

SWEARING-IN OF DEPUTY HIGH BAILIFF  
AT COURT NUMBER 3,  
ISLE OF MAN COURTS OF JUSTICE – 29<sup>th</sup> JULY 2011

*Deemster Doyle:*

Your Excellency, Ms Richardson, Your Honours, Your Worships, Madam President, distinguished guests.

It is my great pleasure this afternoon to welcome you all to the ceremony of the administration of oaths on the appointment of Jayne Hughes as Deputy High Bailiff.

I especially welcome the family and friends of Jayne Hughes. In particular Jayne's husband Terry, daughter Robyn and sister in law Carol. Jayne's son Duncan cannot be with us today as he recently graduated as a doctor and is busy working at a hospital in England as I speak here in Court Number 3 in Douglas in the Isle of Man.

Without further ado I now ask His Excellency the Lieutenant Governor Adam Wood to read the warrant of appointment of Jayne Hughes as Deputy High Bailiff.

*His Excellency the Lieutenant Governor:*

In exercise of the powers conferred on me by section 1(2) of the Summary Jurisdiction Act 1989 and of all other enabling powers I hereby appoint Jayne Hughes to the office of Deputy High Bailiff to hold office from 25<sup>th</sup> July 2011.

As witness my hand the 1<sup>st</sup> day of June 2011

*Deemster Doyle:*

Thank you, Your Excellency.

I will now administer the Oath of Allegiance and the Oath of Deputy High Bailiff to Mrs. Hughes.

*Mrs. Jayne Hughes:*

I Jayne Hughes do swear by almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II her heirs and successors. So help me God.

*Deemster Doyle:*

I am satisfied that the Oath of Allegiance has been duly taken. We now turn to the oath of Deputy High Bailiff.

*Mrs. Jayne Hughes:*

I Jayne Hughes do swear by almighty God that I will well and truly serve Our Sovereign Lady Queen Elizabeth II in the office of the Deputy High Bailiff and I will do right to all manner of people after the laws and usages of this Isle without fear or favour affection or ill-will. So help me God.

*Deemster Doyle:*

I am satisfied that the Oath of Deputy High Bailiff has been duly taken. Mrs. Hughes will now sign an entry which will form part of the Liber Juramentorum the public records of this Island and that entry indicates that at Douglas on the 29<sup>th</sup> day of July 2011 the Oath of Allegiance and the Oath of Deputy High Bailiff were administered to and taken by Jayne Hughes sworn into the office of Deputy High Bailiff of this Isle by virtue of her commission dated the 1<sup>st</sup> day of June 2011.

I now invite His Excellency to present the Warrant of Appointment to Mrs. Hughes.

*Address by Deemster Doyle:*

I extend a very warm welcome to Jayne Hughes as the Island's new Deputy High Bailiff and as a key member of the Manx judiciary.

From a selfish point of view I have been looking forward to this day for some considerable time. For far too long now I have been saying to my judicial colleagues and our court clerks and support staff, who are dealing with enormous case loads, that we'll soon be back up to full strength. I don't think they believed me. Well, that day has finally arrived. The full time Manx judiciary are now back up to full strength.

But enough of the present let us consider a little bit of Manx legal history – for it is always useful to reflect upon where we have come from to assist in deciding where we are going to.

The office of High Bailiff in the Isle of Man has some considerable history. *High Bailiff Laughton's Reminiscences* provides an interesting insight into the activities of High Bailiffs and other judicial officers in the late 1800s in the Isle of Man and refers to an interesting account of a Chief Constable causing the arrests of Deemsters, judicial officers, magistrates and advocates. Just in case you didn't hear that the first time I repeat it. An account of a Chief Constable, would you believe it, causing the arrests of Deemsters, judicial officers, magistrates and advocates for the grave crime of being on licensed premises in the Castle Mona Hotel after 11 pm one evening in 1884. The dinner at the Castle Mona Hotel was a special dinner and it was held to celebrate the swearing in of a Deemster.

The Governor Spencer Walpole attended that event and Your Excellency will be relieved or perhaps disappointed to note that the Governor left early at 10.55 pm strictly in accordance with the law but the judiciary could not resist the temptation of staying a little later and the defendants including leading members of the Manx judiciary were brought to court the next day and were fined six pence each but the costs of the prosecution were not allowed.

Mr. Spittal composed an interesting verse about the evening and the subsequent court hearing on the following day and that can be found in *High Bailiff Laughton's Reminiscences*

and is well worth a read. The Deemster was one John Frederick Gill and the Chief Constable was Colonel Paul.

But back to more mundane but important statutory matters. The office of High Bailiff can be traced back to a Manx Act in 1777. Section 3 of the Interpretation Act 1976 provides that a High Bailiff includes a Deputy High Bailiff and it is of course the Deputy High Bailiff we have sworn in today.

The first full-time Deputy High Bailiff was John Weldon Williams and it is good to have John Weldon Williams in our company today. I well remember appearing before His Worship when I was a young advocate. You always had to be well prepared. His Worship tolerated no nonsense and ran his courts efficiently, effectively and fairly.

It is also good to see Deemster Williamson with us here today. Deemster Williamson became Deputy High Bailiff in 1988 and High Bailiff in 1995 following on from John Weldon Williams and I notice that they sit next to each other in this court room this evening. High Bailiff Williamson had that great ability, which I acknowledge I lack, of dealing with complex cases in a very simple and straightforward way. I well remember his judgment in *Sharpe* reported at 1996-98 MLR at page 64 where I appeared as an advocate for the Attorney General. I thought it was a complicated case involving European law. Politely High Bailiff Williamson described one of my submissions (and I still remember this - it echoes in my ears right now) as not one of my strongest. Never a good sign for an advocate on his feet. The learned High Bailiff, as he then was, commenced his concise 2 page judgment, which recorded a conviction (so my client was at least satisfied) with the famous words:

"This matter has been running now for over two years. Despite its history and longevity I find I have comparatively little to say."

If only all judges (especially myself) were as skilfully concise as that.

I have recently returned from a Commonwealth Judges' conference where I met Chief Justices from various jurisdictions and, you will be pleased to note, I also bought two books one entitled "Writing Judgments" and the other entitled "The Art of Writing Judgments" so I shall try and be more concise in the future – but back to High Bailiffs.

Further information in respect of High Bailiffs can be found on the Manx Heritage Foundation website. Deemster Callow, a former High Bailiff, in the year 2000 was interviewed by David Callister for the Foundation's Oral History Project and the transcript is on the Foundation's website and is also worth a read.

Let me turn now to the High Bailiffs Act 1777 which was an Act "for the better regulation of the interior police of the Island and the recovery of small debts". The Act referred to the multiplicity of litigation before the Deemster and the attendant great inconvenience, fatigue and expense. Not much has changed since 1777.

It was therefore adjudged by the powers that be in 1777 expedient to create a new jurisdiction for High Bailiffs in Castletown, Douglas, Peel and Ramsey to assist the Deemster, one Thomas Moore, with the increasing judicial workload in the late 1700s.

Fiona Haywood has brought to my attention the evidence of Robert Farrant the High Bailiff of Peel, evidence given in 1791 before the Commission of Inquiry into the Island's constitution which reported in 1792. The Peel High Bailiff in his evidence referred to his

salary £25 per annum. You always get value for money in Peel. The High Bailiff of Peel in the 1700s was also in possession of the castle and paid a small annual acknowledgement to the Governor for such advantage.

The Manx legal system was under considerable pressure in 1777 and some 234 years later remains under considerable pressure in 2011 but the appointment of Jayne Hughes will be of great assistance in dealing with the heavy judicial workload in the Summary Courts and in the High Court.

Criminal cases appearing in the Summary Courts and in the Court of General Gaol Delivery on this Island are well covered by the media and it is good to see Esther Richmond with us today. Esther has been covering the increasing workload of the criminal courts for as long as I can remember. Indeed much longer – some 42 years I understand. That is an outstanding achievement. Well done and thank you Esther.

Today is a day for rejoicing in the appointment of a new Deputy High Bailiff. Today is a day when Jayne Hughes, her family and friends should celebrate her well gained success in becoming the Deputy High Bailiff of the Isle of Man.

The Deputy High Bailiff will deal with a wide variety of interesting and challenging judicial work. I am sure that Jayne will rise to the challenge and will be a most valuable addition to the Manx judiciary.

Jayne was educated in Wiltshire and Liverpool in England and Jayne obtained an LLB Honours First Class from the University of Liverpool and received many awards and prizes during her time at university. She plainly has a strong intellect and a real capacity for hard work at the sharp end of the administration of justice.

Jayne has had a great deal of experience in a wide variety of matters in the criminal courts of England and Wales. More recently over the last 3 years Jayne has been working in the Attorney General's Chambers here on the Island and has gained valuable Manx experience.

During her time in the courts in England she dealt with the implementation of an initiative for dealing efficiently and effectively with cases in the courts of summary jurisdiction.

The initiative was called "Simple, Speedy Summary Justice". I hope that Jayne will achieve Simple Speedy Summary Justice in this jurisdiction. We would all welcome that. Simple Speedy Summary Justice. I like the sound of that mantra. Perhaps we should all shout it out at the commencement of every court. Simple Speedy Summary Justice. If I had the confidence I would ask you all to join in with that chant right now but I don't and you may not accept my invitation. We should however all work together to achieve simpler, speedier and less costly justice.

From her first appearance in the courts on this Island Jayne has presented a keen, fair, efficient, diligent and professional attitude to her work.

Jayne's family, her husband Terry and 2 grown up children Robyn and Duncan, have no doubt provided her with valuable inspiration and support over the years. I extend my very best wishes to Jayne's family and friends. Her success is also their success.

I wish Jayne well in successfully meeting the new and exciting challenges that the office of Deputy High Bailiff will present.

Congratulations Jayne and all the best for the future. I now invite Her Majesty's Attorney General to address us.

*Mr. Stephen Harding:*

Your Excellency, Your Honours, Your Worships, Madam President, Minister, distinguished guests.

On behalf of the Manx Bar I should like to associate myself with Your Honour's remarks and congratulations to Her Worship the new Deputy High Bailiff on her appointment as Deputy High Bailiff of this Island.

Her Worship commenced practice in the Island with a six month secondment to the prosecution's team in Chambers in March 2008. Despite the fact that she had no previous experience of Manx law and procedure and had little opportunity for formal training, Her Worship taught herself by reading Manx law reports and statutes and was soon excelling in both the Summary Courts and the Court of General Gaol Delivery. Her Worship rapidly gained the respect of the judiciary on all levels. She also gained the respect of her fellow advocates and it is notable that in January 2011 she was elected to the Council of the Law Society of the Isle of Man. The Law Society will, I am sure, regret her sudden departure.

Criminal law has always featured to the fore in Her Worship's practice as an advocate and solicitor.

In September of 1996 she was appointed as a trainee solicitor to the Crown Prosecution Service, initially spending six months with the legal department of Knowsley Borough Council where she worked with their social services team dealing mainly with child care cases.

By September of the year 2000 Her Worship had become a Senior Crown Prosecutor with the Crown Prosecution Service in Liverpool and took a particular interest in youth work and became the Youth Co-ordinator for Liverpool. This role involved liaising with other agencies to ensure the prompt, efficient and effective prosecution of young offenders and also providing adequate support and protection for young victims and witnesses. It was at this time she was seconded to the CPS Policy Directorate in London for three months to assist working with CPS colleagues, the police and the Home Office to assist in the preparation of the CPS response to Lord Justice Auld's review of the criminal justice system.

In November of 2004 Her Worship became the Assistant District Crown Prosecutor working from the first skyscraper in the United Kingdom, the Royal Liver Building, a well-known Liverpoolian landmark to Manx residents travelling from our shores. I am sure at this time she did not realise that in the future she would be stepping off the Pier Head and onto an Isle of Man Steam Packet vessel to continue her career in the Isle of Man. We are glad she did.

Her Worship became a permanent Assistant District Crown Prosecutor in September of 2005 and had responsibility for a team of prosecutors and designated case workers dealing with the prosecution of cases in the Crown and Summary Courts. She dealt with high profile prosecutions including a gangland murder involving three defendants and cases which attracted high media interest. She was also a member of the District Management Team and local Criminal Justice Delivery Board which required her to liaise with representatives of the court and other members of the criminal justice system to implement new systems and

to resolve issues to improve the delivery of criminal justice in Liverpool. It is clear she is well equipped for her new role.

Her Worship has had considerable experience in delivering, developing and implementing systems and processes in the Summary Courts. Towards the end of her time in Liverpool, as His Honour has mentioned already, she dealt with the implementation of a government initiative for dealing efficiently with cases in the Magistrates' Court called "Simple Speedy Summary Justice" the aim of which was to resolve cases in the Magistrates' Court in as few hearings as possible. The skills and knowledge that she learnt make her eminently qualified for the role of Deputy High Bailiff. Indeed, in her own words, the skills and knowledge she has acquired will help in the smooth running of the Summary Courts of this Isle.

Her Worship also has the high honour of becoming the first permanent female member of the judiciary of the Isle of Man, an achievement of which she and her family should be rightly proud. However, there will always be an element of sadness on such an occasion as this. In this particular case the sadness is that of members of Chambers and the Attorney General in losing such an able and capable advocate. However Chambers' loss is the judiciary's gain. It is a gain of which the judiciary can be assured will be of great benefit to the process of justice in the Island.

As the former Attorney General Mr. Corlett stated in his address at the swearing in of Your Honour, the Island and its relationship with the United Kingdom, the European Union and the wider world continues to be under close scrutiny and it is therefore of particular importance that we can demonstrate an independent judiciary which is conscious of the need to uphold the rule of law within the context of our unique legal system. I have no doubt that Her Worship the Deputy High Bailiff Hughes will protect and develop that independence in the future.

On behalf of the members of the Manx Bar, may I again offer our congratulations to Your Worship and indeed all your family and wish you a long, happy and fulfilling tenure as Deputy High Bailiff. Thank you.

*Deemster Doyle:*

Thank you Mr Attorney.

I now invite the President of the Isle of Man Law Society to address us.

*Mr. Jason Stanley:*

Your Excellency, Your Honours, Your Worships, Madam President, Mr. Attorney General, distinguished guests.

It is my pleasure and privilege on behalf of the Isle of Man Law Society to offer the Society's congratulations to Her Worship Mrs. Jayne Hughes on her appointment as the Island's Deputy High Bailiff. The Isle of Man Law Society would wish to associate itself with the words of His Honour the First Deemster and Clerk of the Rolls, Deemster David Charles Doyle.

Her Worship joined the Manx Bar in 2008 joining the Prosecution's Division at the Attorney General's Chambers having previously been an Assistant District Crown Prosecutor for the Crown Prosecution Service in Liverpool. Since joining the Manx Bar, Her Worship has

demonstrated her exceptional ability which combined with Her Worship's conspicuous fairness in the administration of justice and sound judgment render Her Worship eminently suitable to her new role as the Island's Deputy High Bailiff.

In January 2011 Her Worship was elected to the Council of the Isle of Man Law Society a testament to Her Worship's popularity and the high esteem in which Her Worship is held by her colleagues at the Manx Bar.

On Her Worship's appointment to the Bench, Her Worship regrettably had to resign from the Council of the Isle of Man Law Society but the Council's loss is the Island's gain.

It is my privilege therefore to congratulate Her Worship on her appointment as the Island's Deputy High Bailiff and on behalf of the Isle of Man Law Society to wish Her Worship every success in her future role within the Isle of Man judiciary.

*Deemster Doyle:*

Thank you Mr. President.

I now invite Jayne Hughes, Her Worship the Deputy High Bailiff, to address us.

*Mrs. Jayne Hughes, Deputy High Bailiff:*

Your Excellency, Ms Richardson, Your Honours, Your Worships, Madam President and distinguished guests:

I am truly honoured, delighted and humbled at my appointment as the Isle of Man's first female Deputy High Bailiff. I am very grateful for the kind words said about me today by His Honour the First Deemster, the Attorney General and Mr Stanley. I am not sure that I recognised myself in what they said but you can rest assured that I will do my very best to live up to their words and indeed to this office.

I am very aware of the historic significance of my appointment as the first woman to be given a full time judicial post in Manx history. The appointment has given me the opportunity to do some historical research on the subject and what that research has shown is that this appointment and its apparent significance has to be taken against the background of the achievements of other women before me. Women now make up 40% of the Manx Bar but it wasn't until 1973, just 40 years ago, that Clare Harper, now Clare Faulds, became the first woman to be called to the Manx Bar and in 1983 Sharon Maddrell, now Dr Sharon Roberts, was also called to the Bar. Both Clare and Sharon have gone on to make further "firsts". Clare Faulds in 1996 became the Vicar General of Sodor and Man presiding over the Ecclesiastical Court, the first woman to be appointed to that post, and in 2007 Dr Roberts became the first female president in the 150 year history of the Isle of Man Law Society and both Clare and Sharon have also sat as acting Deemsters and Deputy High Bailiff. Therefore in less than 40 years history, after a somewhat slow start, women are now making deep inroads into the legal profession in the Isle of Man. With my appointment 20% of the Manx judiciary is now female and by my calculations, and I accept that I am not particularly good at maths, if progress continues at this rate in another 30-40 years the entire Manx Bar and judiciary will be female!

My appointment is just a very small step in that process and I and other women and society in general owe a huge debt to those women, not only in the legal profession but in all walks

of life, who have paved the way before us in far more difficult circumstances and who have made this and other appointments possible. It was as early as 1881 when women gained the right to vote in the Isle of Man the first country in the British Isles to grant that right albeit at that time somewhat limited, and I am delighted that Clare Christian, recently appointed as President of Tynwald the first woman to hold that office is present here this evening.

I hope that my appointment and the achievements of others before me encourages more women to join the Manx Bar and by doing so broaden and enrich the Bar and hopefully the judiciary in the future.

Since my arrival in the Isle of Man on a wet and windy day in March just over three years ago (and I have since learned that the term "wet and windy" doesn't just apply to days in March here) I have been overwhelmed by the support and encouragement that has been given to me not only by my colleagues in Chambers but also from fellow members of the Manx Bar, the police, the judiciary and Court Administration. My time here hasn't all been plain sailing. There have been some difficult times over the last three years, getting to grips with Manx Law and Procedure and living initially apart from my husband and family to name but two examples. I wouldn't have got through those times without the support of those colleagues and friends. I am also very grateful to everyone for their patience at my sometimes inept attempts at pronouncing Manx names and place names. I have, I hope, come a long way from my early attempt at the name of a certain Police Sergeant then in Ramsey, Juan Clague seemed to me a very correct and perfectly cosmopolitan pronunciation. I now know better, sorry Juan.

I would also wish to thank Mr Stanley the Law Society President and my ex colleagues from the Council of the Law Society, another first that I seemed to have achieved inadvertently and regretfully by my appointment is being the shortest serving member of Council, a little over 3 months from appointment to resignation, but although my time on Council was short, it was thanks to my colleagues and of course the cakes at lunchtime nonetheless sweet.

My biggest thanks however have to go to my family, to my children, Robyn and Duncan, who, despite a childhood blighted by the fact that their mother constantly had her head in a book, both have grown into adulthood apparently unscathed although it is perhaps significant that, despite their own great achievements, neither of them have followed their mother into the legal profession. Nonetheless I am very proud of them both. My late mother in law Jean and my sister in law Carol provided endless babysitting and school pick up support which enabled me to complete my degree and begin my career. My biggest thanks however have to go to my husband Terry. They say that behind every great man there is a great woman. Well behind this decidedly average woman there is a great man. Without his unfailing optimism and belief in my ability, without the impossibly long hours that he worked to keep the family financially afloat whilst I studied, I am sure that I wouldn't be here in this position today and I am glad that he is now able to reap the rewards of his devotion.

As you may have gathered, I didn't enter the legal profession through the conventional route. I left school when I was 18 and joined the Thames Valley Police for a short time before moving to Liverpool upon my marriage. After my youngest child, Duncan, started school in 1992 I commenced a law degree at the University of Liverpool as a mature student, which thanks to the people that I met and the friends that I made was an education in more than the conventional sense, but not for me the heady student nights out



in the bars of Liverpool but more a dash home to pick up from school, drop off at Brownies, help with the school projects etc.

After my degree and professional skills course at the Law School in Chester, I began a training contract with the Crown Prosecution Service in Liverpool where, apart as you've heard from a few moves around the area and secondment down to Policy Directorate in London, I stayed until that fateful day in 2007 when I did what you should never do when told "There is someone from the Isle of Man on the phone who wants some advice.....". I, for once thankfully, took that call from a certain Linda Watts from the Chambers of the Attorney General in the Isle of Man who was enquiring about a defendant who was before the courts in Liverpool who was also wanted for questioning here. Little did Linda and I then know that that call would lead not only to my temporary secondment and later permanent appointment here but also to a great friendship between us. Little also does the "mutual" defendant know of the part that he played in my being here today, and perhaps one day I may yet get the opportunity to thank him personally. The story, if it serves no other purpose, shows how life can change as a result of a simple act of assistance, for very little effort on my part, and as a direct result of that call I have gained a whole new career, a new way of life but most importantly many new friends.

What can I bring to the role of Deputy High Bailiff? All through my life I have been referred to as "sensible", "conscientious", a "safe pair of hands", and as His Honour Deemster Doyle has said this afternoon even "keen". I have gratefully received those compliments but how often in my youth perhaps I've wished to throw off those titles, to be considered daring, adventurous and perhaps a little risky. It wasn't to be and I hope that now, in a less youthful phase of my life, that my previous history and reputation will stand me in good stead and that those perceived qualities will come to my aid when acting in my new judicial capacity.

We are living through difficult financial times which, if the current headlines are to be believed, will get more difficult yet. The financial difficulties will inevitably lead to closer scrutiny of the process of the administration of justice. There is a very careful balancing exercise to be made. To resist the urge to cut corners and so risk unfairness and even miscarriages of justice whilst at the same time being conscious of the need to be efficient and avoid unnecessary delay. In the case of *Dobbie* in March 2009 His Honour Deemster Doyle, then the Second Deemster giving judgment, inter alia, on the question of delay quoted from Thomas L J who was speaking extra-judicially in the Lord Merlyn-Rees Lecture in 2009. Thomas L J, His Honour said,

"put it well when he stressed:

"We have to forego the notion that it takes as long as it takes"."

The challenge for us all and perhaps for me in particular is to find that fine balance and to ensure that justice is not only done but done efficiently and with good and effective management of cases and procedure. I hadn't previously considered a mantra but now that His Honour has suggested it a chant of "Simple Speedy Summary Justice" together with the warming up exercise I have in mind at the beginning of proceedings may act as a reminder to us all, and I will bear it in mind for court on Tuesday.

I wish to close and at this point take heed of His Honour's comments on brevity,(if it perhaps isn't already too late to do so), by thanking you all for coming this evening. It has

made the ceremony very special to me and I look forward to speaking to you all on the concourse over a drink later. Thank you very much.

*Deemster Doyle:*

Thank you, Your Worship.

I will endeavour to be concise in my closing comments.

Thank you all for your attendance at this ceremony today. I also wish to thank those who organised this ceremony. Our efficient Chief Registrar Stephen Cregeen and his colleagues including Jock Waddington 4 times consecutive winner of the great Parish Walk – I couldn't resist that reference. We have a lot of success in this building and it is right that we acknowledge and celebrate it. I thank those responsible for organising this ceremony for all the work that they have put into organising this ceremony today. I am most grateful to them for that.

We will in a moment adjourn and you're all invited to join us for refreshments on the concourse.

That concludes the formalities of the swearing-in ceremony. Thank you once again very much. We will now adjourn. Thank you.