

ROYAL COURT

167

12th August, 1994.

Before: The Deputy Bailiff, and
Jurats Hamon and Rumfitt.

In the matter of an election to be held in the Parish of St. Helier to fill the office of *Centenier*, left vacant by a resignation.

On 20th May, 1994, the Royal Court ordered that an election be held, however at an Assembly of Electors held on 7th June, 1994, no candidate was nominated.

On 1st July, 1994, the Royal Court annulled its Act of 20th May, 1994, and ordered that an election be held to fill the said vacancy, fixing 10th August, 1994, for the taking of a poll, if necessary. No candidate was nominated at the Assembly of Electors.

Representation of the Attorney General

JUDGMENT

5 THE DEPUTY BAILIFF: Before announcing our decision the Court wishes me to say two things. First, the office of *Centenier* is a senior and honourable parochial office which carries important responsibilities. Only a *Centenier*, and of course a Constable, can charge an offender with a criminal offence. Ultimately, therefore, a failure to elect *Centeniers* represents a threat to the Island's system of criminal justice.

10 Secondly, as the Attorney General has rightly submitted, at customary law it is the duty of every able-bodied parishioner to serve one term in the Parish Police if called upon to do so. The Constable therefore has the right, if no volunteer comes forward, to call upon a suitable parishioner to carry out that duty.

15 As the Attorney General has reminded us the electors of the Parish were specifically warned on 1st July that if they failed to elect a *Centenier* they would be in contempt. The Parish has thus failed for the second time to obey an order of the Court to elect a *Centenier*.

20 We have listened carefully to what the Constable has said, and we wish to say that we appreciate the heavy burdens on a *Centenier*, particularly in the Parish of St. Helier. We have been

told that the Constable is optimistic that the office may now be filled and we certainly express the hope that the electors will now ensure that that comes to pass.

5 Taking all these matters into account, the Court must mark
its displeasure at the failure, after a warning, to obey its
Order. We therefore, Mr. Constable, fine the Parish £1,000 for
its contempt, but we add this: the Parish need not pay the fine
10 until 23rd September when, assuming a suitable person has been
elected by the Parish and the contempt of Court has thus been
purged, the Parish may apply to have the fine remitted.

15 Finally, we annul the Act of Court of 1st July, 1994, and we
order a fresh election to be held on 21st September, should there
be more than one candidate, and the swearing-in will take place on
23rd September, and Jurat Rumfitt will be the returning officer.