

INQUIRY RULING

APPLICATION TO EXTEND INTERESTED PARTY STATUS

LAW OFFICERS' DEPARTMENT

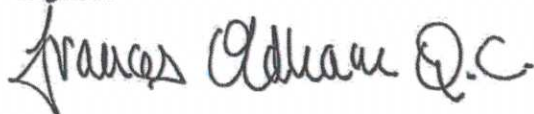
An application has been made dated 13 August 2015 by the Law Officers' Department to extend their Interested Party status to include all living former Law Officers. A copy of the correspondence is attached to this Ruling.

The individuals to be included within the Law Officers' Department's Interested Party status are:

1. Sir Philip Bailhache;
2. Terence Snowden QC;
3. Stephanie Nicolle QC; and
4. Howard Sharp QC.

Having considered the application, the Panel have approved the extension of the Law Officers' Department's Interested Party status to include the four individuals named above.

Signed:



Frances Oldham QC



21 September 2015

H. M. ATTORNEY GENERAL  
ROBERT MACRAE



LAW OFFICERS' DEPARTMENT  
MORIER HOUSE  
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JERSEY JE1 1DD

E-mail: law.officers@gov.je

RECEIVED 20 AUG 2015

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Our Ref: RM/SB 102-08.20140002

13<sup>th</sup> August, 2015.

Ms. Frances Oldham, QC,  
Independent Jersey Care Inquiry,  
11-15 Seaton Place,  
St. Helier,  
Jersey. JE4 0QH.

Dear Chair,

### Independent Jersey Care Inquiry

I enclose copies of the following documents which were sent to you in respect of the Law Officers' Department Interested Party (IP) Status:

1. Letter dated 15<sup>th</sup> April, 2015 from Howard Sharp QC, Acting Attorney General.
2. Your reply dated 11<sup>th</sup> May, 2015.
3. My letter dated 15<sup>th</sup> May, 2015.
4. A copy of the Inquiry's decision dated 28<sup>th</sup> May, 2015.

Recent events have demonstrated that in order to ensure that the Panel has all relevant information at its disposal, this Department needs to be able to share with and seek information from other former Law Officers in advance of the Panel hearing evidence from witnesses and at a time when the evidence which is to be heard is only available to Interested Parties.

To that end, I wish to formally apply for our IP Status to be reviewed and revised so that it extends to all living former Law Officers. For the avoidance of doubt, they are:

<b>Sir Philip Bailhache</b>	Solicitor General from 1975 to 1986 and then Attorney General from 1986 until 1994.
<b>Terence Sowden, QC</b>	Solicitor General from 1986 until 1994.
<b>Stéphanie Nicolle, QC</b>	Solicitor General from 1994 until 2008.

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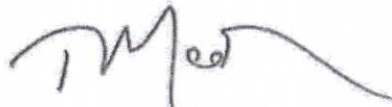
**Howard Sharp, QC**

Solicitor General from 2010 until 2015.

If the requested revision of our IP Status is approved, we would ensure that any material was only provided to former Law Officers once they had formally acknowledged the obligations of IPs in terms of confidentiality as set out in your protocols.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H Sharp', with a long horizontal flourish extending to the right.

Attorney General

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ACTING ATTORNEY GENERAL  
HOWARD SHARP Q.C.



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15<sup>th</sup> April, 2015

**Our Ref:** HS/kh/102-08.20140002

Eversheds LLP  
Solicitors to the Inquiry  
PO Box 551  
St Helier  
Jersey  
JE4 8XN

Dear Sirs,

### Independent Jersey Care Inquiry

We are in receipt of your letter of 9<sup>th</sup> April 2015 regarding the Department's Interested Party (IP) status. We note that our IP status does not, as currently granted by the Panel, permit us to share material with former Law Officers, that is to say previous Attorneys and Solicitors General.

We wish to apply to the Panel for our IP status to be reviewed and revised so that it includes former Law Officers. By the time the Inquiry starts to address the role of the Law Officers' Department none of the Law Officers who were involved in the decisions which may fall to be considered under Term of Reference 13 will be in post. For reasons which will be obvious, we need to be able to communicate and discuss material with former Law Officers so that we can ensure that Department's position and previous decisions are considered both fully and fairly.

This revision of our IP status would, if approved, assist the Inquiry in fulfilling all its Terms of Reference because as and when former Law Officers are called upon to prepare statements for the Inquiry or to give evidence to the Inquiry, we would be able to provide documents and other information which will assist their recollection of events, all of which took place many years ago. This will ensure that the Panel can have at its disposal all available and relevant information and material.

At this stage, we envisage that we might want to share information with William Bailhache, Timothy Le Cocq and Sir Michael Birt. All three were Attorney General at the times that decisions which the Inquiry may review were made. All are now holders of Judicial Office in Jersey. Until 31<sup>st</sup> March 2015, Timothy Le Cocq has had access to all IP material in his capacity as Attorney General.

If this revision is approved by the Panel, we would ensure, before any material is provided to former Law Officers, that they formally acknowledge the obligations of IPs in terms of confidentiality as set out at paragraphs 15 to 18 of the General Procedures Protocol.

If you require any further information regarding this application, please let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'HS', written in a cursive style.

Howard Sharp QC  
Acting Attorney General

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# Independent Jersey Care Inquiry

Law Officers' Department  
Morier House  
St Helier  
JE1 1DD

**By e-mail only: [j.edmonds@gov.je](mailto:j.edmonds@gov.je)**

11 May 2015

Dear Sirs

## **Independent Jersey Care Inquiry (the "Inquiry")**

We refer to your letter of 15 April 2015 in respect of extending the Interested Party status of the Law Officers' Department to include former law officers for example previous Attorneys and Solicitors General.

The Chair has considered the application and has asked for clarification as to whether the application is to extend the Interested Party status to include all former Attorneys and Solicitors General or if it is restricted to those named in your letter of 15 April, i.e. William Bailhache, Timothy Le Cocq and Sir Michael Birt. In the event that the application is to include all former Attorneys and Solicitors General please provide a full list of the names of those individuals you wish to be included.

Upon receipt of this clarification, the Panel will reconsider the application.

Yours faithfully

*Eversheds LLP*

**Eversheds LLP  
Solicitors to the Inquiry**

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H. M. SOLICITOR GENERAL  
HOWARD SHARP Q.C.

RECEIVED 18 MAY 2015



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**Our Ref:** RE/SB 102-08.20140002

15<sup>th</sup> May, 2015.

Ms. Frances Oldham, QC,  
Independent Jersey Care Inquiry,  
11-15 Seaton Place,  
St. Helier,  
Jersey. JE4 0QH.

Dear Chair,

**Independent Jersey Care Inquiry**

I acknowledge receipt of your letter of 11<sup>th</sup> May, 2015 regarding our request to extend Interested Party status to named former Law Officers. I can confirm that, at this stage, our application is restricted to the three named former Law Officers, namely:

William Bailhache  
Timothy Le Cocq  
Sir Michael Birt

I understand that, if we wanted our Interested Party status to be extended to other former Law Officers, I would need to make a further application and I undertake so to do.

Yours sincerely,

Attorney General

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Independent  
Jersey Care  
Inquiry

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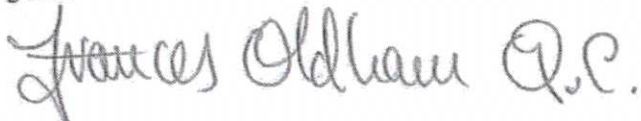
An application has been made dated 15 April 2015 by the Law Officers' Department to extend their Interested Party status to include former Attorneys and Solicitors General. The Panel sought confirmation of the individuals to be covered by the Interested Party status on 11 May 2015. Copies of the correspondence is attached to this Ruling.

Confirmation was received on 15 May 2015 that the individuals to be included within the Law Officers' Department's Interested Party status are:

1. William Bailhache
2. Timothy Le Cocq
3. Sir Michael Birt

Having considered the application, the Panel have approved the extension of the Law Officers' Department's Interested Party status to include the three individuals named above.

Signed:



Frances Oldham QC

28 May 2015