup>19</sup> Marriage and Civil Status (Jersey) Law 2001: Article 42.

3.9. **Church Officers** are appointed by the Ecclesiastical Assembly. Responsibility for the appointment of a clerk, sexton, verger, organist or other officer rests with the minister and the customary parochial authorities after consultation with the Dean<sup>20</sup>.

3.9.1. Two **Surveillants** (Churchwardens) for the Parish church are appointed annually by the Ecclesiastical Assembly at a meeting to be held before 31 May. If more than 2 persons stand for election the Rector may appoint one officer and there is an election for the other officer. The Surveillants take an oath of office before the Ecclesiastical Court at a meeting held after 1 June. The Surveillants continue in office until the swearing-in the following year but may be dismissed from office by a meeting of the Ecclesiastical Assembly (a right of appeal exists<sup>21</sup>). A Surveillant need not be resident in the Parish which he/she serves in that capacity but must be on the Deanery Electoral Roll.

3.9.2. The French word “Surveillant” can be translated as “overseer” of the poor (*Charité*) and guardians of the Church property (*Trésor*). There are duties and obligations under Civil Law and as set out in the Canons of the Church of England in Jersey. These include applying the revenues of the “*Trésor*” of the Church to the repairs, maintenance and needs of the Church, Churchyard and rectory. They may not, except with the approval of the Parish Assembly and Dean’s Licence or Faculty as may be appropriate, give orders for anything more than ordinary repairs and those other repairs or renewals necessary to be carried out without delay for the preservation of the Church or rectory. They must present to the Ecclesiastical Assembly of the parish held prior to the 31 May in each year a set of accounts in respect of the “*Tresor*” and “*Charité*” accounts of the Parish for the precedent calendar year. In the Churchwardens is vested the property in the plate, ornaments and other movable goods of the Church, and they shall keep an inventory thereof. It is also the duty of the Surveillants to ensure that an Ecclesiastical Assembly elects such number of representatives to the Jersey Deanery Synod as it is entitled to have pursuant to the rules applicable to the Jersey Deanery Synod from time to time.

3.9.3. Two **Almoners** (*Aumôniers* or *Collecteurs des Aumones*) are appointed to assist the Surveillants. They are appointed annually by the Ecclesiastical Assembly at a meeting to be held before 31 May and take an oath of office before the Ecclesiastical Court at a meeting held after 1 June. An Almoner need not be resident in the Parish which he/she serves in that capacity but must be on the Deanery Electoral Roll.

3.10. In addition to any other election requirement specified in the relevant legislation, Parish officers must be resident in the Parish. However the Parish of St. Helier (Qualifications for Office) (Jersey) Law 1976 provides that no

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<sup>20</sup> D4 of the Canons of the Church of England in Jersey (L.8/2012)

<sup>21</sup> D1 of the Canons of the Church of England in Jersey (L.8/2012)



person being a rate payer in the Parish of St Helier shall be disqualified for being elected to, or being the holder of, any honorary office in the Parish of St Helier, by reason only of the fact that he does not reside therein.

4. The functions and operation of the Parish Assembly are as follows:

4.1. The election of officers and other officials – *see above*.

4.2. The care of the roads. The *Loi (1914) sur la voirie* provides for minor roads (*chemins vicinaux*) to be administered by the Parishes and has been supplemented by a Law providing for the extinguishment of roads,<sup>22</sup> and Laws regulating obstructions on or above the highway.<sup>23</sup> The Parish Assembly must place at the Roads Committee's disposal necessary sums for repairs and works to *chemins vicinaux* each year. Annual accounts must be produced and after examination and approval by the Assembly they are signed by the Connétable and produced to the Royal Court at the *Visite Royale*.<sup>24</sup>

4.3. The promotion of local improvements (new roads or drains, the removal of nuisances, etc.). The Roads Administration (Jersey) Law 1960 provides<sup>25</sup> "new means for the acquisition of land for the purposes of road construction and improvement, to control building near roads and access to land from roads, and otherwise to amend the law relative to road administration". The Parish Assembly is provided<sup>26</sup> with power where it appears to it that land should be acquired for the construction of a new road or the improvement of an existing road, to acquire such land by compulsory purchase in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961. If the Assembly invokes this power, the Connétable assumes the same role as the Greffier of the States for the purposes of the Compulsory Purchase of Land Law and the Roads Committee takes the place of the acquiring authority for the purposes of that Law.

4.4. The levying of rates in accordance with the Rates (Jersey) Law 2005. The audited accounts of the parish and the estimates of the funds required must be presented to the Parish Assembly. The Assembly must then approve the estimates with or without amendment and then approve a parish rate of an amount that will produce for the parish income that is at least sufficient to satisfy the requirements set out in the approved estimates, taking into account any surplus of funds that are to be used to offset the general expenses of the parish during that financial year (Article 21). A parish may, with the approval of the Parish Assembly, establish funds for specified purposes and appropriate money from the parish rate to funds so established. Except with the approval of the Parish Assembly, money standing to the credit of a fund may not be

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<sup>22</sup> Extinguishment of Roads (Jersey) Law 1972.

<sup>23</sup> Highways (Jersey) Law 1956 and the Roads Administration (Jersey) Law 1960.

<sup>24</sup> *Loi (1914) sur la Voirie*: Article 11.

<sup>25</sup> In the words of its Long Title.

<sup>26</sup> By Article 3(2) of the Law.

used by the parish other than for the specified purpose for which the fund was established (Article 22). A Parish Assembly may, at any time, agree a supplementary parish rate if it considers that it is necessary to do so having regard to the requirements of the parish (Article 24). Each year a committee is elected at a Parish Assembly to consider the Connétable's accounts prior to their submission to the Parish Assembly.

4.5. Consideration of licensing applications under the Licensing (Jersey) Law 1974. Applications for the grant of a liquor licence are made to the Treasurer of the States and are then forwarded to the Parish as the Connétable must convene a Parish Assembly to enable parishioners to recommend to the Licensing Assembly whether or not the application should be granted.<sup>27</sup> The comments made at the Parish Assembly are conveyed to the Licensing Assembly who must have regard to, but is not bound by, the recommendation when determining the application. Any parishioner who speaks at a Parish Assembly on a licence application may then address the Licensing Assembly on that application. A liquor licence is granted for one year and an application to renew for a further period of one year must be made to the Treasurer of the States but the applications to renew are not referred to a Parish Assembly. At the meeting of the Parish Assembly an applicant for a licence shall be present or be represented by an advocate or solicitor and if neither the applicant nor the applicant's advocate or solicitor appear, consideration of the application may be deferred. Any member of the Assembly, which of course includes an elector of the Parish, may, without prejudice to the member's rights as a member, object by an advocate or a solicitor to the grant of a licence.

5. The functions and operation of the Ecclesiastical Assembly are set out in Article 8 of the *Loi* (1804) *au sujet des Assemblées Paroissiales* ("the 1804 Law") and, since 2012, in Canons of the Church of England in Jersey<sup>28</sup>. The 1804 Law provided for such matters as:

- the choice of officers of the Church,
- the examination and approval of their accounts;
- the *distribution extraordinaire*;
- repair of the Church, of the Cemetery, and of the Presbytery, the disposition of Church pews, and of property attaching to the Rectorate; the sale of *Rentes* of church property ('*Trésor*'), for the poor ('*Charité*') and other property belonging to the *Trésor* or *la Charité*, and the choice of *Lecteur*, of *Fossoyeur* (grave digger), and of the School Minister, for presentation to the Dean,

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<sup>27</sup> Licensing (Jersey) Law 1974: Article 5.

<sup>28</sup> Registered by the Royal Court on 23<sup>rd</sup> March 2012.

but reference must now be had to the Canons for the full picture of the working structure of the Ecclesiastical Parish and its *Assemblée*.

The constitution (and presidency) of the Ecclesiastical Assembly is set out in section 1, above, and section 2 gives details of the membership and voting rights at the Assembly.

## 6. Procedure for Meetings of the Parish Assembly

6.1. The President of the Parish Assembly (*i.e.* the Connétable in relation to the Civil Assembly or the Rector in relation to the Ecclesiastical Assembly) will convene an Assembly when there is business for the Assembly to conduct. Each “President” must notify the other before publishing the date of the Assembly in order that they can arrange their public functions.<sup>29</sup>

6.2. The official notice must be placed in the Parish box (*boîte grillée*) in the Parish cemetery. Notice must also be given in the Jersey Gazette at least two days before holding the Assembly<sup>30</sup>. In practice at least several days notice is given of an Assembly and publicity may also be given using other media including the Parish website.<sup>31</sup>

6.3. The convening notice must state the business to be discussed. No other business may be discussed except matters relating to public safety and the care of the poor.<sup>32</sup>

6.4. The President of the Assembly must produce the convening notice to the Assembly and follow the order for debate as set out in the notice.<sup>33</sup> The President is required to put every matter proposed and seconded to discussion and to the vote.<sup>34</sup> A vote is usually taken by show of hands and, if necessary, scrutineers will be appointed to count the votes. There is no provision for proxy or postal votes to be received. Minutes of the meeting are kept and will usually be confirmed at the following Assembly.

6.5. If an urgent matter requires the convening of an Assembly, one can proceed by notifying all the members of the Assembly through the Vingteniers. However, no Assembly may be held on the same day as the notice is

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<sup>29</sup> *Loi (1905) au sujet des Assemblées Paroissiales*.

<sup>30</sup> Article 5 of the *Loi (1842) sur les publications dans les Eglises* makes it clear that an Assembly is not invalidated as a result of a failure to display the notice.

<sup>31</sup> The Official Publications (Jersey) Law 1960 permits a notice convening a meeting of a parish assembly, whether civil or ecclesiastical, to be in the French or the English language, at the option of the President of the Assembly. It also provides an alternative to the publication of the notice in the Jersey Gazette namely that reasonable steps are to be taken to bring the purport of the notice to the attention of the public or of persons likely to be affected by it. The parish website is [www.parish.gov.je](http://www.parish.gov.je)

<sup>32</sup> *Loi (1804) au sujet des Assemblées Paroissiales*: Article 10.

<sup>33</sup> *Loi (1815) sur l'Ordre de Procédure aux Assemblées Paroissiales*

<sup>34</sup> *Ibid.* Article 12.

published or on the following day save in matters of public safety (*sureté publique*).<sup>35</sup>

6.6. The President is required to convene an Assembly within two weeks of receiving a request to do so from ten or more members of the Assembly. The request must be made in writing, dated, and -

- Mention the subject (*'sujet'*) put forward, which must be a lawful one.
- There needs to be a proposition
- The proposition must relate to a matter within the competence of the Parish Assembly.<sup>36</sup>

6.7. The role of the Parish Assembly does not extend to matters beyond those specifically relating to the administration of the Parish. On occasions meetings are held in Parish Halls to debate matters of local interest; these are informal proceedings and must not be confused with the formal business of the Parish Assembly.

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<sup>35</sup> *Ibid.* Article 11.

<sup>36</sup> *Loi (1804) au sujet des Assemblées Paroissiales*: Article 9. See also the report of the Comité des Connétables to P.173/2014 paragraphs 6-9.