

## Jersey's illegal Senators and Deputies

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A scandal in Jersey has come to my attention. For once this is not about tax. It has instead arisen out of Jersey's May 2018 General Election.

Jersey law required that candidates in the May 2018 General Election must comply with the [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#). As a result they were required to make a return of their election expenses on a prescribed form within 15 working days of the polling day (16th May). In practice, this meant that the form had to be submitted by 7th June 2018. Failure to do so was a criminal offence liable to a fine and, if convicted, automatic disqualification as a States Member, triggering a by-election in which the errant Member was entitled to stand again.

The scandal became apparent broke on 4th January 2019 when two Jersey Deputies (Scott Wickenden and Hugh Raymond) and one unsuccessful candidate, Bernie Manning, appeared in the Magistrates Court charged by HM Attorney General for Jersey under Article 6(6) of the Law for not returning the required form. Wickenden said he filed his on 28th July 2018 because he said he had shingles. Raymond did not so until December 2018 whilst Manning said he "put it in the post".

However, they were not alone. A review by Nick le Cornu has examined the returns of all 91 candidates in the election

	ELECTED		NOT ELECTED	
	Compliant	Non compliant	Compliant	Non compliant
Senators	2	6	7	2
Deputies	16	13	11	22
Constables	<u>1</u>	<u>11</u>	<u>1</u>	<u>1</u>
	19	30	17	25

The simple fact is that as a result of this finding it is apparent that most current members of the States of Jersey should have been automatically disqualified from membership as a result of their failure to comply with election law.

The story was broken in a [video blog](#) on Friday 11th January 2018. The Jersey media did nothing to report the revelations, but with over 600 hits on the video, it has been watched by many.

Not until HM Attorney General for Jersey Robert MacRae issued a Statement in the evening of Wednesday 16th January did the media report the matter and only then took verbatim without question his version of the facts.

What happened then was that the Jersey Attorney General (AG) decided to stop the prosecution of the three candidates. They appeared in the Magistrates Court on the morning of Friday 18th January but the AG stated that he would not prosecute other errant States Members or candidates on grounds of public policy and because he did not wish them to have criminal records. These three were not awarded their costs.

I cannot ignore this. What it shows is that the rule of law does not apply in Jersey. The law has been randomly disapplied to politicians even though the majority of them should now be excluded from office. In effect, last year's Jersey general election result was basically null and void. But rather than face that inconvenience the powers that be have swept the matter under the carpet.

What else would one expect from a tax haven but such 'flexibility' for an elite who serve the interest of finance? And what else can one conclude but that the "Jersey Way" is in action?

And that the BBC is failing in its logical duty (as ever) by not properly covering the obvious consequences of this story, as it has not, or so I am told by those who listen regularly. After all, the reality is that of the 12 members of the Council of Ministers only two were compliant with the Public Elections (Expenditure and Donations) (Jersey) Law 2014 and the rest should be disqualified from office.

The reality is that the Jersey political class have been given a "get out of jail card". [Lame excuses have been made.](#) But they do not change the facts

And apparently that's OK in the tax haven of Jersey.

So much for its claim to have a democracy and functioning law. It seems it has neither.