

INQUIRY RULING

APPLICATION TO EXTEND INTERESTED PARTY STATUS

LAW OFFICERS' DEPARTMENT

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



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15th 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 9th 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 31st 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 blue ink, appearing to be 'HS', written in a cursive style.

Howard Sharp QC
Acting Attorney General

Independent Jersey Care Inquiry

Law Officers' Department
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JE1 1DD

By e-mail only: 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

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RECEIVED 18 MAY 2015

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Our Ref: RE/SB 102-08.20140002

15th May, 2015.

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

Dear Chair,

Independent Jersey Care Inquiry

I acknowledge receipt of your letter of 11th 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